

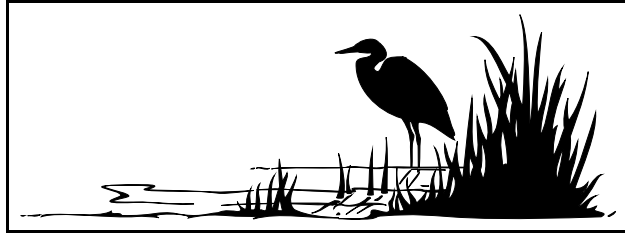
Zoning Ordinance

Title X of the Municipal Code



Washington County
Wisconsin

**TITLE X OF THE MUNICIPAL CODE
OF THE
TOWN OF JACKSON**



**WASHINGTON
COUNTY**

STATE OF WISCONSIN

ZONING ORDINANCE

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Chairman Raymond Heidtke

**Supervisors..... Robert Hartwig
Marcy Bishop
Paul Huettl
Joe Kufahl**

Town Park and Planning Commission

Chairman Randy Vogel

**Members..... David Klug
Arlyn Johnson
Lester Steffen
John Bales
Chad Johnson
Raymond Heidtke
Paul Huettl
Joe Kufahl**

Town Clerk Julia Oliver

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Table of Contents

	<u>Page</u>
<u>SECTION 1.00 INTRODUCTION</u>	
1.01 Authority	1
1.02 Purpose	1
1.03 Intent	1
1.04 Abrogation and Greater Restrictions	2
1.05 Interpretation	2
1.06 Severability	2
1.07 Repeal	2
1.08 Title	2
 <u>SECTION 2.00 GENERAL PROVISIONS</u>	
2.01 Jurisdiction	3
2.02 Compliance	3
2.03 Zoning Permit Required	3
2.04 Certificate of Compliance Required	4
2.05 Conditional Use Permit Required	4
2.06 Sign Permit Required	4
2.07 Other Permits	4
2.08 Site Restrictions	5
2.09 Use Restrictions	7
2.10 Reduction and Joint Use	9
2.11 Permit Fees	9
2.12 Double Fee	9
2.13 Violations	9
2.14 Remedial Action	9
2.15 Penalties	9
 <u>SECTION 3.00 ZONING DISTRICTS</u>	
3.01 Establishment	11
3.02 Zoning Map	11
3.03 A-1 Agricultural/Rural Residential District	12
3.04 A-2 Exclusive Agricultural District	14
3.05 R-1 Single-Family Residential District	16
3.06 R-2 Two-Family Residential District	17
3.07 R-3 Multi-Family Residential District	18
3.08 B-1 Shopping Center Business District	20
3.09 B-2 Highway Business District	22
3.10 M-1 Limited Manufacturing District	24
3.11 M-2 General Manufacturing District	27
3.12 Q-1 Quarrying District	29

3.13	L-1 Landfill District	33
3.14	I-1 Institutional District	35
3.15	P-1 Park District	37
3.16	C-1 Lowland Conservancy District	39
3.17	C-2 Upland Conservancy District	40
3.18	PUD Planned Unit Development Overlay District	42
3.19	First Amendment Protected Adult-Oriented Establishments	48

SECTION 4.00 CONDITIONAL USES

4.01	Permits.	51
4.02	Application.	51
4.03	Review and Approval.	52
4.04	Public and Semipublic Uses.	55
4.05	Agricultural Uses	56
4.06	Residential Uses.	58
4.07	Business Uses.	64
4.08	Industrial Uses	64
4.09	Recreational Uses.	65
4.10	Energy Conservation Uses	66
4.11	Temporary Uses	68
4.12	Towers and Antennas	69

SECTION 5.00 PARKING, LOADING, DRIVEWAYS AND ACCESS

5.01	Traffic Visibility.	75
5.02	Loading Requirements	75
5.03	Parking Requirements.	75
5.04	Restrictions on Parking of Equipment	80
5.05	Parking of Recreational Vehicles	81
5.06	Driveways	81
5.07	Highway Access	81

SECTION 6.00 SIGNS

6.01	Purpose and Intent.	83
6.02	Compliance	83
6.03	Signs Permitted in All Districts Without a Permit.	83
6.030	Signs Permitted in All Districts With a Permit	84
6.04	Signs Permitted in All Residential Districts With a Permit	84
6.05	Signs Permitted in All Agricultural Districts With a Permit	84
6.06	Signs Permitted in All Business and Manufacturing Districts with a Permit	85
6.07	Signs Permitted in Institutional and Park Districts with a Permit	85
6.08	Portable Signs.	86
6.09	Facing	86
6.10	Lighting and Color	86
6.11	Construction and Maintenance Standards.	86
6.12	Existing Signs	87

6.13	Sign Permit	87
6.14	Measuring Signs	88

SECTION 7.00 MODIFICATIONS

7.01	Height	89
7.02	Yards	89
7.03	Additions	91
7.04	Average Setbacks.	91
7.05	Corner Lots.	91
7.06	Existing Substandard Lots	91
7.07	Public Utility Buildings.	92
7.08	Severability	92
7.09	Continuation of Existing Provisions	92

SECTION 8.00 NONCONFORMING USES AND STRUCTURES

8.01	Existing Nonconforming Uses	93
8.02	Abolishment and Replacement	93
8.03	Existing Nonconforming Structures.	93
8.04	Changes and Substitutions	94

SECTION 9.00 SITE PLAN REVIEW AND ARCHITECTURAL CONTROL

9.01	Purpose and Intent	95
9.02	Principles	95
9.03	Administration	96
9.04	Review and Findings.	97
9.05	Sureties	97
9.06	Appeals	97

SECTION 10.00 PERFORMANCE STANDARDS

10.01	Compliance	99
10.02	Air Pollution.	99
10.03	Fire and Explosive Hazards	99
10.04	Glare and Heat	99
10.05	Water Quality Protection	99
10.06	Noise	100
10.07	Odors	100
10.08	Radioactivity and Electrical Disturbances	101
10.09	Vibration	101

SECTION 11.00 RESERVED FOR FUTURE USE 103

SECTION 12.00 ZONING BOARD OF APPEALS

12.01	Establishment	105
-------	-------------------------	-----

12.02	Membership.....	105
12.03	Organization.....	105
12.04	Powers.....	105
12.05	Appeals and Applications.....	106
12.06	Hearings.....	106
12.07	Findings.....	106
12.08	Decision.....	107
12.09	Review by Court of Record.....	107

SECTION 13.00 CHANGES AND AMENDMENTS

13.01	Authority.....	109
13.02	Initiation.....	109
13.03	Petitions.....	109
13.04	Recommendations.....	109
13.05	Hearings.....	110
13.06	Town Board’s Action.....	110
13.07	Protest.....	110

SECTION 14.00 PUBLIC HEARINGS

14.01	Hearings.....	111
-------	---------------	-----

SECTION 15.00 DEFINITIONS

15.01	General Definitions.....	113
15.02	Specific Words and Phrases.....	113

SECTION 16.00 ADOPTION AND EFFECTIVE DATE

16.01	Village Powers.....	123
16.02	Plan Commission Recommendation.....	123
16.03	Public Hearing.....	123
16.04	Town Board Approval.....	123
16.05	Effective Date.....	123

APPENDIX A

	Erosion Control and Stormwater Management.....	125
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**TITLE X OF THE MUNICIPAL CODE
OF THE
TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN**

ZONING ORDINANCE

SECTION 1.00 INTRODUCTION

1.01 AUTHORITY

These regulations are adopted under the authority granted by Sections 60. 22 (3) , 60. 62, 61. 35, and 62. 23 (7) of the Wisconsin Statutes and amendments thereto. The Town Board of the Town of Jackson do ordain as follows:

1.02 PURPOSE

The purpose of Title X is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Jackson, Wisconsin.

1.03 INTENT

It is the general intent of Title X to regulate and restrict the use of all structures, lands and waters; and to:

- (A) Regulate Lot Coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- (B) Regulate Population Density and Distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- (C) Regulate Parking, Loading and Access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (D) Secure Safety from fire, pollution, contamination and other dangers;
- (E) Stabilize and Protect existing and potential property values;
- (F) Preserve and Protect - the beauty of the Town of Jackson;
- (G) Prevent and Control Erosion, sedimentation, and other pollution of the surface and subsurface waters;
- (H) Further the Maintenance of safe and healthful water conditions;
- (I) Provide for and Protect a variety of suitable commercial and industrial sites;
- (J) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (K) Implement those town, county, watershed, and regional comprehensive plans or

- components of such plans adopted by the Town of Jackson;
(L) Provide for the administration and enforcement of this Ordinance;
and to provide penalties for the violation of this Ordinance.

1.04 ABROGATION AND GREATER RESTRICTIONS

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

1.05 INTERPRETATION

In their interpretation and application, the provisions of Title X shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town of Jackson.

1.06 SEVERABILITY

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

1.07 REPEAL

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

1.08 TITLE

Title X of the Municipal Code of the Town of Jackson, Washington County, Wisconsin may be referred to or cited as the "TOWN OF JACKSON ZONING ORDINANCE. " Individual sections may be cited by section and subsection of this title, such as "Section 3.14 of Title X of the Municipal Code of the Town of Jackson, Washington County, Wisconsin."

SECTION 2.00 GENERAL PROVISIONS

2.01 JURISDICTION

The jurisdiction of Title X shall apply to all structures, lands, water, and air within the unincorporated limits of the Town of Jackson.

2.02 COMPLIANCE

No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

The Duty of the Zoning Administrator shall be to interpret and administer Title X. The Zoning Administrator shall issue, after onsite inspection, all permits required by Title X and shall maintain records of all permits issued. The Zoning Administrator shall investigate all complaints, give notice of violations, issue orders to comply with the zoning ordinance, and assist the town attorney in the prosecution of ordinance violators. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

2.03 ZONING PERMIT REQUIRED

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after having secured a zoning permit from the Town Zoning Administrator, unless otherwise excepted pursuant to Section 2.04 of Title X. Applications for a zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Town and shall include the following where applicable:

- (A) Name and Addresses of the applicant, owner of the site, architect, professional engineer, or contractor.
- (B) Description of the Subject Site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (C) Plat of Survey prepared by a registered land surveyor or, if approved by the Town Zoning Administrator, a sketch at a scale of no less than 1" = 40' , showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; offstreet parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yard.

In addition, the Zoning Administrator may require that the plat of survey show the location, elevation and use of any abutting lands and their structures within 150 feet of the subject premises; the mean and high water line; the type, slope, degree of erosion and boundaries of soil as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service; or other information as requested by the Zoning Administrator, Town Park and Planning Commission, or the Town Board.

- (D) Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Washington County Land Use and Parks Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
- (E) Proposed Water Supply Plan if municipal water service is not available. This plan shall be in accordance with Section NR-112 of the Wisconsin Administrative Code and shall be approved by the Town Engineer or Town Park and Planning Commission. A separate well shall be required for each principal structure.
- (F) Condominium Declaration. Any developer of land in the Town of Jackson who elects to create and market a condominium pursuant to Section 703 of the Wisconsin Statutes shall submit a copy of the Condominium Declaration, and any amendment thereto, to the Zoning Administrator to be attached to the file copy of the Building Permit application.
- (G) Additional Information as may be required by the Town Park and Planning Commission, Town Engineer, Building, Health, or Plumbing Inspectors.
- (H) A Zoning Permit shall be granted or denied in writing by the Town Zoning Administrator within 60 days. The permit shall be good for one (1) year and may be extended upon application and personal appearance, with plans for completion, before the Town of Jackson Park and Planning Commission. Any permit issued in conflict with the provisions of Title X shall be null and void.

2.04 CERTIFICATE OF COMPLIANCE REQUIRED

No vacant land shall be occupied or used; and no building or premises shall be erected, altered, moved or create change in use; and no nonconforming use shall be continued by a new owner, renewed, changed, or extended until a certificate of compliance shall have been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of Title X. Such certificate shall be applied for at the time of occupancy of any land and/or building.

2.05 CONDITIONAL USE PERMIT REQUIRED

See Section 4.00.

2.06 SIGN PERMIT REQUIRED

See Section 8.00.

2.07 OTHER PERMITS

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or county agency. This includes, but is not limited to, a floodland or shoreland development permit from the Washington County Land Use and

Parks Department, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Act.

2.08 SITE RESTRICTIONS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Town of Jackson Park and Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which they base their conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Town Park and Planning Commission may affirm, modify, or withdraw the determination of unsuitability.

- (A) Private Sewer and Water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an onsite soil absorption sewage disposal system designed in accordance with the Wisconsin Administrative Code.
- (B) Street Access Required. No lot or parcel shall hereafter be created or any building placed on a lot or parcel which does not abut on a public street, and each lot or parcel shall have a minimum frontage of 66 feet.
- (C) All Structures shall be located on a lot; and in single-family and two-family residential districts, only one principal structure shall be located, erected, or moved onto a lot. The Town Park and Planning Commission may permit more than one (1) structure per lot in other districts where more than one (1) structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Park and Planning Commission may impose additional yard requirements, landscaping requirements, parking requirements or require a minimum separation distance between principal structures.
- (D) No Zoning Permit shall be issued for a lot which abuts a street dedicated or reserved to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (E) Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- (F) Preservation of Topography. In order to preserve the natural topography as much as possible and in order to protect against dangers and damage caused by man-made changes to the existing topography, and to avoid unsightly and hazardous exposed earth sections, no lots or portions of lots nor any parcels of land shall be excavated or filled unless the following conditions are met:

- (1) If the difference in grade between two (2) adjacent lots along a lot line is to be not greater at any point than two (2) feet, this difference in levels may be sloped toward or away from the lot line at a gradient of one (1) foot vertical to two (2) feet horizontal, and as soon as practical must be covered adequately with top soil and sodded to prevent erosion; or a retaining wall of stone or other suitable masonry material shall be constructed to retain the higher ground. Within a single lot, any excavation or fill not exceeding two (2) feet, and not involving an area in excess of 4,000 square feet shall be subject to the aforesaid requirements.
- (2) If a difference in grade between two (2) adjacent lots along a lot line is to be greater at any point than two (2) feet, the following procedure shall be followed:
 - (a) No slope to be covered with sod, grass seed, or other natural plan material may exceed a gradient of one (1) foot vertical to two (2) feet horizontal.
 - (b) A slope protected by rip-rap construction may not exceed a gradient of one (1) foot vertical to one (1) foot horizontal.
 - (c) A difference in adjacent grades may be protected by a retaining wall providing that the wall is engineered in such a manner as not to collapse. No retaining wall shall exceed four (4) feet in height. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of two (2) feet from the previous step.
 - (d) Approval of any of the aforesaid methods shall be obtained in the following manner:
 1. The applicant shall furnish a topographic survey with a maximum contour interval of one (1) foot prepared by a registered professional engineer or registered land surveyor showing existing elevations on the subject lot and on adjacent lands within 25 feet of the area to be filled or excavated.
 2. The applicant shall furnish a map showing existing drainage patterns and existing soil types on the subject lot and on adjacent land within 25 feet of the area to be filled or excavated.
 3. The applicant shall furnish a plan showing a typical cross-section of the proposed slope, rip-rap, or retaining wall; the proposed drainage pattern; a planting or sodding schedule; and the proposed means of preventing erosion during construction. If a retaining wall is to be constructed, a registered professional engineer shall certify that the wall will not collapse.
 4. The Zoning Administrator shall transmit the applicant's plans to the Town Engineer for review and comment, and the permit shall be issued only after receipt of the Engineer's written report.
 5. The applicant shall complete the proposed work in strict accordance with the approved plan and the time schedule specified in the permit.
- (3) In every instance, no person, occupant, owner of land, or corporation shall remove or cause to be accumulated topsoil or subsoil on any industrial, commercial, institutional, recreational, or residential district without the proper review and approval of an application for such removal or accumulation by the Town Park and Planning

Commission. Such removal or accumulation includes, but is not limited to piles of earth, dirt, topsoil, or subsoil, which has been formed, accumulated or pushed into mounds or piles and which obstruct view or pose a threat to the general safety or welfare of the community with the existence of trenches, holes, or pits caused by such removal or accumulation.

2.09 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- (A) Principal Uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- (B) Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in Title X.
- (C) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town of Jackson Park and Planning Commission in accordance with Section 4.0 of Title X.
- (D) Home Occupations and Professional Home Offices are permitted accessory uses in any residential district, not requiring a building permit, provided that:
 - (1) The use of the residential dwelling for the home occupation or professional home office shall be clearly incidental and subordinate to its residential use and shall not occupy more than 25 percent of the floor area of one floor.
 - (2) No home occupation or professional home office shall be located in or conducted in an accessory structure.
 - (3) No person other than members of the family residing on the premises shall be employed or engaged in such home occupation or professional home office.
 - (4) Home occupations shall use only household equipment and no stock in trade shall be kept or sold except that made on the premises.
 - (5) No traffic shall be generated by the home occupation or professional home office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided off the street and other than in the required street yard.
 - (6) No outdoor storage of equipment or product shall be permitted.
 - (7) Home occupations, which comply with the conditions set forth above, may include, but are not limited to baby sitting, canning, crafts, desktop publishing and other computer services, dressmaking, insurance sales, laundering, millinery, piano teaching, real estate sales, and word processing.
 - (8) Home occupations shall not include auto body or engine repair, barbering, beauty shops, construction trades, dance studios, or photographic studios.
- (E) Gas and Electric Utility Uses which have been issued a Certificate of Public Convenience and Necessity pursuant to Section 196.491 (3) of the Wisconsin Statutes are exempt from the requirements of Title X, and shall not be required to obtain a Zoning Permit or Certificate of Compliance.

- (F) Unclassified or Unspecified Uses may be permitted by the Town Park and Planning Commission after review and public hearing provided that such uses are similar in character to the principal uses permitted in the district.
- (G) Temporary Uses, such as real estate sales or rental field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted for a period of up to one year by the Town Park and Planning Commission. Temporary use permits may be renewed if the Park and Planning Commission deems such renewal appropriate. Additional temporary conditional use permits are set forth in Section 4.12 of Title X and may be permitted as set forth in that section.
- (H) A Temporary Mobile Home may be permitted in any district by the Zoning Administrator as temporary or emergency shelter. Emergencies justifying the placement of a mobile home shall include destruction of the permanent home on a lot by wind, fire or other disaster. A mobile home may not be permitted as temporary shelter during the construction of a permanent home or business. A temporary or emergency mobile home permit may be issued for a period of one (1) year and may be renewed for one six-month period. In authorizing the temporary use permit, the Zoning Administrator shall require that the mobile home be oriented in a manner that is compatible with adjacent land uses. Appropriate landscape screening may also be required.
- (I) Household Pets are permitted provided the number of household pets does not exceed four (4) adult pets (over four months of age) per residence in any residential or agricultural district. All household pets and exotic animals shall be properly caged or housed and shall be cared for in a clean and humane manner.
 - (1) Household pets shall include domestic dogs, cats, rabbits, raccoons, and other small animals. Small birds, non-poisonous reptiles and rodents shall not be subject to the four (4) animal per residence limit.
 - (2) Exotic animals such as Vietnamese pot-bellied pigs, non-poisonous snakes, deodorized skunks and other small wild animals, and large birds shall be limited to two (2) in number.
 - (3) The keeping of bears, lions, tigers, leopards, monkeys, wolves, wolf/dog hybrids, poisonous snakes and reptiles, or other wild animals is prohibited in the Town of Jackson. In the event of a dispute over whether an animal is dangerous, the Town Park and Planning Commission shall make a determination after review and public hearing.
 - (4) The owner of a household pet or exotic animal shall comply with all applicable licensing requirements.
 - (5) No person shall suffer or permit any animal of which he is the owner, caretaker or custodian to run at large.
 - (6) The keeping of animals in greater numbers than heretofore set forth shall be considered a commercial kennel and may be permitted by conditional use permit only as set forth in Section 4.05(D) of Title X.

2.10 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimensions so as not to meet the provisions of Title X. No part of any lot, yard, parking area; or other space required for a structure or use shall be used for any other structure or use.

2.11 PERMIT FEES

All persons, firms, or corporations performing work which by Title X requires the issuance of a permit shall pay a fee for such permit to the Town Treasurer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the Zoning Permit, Certificate of Compliance, Conditional Use Permit, Land Disturbing Permit, and Sign Permit. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate.

2.12 DOUBLE FEE

A Double Fee shall be charged by the Town Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with Title X nor from prosecution for violation of Title X.

2.13 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of Title X. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the Town Board of Supervisors, the Zoning Administrator, the Town Park and Planning Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of Title X.

2.14 REMEDIAL ACTION

Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, the Zoning Administrator, or the Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

2.15 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of Title X shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

SECTION 3.00 ZONING DISTRICTS

3.01 ESTABLISHMENT

(A) For the purpose of Title X, the Town of Jackson is hereby divided into the following 15 Zoning Districts:

- (1) A-1 Agricultural/Rural Residential District
- (2) A-2 Exclusive Agricultural District
- (3) R-1 Single-Family Residential District
- (4) R-2 Two-Family Residential District
- (5) R-3 Multi-Family Residential District
- (6) B-1 Shopping Center Business District
- (7) B-2 Highway Business District
- (8) M-1 Limited Manufacturing District
- (9) M-2 Heavy Manufacturing District
- (10) Q-1 Quarrying District
- (11) L-1 Landfill District
- (12) 1-1 Institutional District
- (13) P-1 Park District
- (14) C-1 Lowland Conservancy District
- (15) PUD Planned Unit Development District

(B) Boundaries of These Districts are hereby established as shown on the Map entitled "Zoning Map--Town of Jackson, Washington County, Wisconsin," which accompanies Title X and is herein made a part of Title X. Such boundaries shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.

(C) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

3.02 ZONING MAP

A certified copy of the Zoning Map shall be adopted and approved with the text as part of Title X and shall bear upon its face the attestation of the Town Chairman and Town Clerk and shall be available to the public in the office of the Town Clerk. Amendments to the Zoning Map shall take effect upon adoption by the Town Board, and the filing of proof of posting or publication thereof in the office of the Town Clerk. It shall be the duty of the Town Clerk to enter all Zoning Map amendments upon the certified copy of the Zoning Map and certify the same.

3.03 **A-1 AGRICULTURAL/RURAL RESIDENTIAL DISTRICT**

The A-1 Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-2 Exclusive Agricultural District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural- related activity. The district also permits the creation of large rural residential estate type lots.

(A) Permitted Uses

- (1) Apiculture (beekeeping).
- (2) Contract sorting, grading, and packaging of fruits and vegetables.
- (3) Corn shelling, hay baling, and threshing services.
- (4) Dairy farming.
- (5) Floriculture (cultivation of ornamental flowering plants).
- (6) Grazing or pasturing of domestic livestock not to exceed 10 acres in area.
- (7) Grist milling services.
- (8) Horticultural service.
- (9) Keeping and raising of domestic livestock defined as cows, horses, sheep, hogs, goats, donkeys, mules, burros, or rabbits and domestic poultry such as chickens, turkeys, peacocks, geese or ducks. In the event of a dispute over whether the animal or poultry is domestic, the Town Park and Planning Commission shall make a determination after review and public hearing.

Keeping of domestic livestock and poultry shall further be limited as follows on parcels which are 10 acres or less in area:

- (a) No more than one (1) horse, cow, sheep, goat, donkey, mule, or burro, over six (6) months of age, shall be kept for each two (2) acres and located in the rear or side yard no closed than 25 feet to an adjoining property; or
- (b) No more than five (5) chickens, ducks, turkeys, peacocks, or geese, over two (2) months of age, shall be kept for each acre and located in the rear or side yard no closer than 25 feet to an adjoining property; or
- (c) No more than (1) rooster over two (2) months of age, shall be kept on any parcel of 10 thru 4 acres in size and located in the rear or side yard no closer than 50 feet to an adjoining property; or
- (d) No more than eight (8) rabbits, over two (2) months of age, shall be kept for each acre and located in the rear or side yard no closer than 25 feet to an adjoining property.
- (e) The keeping and raising of hogs or fur-bearing animals, except rabbits, is prohibited.
- (f) Combinations of the above shall be apportioned to the total acreage and the Zoning Administrator shall determine the total number of animals allowed.

Acres Classification per 3.03(A)(9)(a)(b)(c)(d):

	Acres	10	9	8	7	6	5	4	3	2	1
Horses & etc.	(a)	5	4	4	3	3	2	2	1	1	0 (or)
Chickens etc.	(b)	50	45	40	35	30	25	20	15	10	5 (or)
Rooster	(c)	1	1	1	1	1	1	1	0	0	0 (or)
Rabbits	(d)	80	72	64	56	48	40	32	24	16	8

- (10) Orchards.
- (11) Plant nurseries.
- (12) Raising of grain, grass, mint, and seed crops.
- (13) Raising of tree fruits, nuts, and berries.
- (14) Sod farming.
- (15) Vegetable raising.
- (16) Viticulture (grape growing).
- (17) General farm buildings including barns, private horse stables or riding arenas, silos, sheds, and storage bins.
- (18) Single-family dwelling with a garage.
- (19) Essential services.
- (20) Community Living Arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.

(B) Permitted Accessory Uses

- (1) Garages and carports.
- (2) Home occupations as specified in Section 2.09(D).
- (3) Satellite dish antennas located in the side or rear yard.
- (4) Forest and game management.
- (5) One (1) roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in area.

(C) Conditional Uses (See Section 4.0)

(D) Parcel Area and Width

- (1) Parcels shall have a minimum area of five (5) acres and shall be not less than 330 feet in width.
- (2) The Town Park and Planning Commission may require a clustered residential development in compliance with Section 4.06(K) in lieu of paragraph (1).

(E) Building Height and Area

- (1) No farm building or farm related building shall exceed 50 feet in height.
- (2) No farm dwelling or other residential dwelling shall exceed 35 feet in height.
- (3) The total minimum floor area of a farm dwelling or other residential dwelling shall be 1,200 square feet for a one story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (3) There shall be a side yard on each side of all structures not less than 25 feet in width.
- (4) There shall be a rear yard of not less than 50 feet.

3.04 **A-2 EXCLUSIVE AGRICULTURAL DISTRICT**

The A-2 Agricultural District is intended to maintain, enhance and preserve agricultural lands historically utilized for crop production and the raising of livestock. The district is further intent upon preventing the premature conversion of agricultural land to scattered residential, commercial and industrial uses.

(A) Permitted Uses

- (1) Apiculture (beekeeping).
- (2) Dairy farming.
- (3) Floriculture (cultivation of ornamental flowering plants).
- (4) Grazing or pasturing.
- (5) Livestock raising, except commercial feed lots and fur farms.
- (6) Orchards.
- (7) Plant nurseries.
- (8) Poultry raising, except commercial egg production.
- (9) Raising of grain, grass, mint, and seed crops.
- (10) Raising of tree fruits, nuts, and berries.
- (11) Sod farming.
- (12) Vegetable raising.
- (13) Viticulture (grape growing).
- (14) General farm buildings including barns, silos, sheds, and storage bins.
- (15) One (1) single-family farm dwelling with a garage to be occupied by the farm operator.

(16) Existing dwellings not accessory to any farm operation or dwellings remaining after the consolidation of farms provided that such dwellings are located on a lot not less than 60,000 square feet in area having a lot width of not less than 150 feet.

(17) Essential services.

(B) Permitted Accessory Uses

(1) Garages or carports.

(2) Home occupations as specified in Section 2.09(D).

(3) Satellite dish antennas located in the side or rear yard.

(4) One (1) roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in floor area.

(5) Forest and game management.

(C) Conditional Uses (See Section 4.0)

(D) Parcel Area and Width

(1) Farm structures hereafter erected, moved, or structurally altered and related farm activities shall provide a contiguous area of not less than 35 acres and no farm shall be less than 660 feet in width.

(E) Building Height and Area

(1) No farm buildings or parts of farm buildings shall exceed 50 feet in height.

(2) No farm dwelling or part of a farm dwelling shall exceed 35 feet in height.

(3) The total minimum floor area of a farm dwelling or other residential dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.

(F) Yards

(1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required.

(2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.

(3) There shall be a side yard on each side of all structures not less than 25 feet in width.

(4) There shall be a rear yard of not less than 50 feet.

3.05 **R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The R-1 Residential District is intended to provide for single-family development, at densities not to exceed 0.73 dwelling units per acre, served by onsite soil absorption sanitary sewerage systems and private wells.

(A) Permitted Uses

- (1) Single-family dwellings with a garage.
- (2) Community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
- (3) Foster family homes.
- (4) Family day care homes.
- (5) Essential services.

(B) Permitted Accessory Uses

- (1) Private garages and carports.
- (2) Gardening, tool and storage sheds incidental to the residential use.
- (3) Home occupations as specified in Section 2.09(D).
- (4) Satellite dish antennas located in the side or rear yard.

(C) Conditional Uses (See Section 4.0)

(D) Lot Area and Width

- (1) Lots shall have a minimum area of 60,000 square feet and shall be not less than 150 feet in width. Corner lots shall be a minimum of 175 feet in width.
- (2) The Town Park and Planning Commission may require a clustered residential development in compliance with Section 4.06(L) in lieu of paragraph (1).

(E) Building Height and Area

- (1) No building or parts of a principal building shall exceed 35 feet in height.
- (2) The total minimum floor area of a dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.
- (3) No accessory building shall exceed 15 feet in height or 864 square feet in area.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required for all unplatted lots.
- (2) A minimum street yard (setback) of 75 feet from the road centerline shall be required for all lots within a platted subdivision.
- (3) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (4) There shall be a side yard on each side of all principal structures. The minimum single side yard shall be 10 feet and there shall be an aggregate side yard of not less than 25 feet.
- (5) There shall be a rear yard of not less than 50 feet.

3.06 **R-2 TWO-FAMILY RESIDENTIAL DISTRICT**

The R-2 Residential District is intended to provide for two-family development at densities not to exceed 1.45 dwelling units per net acre, served by on-site soil absorption sanitary sewerage systems and private wells.

(A) Permitted Uses

- (1) Two-family dwellings with garages.
- (2) Community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
- (3) Foster family homes.
- (4) Family day care homes.
- (5) Essential services.

(B) Permitted Accessory Uses

- (1) Private garages and carports.
- (2) Gardening, tool, and storage sheds incidental to the residential use.
- (3) Home occupations as specified in Section 2.09(D).
- (4) Satellite dish antennas located in the side or rear yard.

(C) Conditional Uses (See Section 4.0)

(D) Lot Area and Width

- (1) Lots shall have a minimum area of 60,000 square feet and shall be not less than 150 feet in width. Corner lots shall provide a minimum lot width of not less than 175 feet.

(E) Building Height and Area

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The total minimum floor area of a dwelling shall be 1,200 square feet per unit with a minimum first floor area of 1,200 square feet.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required for all unplatted lots.
- (2) A minimum street yard (setback) of 75 feet from the road centerline shall be required for all lots within a platted subdivision.
- (3) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (4) There shall be a side yard on each side of all principal structures. The minimum single side yard shall be 10 feet and there shall be an aggregate side yard of not less than 25 feet.
- (5) There shall be a rear yard of not less than 50 feet.

3.07 **R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

The R-3 Residential District is intended to provide for multi-family development at densities not to exceed 2.18 dwelling units per net acre, served by on-site soil absorption sanitary sewerage systems and private wells.

(A) Permitted Uses

- (1) Multi-family dwellings.
- (2) Community living arrangements which have a capacity for fifteen (15) or fewer persons, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
- (3) Foster family homes.
- (4) Family day care homes.
- (5) Essential services.

(B) Permitted Accessory Uses

- (1) Private garages and carports.
- (2) Gardening, tool, and storage sheds incidental to the residential use.
- (3) Home occupations as specified in Section 2.09(D).
- (4) Satellite dish antennas located in the side or rear yard.

(C) Conditional Uses. (See Section 4.0)

(D) Lot Area and Width

- (1) Lots shall have a total minimum area of 60,000 square feet and provide not less than 20,000 square feet per dwelling unit. Lots shall be not less than 125 feet in width. Corner lots shall provide a minimum lot width of not less than 150 feet.

(E) Building Height and Area

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The total minimum floor area of a principal structure shall be 2,000 square feet with a minimum floor area of 900 square feet per dwelling unit.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (3) There shall be a side yard on each side of all principal structures. The minimum single side yard shall be 10 feet and there shall be an aggregate side yard of not less than 25 feet.
- (4) There shall be a rear yard of not less than 50 feet.

3.08 **B-1 SHOPPING CENTER BUSINESS DISTRICT**

The B-1 Shopping Center Business District is intended to provide for the orderly and attractive grouping at appropriate locations of businesses offering a wide range of retail products and services. The character, appearance, and operation of a shopping center should be compatible with surrounding uses.

(A) Permitted Uses

- (1) Antique and collectors stores
- (2) Appliance stores.
- (3) Art galleries.
- (4) Bakeries.
- (5) Banks, savings and loan associations, and other financial institutions.
- (6) Barber shops.
- (7) Beauty shops.
- (8) Book or stationery stores.
- (9) Business offices.
- (10) Camera and photographic supply stores.
- (11) Clinics.
- (12) Clothing stores.
- (13) Confectioneries, soda fountains, and ice cream stores.
- (14) Delicatessens.
- (15) Department stores.
- (16) Drug stores.
- (17) Electronic equipment sales, service, and repair.
- (18) Florists.
- (19) Furniture stores.
- (20) Furriers and fur apparel.
- (21) Gift stores
- (22) Grocery stores and specialty food stores.
- (23) Hardware stores.
- (24) Hobby and craft shops.
- (25) Insurance sales offices.
- (26) Interior decorators.
- (27) Jewelry stores.
- (28) Law offices.
- (29) Music stores.
- (30) Newspaper and magazine stores.
- (31) Office supplies and business machine stores.
- (32) Optical stores.
- (33) Packaged beverage stores.
- (34) Paint, glass, and wallpaper stores.

- (35) Parking lots and structures.
- (36) Physical fitness centers.
- (37) Plumbing and heating supplies.
- (38) Professional offices.
- (39) Public utility offices.
- (40) Publishing houses.
- (41) Radio and television broadcast studios, not including transmitting towers.
- (42) Real estate sales offices.
- (43) Restaurants, except drive-in restaurants.
- (44) Self service laundry and dry-cleaning establishments.
- (45) Shoe stores and leather goods stores.
- (46) Soda fountains and ice cream stores.
- (47) Sporting goods stores.
- (48) Tailor or dressmaking shop.
- (49) Taverns and cocktail lounges.
- (50) Theaters.
- (51) Tobacco stores.
- (52) Travel agency.
- (53) Variety stores.
- (54) Video tape sales and rental.
- (55) Any other use which the Town Park and Planning Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district.

(B) Permitted Accessory Uses.

- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Satellite dish antennas located in the side or rear yard.
- (4) Rental apartments on a non-ground floor provided there is a minimum floor area of 500 square feet for a one-bedroom apartment and 750 square feet for a two-bedroom or larger apartment.

(C) Conditional Uses (See Section 4.0)

(D) Lot Area and Width

- (1) Shopping centers shall contain a minimum area of five (5) acres and shall be not less than 300 feet in width.
- (2) Individual business sites in the B-1 Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no minimum required site width.

(E) Building Height

- (1) No building or parts of a building shall exceed 35 feet in height.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (3) There shall be a side yard on each side of all structures not less than 25 feet in width.
- (4) There shall be a rear yard of not less than 50 feet.

(G) Plans and Specifications to be Submitted to Town Park and Planning Commission

- (1) To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-1 Business District shall not be issued without review and approval of the Town of Jackson Park and Planning Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

3.09 **B-2 HIGHWAY BUSINESS DISTRICT**

The B-2 Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

(A) Permitted Uses

- (1) Automotive sales and service
- (2) Bowling alleys
- (3) Building supply stores excluding lumber yards
- (4) Business offices
- (5) Banks, savings and loan associations, and other financial institutions; including drive-in facilities
- (6) Garden centers
- (7) Gasoline service stations provided that all service islands and pumps shall meet the setback requirements.
- (8) Motels and motor hotels
- (9) Photography and art studios
- (10) Professional offices
- (11) Restaurants, including drive-in restaurants.
- (12) Self-service storage facilities (mini -warehouses) provided that no perishable products may be stored; no flammable or explosive materials may be stored; and no sales of merchandise is conducted from a mini-warehouse.

(13) Any other use which the Town Park and Planning Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district.

(B) Permitted Accessory Uses

- (1) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking and loading areas
- (3) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (4) Satellite dish antennas located in the side or rear yard.

(C) Conditional Uses (See Section 4.0)

(D) Lot Area and Width

- (1) Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width. Corner lots shall provide a minimum lot width of not less than 150 feet.

(E) Building Height

- (1) No principal building or parts of a principal building shall exceed 35 feet in height.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (3) There shall be a side yard on each side of all structures not less than 25 feet in width.
- (4) There shall be a rear yard of not less than 50 feet.

(G) Plans and Specifications to be Submitted to Park and Planning Commission

- (1) To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-2 Business District shall not be issued without review and approval of the Town of Jackson Park and Planning Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

3.10 **M-1 LIMITED MANUFACTURING DISTRICT**

The M-1 Limited Manufacturing District is intended to provide for manufacturing, industrial, and related uses of a limited nature and size, which on the basis of actual physical and operational characteristics would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.

(A) Permitted Uses

Assembly, processing, manufacturing, and/or storage of the following:

- (1) Automotive body repair.
- (2) Automotive upholstery and automotive accessories.
- (3) Apparel and findings, and related products.
- (4) Automatic temperature controls.
- (5) Blank books, loose-leaf binders, and binding devices.
- (6) Books: publishing, printing and binding.
- (7) Brooms and brushes.
- (8) Candy and confectionery products.
- (9) Cereal preparations.
- (10) Cleaning, dressing and dyeing.
- (11) Commercial bakery.
- (12) Commercial greenhouses.
- (13) Costume jewelry, buttons, and miscellaneous notions.
- (14) Curtains and draperies.
- (15) Dental equipment and supplies.
- (16) Dress and work gloves.
- (17) Electrotyping and stereotyping.
- (18) Electrical appliances.
- (19) Electronic devices.
- (20) Engineering, laboratory, scientific, and research instruments and related equipment.
- (21) Envelopes.
- (22) Fabric, broad and narrow woven.
- (23) Felt goods.
- (24) Flavor extracts and flavor syrups.
- (25) Floor coverings limited to rugs and carpeting.
- (26) Food locker plants.
- (27) Footwear.
- (28) Fresh or frozen fruits, fruit juices, vegetables and specialties.
- (29) Glass manufacturing.
- (30) Greeting cards.
- (31) Handbags and other personal leather goods.
- (32) Hats, caps, and millinery.

- (33) Household furniture and furnishings.
- (34) Ice.
- (35) Ice cream and frozen desserts.
- (36) Jewelry manufacturing.
- (37) Knit goods.
- (38) Laboratories.
- (39) Lace goods.
- (40) Lamp shades.
- (41) Leather fabrication, not including tanning.
- (42) Luggage.
- (43) Macaroni, spaghetti, vermicelli, and noodles.
- (44) Machine shops.
- (45) Manifold business forms.
- (46) Manufacturing and bottling of non-alcoholic beverages.
- (47) Mechanical measuring and controlling instruments.
- (48) Mens', youths, and boys' furnishings, work clothing and allied garments.
- (49) Morticians' goods.
- (50) Musical instruments and parts.
- (51) Newspapers: publishing and printing.
- (52) Office furniture.
- (53) Ophthalmic goods.
- (54) Optical instruments and lenses.
- (55) Orthopedic, prosthetic, and surgical appliances and supplies.
- (56) Packaging and assembly of products made from fur.
- (57) Paper coating and glazing.
- (58) Partitions, shelving, lockers, and office and store fixtures.
- (59) Pens, pencils, and other office and artist materials.
- (60) Periodicals: publishing and printing.
- (61) Pharmaceutical processing.
- (62) Photoengraving instruments and apparatus.
- (63) Photographic equipment and supplies.
- (64) Pleating, decorative and novelty stitching and tucking for the trade.
- (65) Pressed and molded pulp goods.
- (66) Printing and publishing.
- (67) Raincoats and other waterproof outer garments.
- (68) Rice milling.
- (69) Robes and dressing gowns.
- (70) Sanitary paper products.
- (71) Sign and other advertising display manufacturing.
- (72) Silverware and plated ware.
- (73) Surgical and medical instruments and apparatus.
- (74) Textiles, dyeing and finishing.
- (75) Tire cord and fabric.
- (76) Toys, amusement, sporting and athletic goods.

- (77) Typesetting.
- (78) Umbrellas, parasols, and canes.
- (79) Venetian blinds and shades.
- (80) Wallpaper.
- (81) Warehousing.
- (82) Watches, clocks, clockwork operated devices and parts.
- (83) Wholesaling.
- (84) Womens', misses', juniors', girls', and infants furnishings, work and dress garments.
- (85) Wool scouring, worsted combing, and towing to top.
- (86) Yarns and threads.
- (87) Any other use which the Town Park and Planning Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district.

(B) Permitted Accessory Uses.

- (1) Off-street parking and loading areas.
- (2) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
- (3) Residential quarters for the owner or caretaker.
- (4) Satellite dish antennas located in the side or rear yard.

(C) Conditional Uses (See Section 4.0)

(D) Lot Area and Width

- (1) Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width. Corner lots shall provide a minimum lot width of not less than 150 feet.

(E) Building Height

- (1) No principal building or parts of a principal building shall exceed 45 feet in height.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (3) There shall be a side yard on each side of all structures not less than 25 feet in width.
- (4) There shall be a rear yard of not less than 50 feet.

(G) Plans and Specifications to be Submitted to Park and Planning Commission

- (1) To encourage an industrial environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the M-1 Manufacturing District shall not be issued without review and approval of the Town of Jackson Park and Planning Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

3.11 **M-2 GENERAL MANUFACTURING DISTRICT**

The M-2 General Manufacturing District is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than the M-1 Limited Manufacturing District in those areas where the relationship to surrounding land use would create fewer problems of compatibility. The M-2 District should not normally abut directly upon residential districts.

(A) Permitted Uses

- (1) Those uses permitted in the M-1 Limited Manufacturing District.
- (2) Auto body repair, engine repair.
- (3) Automobile, marine, and aircraft manufacturing.
- (4) Automobile wrecking yard.
- (5) Coating, engraving, and allied services.
- (6) Construction, mining, and materials handling machinery and equipment: manufacturing and repair of.
- (7) Cutlery, hand tools, and general hardware manufacturing.
- (8) Electric lighting and wiring equipment manufacturing.
- (9) Electrical industrial apparatus manufacturing.
- (10) Electrical transmission and distribution equipment manufacturing.
- (11) Electrometallurgical products manufacturing.
- (12) Engine and turbine manufacturing.
- (13) Farm machinery and equipment manufacturing.
- (14) Fine earthenware, table, and kitchen articles manufacturing.
- (15) Glass and glass container manufacturing.
- (16) Heating apparatus and plumbing fixtures manufacturing.
- (17) Household appliance manufacturing.
- (18) Inflammable gases and liquids storage, not to exceed 50,000 gallons.
- (19) Metal container manufacturing.
- (20) Metal products manufacturing, fabricating, and distribution.
- (21) Motorcycle and bicycle manufacturing.
- (22) Nonhazardous chemical manufacturing, processing, or use.
- (23) Office, computing, and accounting machine manufacturing.
- (24) Small arms ammunition manufacturing.
- (25) Screw machine products, bolts, nuts, screws, rivets, and washer manufacturing.
- (26) Signaling and fire control equipment manufacturing.
- (27) Wire products manufacturing.
- (28) Any other use which the Town Park and Planning Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district.

(B) Permitted Accessory Uses.

- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
- (4) Residential quarters for the owner or caretaker.
- (5) Satellite dish antennas located in the side or rear yard.

(C) Conditional Uses (See Section 4.0)

(D) Lot Area and Width

- (1) Lots shall have a minimum area of 80,000 square feet and shall be not less than 125 feet in width. Corner lots shall provide a minimum lot width of not less than 150 feet.

(E) Building Height

- (1) No principal building or parts of a principal building shall exceed 45 feet in height.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (3) There shall be a side yard on each side of all structures not less than 25 feet in width.
- (4) There shall be a rear yard of not less than 50 feet.

(G) Plans and Specifications to be Submitted to Park and Planning Commission

- (1) To encourage an industrial environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the M-2 Manufacturing District shall not be issued without review and approval of the Town of Jackson Park and Planning Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

3.12 **Q-1 QUARRYING DISTRICT**

The Q-1 Quarrying District is intended to provide for the conduct of quarries limited to extraction of onsite materials, to provide for related operations, and for the proper restoration of the quarried areas. These regulations provide for the restoration of the quarried areas. These regulations provide for the restoration of quarries and extractive areas in a manner that will not deteriorate the natural environment. These regulations are intended to be utilized in existing and planned quarry and extractive use areas.

(A) Permitted Uses

- (1) None.

(B) Conditional Uses (Also see Section 4.00)

- (1) Aggregate, ready-mix, and asphalt plants (when accessory to active quarrying operations).
- (2) Crushed and broken stone quarrying.
- (3) Crushing and processing of minerals indigenous to the site.
- (4) Manufacture of concrete building blocks or other similar concrete products (when accessory to quarrying operations).
- (5) Peat and soil removal.
- (6) Quarrying.
- (7) Sand and gravel quarrying.
- (8) Sand, gravel, stone, and rock stockpiles (when accessory to quarrying operations).
- (9) Washing, refining, or processing of rock, slate, gravel, sand, and minerals.
- (10) The following accessory use to approved conditional uses:
 - (a) Garages for storage of vehicles used in conjunction with the operation of the principal use.
 - (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
 - (c) Maintenance buildings.
 - (d) Offstreet parking and loading areas provided that they are properly screened.
 - (e) Offices, storage, power supply, and other uses normally auxiliary to the principal use.
 - (f) Weighing scales.

(C) Lot Area and Width

- (1) Lots shall be a minimum of three (3) acres in area.
- (2) Lots shall not be less than 250 feet in width.

(D) Yards

- (1) No quarrying activities, crushing or washing operation or material stockpile shall be located closer than 200 feet to any property line.
- (2) No building or parking area shall be located closer than 100 feet to a road centerline or 50 feet to any other property.
- (3) No quarrying activity, crushing or washing operation, material stockpile, building, or parking area shall be located closer than 75 feet from the ordinary highwater mark of any navigable body of water.

(E) Building Height

- (1) No building or structure, or parts of a building or structure, shall exceed 70 feet in height.

(F) Operational Plan Required

Each applicant for a conditional use in the Q-1 Quarrying District shall submit an operation plan for the use. The operational plan shall specify:

- (1) A timetable for operation of the quarry including the date on which the quarrying, extractive, or other operation will begin and the planned date of the completion of the operation.
- (2) A phasing plan showing the location and timing on all proposed phases.
- (3) Hours of operation and days of operation for the quarrying, extractive, or other operation.
- (4) The means by which noise, dust, and other potential nuisances will be controlled.
- (5) The means by which the applicant will control stormwater runoff and erosion to protect watersheds and groundwater aquifers.
- (6) The location, height, and type of all proposed fences.
- (7) All machinery and equipment to be used and/or stored during the quarrying, extractive, or other operation, and the location thereof.
- (8) A transportation plan identifying the mode of transportation to be used, the size and types of vehicles to be used, the number and frequency of trips to and from the site, and the routes to be used by trucks or locomotives.
- (9) The location and type of landscaping to be used to screen the quarrying, extractive, or other operation from adjacent land uses and public rights-of-way.
- (10) Other information required by the Town Park and Planning Commission.

(G) Restoration Requirements

In order to insure that the area of quarrying, extractive, or related operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall submit to the Town of Jackson Park and Planning Commission a plan for such restoration in the form of the following. Existing quarry operations shall submit a restoration plan within two years following the adoption of this Ordinance:

- (1) An agreement with the Town whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the Town.
- (2) A physical restoration plan showing existing topography (at a contour interval specified by the Town Park and Planning Commission) and the proposed contours after restoration, plantings and other special features of restoration, and the method by which such restoration is to be accomplished. Every two years following the initial conditional use permit issuance, or adoption of this Ordinance, whichever is applicable, the applicant or his successor shall submit an update to the restoration plan showing restoration progress and existing topography of the quarry site.
- (3) A bond, written by a licensed surety company, a certified check, or other financial guarantee satisfactory to the Town in an amount sufficient in the opinion of the Town Engineer to secure the performance of the restoration agreement.
- (4) Such agreement and financial guarantee shall be in a form approved by the Town Attorney.
- (5) If applicant fails to fulfill the agreement such bond, check or other financial guarantee shall be deemed forfeit for the purpose of enabling the Town to perform the restoration.
- (6) Restoration shall proceed as soon as practicable and at the order and direction of the Town Zoning Administrator. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than 2 years.
- (7) At any stage during the restoration the plan may be modified by mutual agreement between the Town and the owner or operator.
- (8) The restoration plan shall specify what fill material will be used, the method and extent of compaction, and the depth of topsoil upon completion of the quarry, extractive, or related operation. In all cases, fill shall consist of clean earth, and no more than 25 percent by volume per truckload of building stone or concrete, and no more than five (5) percent by volume per truckload of incidental asphalt. Where there is back-filling, the method of backfilling shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility, or unsightliness. In any case, the finished condition of the restored area except for rock faces, outcroppings, water bodies, or areas of proposed building or paving construction, shall be of sufficient depth of earth to support plant growth.
- (9) Within one year after the cessation of the operation or any phase of the operation, all temporary structures (except fences), equipment, stockpiles, rubble heaps or other debris shall be removed or backfilled into excavation so as to leave the premises in a neat and orderly condition.
- (10) In any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of one- and one-half horizontal to one vertical. In no case shall any slope exceed the normal angle of slippage of the material involved.
- (11) Upon completion of quarry operations, the quarry operator shall be required to submit a restoration report prepared by a registered professional engineer certifying that the restoration plan has been fully complied with.

(H) Nonconforming Quarrying Uses

Any nonconforming quarrying use shall, on or before one year from the adoption and publication of this Ordinance, apply to the Town Park and Planning Commission for a use and occupancy permit. The Park and Planning Commission shall require a plan of operation, final restoration plan, intermediate restoration plans as deemed necessary, and may impose such restrictions upon the use of such site, the height and bulk of any structure as may be reasonable and not unduly burdensome or onerous under the particular circumstances, provided that such restrictions shall not be more restrictive than the requirements established for the district in which such structure or use is located.

In addition, a nonconforming use shall be subject to the requirements of Sections 3.12(E) and 3.12(G)(5) of this Ordinance.

3.13 L-1 LANDFILL DISTRICT

The L-1 Landfill District is intended to regulate land use at landfill sites in the Town. The L-1 Landfill District is further intended to protect the natural resource base of the Town as well as the general public health and safety of Town residents.

(A) Permitted Uses

- (1) None

(B) Conditional Uses (Also see Section 4.00)

- (1) Sanitary landfills when operated in accordance with the provisions of Chapters NR 500 through NR 551 of the Wisconsin Administrative Code and amendments thereto.
- (2) Structures and lands may be used for any purpose designated on the approved site restoration and reuse plan as provided for herein.

(C) Accessory Uses to Approved Conditional Uses

- (1) Garages for storage and repair of vehicles used in conjunction with the operation of the principal use.
- (2) Ground-mounted and building -mounted earth station dish and terrestrial antennas.
- (3) Off-street parking and loading areas provided they are properly screened.
- (4) Office use auxiliary to the permitted principal use.

(D) Lot Area and Width

- (1) Lots shall be a minimum of twenty (20) acres in area.
- (2) Lots shall not be less than 660 feet in width.

(E) Yards

- (1) No landfill operation shall be located closer than 150 feet to any property line.
- (2) No building or parking area shall be located closer than 100 feet from a road centerline or 42 feet from a road right-of-way, whichever is greater.
- (3) No building or parking area shall be located closer than 50 feet from a side or rear property line.
- (4) No landfill operation, building, or parking area shall be located closer than 300 feet from the ordinary highwater mark of any navigable river or stream; or 1,000 feet from the ordinary highwater mark of a lake, pond, or flowage; or within the 100-year recurrence interval floodplain of any water body.
- (5) Landfill operations shall comply with the setback requirements set forth in Section NR 504.04(3) of the Wisconsin Administrative Code.

(F) Building Height

- (1) No building or parts of a building shall exceed 35 feet in height.

(G) Operational Plan Required

- (1) Each applicant for a conditional use in the L-1 Landfill District shall submit an operation plan for the use. The operational plan shall specify:
 - (a) A timetable for operation of the landfill including the date on which the landfill operation will begin and the planned date of the completion of the operation.
 - (b) A phasing plan showing the location and timing on all proposed phases.
 - (c) Hours of operation and days of operation for the landfill operation.
 - (d) The types of material or refuse to be disposed of.
 - (e) The means by which noise, dust, debris, and other potential nuisances will be controlled.
 - (f) The means by which the applicant will collect and dispose of leachate to protect watersheds and groundwater aquifers.
 - (g) The means by which the applicant will control stormwater runoff and erosion to protect watersheds and groundwater aquifers.
 - (h) The location, height, and type of all proposed fences.
 - (i) All machinery and equipment to be used and/or stored during the landfill operation.
 - (j) A transportation plan identifying the mode of transportation to be used, the size and types of vehicles to be used, the number and frequency of trips to and from the site, and the routes to be used by trucks or locomotives.
 - (k) The location and type of landscaping to be used to screen the landfill operation from adjacent land uses and public rights-of-way.
- (1) Other information required by the Town Park and Planning Commission.

(H) Restoration and Reuse Plan Required

A restoration and reuse plan, provided by the applicant, shall contain:

- (1) Existing topography with contours at two foot intervals;
- (2) Proposed contours after filling or restoration;
- (3) Depth of the restored topsoil;
- (4) Plantings and other restoration improvements;
- (5) Restoration commencement and completion dates.

Updates of the restoration plan shall be filed annually to show restoration progress. The applicant and/or owner of the sanitary landfill site shall furnish the necessary sureties which will enable the Town to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Engineer, and the form and type of such sureties shall be approved by the Town Board.

3.14 **1-1 INSTITUTIONAL DISTRICT**

The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

(A) Permitted Uses

- (1) Public or private schools, colleges, and universities.
- (2) Churches
- (3) Funeral homes
- (4) Hospitals, sanatoriums, nursing homes, and clinics
- (5) Libraries, community centers, museums, and public art galleries
- (6) Public administrative offices, public parks, and public service buildings, including fire and police stations.
- (7) Public utility offices

(B) Permitted Accessory Uses

- (1) Residential quarters for caretakers or clergy
- (2) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- (3) Service buildings and facilities normally accessory to the permitted use.
- (4) Satellite dish antennas located in the side or rear yard.

(C) Conditional Uses (See Section 4.0)

(D) Lot Area and Width

- (1) Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width. Corner lots shall provide a lot width of not less than 150 feet.

(E) Building Height and Area

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The total minimum floor area of a dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling.
Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.
- (3) No accessory building shall exceed 15 feet in height or 864 square feet in area.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.

- (3) There shall be a side yard on each side of all structures of not less than 20 feet.
- (4) There shall be a rear yard of not less than 50 feet.

(G) Plans and Specifications to be Submitted to The Park and Planning Commission

- (1) To encourage an institutional environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the I-1 Institutional District shall not be issued without review and approval of the Town of Jackson Park and Planning Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

3.15 **P-1 PARK DISTRICT**

The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Town of Jackson can be met without undue disturbance of natural resources and adjacent uses.

(A) Permitted Uses

- (1) Botanical gardens and arboretums
- (2) Exhibition halls
- (3) Fairgrounds
- (4) Golf courses without country club facilities
- (5) Historic monuments or sites
- (6) Hiking, biking, and nature trails
- (7) Outdoor skating rinks
- (8) Park and playgrounds
- (9) Picnicking areas
- (10) Playfields or athletic fields
- (11) Public art galleries
- (12) Sledding, skiing or tobogganing
- (13) Swimming beaches
- (14) Swimming pools
- (15) Tennis courts

(B) Permitted Accessory Uses

- (1) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- (2) Service buildings and facilities normally accessory to the permitted use.
- (3) Satellite dish antennas located in the rear yard.

(C) Conditional Uses (See Section 4.0)

(D) Lot Area and Width

- (1) Lots in the P-1 Park District shall provide sufficient area for the permitted use and its accessory buildings, offstreet parking and loading areas, and required yards. There is no minimum required lot width.

(E) Building Height and Area

- (1) No building or parts of a building shall exceed 35 feet in height.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (3) No building or structure shall be erected, altered or moved closer than 50 feet to any other lot line.

(G) Plans and Specifications to be Submitted to The Park and Planning Commission

- (1) Every builder of any building hereafter erected or structurally altered in the P-1 Park District shall, before a zoning permit is issued, present detailed plans and specifications of the proposed structure to the Town Park and Planning Commission, who will approve said plans only after determining that proposed building will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety, or substantially diminish or impair property values within the Town.

3.16 C-1 LOWLAND CONSERVANCY DISTRICT

The C-1 Lowland Conservancy District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the Town of Jackson. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the waterbased recreation resources of the Town.

(A) Permitted Uses

- (1) Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances.
- (2) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating.
- (3) Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.
- (4) Construction and maintenance of fences.
- (5) Existing agricultural uses provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
- (6) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
- (7) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
- (8) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

(B) Conditional Uses (See Section 4.00)

(C) Plans and Specifications to be Submitted to The Park and Planning Commission

- (1) Every applicant for a permitted, accessory or conditional use in the C-1 Lowland Conservancy District shall, before a zoning permit is issued, present detailed plans and specifications of the proposed use or structure to the Town Park and Planning

Commission, who will approve said plans only after determining that proposed use will not be contrary to the purpose of the C-1 District. In addition, any use proposed in the "shoreland" portion of the C-1 District shall not be permitted without first obtaining any permit required by the Washington County Land Use and Parks Department.

3.17 **C-2 UPLAND CONSERVANCY DISTRICT**

The C-2 Conservancy District is intended to preserve, protect, enhance, and restore all significant woodlands, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Town.

(A) Permitted Uses

- (1) Agricultural uses when conducted in accordance with County Conservation Standards.
- (2) General farm buildings including barns, silos, sheds, and storage bins.
- (3) Preservation of scenic, historic, and scientific areas.
- (4) Forest management.
- (5) Fish hatcheries.
- (6) Game farms and game management.
- (7) Hunting and fishing clubs.
- (8) Park and recreation areas.
- (9) Single-family dwellings.
- (10) The keeping and raising of domestic stock for agribusiness, show, breeding, or other purposes providing that the total number of animals shall be as follows:
 - (a) No more than one (1) horse, cow, sheep, or similar animal, over six (6) months of age, shall be kept for each two (2) acres; or
 - (b) No more than five (5) chickens, ducks, or similar poultry, over two (2) months of age, shall be kept for each acre; or
 - (c) No more than eight (8) rabbits or hare, over two (2) months of age, shall be kept for each acre.
 - (d) The keeping and raising of hogs or fur-bearing animals, except rabbits, is prohibited.
 - (e) Combinations of the above shall be apportioned to the total acreage and the Zoning Administrator shall determine the total number of animals allowed.

(B) Permitted Accessory Uses

- (1) Private garages and carports.
- (2) Gardening tool and storage sheds incidental to the residential use.
- (3) Home occupations as specified in Section 2.09(D).
- (4) Satellite dish antennas located in the rear yard.

(C) Conditional Uses (See Section 4.00)

(D) Lot Area and Width

- (1) Parcels shall have a minimum area of five (5) acres and shall be not less than 330 feet in width.

(E) Building Height and Area

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The total minimum floor area of a dwelling shall be 1,400 square feet with a minimum first floor area of 900 square feet.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the road centerline or 75 feet from the road right-of-way, whichever is greater, right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (3) No building or structure shall be erected, altered or moved closer than 50 feet to any other lot line.

(G) Plans and Specifications to be Submitted to The Park and Planning Commission

- (1) Every builder of any building hereafter erected or structurally altered in the C-2 Upland Conservancy District shall, before a zoning permit is issued, present detailed plans and specifications of the proposed structure to the Town Park and Planning Commission, who will approve said plans only after determining that proposed building will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety, or substantially diminish or impair property values within the Town.

3.18 **PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

The PUD Planned Unit Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under Title X will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district.

(A) Application of District

(1) The PUD Overlay District may be used for developments in the following basic use districts:

- (a) R-1 Single-family Residential District
- (b) R-2 Two-family Residential District
- (c) R-3 Multi-family Residential District
- (d) B-1 Shopping Center Business District
- (f) B-2 Highway Business District
- (g) M-1 Limited Manufacturing District
- (h) M-2 General Manufacturing District
- (i) I-1 Institutional District
- (j) P-1 Park District
- (k) A-1 Agricultural/Rural Residential District

(B) Permitted Uses

(1) Uses permitted in a Planned Unit Development Overlay District shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district, except as provided in Section 3.18(E)(5)(c) of Title X. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

(C) Minimum Area Requirements

- (1) Areas designated as Planned Unit Development Overlay Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

<u>Principal Uses</u>	<u>Minimum Area of PUD</u>
(a) Residential PUD	5 acres
(b) Commercial PUD	5 acres
(c) Industrial PUD	20 acres
(d) Mixed Compatible Use	10 acres
(e) A-1 Agricultural/Rural Residential PUD	5 acres

(D) Procedural Requirements

- (1) Pre-Petition Conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the Town of Jackson Park and Planning Commission or its staff to discuss the scope and proposed nature of the contemplated development.

- (2) Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Town Clerk for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee, as required by the Town Board pursuant to Section 2. 11 of Title X, and the following information:

- (a) A statement which sets forth the relationship of the proposed PUD to the Town's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:

1. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
3. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
4. Any proposed departures from the standards of development as set forth in the Town zoning regulations, other Town regulations or administrative rules, or other universal guidelines.
5. The expected date of commencement of physical development as set forth in the proposal.

(b) A general development plan including:

1. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
2. The location of public and private roads, driveways, and parking facilities.
3. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
4. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
5. The type, size, and location of all structures.
6. General landscape treatment.
7. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
8. The existing and proposed location of public sanitary sewer and water supply facilities.
9. The existing and proposed location of all private utilities or other easements.
10. Characteristics of soils related to contemplated specific uses.
11. Existing topography on the site with contours at no greater than two (2) foot intervals.
12. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.

(3) Referral to Park and Planning Commission. The petition for a Planned Unit Development Overlay District shall be referred to the Town of Jackson Park and Planning Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.

(4) Public Hearing. The Town Park and Planning Commission and the Town Board shall hold a joint public hearing pursuant to the requirements of Sections 13.05 and 14.00 of Title X. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. As soon as is practical following the hearing, the Town Park and Planning Commission shall report its findings and recommendations to the Town Board.

(E) Basis for Approval of the Petition

- (1) The Town Park and Planning Commission in making its recommendation and the Town Board in making its determination, shall consider:
- (2) That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PUD within nine (9) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the Town.
- (3) That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of Title X; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.

- (4) The Town Park and Planning Commission in making its recommendations and the Town Board in making its determination shall further find that:
- (a) The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
 - (b) The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - (c) No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 - (d) The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Town.
 - (e) The proposed site shall be provided with adequate public or private sanitary sewerage and water distribution facilities. Centralized water and sewer facilities shall be preferred.
 - (f) The entire tract or parcel of land to be included in a Planned Unit Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Unit Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Register of Deeds for Washington County.
- (5) That in the case of a proposed residential Planned Unit Development Overlay District in any residential or agricultural/rural residential district:
- (a) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
 - (b) The total net residential density within the Planned Unit Development Overlay District will be compatible with the Town master plan or component thereof.
 - (c) Where public sanitary sewerage facilities are provided, the Town Park and Planning Commission may permit reduction of individual lot area to 50 percent of that required by the individual Zoning District.
 - (d) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
 - (e) Adequate, continuing fire and police protection is available.

- (f) The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
- (g) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

(6) That in the case of a proposed commercial Planned Unit Development Overlay District:

- (a) The proposed development will be adequately served by offstreet parking and truck service facilities.
- (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
- (c) The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
- (d) The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(7) That in the case of a proposed industrial Planned Unit Development Overlay District:

- (a) The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
- (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
- (c) The proposed development will include adequate provisions for offstreet parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
- (d) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

(8) That in the case of a mixed use Planned Unit Development Overlay District:

- (a) The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which as a total development entity is compatible with the surrounding neighborhood.
- (b) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
- (c) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

(E) Determination

- (1) The Town Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Unit Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Town Board.

(F) Changes and Additions

- (1) Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town of Jackson Park and Planning Commission and if in the opinion of the Park and Planning Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Town Park and Planning Commission shall be required and notice thereof be given pursuant to the provisions of Section 14.00 of this ordinance, and said proposed alterations shall be submitted to the Town Board for approval.

(G) Subsequent Land Division

- (1) The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Town and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PUD approval.

3.19 FIRST AMENDMENT PROTECTED ADULT-ORIENTED ESTABLISHMENTS

1. FINDINGS OF FACT

1. The Board finds that Adult-Oriented Establishments, as defined and otherwise regulated by the Town in its Adult-Oriented Licensing and Regulation Ordinance, require special zoning in order to protect and preserve the health, safety, and welfare of the Town.
2. Based its review of 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 finding incorporated in *City of Renton v. Playtime Theaters, Inc.* 475 U.S. 41 (1986), *Coleman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), the Board finds that there is convincing evidence that the secondary effects of Adult-Oriented Establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.
3. The Board intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.
 - a. An Adult-Oriented Establishment shall be located not less than 1000 feet from:
 - b. Any structure used as a residence, place of religious worship, public or private school, or Youth Facility as defined in the Town's Adult-Oriented Establishment Licensing and Regulation Ordinance;
 - c. Any other structure housing an Adult-Oriented Establishment;
 - d. Any structure housing an establishment which holds an alcohol beverage license.
4. Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the Adult-Oriented Establishment to the above residential district boundary lines, to the lot line of any lot used for a park, playground, or the lot line of any structure listed in 2(b), (c), and (d), above.
5. The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.

6. For Adult-Oriented Establishments located in conjunction with other buildings and clearly separate from other establishments such as in a shopping center, measurements shall be taken from the boundaries of the space occupied by the Adult-Oriented Establishment.
7. For any Adult-Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult-Oriented Establishment (excluding emergency exits).
8. A licensed Adult-Oriented Establishment is not disqualified from holding an Adult-Oriented Establishment License by the location subsequent to the grant or renewal of its license of any of the establishments described in 2., above, within 1,000 feet of the licensed premises. This provision applies only to the renewal of an existing license and does not apply when an application for a license is submitted after a license for that location has not been renewed or has been revoked.

SECTION 4.00 CONDITIONAL USES

4.01 PERMITS

The Town of Jackson Park and Planning Commission may issue a conditional use permit for conditional uses as specified herein. The determination of such conditional use by the Town Park and Planning Commission shall be based on whether or not the proposed use will violate the spirit or intent of the chapter; be contrary to the public health, safety or general welfare; be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factor; or for any other reason cause an adverse effect on the property values and general desirability of the neighborhood. Except as may be specifically otherwise provided, any such use shall conform to the building location, height, area, yards, parking, loading, traffic and highway access regulations of the district in which it is located and the approving body may require compliance with such other conditions as may be deemed necessary in the specific situation in addition to any which may be herein stated. The location, building plan, site plan, and plan of operation shall be in sufficient detail to enable the Town to make its determination as to the appropriateness of the proposed grant of conditional use. The Town may take into consideration architectural and landscape treatments. Satisfactory provision shall be made for parking and circulation needs, for drainage and sewage disposal, for adequate planting screen where necessary, for operational control devices where necessary to eliminate noise, dust, odor or smoke; and such other factors as would be pertinent to such determination.

4.02 APPLICATION

Applications for conditional use permits shall be made in duplicate to the Town Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:

- (A) Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (B) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (C) Plat of Survey prepared by a registered land surveyor or a location sketch drawn to scale showing all the information required under Section 2.03 for a Zoning Permit and, in addition, the following: mean and historic high water lines, on or within 40 feet of the subject premises, and existing and proposed landscaping.
- (D) Additional Information as may be required by the Town of Jackson Park and Planning Commission, or the Town Zoning Administrator.

4.03 REVIEW AND APPROVAL

The Town of Jackson Park and Planning Commission shall provide notice and hold a public hearing pursuant to Section 14.01 and shall review the existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. In addition:

- (A) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Town of Jackson Park and Planning Commission upon its finding that these are necessary to fulfill the purpose and intent of Title X.
- (B) Compliance with all other provisions of Title X, such as lot width and area, yards, height, parking, loading, traffic and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 9.00 of Title X.
- (C) Amendments. Changes subsequent to the initial issuance of a conditional use permit which would result in a need to change the initial conditions shall require an amendment to the conditional use permit. The process for amending a conditional use permit shall generally follow the procedures for granting a conditional use permit as set forth in Section 4.01.
- (D) Revocation of a Conditional Use Permit. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Town of Jackson Park and Planning Commission, or should the use, or characteristics of the use be changed without prior approval by the Park and Planning Commission, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a conditional use permit as set forth in Section 4.01.
- (E) A Notification of each conditional use permit granted in the A-2 Agricultural District shall be transmitted to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).
- (F) Standard Conditional Use Conditions. The standard conditions listed below are automatically incorporated into the terms of a Conditional Use Permit issued under this section, unless otherwise stated in the Conditional Use Permit.
 - 1. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Town Park and Planning Commission for determination.
 - 2. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to

any law, ordinance, order or rule of either the municipal governing body, the Country of Washington, the State of Wisconsin, the United State of America or other duly constitutes authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Town ordinance or other law.

3. The conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Town Park and Planning Commission as being in compliance with all pertinent ordinances.
4. Should the permitted conditional use be abandoned in any manner, or discontinues in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner and/or property owner be delinquent in payment of any monies due and owing to Town, or should a change in the character of the surrounding area or these itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Town Park and Planning Commission after providing the petitioner and property owner 30 day notice and an opportunity to be heard, pursuant to the enforcement provisions of the Conditional Use Order, and all applicable ordinances.
5. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
6. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Town Park and Planning Commission if the Town Park and Planning Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Town Park and Planning Commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.
7. Petitioner and Owner Agreement. As a condition precedent to the issuance of the conditional use permit, the owner of the subject property shall approve the issuance of this conditional use permit upon the terms and conditions described herein in writing, and the Petitioner is required to accept the terms and conditions of the same in its entirety in writing.

8. Profession fees. Petitioner shall, on demand, reimburse the Town for all cost and expenses of any type that the Town incurs in connection with this application, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of the necessary documents or attendance at meetings or other related professional services for this application, as well as for any actions the Town is required to take to enforce the conditions in this conditional approval due to a violation of these conditions.
9. Payment of charges. Any unpaid bills owed to the Town by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Town, pursuant to section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval, that is subject to all remedies available to the Town, including possible cause for termination of this approval.
10. Current Address. The Petitioner is obligated to file with the Town Clerk a current mailing address and current phone number at which the Petitioner can be reached, which must be continually updated by the Petitioner if such contract information should change, for the duration of their conditional use. If the Petitioner fails to maintain such current contact information, the Petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional use.
11. Conditions Shown in Minutes Incorporated. All conditions of approval imposed by duly adopted motion of the Town Park and Planning Commission in its consideration of the petitioner's application, as noted in the Minutes of the Town Park and Planning Commission meeting at which approval was granted, are specifically incorporated herein by reference.
12. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
13. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Town Park and Planning Commission.

- G. Additional Performance Standards. The performance standards of Section 10.00 of the Town of Jackson Zoning Code are applicable to all conditional uses and shall be considered among the applicable standards for issuance of any conditional use permit.

4.04 REPEALED AND RESERVED FOR FUTURE USE.

4.05 AGRICULTURAL USES

The following agricultural and agricultural related uses shall be conditional uses and may be permitted as specified:

- (A) REPEALED AND RESERVED FOR FUTURE USE..
- (B) Additional Single-Family or Two-Family Residential Dwellings for a child or parent of the farm operator in the A-1 and A-2 Agricultural Districts . The need for more than one single - family dwelling to support and carry on the permitted principal use or conditional use must be established to the satisfaction of the Town of Jackson Park and Planning Commission before the issuance of a conditional use permit. If approved, a second farm dwelling in the shall be placed on a parcel separated from the farm parcel and shall be a minimum of 60,000 square feet in area for a single family dwelling or two-family dwelling. The minimum lot width shall be 150 feet, and corner lots shall be a minimum of 175 feet in width. A second farm dwelling permit shall not be permitted in the A-1 Agricultural/Rural Residential District unless the farm is at least 40 acres in area.
- (C) Agricultural Warehousing in the A-1 and A-2 Agricultural Districts.
- (D) Commercial Raising , propagation, or boarding, of animals, such as dogs, cats, mink, rabbits, foxes, goats, and pigs in the A-1 and A-2 Agricultural District. Commercial boarding of dogs and cats, however, shall not be permitted in the A-2 Agricultural District unless it is incidental to agricultural uses.
- (E) REPEALED AND RESERVED FOR FUTURE USE.
- (F) Veterinary Services intended to service farm animals in the A-2 Agricultural District provided that all principal uses and structures are located not less than 200 feet from a residential district.
- (G) Pea Vineries, creameries, and condenseries in the A-1 and A-2 Agricultural Districts, and in the M-2 Manufacturing District.
- (H) Boat and Recreation Vehicle Storage in the A-1 and A-2 Agricultural Districts when the storage is in a completely enclosed structure which is at least 10 years old and provided that the use is clearly incidental to the principal farm use.
- (I) Animal Hospitals, kennels and veterinary services in the A-1 Agricultural District provided that no structure or animal enclosure shall be located closer than 100 feet to a property boundary.
- (J) Boarding Stables in the A-1 Agricultural District. Confined housing of horses shall be located not closer than 100 feet to a residential district boundary or a navigable body of water.
- (K) Operation of Motorized Off-Road Vehicles off the public right-of-way for racing or sport may be permitted as a conditional use by the Park and Planning Commission, provided that the Commission shall find that the lot is large enough to accommodate such off-road vehicle use; that there will be appropriate distance from neighboring properties to minimize nuisances; and that the off-road vehicle operation will not adversely affect the use and enjoyment of neighboring properties.

A. Exceptions to the requirement for a Conditional Use Permit. No Conditional Use Permit shall be required when:

- (1) Operation of off-road vehicle is on authorized trails approved by the Town, County, or State for such intended use.
 - (2) Use of off-road vehicles for purposes other than racing or sport.
 - (3) Occasional personal use of off-road vehicles which shall not utilize a defined racetrack or patterned obstacle course and the emitted noise shall be so muffled inasmuch that the use thereof would not be unreasonable offensive to the neighborhood.
- (L) Raising, propagation, and/or butchering of non-domestic livestock such as buffalo/bison, deer, antelope, elk, llamas, pheasants, ostriches, or other non-domestic livestock in the A-1 and A-2 Agricultural Districts. The Town Park and Planning Commission will require special fencing or other security measures for containment, limit the number of livestock, determine setbacks from adjacent properties, and establish other conditions as determined necessary for such operation. Such conditional use shall be allowed only if the following standards are met:
1. The initial grant of a conditional use shall have a duration of no more than one (1) year, after which the property owner may reapply for a new term and the Park and Planning Commission may include in the renewal term conditions it deems to be necessary or appropriate to address concerns arising during the initial term. No assurance is provided that the conditional use will be renewed.
- (M) Seasonal Retail Trade Other Than a Roadside Stand in the A-1 Agricultural/Rural Residential District. Subject to approval of site plan and plan of operation submitted pursuant to Section 4.02 and other specific conditions and requirements as established by the Town Park and Planning Commission. Such conditions may establish, among other restrictions, dates of operation, hours of operation, limitations of sale of products to those produced on the same property or from other truck farms, allowance for limited special promotional events, location of facilities and activities, sanitary facilities, lighting, traffic, noise, and other conditions determined to be necessary to minimize the impact of the Town and on neighboring property. Such conditional use shall be allowed only if the following standards are met:
1. The initial grant of a conditional use shall have a duration of no more than one (1) year, after which the property owner may reapply for a new term and the Park and Planning Commission may include in the renewal term conditions it deems to be necessary or appropriate to address concerns arising during the initial term. No assurance is provided that the conditional use will be renewed.
- (N) Accessory Structures larger in total than 1500 square feet in the A-1 Agricultural/Rural Residential District on parcels greater than ten (10) acres in size where the residence is the principal use.
- (O) REPEALED AND RESERVED FOR FUTURE USE.

4.06 RESIDENTIAL USES

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

- (A) Rest Homes, nursing homes, clinics and commercial children's nurseries in any business or residential district provided that all principal structures and uses are not less than 50 feet from any lot line.
- (B) Housing for the Elderly in the R-3 Multi-Family Residential District, and the I-1 Institutional District provided that the density of such housing shall not exceed six (6) units per net acre; and provided that there shall be a minimum living area of 500 square feet for a one-bedroom dwelling unit and a minimum living area of 750 square feet for a two-bedroom or larger dwelling unit.
- (C) Community Living Arrangements which have a capacity for nine (9) or more persons in the R-1 and R-2 Residential Districts and the A-1 Agricultural/Rural Residential District.
- (D) Community Living Arrangements which have a capacity for 16 or more persons in the R-3 Residential District.
- (E) Bed and Breakfast Establishments in the A-1 and A-2 Agricultural Districts, the R-1 Residential District, the I-1 Institutional District, and the C-2 Upland Conservancy District provided that no more than four (4) bedrooms are rented; that adequate off-street parking is provided; and that any permit required by Section 50.51(b) of the Wisconsin Statutes has been secured. One exterior advertising sign, not exceeding two (2) square feet in area, may be erected on the premises.
- (F) Home Industries in the A-1 Agricultural District or any residential district. A home industry is similar to a home occupation and shall generally be limited by the standards for home occupations set forth in Section 2.09(D). The Town Park and Planning Commission may, however, permit the conduct of a home industry in an accessory building. The Park and Planning Commission may further permit the assembly and manufacturing of small-scale piece work or the use of non-household appliances and tools when it is deemed not to be disruptive to the neighborhood.
- (G) Mobile Home Parks in the R-3 Residential District provided that:
 - (1) Minimum park size shall be 10 acres.
 - (2) Minimum park width shall be 330 feet.
 - (3) Minimum number of mobile home sites shall be six (6) per acre.
 - (4) Minimum open space provided shall be 20 percent of the development area, exclusive of streets.
 - (5) Minimum lot area for a single module mobile home shall be 5,000 square feet. The mobile home lot shall be a minimum of 50 feet in width.
 - (6) Minimum lot area for a double module mobile home shall be 6,000 square feet. The mobile home lot shall be a minimum of 60 feet in width.
 - (7) Minimum setback for a mobile home park shall be 75 feet from the right-of-way of a public street or roadway.

- (8) Minimum distance between mobile home units and all other exterior park lot lines shall be 50 feet.
 - (9) Minimum distance between mobile home and service road shall be 20 feet.
 - (10) Minimum distance between mobile home trailers shall be 20 feet.
 - (11) All drives, parking areas, and walkways shall be surfaced with dust-free material. There shall be two (2) parking spaces for each mobile home.
 - (12) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one (1) office are permitted.
 - (13) Each mobile home park shall be completely enclosed, except for permitted entrances and exits, by either:
 - (a) A temporary planting of fast-growing material, capable of reaching a height of 10 feet or more.
 - (b) A permanent evergreen planting, the individual trees to be of such a number and so arranged that within 10 years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than 10 feet.
 - (14) All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.
 - (15) No mobile home site shall be rented for a period of less than 30 days.
- (H) Storage of Recreational Vehicles for personal use in any residential district where such storage exceeds the limit permitted by Section 5.05 of Title X, provided that the Park and Planning Commission shall find that the lot is large enough to accommodate such additional vehicles; that recreational vehicles will be appropriately screened from view by neighboring properties; and that the recreational vehicle storage will not adversely affect the use and enjoyment of neighboring properties.
- (I) Operation of Motorized Off-Road Vehicles off the public right-of-way for racing or sport may be permitted as a conditional use by the Park and Planning Commission, provided that the Commission shall find that the lot is large enough to accommodate such off-road vehicle use; that there will be appropriate distance from neighboring properties to minimize nuisances; and that the off-road vehicle operation will not adversely affect the use and enjoyment of neighboring properties.
- A. Exceptions to the requirement for a Conditional Use Permit. No Conditional Use permit shall be required when:
- (1) Operation of off-road vehicle is on authorized trails approved by the Town, County, or State for such intended use.
 - (2) Use of off-road vehicles for purposes other than racing or sport.

- (3) Occasional personal use of off-road vehicles which shall not utilize a defined racetrack or patterned obstacle course and the emitted noise shall be so muffled insomuch that the use thereof would not be unreasonably offensive to the neighborhood.

(J)a. is hereby repealed and reserved for future use.

(J)b. is hereby repealed and reserved for future use.

(K) Clustered residential developments in the A-1 Agricultural/Rural Residential District provided that:

- (A) The density of the development shall not exceed one dwelling unit per five (5) acres.
- (B) Individual lots within a clustered development shall be a minimum area of one (1) acre and have a minimum lot width of 125 feet at the setback line. The remaining lands in a clustered development shall be preserved and maintained in permanent open space use.
- (C) The clustered development design concept shall not be used unless at least two (2) lots are being created. No cluster grouping shall have more than 12 lots in it.
- (D) Within a clustered development, the Park and Planning Commission shall determine required street setbacks and other yard requirements.
- (E) Structures constructed within a cluster development shall be sited in such a manner that the agricultural or environmental character of the area is preserved. To this end:

- (1) All lots within a cluster group shall abut upon an open space element of the cluster development.
 - (2) Home sites shall be buffered with indigenous landscaping for the purposes of minimizing the visual impact from adjacent roadways.
 - (3) Home sites on slopes shall be sited in a manner that will reduce the visual impact on surrounding lands. Construction of home sites on the tops of ridges and hill should be avoided.
 - (4) Where practical, residential architecture should support the agriculture or environmental character of the area.
- (F) No structure shall be constructed on slopes exceeding 12 percent.
- (G) No structures shall be erected within the protected open space areas; no lands designated for permanent open space shall be disturbed within the protected open space areas; and no vegetation shall be removed from the protected open space area, except for dead or diseased vegetation; agricultural preservation lands within cluster developments may be disturbed as needed to continue agricultural operations. All designated open space lands shall be held in an undivided interest by the owners of the cluster development.

- (L) Clustered residential developments in the R-1 Single Family Residential District provided that:
- A. The density of the development shall not exceed one dwelling unit per:
 - (1) 60,000 Square Feet - Unsewered Area
 - (2) 43,560 Square Feet - Sewered Area
 - B. Individual lots within a clustered development shall be a minimum area of:
 - (1) 40,000 square feet and have a minimum lot width of 125 feet at the setback line unsewered area. The remaining lands in a clustered development shall be preserved and maintained in permanent open space use.
 - (2) 20,000 square feet and have a minimum lot width of 100 feet at the setback line sewer area. The remaining lands in a clustered development shall be preserved and maintained in permanent open space use.
 - C. The cluster development design concept shall not be used unless at least four (4) lots are being created. No cluster grouping shall have more than 12 lots in it.
 - D. Within a clustered development, the Park & Planning Commission shall determine required street setbacks and other yard requirements.
 - E. Structures constructed within a cluster development shall be sited in such a manner that the rural or environmental character of the area is preserved. To this end:
 - (1) All lots within a cluster group shall abut upon an open space element of the cluster development.
 - (2) Home sites shall be buffered with indigenous landscaping for the purpose of minimizing the visual impact from adjacent roadways.
 - (3) Home sites on slopes shall be sited in a manner that will reduce the visual impact on surrounding lands. Construction of home sites on the tops of ridges and hills should be avoided.
 - (4) Where practical, residential architecture should support the rural or environmental character of the area.
 - F. No structure shall be constructed on slopes exceeding 12 percent.
 - G. No structures shall be erected within the protected open space areas; no lands designated for permanent open space shall be disturbed within the protected open space areas; and no vegetation shall be removed from the protected open space area, except for dead or diseased vegetation; agricultural preservation lands within cluster developments may be disturbed as needed to continue agricultural operations. All designated open space lands shall be held in an undivided interest by the owners of the cluster development.

- (M) Clustered Residential Developments in the R-2 Two Family Residential District provided that:
- A. The density of the development shall not exceed one dwelling unit per:
 - (1) 60,000 Square Feet - Unsewered Area
 - (2) 43,560 Square Feet - Sewered Area
 - B. Individual lots within a clustered development shall be a minimum area of:
 - (1) 40,000 square feet and have a minimum lot width of 125 feet at the setback line unsewered area. The remaining lands in a clustered development shall be preserved and maintained in permanent open space use.
 - (2) 20,000 square feet and have a minimum lot width of 100 feet at the setback line sewer area. The remaining lands in a clustered development shall be preserved and maintained in permanent open space use.
 - C. The cluster development design concept shall not be used unless at least four (4) lots are being created. No cluster grouping shall have more than 12 lots in it.
 - D. The R-2 Zoning shall only be used where it is the determination of the Park & Planning Commission that such Zoning will provide a greater buffer to a non residential use.
 - E. Within a clustered development, the Park & planning Commission shall determine required dwelling sizes, street setbacks and other yard requirements.
 - F. Structures constructed within a cluster development shall be sited in such a manner that the rural or environmental character of the area is preserved. To this end:
 - (1) All lots within a cluster group shall abut upon an open space element of the cluster development.
 - (2) Home sites shall be buffered with indigenous landscaping for the purpose of minimizing the visual impact from adjacent roadways.
 - (3) Home sites on slopes shall be sited in a manner that will reduce the visual impact on surrounding lands. Construction of home sites on the tops of ridges and hills should be avoided.
 - (4) where practical, residential architecture should support the rural or environmental character of the area.
 - G. No structure shall be constructed on slopes exceeding 12 percent.
 - H. No structures shall be erected within the protected open space areas; no lands designated for permanent open space shall be disturbed within the protected open space areas; and no vegetation shall be removed from the protected open space area, except for dead or diseased vegetation; agricultural preservation lands within cluster developments may be disturbed as needed to continue agricultural operations. All designated open space lands shall be held in an undivided interest by the owners of the cluster development.

- (N) Condominiums in the P-1 Park District being one or two family dwellings, in which units are owned individually, the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis, compliant to WI Stats. Chapter 703 and created as a Planned Unit Development Overlay District provided that:
- (1) Minimum Area of PUD is 5 acres.
 - (2) Location shall be limited and be an accessory use of an operating golf course with Country Club facilities.
 - (3) Maximum number of units and placement shall be determined and approved by the Park and Plan Commission.
 - (4) Dwelling Height and Area shall meet the standards in 3.05(E) and 3.06(E) of Title X inclusive of required garages.
 - (5) All other stipulations shall be identified within the Conditional Use Permit.
- (O) In-Law Unit in the A-1 Agricultural/Rural Residential and R-1 Residential Districts subject to the following limitations and conditions:
- (1) The in-law unit must be located within the same structure as the primary residence; no more than one (1) in-law unit may be permitted per primary residence or lot.
 - (2) The location, building plan, and site plan shall be subject to approval by the Park and Plan Commission. The architecture of the residence shall be compatible with the adjacent neighborhood.
 - (3) The structure shall appear to be a single-family residence. There may be a separate entrance to the in-law unit, but there must be a communicating door between the primary residence and the in-law unit.
 - (4) The in-law unit shall not be served by separate utilities.
 - (5) The in-law unit shall contain not more than one (1) bedroom and shall not be occupied by more than two (2) people who are related by marriage to each other and are the mother or father of one (1) of the primary residence owners.
 - (6) The owner of the property shall notify the Town Park and Plan Commission in writing each time the occupancy of the unit ends. If the unit is unoccupied for more than twelve (12) months, the conditional use permit shall lapse and the property owner shall convert the unit back to part of the primary residence as directed by the Zoning Administrator.
 - (7) The property owner shall cause to be recorded in the Office of the Washington County Register of Deeds a restrictive covenant, prior to the issuance of a building permit. The covenant shall state that the in-law unit shall be occupied by persons related by marriage and that the conditional use permit is not transferable without formal approval by the Park and Plan Commission without the necessity of public hearing and that the unit shall be used as intended.
 - (8) No additional house number shall be assigned for the in-law unit.

- (P) Sports Courts for private recreational use which may be placed in the side or rear yard in any Residential District provided that:
- (1) The Court shall be limited to one (1) and may be used for activities such as basketball, volleyball etc.
 - (2) The Court shall be no closer than 10 feet from a side or rear property line and any structure, but greater limitations may be required inclusive of screening or landscaping upon review approval.
 - (3) The Court limited to a maximum size of 1,528 square feet.
 - (4) The site plan shall provide a drainage plan for approval.
 - (5) The Court shall not be constructed directly under or over electrical transmission lines or closer than fifteen (15) feet to an onsite soil absorption sewage disposal system.
 - (6) Installation of approved lighting shall not throw any rays onto adjacent properties and restricted of use after 10:00 P.M. nightly.
 - (7) Additional restrictions shall be addressed with each application.

4.07 BUSINESS USES

The following business uses shall be conditional uses and may be permitted as specified District:

- (A) Drive-In Establishments serving food or beverages for consumption outside the structure in the B-1 Business District.
- (B) Funeral Homes in any Business District provided all principal structures and uses are not less than 50 feet from any lot line.
- (C) REPEALED AND RESERVED FOR FUTURE USE.
- (D) REPEALED AND RESERVED FOR FUTURE USE.

4.08 INDUSTRIAL USES

The following industrial uses shall be conditional uses and may be permitted as specified:

- (A) Animal Reduction Facilities, forges, foundries, slaughter houses, stockyards, and tanneries in the M-2 Manufacturing District.
- (B) REPEALED AND RESERVED FOR FUTURE USE.
- (C) Transportation Terminals, and truck terminals and freight forwarding services in the M-1 and M-2 Manufacturing Districts.
- (D) Lumber Yards and building supply yards in the M-1 and M-2 Manufacturing Districts.
- (E) REPEALED AND RESERVED FOR FUTURE USE.
- (F) REPEALED AND RESERVED FOR FUTURE USE.
- (G) Radio and Television Transmission Towers in any Business or Manufacturing District.
- (H) Storage of Bulk Fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials in the M-2 Manufacturing District.

- (I) Transitional Industrial uses may be allowed in a A-1 Agricultural/Rural Residential District provided that:
 - (1) That the uses are similar to the Permitted, Accessory, and Conditional Uses allowed in a M-1 Limited Manufacturing District or a M-2 General Manufacturing District.
 - (2) Parcel shall be located within one and one-half (1 1/2) miles of an incorporated municipality.
- (J) Aggregate, ready mix plants, and associated accessory uses not inclusive of a quarrying operation. Such conditional use shall be allowed only if the following standards are met:
 - 1. Such uses may be permitted only in the M-1 Limited Manufacturing District or the M-2 General Manufacturing District.
 - 2. Such operation shall be located no closer than 200 feet to a road right-of-way or exterior boundary of the property, except as reduced or increased by the Park and Planning Commission as part of the conditional use process based on the current conditions and uses of surrounding properties, zoning of surrounding properties and other factors.
 - 3. The initial grant of a conditional use shall have a duration of no more than two (2) years, after which the property owner may reapply for a new term and the Park and Planning Commission may include in the renewal term conditions it deems to be necessary or appropriate to address concerns arising during this initial term. No assurance is provided that the conditional use will be renewed.

4.09 RECREATIONAL USES

The following recreational facilities shall be conditional uses and may be permitted in all districts except the A-1 and A-2 Agricultural Districts, as specified:

- A. Archery Ranges. All ranged must be set up to shoot toward the interior of the lot or designed in a manner that ensures projectiles will not leave the property in some other manner approved by the Town Board.
- B. Beaches, boating.
- C. Camps. The following specific standards apply:
 - 1. Where permitted. Subject to the provisions of subsection 2, campgrounds are conditional uses which may be permitted in the following districts:

A-1 Agricultural District

P-1 Park and Recreation District

- 2. Standards under which permitted:
 - a. Adequate sewage disposal and restroom facilities are provided.
 - b. Property boundaries are clearly marked to minimize trespassing.
 - c. Individual camp sites shall be a minimum 200 feet away from property boundaries.
 - d. Provisions have been made to address potential fire hazards.
 - e. Adequate access for emergency vehicles is provided to all areas of the campground.

- D. Conservatories.
- E. Driving Ranges. All ranges must be set up to shoot toward the interior of the lot or designed in a manner that ensures projectiles will not leave the property in some other manner approved by the Town Board.
- F. Firearm ranges. All ranges must be set up to shoot toward the interior of the lot or designed in a manner that ensures projectiles will not leave the property in some other manner approved by the Town Board. Such use shall not include the operation of a commercial facility such as a bar or restaurant except as may be specifically authorized in the grant of a permit.
- G. Golf Courses. All ranges must be set up to shoot toward the interior of the lot or designed in a manner that ensures projectiles will not leave the property in some other manner approved by the Town Board.
- H. Gymnasiums.
- I. Music Halls.
- J. Riding Academies.
- K. Skating Rinks.
- L. Zoological and Botanical Gardens.

4.10 ENERGY CONSERVATION USES

The following energy conservation uses are conditional uses and may be permitted as specified:

- A. Wind Energy Conversion Systems, commonly referred to as "wind-mills" which are used to produce electrical power may be permitted in any district provided that the following information requirements and standards shall apply:
 - (1) Application: Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system. Solar easements shall accompany the application.
 - (2) Construction: Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot in area.

- (3) Noise: The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- (4) Electro-Magnetic Interference: Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (5) Location and Height: Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this ordinance, however, all such systems over 75 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (6) Fence Required: All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- (7) Utility Company Notification: The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.
- (8) Compliance with Electrical Code: The electrical portion of the installation shall comply with all provisions of Electrical Code of the Town adopted as Title XIII of the Municipal Code of the Town of Jackson.

B. Solar Energy Conversion Systems, commonly referred to as "active" or "passive" solar collection and heating systems and including all systems as defined by Section 101.57(8)(b) of the Wisconsin Statutes when such systems are erected as an accessory structure may be permitted in any district.

- (1) Application: Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures.
- (2) Construction: Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building and zoning codes.
- (3) Location and Height: Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this ordinance unless otherwise provided in the conditional use permit issued pursuant to this section.

- C. REPEALED AND RESERVED FOR FUTURE USE.
- D. Installation and use of an accessory energy system commonly referred to as an outdoor boiler, furnace, or stove as a heat source for a residence or any accessory use thereof.
 - (1) Application for the accessory energy system shall be accompanied by the Plat of Survey for the property to be served showing the location of the unit, the means by which heat will be provided to the structure or structures, and its aesthetic and smoke effect on neighboring residents.

4.11 TEMPORARY USES

The following uses are conditional uses and may be permitted as specified.

- (A) Flea Markets may be permitted in any business or manufacturing district for a period not to exceed three (3) days. Special requirements may be imposed by the Town Park and Planning Commission for parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one (1) temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- (B) Circuses and Animal Shows may be permitted in any business or manufacturing district for a period not to exceed 10 days. Special requirements may be imposed by the Town Park and Planning Commission for parking, sanitary facilities, lighting, and hours of operation. The Park and Planning Commission may limit or prohibit the display of dangerous animals such as tigers or snakes. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one (1) temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- (C) Fireworks Sales Facilities may be permitted in any business or manufacturing district for a period not to exceed 30 days. No permit to sell fireworks may be granted until the Town Fire Inspector has reviewed the plan of operation and reported his findings and recommendations to the Town Park and Planning Commission. No permit to sell fireworks shall be granted on any site where alcoholic beverages are served. Special requirements may be imposed by the Park and Planning Commission for parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one (1) temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- (D) Exhibition or sale of domestic or non-domestic livestock may be permitted in any agricultural district for a period not to exceed two (2) days. Special requirements will be imposed by the Town Park and Planning Commission for, but not limited to, location, parking, sanitary facilities, lighting, noise, enclosure, code compliance, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-

way. Temporary uses permitted under this section may erect one (1) temporary sign not to exceed fifty (50) square feet in area on one (1) side and one hundred (100) square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

Exceptions -

1. Farm auctions limited to one in five years.
2. Sales or exhibits to less than six persons per day.

4.12 WIRELESS COMMUNICATION FACILITIES.

- A. **Purpose.** In response to consumer demand for wireless communication services and requirements of the Federal Communications Commission (FCC), wireless communications providers wish to establish their systems as quickly and efficiently as possible. This will result in more antennas and towers across the visual landscape. In order to provide for appropriate location and network development, to minimize adverse visual effects through careful design, siting, collocation of providers and screening, and to maximize public safety, specific sites for wireless communication facilities may be granted by Conditional Use Permit. This section is intended to regulate mobile service facilities to the full extent allowed by Wisconsin Statutes section 66.0404 and other applicable laws. Nothing herein is intended to regulate or to authorize the regulation of mobile service facilities in a manner that is preempted or prohibited by Wisconsin Statutes Section 66.0404 or other applicable laws. Wireless communication facilities are a unique use, subject to certain specific State statutory requirements and limitations, and therefore the review process shall be conducted as described in this Section 4.12, rather than as described in Section 4.02.
- B. **Definitions.** All terms used herein shall have the meaning described in Wisconsin Statutes Section 66.0404(1).
- C. **New Towers and Facilities.** Wireless communication facilities may be permitted as conditional uses in any district provided that the following information, requirements, and standards shall apply:
 1. **Application Process.** The applicant is not subject to the requirements of Section 4.02, and instead shall submit a written application which shall include all of the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed tower.
 - c. The location of the mobile service facility.
 - d. A construction plan which describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power

supplies, cabling, and related equipment to be placed on or around the new tower.

- e. An explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
2. **Determination of Completeness within 10 Days of Submittal.** The Town Zoning Administrator shall review the application and determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Town Zoning Administrator shall notify the applicant in writing within ten days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their applications as often as necessary until it is complete.
 3. **Conditional Use Review Procedure.** The wireless telecommunications mobile service facility shall be a conditional use, and shall be reviewed pursuant to the following procedures:
 - a. **Public Hearing.** Within a reasonable time after an application and all required information has been filed, a public hearing shall be held by the Park and Planning Commission pursuant to this chapter. Within 40 days after the public hearing and all investigation the Park and Planning Commission shall make a recommendation to the Town Board unless the time is extended by the Petitioner.
 - b. **Fee.** Any petition shall be accompanied by a fee as set from time-to-time by the Town Board to defray the cost of notification and holding of public hearing. Costs incurred by the Town in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the Petitioner. Such fee shall not exceed the limits established by Wisconsin Statutes Section 66.0404(4)(d).
 - c. **Requirements.**
 - i. Conditional use status shall not be granted to communication towers unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. If an applicant provides the Town with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the Town has and

provides to the applicant substantial evidence that the engineering certification is flawed.

- ii. Collocation of equipment by various carriers is encouraged. No facility owner or operator shall unfairly exclude a telecommunications competitor from using the same facility or location. Any such exclusion shall be based upon technical, structural, or other objective reasons. Applicants choosing to construct a new mobile service support structure must provided an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation. Such explanation shall include a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- iii. Roof and wall mounted antennas, support structures, and screening devices shall not exceed the highest point of the building upon which they are mounted by more than 7 feet. Whip type antennae may extend 15 feet from the highest point of the building. All roof, wall, and whip antennas, and required equipment shall comply with the height requirement for the zoning district in which they are located. Requests to exceed the maximum height allowed by the zoning district shall be considered when accompanied by a justification statement.
- iv. Freestanding wireless communication facilities shall be located no closer than a distance equal to 5 times their height from any property zoned R-1, R-2, or R-3. This distance shall be measured in a straight line from the boundary line of the residential zone to the proposed tower location. Stealth facilities shall be exempt from this requirement. Any equipment associated with wireless communications facilities shall meet the required setbacks for the zoning district in which they are located.
- v. The minimum front, side, and rear yard setbacks for freestanding wireless communication facilities shall be a distance equal to the height of the freestanding facility.
- vi. Wireless communication facilities may be attached to existing utility infrastructure (i.e., electrical transmission poles, street light standards, and telephone poles) located within a public or utility right-of-way or easement, or constructed within the right-of-way or easement, provided the following requirements are met:

1. The antennae do not exceed the height of the existing utility infrastructure by more than 4 feet.
 2. The facilities visually resemble other vertical utility infrastructure along the same street or highway.
 3. The applicant submits written authorization from the owner of the existing utilities and the right-of-way or easement with the application.
- vii. Freestanding wireless communication facilities shall not be artificially lighted unless required by the FAA or another regulatory agency.
- viii. Stealth wireless communication facilities and associated equipment are preferred and encouraged in instances where a freestanding facility is necessary.
- ix. Carriers shall notify the Town when they place the FCC on notice that a specific facility is being discontinued. Antennas or support structures and equipment not in use for 6 months for wireless communication purposes shall be removed by the facility owner. The Town may require the posting of a bond or other financial guarantee adequate to ensure removal of the facility at no cost to the Town.
- d. **Determination.** The Town Board shall make a decision on the application within a reasonable time after receipt of the Park and Planning Commission recommendations, provided further that final action shall be taken within 90 days of receipt of a completed application unless the time extended by the Petitioner. Said decision shall be stated in writing and a copy made a permanent part of the Town records. If conditional use status is not granted, the reasons therefor will be included in such record. A grant of conditional use status, subsequent changes or additions thereto and terminations thereof shall be recorded as follows:
- i. An official record of such conditional grant shall be prepared by the Town Clerk on a form prescribed therefor which shall include the description of the use for which the grant is given and all conditions attached thereto as well as a copy of the resolution of the Town Board approved the grant. A copy of the completed form shall be recorded at the Washington County Register of Deeds as a covenant on the title for the premises for which the conditional use was granted.
 - ii. The occupancy permit shall be appropriately noted as to the conditional status granted.
 - iii. Indication shall also be made on the zoning map by appropriate code number or symbol.

- e. **Changes or Additions.** Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Park and Planning Commission and, if in the opinion of the Park and Planning Commission, such change or addition constitutes a substantial alteration, a public hearing before the Park and Planning Commission shall be required and notice thereof be given pursuant to this Chapter.
 - f. **Conditions.** Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirement, among issues as deemed appropriate may be required by the Park and Planning Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter; subject to the limitations of Section C.4., below.
4. **Limitations upon Authority.** The Town review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Section 66.0404(4). In the event the applicant believes the Town has exceeded its authority in this regard, the applicant shall notify the Town Board in writing and the Town Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.
- D. **Modifications.** The construction of modifications to an existing mobile service support structure or mobile service facility shall be subject to the following requirements:
- 1. **Substantial Modification.**
 - a. **Application and Review Process.** The application and review process for a substantial modification is identical to the application and review process for a new tower, as described in Section C. Above, except that the required plans should describe the proposed modifications, rather than describe the new structure.

2. Not Substantial Modifications.

- a. **Application Information.** The applicant shall submit a written application that described the applicant's basis for concluding that the modification is not substantial, and all of the following information:
 - i. The name and business address of, and the contact individual for, the applicant.
 - ii. The location of the affected support structure.
 - iii. The location of the proposed facility.
- b. **Completeness Determination within Five Days.** The Town Zoning Administrator will determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Town Zoning Administrator must notify the applicant in writing within five (5) days of receiving the application if it is found not to be complete, specifying in detail the required information that was incomplete. The applicant may resubmit as often as necessary until it is complete.
- c. **Fee.** Any petition shall be accompanied by a fee as set from time-to-time by the Town Board to defray the cost of review. Cost incurred by the Town in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the Petitioner. Such fee shall not exceed the limits established by Wisconsin Statutes Section 66.0404(4)(d).
- d. **Determination.** The Town Board shall make a decision on the application within a reasonable time after receipt of the Park and Planning Commission recommendations, provided further that final action shall be taken within 45 days of receipt of a complete application unless the time extended by the Petitioner. Said decision shall be stated in writing and a copy made a permanent part of the Town records. If approval is not granted, the reasons therefor will be included in such record.
- e. **Limitations Upon Authority.** The Town review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Section 66.0404(4), and such other laws as may apply which may include 47 USCA subsection 1455. In the event the applicant believes the Town has exceeded its authority in this regard, the applicant shall notify the Town Board in writing and the Town Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.

SECTION 5.00 **PARKING, LOADING, DRIVEWAYS, AND ACCESS**

5.01 **TRAFFIC VISIBILITY**

No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2 1/2) feet and 10 feet above the plane through the mean centerline grade of the vision triangle. The vision triangle is formed by connecting a line between the points located 150 feet from the intersection of two streets, or the intersection of a street and a railway, along the right-of-way line.

5.02 **LOADING REQUIREMENTS**

On every lot on which a business, trade, or industrial use is hereafter established, adequate space with access to a public street or alley shall be provided for the loading and unloading of vehicles off the public right-of-way. At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

5.03 **PARKING REQUIREMENTS**

In all districts and in connection with every use, there shall be provided at the time any use is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- (A) Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and two-family dwellings, and a minimum of 24 feet at the property line for all other uses.
- (B) The Minimum Dimensions of each parking space shall be nine (9) feet by 18 feet, except for properly signed spaces provided for use by physically disabled persons.
- (C) Parking Spaces For Use By Physically Disabled Persons. All open off-street parking areas provided for more than 25 parking spaces, except for parking areas restricted to use by employees only, shall provide properly signed parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the following minimum standards:
 - (1) One properly signed physically disabled parking space shall be provided in parking areas containing 26 to 49 spaces.
 - (2) Two percent of the total number of spaces shall be properly signed physically disabled parking spaces in parking areas containing 50 to 1,000 spaces.
 - (3) In addition to the number of spaces required in subsection (2) above, one percent of each 1,000 spaces over the first 1,000 spaces shall be provided for properly signed physically disabled parking spaces in parking areas containing more than 1,000 spaces.

- (4) The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be 12 feet by 18 feet.
 - (5) Parking spaces provided for use by physically disabled persons shall be located as close as possible to an entrance which allows persons to enter and leave the parking area without assistance.
 - (6) All parking spaces provided for use by physically disabled persons shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such sign shall comply with the requirements of Sections 346.50, 346.503, and 346.505 of the Wisconsin Statutes.
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- (D) Location of parking spaces is to be on the same lot as the principal use or not more than 400 feet from the principal use. No parking space or driveway, except in residential districts, shall be closer than 25 feet to a residential lot line or a street right-of-way opposite a residential district.
 - (E) Surfacing. All off-street parking areas shall be provided with a dust free surface, and shall be so graded and drained as to dispose of all surface water. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
 - (F) Landscaping. All public off-street parking areas which serve five (5) or more vehicles and are created or redesigned and rebuilt subsequent to the adoption of Title X shall be provided with accessory landscaped areas totaling not less than five (5) percent of the surfaces area. The minimum size of each landscaped area shall be 100 square feet. Location of landscaped areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Town Park and Planning Commission. All plans for proposed parking areas shall include a topographic survey and grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of required minimum landscaped area. Parking areas for five (5) or more vehicles which adjoin residential districts shall be visually screened with a solid wall, fence, or evergreen planting of equivalent visual density, or other effective means, built and maintained to a minimum height of six (6) feet.
 - (G) Curbs or Barriers shall be installed at least four (4) feet from a property line so as to prevent parked vehicles from extending over any lot line.
 - (H) The Following Guide Specifies The Minimum Number Of Parking Spaces Required. In the case of structures or uses not specified herein, the number of spaces specified as the general standard for the use class or the number of spaces specified for similar use shall apply. In developments involving the establishment or addition of two or more uses on one lot or parcel, the cumulative number of spaces required for each use shall determine the total number of spaces required.

(1) Residential Uses:

- (a) Single-family, two-family, and multiple-family dwellings -- two (2) spaces per dwelling unit.
- (b) Housing for the elderly -- one (1) space per dwelling unit.

(2) Retail sales and customer service uses, and places of entertainment:

- (a) General standard for the above uses -- one (1) space per 150 square feet of gross floor area of customer sales and service, plus one (1) space per employee.
- (b) Financial institutions -- one (1) space for each 150 square feet of gross floor area of customer service, plus (1) space per employee for the work shift with the largest number of employees. Financial institutions with drive-in facilities shall provide sufficient space for four (4) waiting vehicles at each drive-in service lane.
- (c) Funeral homes -- one (1) space for each four (4) patrons at maximum capacity, or 25 spaces per chapel unit, whichever is greater.
- (d) Grocery stores or supermarkets -- one (1) space per 150 square feet of gross floor area of customer sales and service area, plus one (1) space per employee for the work shift with the largest number of employees.
- (e) Convenience grocery stores -- one (1) space per 100 square feet of gross floor area.
- (f) Motels and hotels -- one (1) space per room or suite, plus one (1) space per every two (2) employees for the work shift with the largest number of employees, plus one (1) space per three (3) persons, based on maximum capacity, for each public meeting room and/or banquet room.
- (g) Lodges and clubs -- one (1) space per three (3) persons based on the maximum capacity of the facility.
- (h) Restaurants -- one (1) space per 100 square feet of gross dining area, plus one (1) space per employee for the work shift with the largest number of employees.
- (i) Restaurants, drive-through or fast-food -- one (1) space per 50 square feet of gross dining area, plus one (1) space per two (2) employees for the work shift with the largest number of employees. Restaurants with drive-through facilities shall provide sufficient space for four (4) waiting vehicles at each drive-through service lane.
- (j) General merchandise repair services -- one (1) space per 300 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

- (k) Theaters, auditoriums and other places of public assembly -- one (1) space per three (3) patrons based on the maximum capacity of the facility.
- (l) Personal services -- one (1) space per 200 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- (m) Taverns, dance halls, night clubs and lounges -- one (1) space per 50 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- (n) Motor vehicle sales establishments -- two (2) customer parking spaces per salesperson, plus one space per employee for the work shift with the largest number of employees.
- (o) Motor vehicle repair, maintenance, and service stations -- three (3) spaces per indoor service bay plus one (1) space per employee for the work shift with the largest number of employees.
- (p) Animal hospitals -- three (3) patron parking spaces per doctor, plus one (1) space per employee for the work shift with the largest number of employees.
- (q) Plant nurseries, and lawn and garden supply stores -one (1) space per 200 square feet of gross indoor sales and display area, plus one (1) space per 500 square feet of gross outdoor sales and display area. plus one (1) space per employee for the work shift with the largest number of employees.
- (r) Shopping centers (gross leasable area of at least 50,000 square feet) -- five (5) spaces per 1,000 square feet of gross leasable area.

(3) Offices:

- (a) Medical, dental and similar professional health service offices -- five (5) patron spaces per doctor, plus one (1) space per employee for the work shift with the largest number of employees.
- (b) Government, professional and business offices -- one (1) space per 250 square feet of gross floor area.

(4) Commercial/Recreational uses:

- (a) General standard -- one space per four (4) patrons based on the maximum capacity of the facility, plus one (1) space per employee for the work shift with the largest number or employees.
- (b) Bowling alleys -- five (5) spaces for each lane, plus one (1) space per employee for the work shift with the largest number of employees.
- (c) Golf courses -- ninety (90) spaces per nine (9) holes, plus one (1) space per employee for the work shift with the largest number of employees.

- (d) Golf driving ranges -- one (1) space per tee, plus one (1) space per employee for the work shift with the largest number of employees.
- (e) Miniature golf course -- one and one-half (1 1/2) spaces per hole, plus one (1) space per employee for the work shift with the largest number of employees.
- (f) Indoor tennis, racquetball and handball courts -- three (3) spaces per court, plus one (1) space per employee for the work shift with the largest number of employees.
- (g) Skating rinks, ice or roller -- one (1) space per 200 square feet of gross floor area.

(5) Industrial and related uses:

- (a) Manufacturing, processing, and fabrication operations -one (1) space per employee for the work shift with the largest number of employees.
- (b) Wholesale business -- one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per 2,500 square feet of gross floor area.
- (c) Warehousing -- one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per 5,000 square feet of gross floor area.
- (d) Mini-warehousing -- one (1) space per 10 storage cubicles, plus one (1) space per employee for the work shift with the largest number of employees.
- (e) Extractive and related operations -- one (1) space per employee for the work shift with the largest number of employees.

(6) Institutional and related uses:

- (a) Churches -- one (1) space per three (3) seats based on the maximum capacity of the facility.
- (b) Libraries -- one (1) space per 250 square feet of gross floor area or one (1) space per four (4) seats based on maximum capacity, whichever is greater, plus one (1) space per employee for the work shift with the greatest number of employees.
- (c) Museums -- one (1) space per 250 square feet of gross floor area, plus one (1) space per employee for the work shift with the greatest number of employees.
- (d) Rooming and boarding houses, fraternity and sorority houses, dormitories and rectories -- one (1) space per bed.
- (e) Convents and monasteries -- one (1) space per three (3) residents, plus one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per five (5) chapel seats if the public may attend.

- (f) Nursing homes -- one (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.
- (g) Hospitals -- two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor, plus one (1) space per employee, excluding doctors, for the work shift with the largest number of employees.
- (h) Schools:
 - 1. Elementary schools, middle schools, and high schools -- one (1) space for each teacher and staff member, plus one (1) space for each 10 students 16 years of age or older.
 - 2. Colleges, universities and trade schools -- one (1) space for each teacher and staff member, plus one (1) space for each two (2) students during the highest attendance period.
 - 3. Children's nursery schools and day-care centers - one (1) space per employee for the work shift with the greatest number of employees, plus one (1) space per six (6) students at the highest class attendance period.

5.04 RESTRICTIONS ON PARKING OF EQUIPMENT

Parking of farm, construction, or building equipment and parking of trucks, tractors, and semi-trailers shall be restricted as follows:

- (A) Parking in Residential, Institutional, Park, and Conservancy Districts. No truck tractor, semi-trailer, commercial or construction vehicle, machinery, equipment or truck with dual rear axles shall be stored on lots in Residential, Park, or Conservancy districts. Agricultural vehicles and machinery stored on an operating farm in any of the aforementioned districts are exempt from this restriction.
- (B) Parking in Agricultural, Business, and Manufacturing Districts. Vehicles and machinery used in conjunction with a business or industry may be stored, inside or outside, on the premises provided that when stored outside, they do not block a public right-of-way or obscure clear vision on roadways.
- (C) Storage of Junked Vehicles. No disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or allowed to remain in the open upon private property in the Town of Jackson within ten (10) days after receiving written notice from the Zoning Administrator to remove or enclose such vehicle unless:
 - (1) The vehicle is being held as a part of an automotive sales or repair business enterprise located within a district zoned for that purpose; or
 - (2) The vehicle is in use on the premises as a lawful, unlicensed use; or
 - (3) Due to individual hardship, a variance has been granted by the Zoning Board of Appeals to store such vehicle. The Zoning Board of Appeals shall not grant such variances for a period of more than one (1) year.

- (D) The Accumulation or Storage of Equipment, such as tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, wood, brick, concrete block, or other unsightly debris which may tend to depreciate property values in the area or create a nuisance or hazard shall not be permitted on any lot or parcel of land within the Town of Jackson, except within a permitted salvage yard operated under a Conditional Use Permit, or elsewhere if completely housed and out of public view.

5.05 PARKING OF RECREATIONAL VEHICLES

No mobile home, motor home, travel trailer, recreational vehicle, boat or snowmobile shall be parked regularly on properties in an agricultural or residential district except as provided herein:

- A. One boat and its trailer, snowmobile and its trailer, travel trailer, or other recreational vehicle may be stored in the rear yard.
- B. Additional recreational vehicles may be stored within the lot within a fully enclosed structure.
- C. The Plan Commission may, by conditional use permit, permit the outdoor storage of more than one recreational vehicle when it determines that the lot is large enough to accommodate such additional vehicles; when such recreational vehicles are appropriately screened from view by neighboring properties; and when the Plan Commission shall find that the recreational vehicle storage will not adversely affect the use and enjoyment of neighboring properties. Storage of recreational vehicles shall be limited to recreational vehicles owned and used by the property owner. Conditional use permits to store recreation vehicles shall be reviewed pursuant to Section 4.06(H) of this Title.

5.06 DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after the effective date of Title X shall meet the following requirements:

- (A) Islands between residential driveway openings shall be provided with a minimum of 10 feet between all driveways and five (5) feet at all lot lines.
- (B) Vehicular Entrances and Exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicular sales, service stations, or washing and repair stations or garages shall be located not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

5.07 HIGHWAY ACCESS

No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission from the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- (A) Arterial Streets intersecting other arterial streets within 100 feet of the intersection of the right-of-way lines.
- (B) Collector and Minor Land Access Streets intersecting an arterial street or another minor land access street within 50 feet of the intersection of the right-of-way lines.
- (C) Access Barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (D) Temporary Access to the above rights-of-way may be granted by the Town Board after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

SECTION 6.00 SIGNS

6.01 PURPOSE AND INTENT

The intent of Title X is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the Town as a whole.

6.02 COMPLIANCE

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of Title X.

6.03 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

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

- (A) Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (B) Name, and Warning Signs not to exceed two (2) square feet located on the premises.
- (C) Home Occupation and Professional Home Office Signs not to exceed two (2) square feet in area.
- (D) Election Campaign Signs provided that permission shall be obtained from the property owner, renter, or lessee; and provided that such sign shall not be erected prior to the first day of the "election campaign period" as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within four (4) days following the election.
- (E) Rummage Sale and Garage Sale Signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
- (F) Bulletin Boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises.
- (G) Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (H) Official Signs, such as traffic control, parking restrictions, information, and notices.
- (I) Farm Identification Signs showing the name of the owner or corporate affiliation or memberships not to exceed 16 square feet in area.

6.030 SIGNS PERMITTED IN ALL DISTRICTS WITH A PERMIT. The following signs are permitted in all zoning districts with a permit, subject to the following regulations:

- (A) Signs for public, charitable or religious institutions in any district when approved by the Town Park and Planning Commission.
- (B) Signs for onsite business and manufacturing identification in all business and manufacturing districts when approved as to size and location by the Town Park and Planning Commission.

6.04 SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS WITH A PERMIT

The following signs are permitted in any residential district and are subject to the following regulations:

- (A) Permanent Real Estate Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development and shall meet all the yard requirements of the district in which it is located. The Town Park and Planning Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
- (B) Temporary Development Signs for the purpose of designating a new building or development, or for the promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Town Park and Planning Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

6.05 SIGNS PERMITTED IN ALL AGRICULTURAL DISTRICTS WITH A PERMIT

The following signs may be permitted in all Agricultural Districts and are subject to the following regulations:

- (A) Wall Signs affixed to or painted on farm buildings advertising farm products produced on and/or sold on the premises, or displaying the owner's name shall not exceed 200 square feet.
- (B) Ground Signs advertising farm products produced on and/or sold on the premises shall not exceed 15 feet in height above the ground surface, shall meet all yard requirements for the district in which they are located, and shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises.
- (C) Directional Signs indicating the name of a business or other establishment, and the direction and distance to the establishment. No directional sign shall be placed within the road right-of-way or within the vision clearance triangle of any intersecting roads (see Section 6.01). No directional sign shall exceed 12 square feet in area.

6.06 SIGNS PERMITTED IN ALL BUSINESS AND MANUFACTURING DISTRICTS WITH A PERMIT

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

- (A) Wall Signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface; shall not exceed 200 square feet in area for any one premises, and shall not extend above the roof line of the building.
- (B) Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; shall not be less than 10 feet from all side lot lines; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- (C) Ground Signs shall not exceed 20 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.
- (D) Marquee, Awning, or Canopy Signs affixed flat to the surface of the marquee, awning, or canopy are permitted providing that the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A Marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding two (2) square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.
- (E) Roof Signs are prohibited within the Town of Jackson.
- (F) Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings.
- (G) Combinations of any of the above signs shall meet all the requirements of the individual sign. The total number of signs on any premises shall be limited as follows:

<u>Floor Area</u>	<u>Maximum Number of Signs Permitted</u>
0 - 5,000 sq. ft.	2
5,001 - 20,000 sq. ft.	3
20,001 - 50,000 sq. ft.	4
More than 50,000 sq. ft.	5

Window signs shall not be subject to the limitation on number of signs.

6.07 SIGNS PERMITTED IN INSTITUTIONAL AND PARK DISTRICTS WITH A PERMIT

The following signs are permitted in the Institutional and Park Districts and are subject to the following regulation:

- (A) Private Institutional and Park Name Signs when approved by the Town Park and Planning Commission.
- (B) Public Institutional and Park Name Signs when approved by the Town Park and Planning Commission after review and recommendation by the Park Commission.

6.08 PORTABLE SIGNS

The Zoning Administrator may permit the temporary use of a portable sign for advertising purposes in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than five 30 days in any 365-day period. The permit required in Section 6.13 shall be required for portable signs.

6.09 FACING

No sign except those permitted in Sections 6.03 and 6.04 shall be permitted to face a residence within 100 feet of such residence.

6.10 LIGHTING AND COLOR

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not 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 fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but non-flashing. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Town Park and Planning Commission approval.

6.11 CONSTRUCTION AND MAINTENANCE STANDARDS

- (A) Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the Town Building Code or other ordinance.
- (B) Protection of the Public. The temporary occupancy of a side walk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- (C) Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- (D) Supporting Members or Braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other noncorrosive incombustible material. Every means or device used for attaching any sign shall extend through the

walls of the building should the Zoning Administrator determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Zoning Administrator. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Zoning Administrator.

- (E) No Signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Town, as necessity therefore may require.

6.12 EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of Title X may be continued although the size or location does not conform to Title X and shall be subject to the nonconforming use provisions of Sections 8.01 and 8.02 of Title X.

6.13 SIGN PERMIT

Applications for a sign permit shall be made on forms provided by the Zoning Administrator or Town Clerk and shall contain or have attached thereto the following information:

- (A) Name, Address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- (B) Name of Person, firm, corporation, or association erecting the sign. (C) Written Consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
- (D) A Scale Drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- (E) A Scale Drawing indicating the location and position of such sign in relation to nearby buildings or structures.
- (F) Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, reinspecting all wiring and connections to determine if the same complies with the Town Electrical Ordinance.
- (G) Additional Information as may be required by the Zoning Administrator or Town Park and Planning Commission.
- (H) Sign Permit Applications shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

- (I) Bond. Every applicant for a sign permit shall, before the permit is granted, execute a cash bond or other appropriate surety in a sum fixed by the Town Park and Planning Commission upon recommendation of the Zoning Administrator, but not to exceed \$25,000. The form of the cash bond or other surety shall be approved by the Town Attorney, indemnifying the Town against all loss, cost of damages, or expense incurred or sustained by or recovered against the Town by reason of the erection, construction, or maintenance of the sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and conforming to the requirements of this Section may be permitted by the Town Attorney in lieu of a bond.

6.14 MEASURING SIGNS

In calculating the area of a sign to determine whether it meets the requirement of Title X, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

SECTION 7.00 MODIFICATIONS

7.01 HEIGHT

The district height limitations stipulated elsewhere in Title X may be exceeded, but such modification shall be in accord with the following:

- (A) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of Title X.
- (B) Special Structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of Title X.
- (C) Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of Title X.
- (D) Communication Structures, such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas shall not exceed in height their distance from the nearest lot line.
- (E) Agricultural Structures, such as barns, silos, and agricultural wind-mills, shall not exceed in height their distance from the nearest lot line.
- (F) Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 85 feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

7.02 YARDS

The yard requirements stipulated elsewhere in Title X may be modified as follows:

- (A) Uncovered Stairs, landings, and fire escapes may project into any yard but not to exceed six (6) feet and not closer than seven (7) feet to any lot line.
- (B) Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.
- (C) Open Fences in the agricultural districts are exempt from the yard and distance requirements of Title X.
- (D) Residential Fences, Hedges, and Walls are permitted on the property lines in the side and rear yards of residential districts, but shall not in any case exceed a height of six (6) feet.
- (E) Security Fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

- (F) Accessory Uses and detached accessory structures may be placed or erected in the side or rear yard provided that no structure shall be closer than 10 feet to the principal structure; no accessory structure shall exceed 15 feet *in* height; *no* accessory structure shall be located closer than 10 feet to any lot line; accessory structures in the A-1 Agricultural/Rural Residential District on parcels five (5) acres or less in size or in any residential district shall not exceed a total of 864 square feet in area. Accessory structures in the A-1 Agricultural/Rural Residential District on parcels greater than five (5) acres where the residence is the principal use shall not exceed a total of 1500 square feet in area or 20 feet in height. Accessory structures 120 square feet or less in area may be permitted up to five (5) feet from a side or rear property line.
- (G) Accessory Structures and Vegetation used for landscaping and decorating may be placed in the required street yard. Permitted structures and vegetation include flagpoles, basketball goals, ornamental light standards, lawn furniture, sundials, birdbaths, trees, shrubs, and flowers.
- (H) Private or Public Swimming Pools are accessory uses which may be placed in the side or rear yard in any district except the C-1 Lowland Conservancy District provided that:
 - (1) No swimming pool shall be located closer than 10 feet from a side or rear property line;
 - (2) All swimming pools shall be surrounded by a fence not less than four (4) feet in height nor more than eight (8) feet in height. Pool fences shall be solid fences as defined in Section 15.02 of Title X. Fences in excess of four (4) feet in height shall be chain link fences.
 - (3) Access to the swimming pool shall be controlled by a self latching gate and all such gates shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool.
 - (4) Swimming pools shall not be constructed directly under or over electric transmission lines, nor within 15 feet of such transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the pool or the surrounding fence.
 - (5) Swimming pools shall not be constructed over or closer than fifteen (15) feet to an onsite soil absorption sewage disposal system or a holding tank. No water drained from a swimming pool shall be discharged over or near an onsite soil absorption sewage disposal system, holding tank, or well, and
 - (6) No lighting installed around swimming pools shall throw any rays onto adjacent properties.
- (I) Satellite Dish Antennas are a permitted accessory use in the side or rear yard in any district and require a building permit. Satellite dish antennas shall be placed not closer than five (5) feet from any lot line provided that the antenna and its component parts do not exceed 15 feet in height. Satellite dish antennas shall be constructed and anchored in such a manner to withstand winds of 80 miles per hour, shall be constructed of noncombustible and corrosive-resistant materials, and should be shielded and/or filtered to prevent the emission and/or reflection of electro magnetic

radiation that would interfere with radio and television reception on adjacent properties. There shall be not more than one satellite dish antenna on any residential property. No advertising shall be displayed on a satellite dish antenna except for a nameplate, not to exceed one (1) square foot in area displaying the name and address of the manufacturer, distributor, and/or retailer.

- (J) Offstreet Parking is permitted in all yards of the business and industrial districts but shall not be closer than 25 feet to any residential lot line or a street line opposite a residential district.
- (K) Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of Title X.

7.03 ADDITIONS

Additions in the front yard of existing structures shall not project beyond the average of the existing setbacks on the abutting lots or parcels.

7.04 AVERAGE SETBACKS

The required setbacks for residences may be decreased in any residential district to the average of the existing setbacks of the abutting structures on each side but in no case less than 25 feet.

7.05 CORNER LOTS

Corner lots shall provide a street yard on each street that the lot abuts. The remaining yards shall be a rear yard behind the main entrance to the structure and one side yard.

7.06 EXISTING SUBSTANDARD LOTS

A lot in any residential district which does not contain sufficient area to conform to the dimensional requirements of Title X but which is at least 80 feet wide and 20,000 square feet in area may be used as a single-family building site provided that the use is permitted in the zoning district, providing the lot is of record in the County Register of Deed's Office prior to the effective date of Title X, and provided that the lot is in separate ownership from abutting lands. A Zoning Permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Zoning Board of Appeals.

Substandard lots shall be required to meet the setbacks and other yard requirements of Title X.

7.07 PUBLIC UTILITY BUILDINGS.

Any building any portion of which will be above the grade of the lot on which it is erected which will be used by a public utility may be erected in any district in the Town, provided the provisions of this chapter, except the purpose for which the buildings is to be used, are complied with, and provided further the application for the building permit is referred by the Building Inspector to the Park and Planning Commission and the Park and Planning Commission determines that the building, when erected, is reasonable necessary for the public convenience and welfare and in harmony with the general purpose and intent of this chapter. The Park and Planning Commission may authorized th issuance of a permit subject to appropriate conditions and safeguards to accomplish such purposed, provided that this shall not be interpreted to apply to telecommunications facilities that are separately regulated by this Code.

7.08 SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

7.09 CONTINUATION OF EXISTING PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 8.00 NONCONFORMING USES AND STRUCTURES

8.01 EXISTING NONCONFORMING USES

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

- (A) Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of Title X.
- (B) Total Lifetime Structural Repairs or alterations shall not exceed 50 percent of the Town's equalized value of the structure unless it is permanently changed to conform to the use provisions of Title X.
- (C) Substitution of New Equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

8.02 ABOLISHMENT OR REPLACEMENT

If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of Title X. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50 percent of its equalized value, it shall not be restored except so as to comply with the use provisions of Title X. A Current File of all nonconforming uses shall be maintained by the Zoning Administrator listing the following: owner's name and address; use of the structure, land, or water; and the accumulated value of any permitted repairs since its becoming a nonconforming use.

8.03 EXISTING NONCONFORMING STRUCTURES

The conforming use of a nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along streets, or the yard, height, parking, loading, and/or access provisions of this Ordinance. Additions and enlargements to existing nonconforming structures are permitted provided that the addition does not encroach further upon yard and height requirements than the existing encroachment. Expanded or extended nonconforming structures shall conform with the established parking, loading, and access provisions of this Ordinance.

8.04 CHANGES AND SUBSTITUTIONS

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

SECTION 9.00 SITE PLAN REVIEW AND ARCHITECTURAL CONTROL

9.01 PURPOSE AND INTENT

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure, with the exception of single-family and two-family dwellings, without first obtaining the approval of the Town of Jackson Park and Planning Commission of detailed site and architectural plans as set forth in this section.

The Zoning Administrator shall review the site plans, plans for existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, drainage, sewerage and water systems, and utilization of landscaping and open space as deemed appropriate for all development in the A-1 and A-2 Agricultural districts, and the R-1 and R-2 residential districts. The Zoning Administrator shall grant or deny the associated Building Permit, Conditional Use Permit, or other referred permit applications.

The Town of Jackson Park and Planning Commission shall review the site plans, plans for existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, and utilization of landscaping and open space and the proposed operation for development in all districts except the A-1 and A-2 Agricultural districts, and the R-1 and R-2 residential districts. The Town Park and Planning Commission shall grant or deny the associated Building Permit, Conditional Use Permit, or other referred permit applications.

9.02 PRINCIPLES

To implement and define criteria for the purposes set forth in Section 9.01, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

- (A) No building regulated by this section shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- (B) No building regulated by this section shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- (C) No building regulated by this section shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

- (D) No building or sign regulated by this section shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- (E) No building or use regulated by this section shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
- (F) Buildings and uses regulated by this section shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Town Park and Planning Commission may require that drainage easements be executed.
- (G) Buildings and uses regulated by this section shall provide for adequate site construction erosion control measures. The Town Park and Planning Commission may require erosion control plans and may establish time schedules for landscaping and revegetation of construction sites. Erosion control plans shall be in conformance with the requirements of Section ILHR 21.125 of the Wisconsin Administrative Code.
- (H) Buildings and uses regulated by this section shall provide for safe traffic circulation and safe driveway locations.
- (I) Buildings and uses regulated by this section shall provide adequate parking and loading areas.
- (J) Buildings and uses regulated by this section shall be provided with adequate public services as approved by the appropriate utility.
- (K) Buildings and uses regulated by this section shall make appropriate use of open spaces and the Town Park and Planning Commission may require appropriate landscaping and planting screens.
- (L) Use of exterior lighting shall be designed in such a manner that all light rays are directed downward onto the property. No rays shall be directed towards adjacent properties.

9.03 ADMINISTRATION

Plan data shall be submitted to the Town Clerk who shall transmit all applications and their accompanying plans to the Park and Planning Commission and the Zoning Administrator for their review. Plan data to be submitted with all plan review applications shall include the following:

- (A) Site plan drawn to a recognized engineering scale.
- (B) Name of project noted.
- (C) Owner's and/or developer's name and address noted.
- (D) Architect and/or engineer's name and address noted.
- (E) Date of plan submittal.
- (F) Scale of drawing noted on plan.
- (G) Existing and proposed topography shown at a contour interval not less than two (2) feet. Topography shall extend 40 feet onto adjacent property or to the building on the adjacent lot, whichever is greater.
- (H) The characteristics of soils related to contemplated specific uses.

- (I) Total number of parking spaces noted.
- (J) The type, size, and location of all structures with all building dimensions shown.
- (K) Indicate height of building(s).
- (L) Existing and proposed street names indicated.
- (M) Indicate existing and proposed public rights-of-way and widths.
- (N) North arrow shown.
- (O) Locate existing and general location of proposed sanitary sewers, storm sewers, and water mains, if appropriate.
- (P) Locate any proposed storm water management facilities, including detention/retention areas.
- (Q) Locate existing trees.
- (R) Note location, extent, and type of proposed plantings.
- (S) Note location of pedestrian sidewalks and walkways.
- (T) A graphic outline of any development staging which is planned is required to be shown on the site plan.
- (U) Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.

9.04 REVIEW AND FINDINGS

The Town Park and Planning Commission shall review the referred plans within a reasonable period of time following their submittal and render a decision no later than 60 days following their receipt. The Park and Planning Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of Title X and that said plans will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

9.05 SURETIES

The Town of Jackson Park and Planning Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Park and Planning Commission may require appropriate sureties to guarantee that improvements will be completed on schedule. The Park and Planning Commission may further require a fee equal to the cost of any legal, engineering, administrative, or fiscal work undertaken by the Town in their review of a development project.

9.06 APPEALS

Any person or persons aggrieved by any decisions of the Town Park and Planning Commission related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Town Clerk within 30 days after the date of the decision by the Park and Planning Commission.

SECTION 10.00 PERFORMANCE STANDARDS

10.01 COMPLIANCE

Title X permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, land, air, and waters shall hereafter, in addition to their use and site regulations, shall comply with the following performance standards.

10.02 AIR POLLUTION

No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding state or federal air pollution standards.

10.03 FIRE AND EXPLOSIVE HAZARDS

All activities involving the manufacturing, utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing systems. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 50,000 gallons.

10.04 GLARE AND HEAT

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

10.05 WATER QUALITY PROTECTION

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

In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

10.06 NOISE

No activity in any manufacturing district shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave level filter:

<u>Octave Band Frequency (cycles per second)</u>	<u>Sound Level (decibels)</u>
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

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

<u>Octave Band Frequency (cycles per second)</u>	<u>Sound Level (decibels)</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

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

10.07 ODORS

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 154 of the Wisconsin Administrative Code and amendments thereto.

10.08 RADIOACTIVITY AND ELECTRICAL DISTURBANCES

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

10.09 VIBRATION

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

Frequency (cycles per second)	Displacement (inches)	
	<u>Outside the Premises</u>	<u>Outside the District</u>
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and Over	.0002	.0001

SECTION 11.00

This Section is Reserved for future use.

SECTION 12.00 ZONING BOARD OF APPEALS

12.01 ESTABLISHMENT

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

12.02 MEMBERSHIP

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

- (A) Terms shall be for staggered three-year periods.
- (B) Chairman shall be designated by the Town Board Chairman.
- (C) Two Alternate Members shall be appointed by the Town Board Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest.
- (D) Secretary shall be the Town Clerk.
- (E) Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.
- (F) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.
- (G) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

12.03 ORGANIZATION

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

- (A) Meetings shall be held at the call of the Chairman and shall be open to the public.
- (B) Minutes of the proceedings and a record of all actions kept by the secretary, showing the vote of each member question, the reasons for the Board's determination, finding of facts. These records shall be immediately the office of the Board and shall be a public record.
- (C) If a quorum is present, the concurring vote of a majority of the members present shall be necessary to correct an error; grant a variance; make an interpretation; and permit a substituted use.

12.04 POWERS

The Zoning Board of Appeals shall have the following powers:

- (A) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator.

- (B) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of Title X shall be observed and the public safety, welfare, and justice secured.
- (C) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the Zoning Districts after the Town Park and Planning Commission has made a review and recommendation.
- (D) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Park and Planning Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- (E) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- (F) Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.
- (G) Oaths. The chairman may administer oaths and compel the attendance of witnesses.

12.05 APPEALS AND APPLICATIONS

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of Title X may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- (A) Name and Address of the appellant or applicant and all abutting and opposite property owners of the record.
- (B) Plat of Survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required under Section 2.03 for a Zoning Permit.
- (C) Additional Information required by the Town Park and Planning Commission, Town Engineer, Zoning Board of Appeals, or Zoning Administrator.

12.06 HEARINGS

The Zoning Board of Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in Section 14.00 of Title X. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

12.07 FINDINGS

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

- (A) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (B) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (C) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (D) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (E) Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of Title X or the public interest.

12.08 DECISION

The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Town Park and Planning Commission.

- (A) Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (B) Variances, Substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

12.09 REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

SECTION 13.00 CHANGES AND AMENDMENTS

13.01 AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by Title X or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Town Park and Planning Commission.

13.02 INITIATION

A change or amendment may be initiated by the Town Board, Town Park and Planning Commission, or by a petition of one (1) or more of the owners or lessees of property within the area proposed to be changed.

13.03 PETITIONS

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

- (A) Plot Plan drawn to a scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- (B) Owner's Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- (C) Additional Information required by the Town Park and Planning Commission or Town Board.

13.04 RECOMMENDATIONS

The Town Park and Planning Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board. In addition:

- (A) The Town Park and Planning Commission shall recommend changes which remove areas from the A-2 Agricultural District only after a consideration of findings with respect to the following:
 - (1) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time;

- (2) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of local units of government to provide them; and
- (3) The land proposed for rezoning is suitable for development and development will not result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources. In addition:
 - (B) The Town Board shall notify the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) of any change in the A-2 Agricultural District.

13.05 HEARINGS

The Town Board shall hold a public hearing upon each recommendation, and shall give notice as specified in Section 14.00 of Title X.

13.06 TOWN BOARD'S ACTION

Following such hearing and after careful consideration of the Town Park and Planning Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

13.07 PROTEST

In the event of a protest against such district change or amendment to the regulations of Title X, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by a unanimous vote of the Town Board.

SECTION 14.00 **PUBLIC HEARINGS**

14.01 Notice of any public hearing which the Town Board, Town Park and Planning Commission, or Zoning Board of Appeals is required to hold under the terms of Title X shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once each week for two (2) consecutive weeks and the hearing shall not be held until at least seven (7) days following the last publication. The Town Board shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any lands included in the petition and the owners of all lands lying within 200 feet of any included in the petition. Failure to give notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

SECTION 15.00 DEFINITIONS

15.01 GENERAL DEFINITIONS

For the purpose of Title X, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in Title X include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Article shall be presumed to have their customary dictionary definitions.

15.02 SPECIFIC WORDS AND PHRASES

(A) Accessory Use or Structure

A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

(B) Alley

A special public right-of-way affording only secondary access to abutting properties

(C) Baby Sitting

The act of providing care and supervision for fewer than four children. This definition does not apply when the baby sitter is related to the child, or when more than four children in one household are related.

(D) Community Living Arrangement

The following facilities licensed and operated, or permitted under the authority of the Wisconsin Statutes: child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m), and community-based residential facilities under Section 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. The establishment of community living arrangements is governed by Sections 46.03(22), 59.97(15), 60.63, and 62.23(7)(i) of the Wisconsin Statutes.

(E) Day Care Center

An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes.

- (F) Basement
That portion of any structure that is located below lot grade or a room(s) with a ceiling that is less than four (4) feet above lot grade. Basement floor areas shall not be used to compute minimum floor areas as required by Title X.
- (G) Bed and Breakfast Establishment
Any place of lodging that provides four or fewer rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.
- (H) Boardinghouse
A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.
- (I) Building
Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
- (J) Building Area
The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
- (K) Building Height
The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof.
- (L) Conditional Uses
Uses of a special nature as to make impractical their predetermination as a principle use in a district.
- (M) Corner Lot
A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
- (N) Development
Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

- (O) Developer's Agreement - An agreement by which the Town and the developer agree in reasonable detail as to all of those matters to which the provisions of this Code apply and which does not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Town.

- (P) District, Basic
A part or parts of the town for which the regulations of Title X governing the use and location of land and buildings are uniform.

- (Q) District, Overlay
Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirement shall apply.

- (R) Drive-in Restaurant
An establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises.

- (S) Dwelling
A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

- (T) Dwelling Unit
A group of rooms constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one (1) family.

- (U) Dwelling, Single-Family
A detached building designed for or occupied exclusively by one (1) family which is a minimum of 24 feet in width, has a roof with a minimum slope of 3:12, and is on a permanent foundation meeting the State one and two family dwelling code. This definition includes manufactured homes but excludes mobile homes (mobile homes constructed prior to June 15, 1976).

- (V) Election Campaign Period
In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.

In the case of a referendum, the period beginning on the day which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

- (W) Encroachment
Any fill, structure, building, use, or development in the floodway.
- (X) Erosion
The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- (Y) Essential Services
Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or over-head gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (Z) Family
The body of persons related by blood, marriage or adoption, or not more than four (4) unrelated persons who live together in one dwelling unit as a single housekeeping entity.
- (AA) Family Day Care Home
A dwelling licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes, where care is provided for not more than eight (8) children.
- (AB) Farmers Market
The temporary sale of farm products at a site other than where they were grown. The sale of farm produce grown on the premises or the sale of not more than five (5) bushels per day of farm produce grown off the premises is not considered a farmers market.
- (AC) Farm Operator
Any person who owns land and raises crops or livestock on that land; or a person who rents land to another for agricultural purposes and who lives on the land having day-to-day contact with the farm operation; or a person who lives on land that he or she has historically farmed. For the purpose of Title X, any person who has farmed land for five (5) consecutive years is deemed to have farmed it historically.
- (AD) Fence, Open
A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.

- (AE) Fence, Solid
A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences.
- (AF) Flea Market
Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.
- (AG) Foster Family Home
The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed pursuant to Section 48.62 of the Wisconsin Statutes.
- (AH) Frontage
The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.
- (AI) Garage, Private
A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.
- (AJ) Garage, Public or Commercial
Any garage other than a private garage.
- (AK) Garage Sale
See "Rummage Sale."
- (AL) Group Assembly
A company of persons gathered together for any purpose for a period of two or more hours.
- (AM) Group Foster Home
Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Section 48.62 of the Wisconsin Statutes for the care and maintenance of five (5) to eight (8) foster children.

- (AN) Highwater Mark or Elevation
The average annual highwater level of a pond, lake, river, stream, or flowage usually distinguished by a line where the presence of water is so continuous as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic, or vegetative characteristics.
- (AO) Home Industry
A home occupation that is carried out in a structure separate from the principal structure; or the manufacture or assembly of a product, often on a contract basis, in a residence; or an occupation of a more intense nature than is normally defined as a home occupation.
- (AP) Home Occupation
Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.
- (AQ) Housing for the Elderly
A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.
- (AR) Irrevocable Letter of Credit
An agreement entered into by a bank, savings and loan, or other financial institution which is authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town of Jackson, and which is approved, as to form, by the Town Attorney.
- (AS) Kennel.
A use of land in which four or more dogs over five months of age are kept on the premises.
- (AT) Lot
For the purposes of Title X, a lot shall be defined as a parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such parcel shall be bisected by a public street, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of Title X. (See also Parcel.)
- (AU) Lot, Corner
A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
- (AV) Lot Width
The width of a parcel of land measured at the setback line.

- (AW) Mobile Home
A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof) or 32 feet or more in length (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
- (AX) Mobile Home, Double Wide
A double wide mobile home is a mobile home consisting of two (2) mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.
- (AY) Motel
A series of attached, semiattached, or detached sleeping units for the accommodation of transient guests.
- (AZ) Nonconforming Uses or Structures
Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of Title X or amendments thereto which does not conform to the regulations of Title X or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (BA) Nudity
The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaqued covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.
- (BB) Parcel
For the purposes of Title X, a parcel shall be defined as a land ownership upon which one (1) or more rural structures, including farm residences, are placed, together with the required open spaces. The term "parcel" is used in the A-1, and A-2 district regulations and unlike the term "lot," as defined elsewhere in this section, a parcel may contain lands reserved for roadway purposes in the computation of the required parcel size.
- (BC) Parking Lot
A structure or premises containing 10 or more parking spaces open to the public. Such spaces may be for rent or a fee.
- (BD) Parties in Interest
Includes all abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages. The application of the 200-foot rule is not affected by Town, City, or Village corporate limit lines.

- (BE) Principal Use or Structure
The main use of land or structures as distinguished from a secondary or accessory use. Such use could be a house in a residential district, a store in a business district, a factory in an industrial district, or crops and farm buildings in an agricultural district.
- (BF) Professional Home Offices
Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office use is incidental to the residential use of the premises.
- (BG) Rear Yard
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.
- (BH) Restaurant
An establishment where food, refreshments, and beverages are prepared, served, and consumed primarily within the principal structure. (See also "Drive-in Restaurant.")
- (BI) Roadside Stand.
A structure not permanently fixed to the ground that is readily removable in its entirety covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the same property.
- (BJ) Rummage Sale
The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four (4) consecutive days in length and are not conducted more often than three (3) times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this Section, are not rummage sales.
- (BK) Seat
Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.
- (BL) Sexual Conduct
Acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

- (BM) Shorelands
Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were non-navigable streams before streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use.
- (BN) Shoreward
A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the highwater mark of the lake or stream upon which the lot abuts and a line parallel thereto through the nearest point of the principal structure.
- (BO) Side Yard
A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (BP) Signs
Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
- (BQ) Street
A public right-of-way not less than 49.5 feet (three rods) wide providing primary access to abutting properties.
- (BR) Street Yard or Setback
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.
- (BS) Structure
Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.
- (BT) Structural Alterations
Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

- (BU) Swimming Pool
Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.
- (BV) Unnecessary Hardship
That circumstance where special conditions, which are not selfcreated, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.
- (BW) Utilities
Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (BX) Variance
An authorization granted by the Zoning Board of Appeals to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited by the ordinance or allow floodland construction that is prohibited by the ordinance or allow floodland construction that is not protected to the flood protection elevation.
- (BY) Yard
An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- (BZ) Zoning Permit
A permit issued by the Town Zoning Administrator for construction, moving, alteration, or addition to any use, structure, or structure and use in combination upon compliance with the provisions of Title X.

SECTION 16.00 ADOPTION AND EFFECTIVE DATE

16.01 VILLAGE POWERS

The electors of the Town of Jackson, Washington County, Wisconsin authorized the Town Board to exercise all powers relating to villages and conferred on villages by Chapter 61 of the Wisconsin Statutes at an Annual Meeting held on April 1, 1958.

16.02 PARK AND PLANNING COMMISSION RECOMMENDATION

The Park and Planning Commission of the Town of Jackson recommended the adoption of Title X at a meeting held on the 30th day of June, 1993.

16.03 PUBLIC HEARING

Pursuant to and in accordance with the Laws of the State of Wisconsin, the Town Board of the Town of Jackson held a public hearing on Title X on the 30th day of June, 1993.

16.04 TOWN BOARD APPROVAL

The Town Board of Supervisors concurred with the recommendations of the Town Park and Planning Commission and proceeded to adopt the Zoning Ordinance at a meeting held on the 30th day of June, 1993.

16.05 EFFECTIVE DATE

Title X shall take effect upon adoption by the Town Board of Supervisors and the filing of proof of publication or posting in the office of the Town Clerk.

Date of Publication or Posting: July 1, 1993

Effective Date: July 2, 1993

//S// Donald Klug
Town Board Chairman

Attested:

//S// Gordon C. Hoffmann
Town Clerk

Appendix A
Erosion Control and Stormwater Management
Title IX of the Municipal Code
Table of Contents

- 9.01 Authority**
- 9.02 Findings of Fact**
- 9.03 Purpose and Intent**
 - (1) Purpose
 - (2) Intent
 - (3) Regional Stormwater Management
- 9.04 Jurisdiction**
- 9.05 Applicability, Exemptions and Waivers**
 - (1) Construction Site Erosion Control
 - (2) Stormwater Management
 - (3) Exemptions
 - (4) Waivers
- 9.06 Application for an Erosion and Runoff Control Permit or Preliminary Approval⁵ Letter**
 - (1) Application
 - (2) Erosion and Runoff Control Permit
 - (3) Preliminary Approval Letter
 - (4) Fees
- 9.07 Plan Review Procedures**
 - (1) For Applications That Only Involve Erosion Control Plans for Less Than 1 Acre of Disturbed Area
 - (2) For All Other Applications for an Erosion and Runoff Control Permit or Preliminary Approval Letter
- 9.08 Erosion Control Plan Requirements**
 - (1) General Requirements
 - (2) Guiding Principles
 - (3) Specific Erosion Control Requirements
 - (4) Final Erosion Control Plan Contents
 - (a) For Sites With Less Than 1 Acre of Disturbed Area.
 - (b) For Sites 1 Acre or Greater of Disturbed Area.
 - (5) Preliminary Erosion Control Plan Contents

9.09 Stormwater Management Plan Requirements

- (1) General Requirements
- (2) Exception - Regional Stormwater Management Plans
- (3) Guiding Principles
- (4) Specific Stormwater Management Requirements and Performance Standards
- (5) Final Stormwater Management Plan Contents
- (6) Preliminary Stormwater Management Plan Contents

9.10 Technical Standards and Specifications

- (1) Hydrologic and Hydraulic Computations
- (2) Best Management Practice Design Standards
- (3) Technical Guidelines
- (4) Construction Specifications
- (5) Availability
- (6) Future Revisions and Updates

9.11 Permit Requirements

- (1) General Conditions
- (2) Permit Issuance and Duration
- (3) Financial Guarantee
- (4) Construction Certification
- (5) Final Inspection

9.12 Maintenance of Stormwater Management Facilities

- (1) Maintenance Agreement Required
- (2) Agreement Provisions
- (3) Agreement Approval and Recording
- (4) Agreement Form
- (5) Maintenance Responsibilities Prior to a Maintenance Agreement

9.13 Enforcement

- (1) Ordinance administrator
- (2) Prohibited Practices
- (3) Violations
- (4) Responsible Party

9.14 Appeals

- (1) Authority
- (2) Procedure
- (3) Variances
- (4) Who May Appeal

9.15 Severability

9.16 Definitions

Title IX

Erosion Control and Stormwater Management

9.01 AUTHORITY. (1) This ordinance is adopted by the Town of Jackson Town Board under the authority granted by §60.627, Wis. Stats. This ordinance supersedes all conflicting and contradictory regulations previously enacted by the Town of Jackson relating to stormwater management and construction site erosion control.

9.02 FINDINGS OF FACT. (1) The Town Board finds that construction site erosion and uncontrolled stormwater runoff from land disturbing and land development activities have significant adverse impacts upon local water resources and the health, safety and general welfare of the community, and diminish the public enjoyment and use of natural resources. Specifically, soil erosion and stormwater runoff can:

- (a) Carry a significant amount of sediment, nutrients, bacteria/other pathogens, organic matter, toxins and other pollutants to local lakes, streams and wetlands;
- (b) Diminish the capacity of water resources to support recreational and water supply uses, and a natural diversity of plant and animal life;
- (c) Clog drainage systems with sediment, which in turn increases maintenance costs;
- (d) Overwhelm existing drainage ways with increased flows, causing bank and channel erosion, and increasing downstream flooding and property damage;
- (e) Reduce groundwater recharge, which may diminish stream base flows and/or lower water levels in local lakes, ponds and wetlands; and
- (f) Contaminate drinking water supplies.
- (g) Generate airborne particulate concentrations that are health threatening or may cause other off-site damage to property or the environment.

9.03 PURPOSE AND INTENT.

(1) **Purpose.** The purpose of this ordinance is to set forth requirements for land development and land disturbing activities aimed to minimize sedimentation, water pollution, flooding and related property and environmental damage caused by soil erosion and uncontrolled stormwater runoff during and after construction, in order to diminish the threats to public health, safety, welfare, and the natural resources of the Town of Jackson.

(2) **Intent.** This ordinance is intended to regulate construction site erosion and stormwater management under the authority granted in §60.627, Wis. Stats. This ordinance is not

intended to limit activity or land divisions permitted under the applicable zoning and land division ordinances.

(3) **Regional Stormwater Management.** The Town Board recognizes that the preferred method of permanently managing stormwater runoff from land development activities is through the preparation and implementation of regional stormwater management plans by watershed areas which are designed to meet the requirements of this ordinance. Accordingly, provisions have been incorporated into this ordinance to allow for the implementation of this type of plan in lieu of complying with certain on-site stormwater management requirements.

9.04 JURISDICTION. (1) The provisions of this ordinance shall apply to all lands within the jurisdictional boundaries of the Town of Jackson.

(2) Under the authority of §60.627(9), Wis. Stats., this ordinance shall continue in effect in any area annexed by a city or village, unless the city or village enacts, maintains and enforces a city or village ordinance which complies with minimum standards established by the Wisconsin Department of Natural Resources and which is at least as restrictive as this ordinance.

9.05 APPLICABILITY, EXEMPTIONS AND WAIVERS. (1) **Construction Site Erosion Control.** Unless otherwise exempted under sub.(3) below, or waived under sub.(4) below, an erosion and runoff control permit under sec. 9.06 of this ordinance shall be required, and all construction site erosion control provisions of this ordinance shall apply to all land disturbing activity that meet any of the following:

- (a) Disturbs 4,000 square feet or more of total land surface area;
- (b) Involves excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material; or
- (c) Disturbs 100 lineal feet of road ditch, grass waterway or other land area where surface drainage flows in a defined open channel; including the placement, repair or removal of any underground pipe, utility or other facility within the cross-section of the channel at flow capacity;
- (d) Other land disturbing activities, including the installation of access drives, that the ordinance administrator determines to have a high risk of soil erosion or water pollution, or that may significantly impact an environmentally sensitive area. All determinations made by the ordinance administrator under this subsection shall be made in written or electronic form, unless otherwise waived by the requesting entity.

(2) **Stormwater Management.** Unless otherwise exempted under sub.(3) below, or waived under sub.(4) below, an erosion and runoff control permit under sec. 9.06 below, shall be required, and all stormwater management provisions of this ordinance shall apply to all land development activity that meet any of the following:

- (a) Divides an existing tax parcel into 5 separate parcels of 5 acres each or less in total area within a common plan of development;
- (b) Involves the construction of any new public or private roads;
- (c) Ultimately results in the addition of impervious surfaces of 20,000 square feet or greater in total area, including smaller individual sites that are part of a common plan of development; or
- (d) Other land development activities, including access drives, that the ordinance administrator determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact an environmentally sensitive area. All determinations made by the ordinance administrator under this subsection shall be made in written or electronic form, unless otherwise waived by the requesting entity.

(3) **Exemptions.** (a) The following sites shall be exempt from all of the requirements of this ordinance:

- 1. All activities directly relating to the planting, growing and harvesting of agricultural crops.
- 2. Any land disturbing or land development activity conducted by or contracted for any State agency, as defined under §227.01(1) Wis. Stats., including but not limited to road construction projects administered by the Wisconsin Department of Transportation. These activities must meet the erosion control and stormwater management requirements of the state.

(b) The following sites shall be exempt from sub.(1) above, which includes the construction site erosion control provisions of this ordinance only:

- 1. The construction of one and two family residential buildings under Wis. Admin. Code COM. 21.125, unless requested by the town building inspector or town board. These activities must meet the erosion control requirements of the Wisconsin Uniform Dwelling Code.
- 2. Any land disturbing activity within the shoreland/wetland/floodplain zone as defined by the Washington County Code that disturbs less than one acre of total land surface. These activities must meet the erosion control requirements of the Washington County shoreland/floodplain/wetland zoning ordinance(s).

(c) The following sites shall comply with all of the erosion control and stormwater management requirements of this ordinance, but shall be exempted from obtaining a permit, providing a financial guarantee or paying a fee under sec. 9.06 of this ordinance:

1. Any proposal that is designed and/or certified by the Washington County Land Conservation Department as part of a soil conservation or water pollution control project; and
2. Any road construction or other land disturbing or land development activity by the Town or Washington County where an approved working agreement with the ordinance administrator is in effect at the time of the activity.

(4) **Waivers.** (a) The ordinance administrator shall waive any requirement of this ordinance if the ordinance administrator, or the Board of Appeals under sec. 9.14 of this ordinance, determines that:

1. The site will have no appreciable off-site impact;
2. Compliance is impractical or impossible due to site conditions, urban street cross ordinance requirements, or other circumstances beyond the control of the applicant;
3. Compliance would be in direct conflict with other regulations or related objectives of this ordinance which would take precedent; or
4. The specific requirement is not necessary for a particular site to ensure compliance with the erosion control and stormwater management requirements of secs. 9.08 and 9.09 of this ordinance.

(b) Any waiver granted shall be in written or electronic form and shall comply with the general requirements under sec. 9.08(1)(a) of this ordinance relating to construction site erosion control and under sec.9.09(1)(a) of this ordinance relating to stormwater management.

9.06 APPLICATION FOR EROSION AND RUNOFF CONTROL PERMIT OR PRELIMINARY APPROVAL LETTER.

(1) **Application.** The applicant shall submit a completed application on a form provided by the ordinance administrator for that purpose, and indicate whether applying for a preliminary approval letter or an erosion and runoff control permit. By submitting an application, the applicant is authorizing the ordinance administrator to enter upon the site to obtain information needed to administer this ordinance.

(2) **Erosion and Runoff Control Permit.** An erosion and runoff control permit is required for all sites that meet the applicability provisions of secs. 9.05(1) or 9.05(2) of this ordinance and are not exempt under sec. 9.05(3) of this ordinance or waived under sec. 9.05(4) of this ordinance. To request an erosion and runoff control permit under this ordinance, the following information shall be submitted to the administering authority:

- (a) A completed application on a form provided by the ordinance administrator for that purpose;
- (b) The applicable fee(s);
- (c) A final erosion control plan in accordance with sec. 9.08 of this ordinance for those land disturbing activities that meet any of the applicability criteria in sec. 9.05(1) of this ordinance;
- (d) A final stormwater management plan in accordance with sec. 9.09(5) of this ordinance and a draft maintenance agreement in accordance with sec. 9.12 of this ordinance for those land development activities that meet any of the applicability criteria of sec. 9.05(2) of this ordinance; or the documentation required under sec. 9.09(2) of this ordinance related to a regional stormwater management plan; and
- (e) A financial guarantee, in accordance with sec. 9.11(3) of this ordinance.

(3) Preliminary Approval Letter. (a) Purpose and Intent. A preliminary approval letter is an optional step in the permit process that is strongly encouraged for subdivisions and other large or complex land development activities. It is designed to assist the applicant in preparing general site plans and obtaining other applicable permits or zoning approvals prior to finalizing detailed construction plans for a proposed project. It will also act to notify other review authorities that the applicant has agreed to meet the requirements of an erosion and runoff control permit and provides a preliminary plan of what will likely be required. An erosion and runoff control permit is still required prior to the start of any proposed land disturbing or land development activity. The ordinance administrator shall issue an erosion and runoff control permit after determining that the final erosion control and stormwater management plans are in substantial compliance with the preliminary plans and after the applicant has met all other requirements of sub.(2) above.

(b) Application. To request a preliminary approval letter, the following information must be submitted to the ordinance administrator:

- 5. A completed application, on a form provided by the ordinance administrator for that purpose;
- 2. The applicable fee(s);
- 3. A preliminary erosion control plan in accordance with sec. 9.08(5) of this ordinance; for those sites that meet any of the applicability criteria under sec. 9.05(1) of this ordinance; and
- 4. A preliminary stormwater management plan in accordance with sec. 9.09(6) of this ordinance, for those land development activities that meet any of the applicability criteria of sec. 9.05(2) of this ordinance.

(4) **Fees.** Except as provided in sec. 9.09(2)(c) of this ordinance for regional stormwater management plans, all application and review fees for this chapter shall be established by the Town Board. Fee amounts shall be designed to offset the costs to the Town for the administration of this ordinance and may be modified from time to time based on the records and recommendation of the administering authority. A schedule of the fees established by the Town Board shall be available for review and distribution through the office of the Town Clerk. No fee shall exceed the actual and direct costs of administering this ordinance. Those persons as defined in §32.01(1) Wis. Stats., shall be exempt from the fees in this ordinance.

9.07 PLAN REVIEW PROCEDURES. (1) For Applications That Only Involve Erosion Control Plans for Less Than One Acre of Disturbed Area. (a) The procedures under this subsection shall only apply to applications which meet all of the following criteria:

1. Meet one of the applicability criteria under sec. 9.05(1) of this ordinance relating to construction site erosion control;
2. Disturb less than one acre in total land surface area; and
3. Do not meet any of the applicability criteria under sec. 9.05(2) of this ordinance relating to stormwater management.

(b) Within 10 working days of receipt of a completed application form, fee and final erosion control plan, the ordinance administrator shall:

1. Determine if the requirements of this ordinance have been met, including sec. 9.08(4)(a) of this ordinance relating to the requirements of a final erosion control plan;
2. Determine if more information or additional review is needed; and
3. Notify the applicant of the results of pars. (b)1. and (b)2 above. Notification shall be in written or electronic form, unless otherwise waived by the applicant.

(c) The ordinance administrator may request comments from other agencies or units of government within the 10-day review period. Unless determined by some other procedures, the other agency or unit of government shall have 10 working days to respond to such a request. The ordinance administrator shall notify the applicant if additional comments are being requested and shall have 10 working days from the receipt of those comments to notify the applicant of the results of the review.

(d) If all of the applicable requirements of this ordinance have been met, the ordinance administrator shall issue an erosion and runoff control permit. If the requirements of this ordinance have not been met, the ordinance administrator shall notify the applicant what changes would be necessary to meet the requirements.

(e) For any resubmittal of plans and supporting information by the applicant, the ordinance administrator shall have 10 working days from the date of receipt to review the resubmitted information in accordance with pars.(b) through (d) above.

(f) If the ordinance administrator fails to act within the time lines stated in this subsection, the submitted documents shall be deemed approved, and the ordinance administrator shall issue an erosion and runoff control permit.

(2) For All Other Applications for an Erosion and Runoff Control Permit or Preliminary Approval Letter. (a) The procedures under this subsection shall apply to all other applications that meet at least one of the applicability criteria under sec. 9.05 of this ordinance, but do not meet all of the criteria under sub.(1) above, for erosion control plans for less than one acre.

(b) Within 20 working days of receipt of a completed application form, fee and applicable erosion control and/or stormwater management plan(s) in accordance with sec. 9.06 of this ordinance, the ordinance administrator shall:

1. Determine if the requirements of this ordinance have been met, including sec. 9.08(4)(b) of this ordinance and/or sec. 9.09(5) of this ordinance relating to the required contents of final erosion control and stormwater management plans; and
2. Determine if more information or additional review is needed; and
3. Notify the applicant of the results of pars. (b)1. and (b)2 above. Notification shall be in written or electronic form, unless otherwise waived by the applicant.

(c) The ordinance administrator may request comments from other agencies or units of government within this 20-day review period. Unless determined by some other procedures, the other agency or unit of government shall have 20 working days to respond to such a request. The ordinance administrator shall notify the applicant if additional comments are being requested and shall have 10 working days from the receipt of those comments to notify the applicant of the results of the review.

(d) If all of the applicable requirements of this ordinance have been met, the ordinance administrator shall provide a preliminary plan approval letter or an erosion and runoff control permit. If the requirements of this ordinance have not been met, the ordinance administrator shall notify the applicant what changes would be necessary to meet the requirements.

(e) For any resubmittal of plans and supporting information by the applicant, the ordinance administrator shall have 20 working days from the date of receipt to review the resubmitted information in accordance with pars. (b) through (d) above.

(f) If the ordinance administrator fails to act within the time lines stated in this subsection, the submitted documents shall be deemed approved, and the ordinance administrator shall issue a preliminary approval letter or erosion and runoff control permit.

9.08 EROSION CONTROL PLAN REQUIREMENTS. (1) General Requirements.

(a) An erosion control plan shall ensure, to the extent practical, that soil erosion, siltation, sedimentation and other off-site impacts from land disturbing activities are minimized.

(b) All erosion control plans and best management practice designs prepared under this ordinance shall comply with the plan requirements of this section and the technical standards and specifications described in sec. 9.10 of this ordinance.

(2) **Guiding Principles.** To satisfy the requirements of this section, all proposed land disturbing activities shall, to the extent practical:

- (a) Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas;
- (b) Minimize the loss of trees and other natural vegetation and the size of the disturbed area;
- (c) Minimize, through project phasing and proper construction sequencing, the time the disturbed soil surface is exposed [*Note: See sec. 9.11(2)(c) of this ordinance for special conditions relating to construction scheduling and the issuance of a permit.*];
- (d) Emphasize the use of erosion control measures that prevent soil detachment and erosion rather than trying to intercept its transport or repair damage done.

(3) **Specific Erosion Control Requirements.** Unless otherwise waived under sec. 9.05(4) of this ordinance, the following minimum requirements shall be met on all sites subject to the applicability criteria under sec. 9.05(1) of this ordinance and shall be addressed in the erosion control plan submitted by the applicant, if applicable. The ordinance administrator is authorized to exceed the minimum requirements stated below for any site that the ordinance administrator determines is a high risk of soil erosion or may significantly impact an environmentally sensitive area, and that further controls are practical.

(a) Access Drives and Tracking. Each site shall provide an access drive(s) and parking area, of sufficient dimensions and design, surfaced with a material that will prevent erosion and minimize tracking or washing of soil onto public or private roadways. All non-paved access drives shall be designed so that stormwater runoff from adjacent areas does not flow down the drive surface. Culverts shall be sized for calculated peak flows produced by the 10-year 24-hour design storm and shall meet all other state and local requirements relating to road access.

(b) Diversion of Upslope Runoff. Any significant amount of runoff from upslope land area, rooftops or other surfaces that drains across the proposed land disturbance shall be diverted

around the disturbed area, if practical. Any diversion of upslope runoff shall be done in a manner that prevents erosion of the flow path and the outlet.

(c) Cut and Fill Slopes. Any cuts and fills shall be planned and constructed to minimize the length and steepness of slope, and stabilized in accordance with the approved erosion control plan time lines and technical standards of this ordinance.

(d) Open Channels. Any open channels shall be designed and constructed to carry the calculated peak flows for a 10-year 24- hour design storm, and stabilized in accordance with the approved erosion control plan time lines and technical standards of this ordinance.

(e) Inlet Protection. All inlets to storm drains, culverts and other stormwater conveyance systems shall be protected from siltation until final site stabilization.

(f) Outlet Protection. All outlets for site dewatering and stormwater conveyance systems, including pipe or open channels entering a stormwater management facility, shall be protected from erosion through channel lining or other stabilization measures.

(g) Site Erosion Control. Measures shall be taken, using approved best management practices, to minimize sediment from being carried off-site by water or wind during the construction phase, such as: diversions, silt fence, straw bales, downspout extenders, soil treatment, temporary mulch, sediment traps, sediment basins, etc. All temporary best management practices shall be maintained until the site is stabilized. Some best management practices, such as sediment basins, may be designed to also serve as a permanent stormwater best management practice after the site is stabilized.

(h) Site Dewatering. Water pumped from the site shall be treated by sediment basins or other approved measures to prevent soil erosion and water pollution.

(i) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of and not allowed to be carried off-site by runoff or wind.

(j) Topsoil. Enough topsoil from the disturbed area must be saved to ensure that a minimum of 4 to 6 inches is reapplied for all areas to be seeded or sodded. If adequate topsoil does not exist on the site to meet this requirement, it shall be imported. If the disturbed area is to be used for the growing of agricultural crops in the future, the original depth of topsoil shall be restored.

(k) Subsoil. For disturbed areas that are to be used for the growing of agricultural crops, trees or other woody vegetation in the future, a minimum of 1 foot of original subsoil shall remain or be reapplied prior to the application of topsoil to provide an adequate root zone.

(l) Soil Stockpiles. Soil stockpiles shall be located no closer than 75 feet from lakes, streams, wetlands, ditches, drainage ways, curbs/gutters or other stormwater conveyance system,

unless otherwise approved by the ordinance administrator. Measures shall be taken to minimize erosion and runoff from any soil stockpiles that will likely remain for more than 5 working days. Any soil stockpile that remains for more than 30 days shall be covered or treated with stabilization practices such as temporary or permanent seeding and mulching.

(m) Sediment Cleanup. All off-site sediment deposits occurring as a result of construction work or a storm event shall be cleaned up by the end of each day. Flushing shall not be allowed.

(n) Final Site Stabilization. All disturbed areas shall be treated with stabilization measures such as seeding, mulching, soil treatment, erosion netting, matting, sodding, etc. within 3 working days of final grading. Large sites shall be treated in stages as final grading is completed in each stage. Any soil erosion that occurs after final grading and/or the application of stabilization measures must be repaired and the stabilization work redone.

(o) Temporary Site Stabilization. For any disturbed area that remains inactive for greater than 7 working days, or where grading work extends beyond the permanent seeding deadlines established by the Town board, the administering authority may require the site to be treated with temporary stabilization measures such as soil treatment, temporary seeding and/or mulching in addition to other erosion control measures as part of an approved erosion control plan.

(p) Removal of Practices. When the disturbed area has been stabilized by permanent vegetation or other means, temporary best management practices such as silt fences, straw bales and sediment traps shall be removed and these areas stabilized.

(4) Final Erosion Control Plan Contents. (a) Sites of Less than One Acre of Total Land Disturbance. The following shall be the minimum requirements for items to be included in a final erosion control plan:

1. A scaled drawing of the site with a north arrow, delineation of the proposed land disturbance, existing and proposed buildings, roads, access drives, property boundaries, drainage ways, water bodies, trees, culverts, and other structures within 50 feet of the proposed land disturbance;
2. The direction and steepness of slopes before and after the proposed land disturbance;
3. A description and location of all temporary best management practices proposed to be used to minimize off-site impacts during the construction phase;
4. A description and location of all permanent best management practices proposed to be used to stabilize the site within 3 working days following construction; and

5. The name, address and day time phone number of the person(s) charged with installing and maintaining all best management practices and thus subject to the enforcement provisions of sec. 9.13 of this ordinance.
6. Other information determined to be necessary by the administering authority to ensure compliance with the requirements of this ordinance.

(b) Sites of One Acre or Greater in Total Land Disturbance. The following shall be the minimum requirements for items to be included in an erosion control plan:

1. Existing Site Map and Data. A map and supporting data of existing site conditions at a scale of one inch equals no more than 100 feet showing the following items on the site and within 50 feet in each direction of the site boundaries:

- a. Ownership boundaries and other references that will accurately identify site location;
- b. Name, address and daytime telephone number of the applicant;
- c. Site topography at a contour interval not to exceed 2 feet;
- d. Location and name, if applicable, of all lakes streams and other water bodies as defined on a 7.5 minute topographic map published by the U.S. Geological Survey;
- e. Location and name, if applicable, of all other channels, ditches, and other water courses or areas of channelized flow;
- f. Location and name, if applicable, of all wetlands, as defined on the official wetland zoning maps at the Washington County Land Use and Park Department and as defined by the USDA-Natural Resources Conservation Service (NRCS) under federal jurisdiction and definition;
- g. Boundaries of shoreland zones, 100 year floodplains, flood fringes and floodways, as defined on the official shoreland and floodplain zoning maps at the Washington County Land Use and Park Department;
- h. Boundaries and soil symbol for each soil mapping unit, as published in the Soil Survey of Washington County; *[Note: This item may be on a separate map at smaller scale showing key locations of proposed land disturbing or land development activity];*
- i. Location and description of trees and other vegetative cover types;
- j. Location, dimensions and contributing watershed area delineations and flow

calculations for all existing stormwater drainage systems and natural flow paths or channels entering and/or leaving the site;

- k. Locations and dimensions of any buildings, roads, parking areas, fence lines, access lanes, rock outcrops, tile drains, utilities and other physical features or structures;
 - l. Location and support documentation for any well currently located on the site and/or delineation of any regulatory setback distances of other wells, as stated in Wis. Admin. Code NR Chs. 811 and 812;
 - m. Locations and dimensions of any easements, right-of-ways, building setbacks or other restrictions;
 - n. Location of primary environmental corridor boundaries, as defined by the Southeastern Wisconsin Regional Planning Commission;
 - o. Any other existing site information that the ordinance administrator determines to be necessary to ensure compliance with the requirements of this ordinance.
2. Site Development Plan. A site development plan, using the same map scale as the existing site map, shall include the following map items and supporting documentation:
- a. Locations and dimensions of all proposed land development and land disturbing activities, including proposed cuts, fills and 2 foot contours of final grade;
 - b. Locations and dimensions of all temporary soil stockpiles, the estimated length of time they will exist and any applicable erosion control method;
 - c. Locations, dimensions and applicable design documentation for all temporary and permanent best management practices necessary to meet the requirements of this ordinance;
 - d. Location, dimensions, supporting flow calculations and stabilization plans for the proposed construction or modification of any open channels;
 - e. A construction schedule, including the sequence and anticipated starting and completion date for each construction step and the installation of best management practices needed to meet the requirements of this ordinance;
 - f. Description of maintenance responsibilities for all temporary best management practices;

- g. The name(s) and daytime phone number(s) of the person(s) charged with the responsibility of installing and maintaining all best management practices until the completion of a satisfactory final inspection by the ordinance administrator under sec. 9.11(5) of this ordinance. *[Note: All persons so designated shall be subject to the enforcement provisions of sec. 9.13 of this ordinance should they fail to ensure compliance with this ordinance.]*
- h. Location and description of individual trees greater than 8 inches in diameter at 4 feet above existing mean ground level, that are proposed to be lost and plans for replacement, if practical;
- i. Description of site re-vegetation and stabilization plans, including topsoil and subsoil reapplication, seeding mixtures, fertilizer, rates of application, time schedule and maintenance responsibilities until the grass and/or other plants are well established; and
- j. Detailed drawings, including profiles, cross-sections, and other information determined to be necessary by the ordinance administrator to ensure compliance with the requirements of this ordinance.
- k. Certification, from a professional engineer registered in the State of Wisconsin, that all computations and designs included in the final erosion control plan have been reviewed and approved as being in accordance with the requirements of this ordinance. The name, address and daytime phone and FAX number of the engineer must also be included for contact during the plan review process.

(5) **Preliminary Erosion Control Plan.** Preliminary erosion control plans shall contain the same information listed under sub.(4)(b) above, with the exception of sub. (4)(b)2.b., f., g. above, the supporting documentation in sub.(4)(b)2.d. above, and the starting and completion dates in sub.(4)(b)2.e. above.

9.09 STORMWATER MANAGEMENT PLAN REQUIREMENTS. (1)

General Requirements. (a) A stormwater management plan, prepared in accordance with this ordinance shall maintain, as nearly as practical, the site's natural drainage patterns and assumed pre-development peak flows. In addition, measures shall be taken to prevent or minimize the pollution of surface waters and groundwater resources, damage to downstream property and local flooding as a result of permanent stormwater discharges from the proposed land development.

(b) All stormwater management plans and best management practice designs prepared under this ordinance shall comply with the plan requirements of this section and technical standards and specifications described in sec. 9.10 of this ordinance.

(2) **Exception - Regional Stormwater Management Plans.** (a) In lieu of submitting a preliminary or final stormwater management plan for an individual site, an applicant may submit

documentation of the following:

1. A regional stormwater management plan, that:
 - a. Includes the entire area of the proposed land development activity;
 - b. Is prepared in accordance with the general requirements of sub.(1) above and the regional stormwater management planning technical guidelines adopted by the Town Board under sec. 9.10(3) of this ordinance; and
 - c. Is approved by the Town Board and all other applicable units of government included in the planning area.
2. A site development plan, in accordance with sub. (5)(b) below, for the planned development showing any on-site stormwater best management practices recommended in the regional stormwater management plan;
3. Certification, by a professional engineer registered in the State of Wisconsin, that any stormwater best management practice(s) planned to treat the runoff from the area of the proposed land development as part of a regional stormwater management plan, has been constructed in accordance with the technical standards and specifications under sec. 9.10 of this ordinance, if applicable; and
4. Documentation that there is an entity with the legal obligation for operation and maintenance of any applicable stormwater management facility in accordance with sec. 9.12 of this ordinance, if applicable.

(b) Upon certification by the ordinance administrator that all of the conditions of par.(a) above have been met, and the submitted materials are in compliance with the regional stormwater management plan, an application shall be deemed as meeting the stormwater management planning requirements of this ordinance.

(c) As a condition of an erosion and runoff control permit, the applicant may be required to pay a fee or meet other requirements, as determined by the applicable entity charged with the implementation of the regional stormwater management plan. Any fee would be based on an equitable distribution of the cost for land, engineering design, construction, and maintenance of stormwater management practices needed to serve the land development through the regional stormwater management plan.

(3) **Guiding Principles.** To satisfy the requirements of this ordinance, unless otherwise waived under sec. 9.05(4) of this ordinance, all proposed land development activities shall, to the extent practical:

- (a) Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas;

- (b) Preserve natural watershed boundaries and drainage patterns;
- (c) Maintain groundwater recharge areas and the infiltration capacity of native soils by avoiding the unnecessary filling of large natural depressions or compaction of upper soil horizons by construction equipment;
- (d) Utilize natural or constructed vegetated swales or reinforced permeable open channels for stormwater conveyance and attenuation;
- (e) Minimize impervious surfaces and have them drain to vegetated areas for flow attenuation, pollutant filtering and groundwater recharge; and
- (f) Reserve adequately sized areas to allow for detention of flows and treatment of pollutants from stormwater before being discharged from the site.

(4) Specific Stormwater Management Requirements and Performance Standards.

Except where provided for under sub.(2) above, or waived under sec. 9.05(4) of this ordinance, all land development activities subject to the provisions of this subsection shall provide on-site stormwater management plans, practices and facilities that meet the following minimum requirements:

(a) Peak Flows. To minimize streambank erosion and the failure of downstream conveyance systems, the post-development peak flow discharge rates of stormwater runoff shall not exceed the calculated pre-development discharge rates for both the 2- year 24-hour and the 10-year 24-hour design storms in accordance with the standards in sec. 9.10(1) of this ordinance. Additional peak flow controls may be required under sub.(4)(e)below.

[Note: This will require a multiple staged outlet in some stormwater management facilities.]

(b) Stormwater Quality. The first ½ inch of stormwater runoff (commonly referred to as the " first flush ") shall, to the extent practical, be treated to remove suspended solids, nutrients, organic matter, trace metals, hydrocarbons and other pollutants associated with the planned land development activity. At a minimum, any best management practice that relies on ponding runoff and settling the suspended solids shall be designed for settling, on an average annual basis, 80 percent of the total estimated suspended solids load. The ordinance administrator may require a higher level of controls if the ordinance administrator determines that the site has a high risk of water pollution or may otherwise significantly impact an environmentally sensitive area, and that further controls are practical.

(c) Protection of Wetlands. Stormwater discharges shall minimize the hydrologic changes and pollutant loadings to wetlands, to the extent practical, in order to preserve the wetland functional values. All discharges to wetlands shall require the same protection as pars. (a) and (b) above, unless otherwise approved by any other applicable regulatory agency and the ordinance administrator in accordance with technical standards adopted under sec. 9.10 of this ordinance. If any land disturbing activity is proposed in a wetland as part of a final stormwater management plan, the ordinance administrator may require all other applicable permits to be

obtained prior to the issuance of an erosion and runoff control permit.

(d) Protection of Groundwater Quality. 1. Stormwater discharges shall prevent the introduction of pollutants in the groundwater at concentrations that will likely exceed groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in Wis. Admin. Code NR 140. Pretreatment shall be provided for all stormwater management facilities that will likely violate this subsection, as determined by the Wisconsin Department of Natural Resources or stated in the technical standards adopted under sec. 9.10 of this ordinance.

2. Stormwater structures shall not be installed that meet the definition of an injection well under Wis. Admin. Code NR 812.05.

3. Stormwater ponds and infiltration devices shall not be located closer to water supply wells than allowed by the Department of Natural Resources in Wis. Admin. Code NR Chs. 811 and NR 812.

4. If a wellhead protection plan has been approved for any area included in the proposed land development, the administering authority shall consult with the appropriate authority to ensure compliance with any recommendations or regulations contained in that plan.

(e) Flooding. All stormwater management facilities shall have the capacity to safely handle the calculated peak flow rates for a 100-year 24-hour design storm without structural failure, bank erosion, loss of freeboard or other problems. At a minimum, an emergency spillway must be provided to carry these flows. Additional control measures, such as infiltration practices or maintaining pre-development peak flows for the 100-year design storm, may be required if the ordinance administrator determines that the proposed land development activity has a high risk of creating or significantly compounding downstream flooding or chronic wetness problems.

(f) Soil Investigations. Soil profile investigations shall be conducted at each site proposed for the construction of a stormwater management facility. Each excavation shall extend a minimum of 3 feet below the proposed bottom of the facility or any component of the facility, such as infiltration trenches. An adequate number of excavations shall be conducted to examine all soil types present in the immediate area of the proposed facility, as determined by the ordinance administrator. Each soil investigation site shall be located on the site development plan, under sub.(5)(b) below along with the elevation, to the nearest tenth of a foot, of the original ground surface. A soil tester, certified in the State of Wisconsin, or the ordinance administrator is required to log the soil profile and groundwater elevation(s). The ordinance administrator may require an inspection of the soil profile when it is logged by another party.

(5) **Final Stormwater Management Plan Contents.** The following shall be the minimum requirements for items to be included in a final stormwater management plan:

(a) Existing Site Map and Data. The requirements for the existing site map and data are the same as those listed under sub. 9.08(4)(b)1 of this ordinance.

(b) Site Development Plan. A site development plan, using the same map scale as the existing site map, shall include the following map items and supporting documentation:

1. Locations and dimensions of all proposed land development activities, including proposed cuts, fills and 2-foot contours;
2. Delineation and labeling of all proposed impervious areas and accompanying area computations;
3. Location of all proposed stormwater conveyance systems and grade stabilization structures, including grade lines, cross-sections, flow/velocity computations based on a 10-year 24-hour design storm, and the delineation of proposed subwatersheds for each reach; *[Note: For watershed areas that extend outside of the boundaries of the site map, other scaled maps may be used.]*;
4. Location of all proposed stormwater best management practices and facilities, including plan views, cross-sections, profiles, inlet/outlet and other detail drawings and supporting flow computations;
5. Summary of hydrologic and hydraulic computations prepared to meet the requirements of sub.(4) above, and for the design of all stormwater management facilities. All major assumptions used in developing input parameters shall be clearly stated, and all geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s);
6. Results of investigations of soils and groundwater required under sub.(4)(e) above, including location and elevation of each investigation site, for the placement and design of stormwater management facilities;
7. Location(s) and dimensions of all proposed easements or other methods used to ensure the preservation of flow paths and adequate access for maintenance purposes, in accordance with sec. 9.12 of this ordinance;
8. Certification, from a professional engineer registered in the State of Wisconsin, that all calculations and designs included in the final stormwater management plan have been reviewed and approved as being in accordance with the requirements of this section.
9. The name, address and daytime phone and FAX number of the contact person during the plan review process, the construction supervisor, and the engineer that will certify construction of all stormwater management facilities under sec. 9.11(4) of this ordinance;
10. For sites where changes are proposed in stormwater flow paths, or where proposed stormwater discharges may otherwise have a significant negative impact on downstream property owner(s), the ordinance administrator may require the applicant to obtain written authorization or complete other legal arrangements with the affected property owner(s); and

11. Other items deemed necessary by the ordinance administrator to ensure compliance with the requirements of this ordinance.

(6) **Preliminary Stormwater Management Plan Contents.** Preliminary stormwater management plans shall contain the same information listed under sub.(5) above, with the following exceptions:

- (a) No computations will be required for stormwater conveyance systems, water control structures or other individual system components; and
- (b) No detail drawings, cross-sections or profiles will be required unless the ordinance administrator determines they are necessary to assess the general feasibility of the preliminary stormwater management plan.

9.10 TECHNICAL STANDARDS AND SPECIFICATIONS. (1) Hydrologic and Hydraulic Computations. (a) All computations of runoff volumes and peak flow rates used in the development of erosion control and stormwater management plans in accordance with this ordinance shall be based on the principles of Technical Release 55 (TR-55), "Urban Hydrology for Small Watersheds", published by the Natural Resources Conservation Service (NRCS), United States Department of Agriculture, June 1986 revision, using Type II design storms. To determine compliance with this ordinance (for Washington County), the following design storms values shall be used:

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall Depth	2.3 inches	2.7 inches	3.9 inches	5.5 inches

(b) All computations of pre-development conditions as required under sec. 9.09(4)(a) of this ordinance shall use those TR-55 runoff curve numbers assigned for a "good" hydrologic condition for each land cover type. For lands where the pre-development land use was cropland, the following TR-55 curve number values shall be used as maximums:

Soil Hydrologic Group	A	B	C	D
NRCS Runoff Curve Number	56	70	78	82

(c) All velocity and peak flow computations for open channels and storm sewer pipe flows shall be based on Mannings Formula.

(d) Flow routing, culvert design, weir and orifice flow and other related hydraulic computations used to design stormwater management facilities shall be based on standard applicable engineering formulas.

(e) Any data or design method proposed to be used for hydrologic or hydraulic computations other than those listed above shall be approved in advance in writing by the ordinance administrator.

(2) **Best Management Practice Design Standards.** The design of all best management practices used to meet the requirements of this ordinance shall comply with the following technical standards:

(a) The Wisconsin Construction Site Best Management Practice Handbook, published by the Wisconsin Department of Natural Resources;

(b) Section IV of the Field Office Technical Guide, published by the United States Department of Agriculture - Natural Resource Conservation Service; and

(c) Other technical standards published or adopted by the above noted agencies, the Wisconsin Standards Oversight Council or the Town Board.

(3) **Technical Guidelines.** The Town board may adopt technical guidelines to assist with the consistent administration of certain portions of this ordinance where more specific standards currently do not exist, are insufficient or are subject to rapid change. The Town Board shall seek the expertise of other agencies and organizations in the development and maintenance of technical guidelines under this subsection.

(4) **Construction Specifications.** The construction or installation of all best management practices and other structures shall comply with all the construction specifications adopted by the Town board, including standard seeding or sodding deadlines for site stabilization.

(5) **Availability.** Copies of all technical standards, guidelines and specifications adopted by the Town Board shall be available for review and distribution through the Town Clerk. Fees may be charged for copies of these items in accordance with a fee schedule established by the Town Board.

(6) **Future Revisions or Updates.** The technical standards, guidelines and specifications referenced in this section are made a part of the ordinance and shall be updated periodically in order to keep current with field experiences, research, technological advances and the development of related technical standards by other agencies and units of government. Any future revision or update of the technical standards or specifications incorporated herein are also made part of this ordinance unless otherwise acted upon by the Town board.

9.11 PERMIT REQUIREMENTS. (1) **General Conditions.** For all permits issued under this ordinance, the permit holder shall:

(a) Obtain all other applicable Federal, State, County or local permits and comply with all other applicable regulations. The ordinance administrator may require the applicant to obtain other permits or plan approvals prior to issuing an erosion and runoff control permit.

(b) Complete all activities in accordance with the plan(s) and construction schedule approved by the ordinance administrator. Any significant changes made during implementation without prior approval by the ordinance administrator shall be subject to enforcement action under sec. 9.13 of this ordinance.

(c) Notify the ordinance administrator at least 24 hours in advance of commencing any work associated with the permit. The ordinance administrator may require further notification of work on various stages of construction or upon completion of individual components for inspection purposes.

(d) Authorize the ordinance administrator access to the property to perform inspections and to carry out any necessary enforcement activities under sec. 9.13 of this ordinance.

(e) Inspect all best management practices after each rain event of 0.5 inch or more, or at least once each week, and make any needed repairs. The permit holder shall maintain best management practices until the financial guarantee under sub.(3) below is released by the ordinance administrator.

(f) Clean up all off-site sediment deposits and repair any erosion or other damage occurring as a result of construction work or a storm event at the end of each work day, or within any other time period approved by the ordinance administrator. Flushing of sediment is not allowed.

(2) **Permit Issuance and Duration.** (a) The ordinance administrator shall establish an expiration date for all permits issued under this ordinance. The expiration date shall not exceed 18 months and shall be based on the construction schedules submitted by the applicant under subs. 9.08(4)(b)1.e. and 9.08(4)(b)1.i. of this ordinance, and the technical standards and specifications adopted by the Town board under sec. 9.10 of this ordinance.

(b) The ordinance administrator may grant longer permit periods or grant extensions to existing permits if deemed necessary to ensure compliance with this ordinance or Town Board policy. The ordinance administrator may require additional erosion and runoff control measures as a condition of granting longer permit periods or permit extensions.

(c) In accordance with the technical standards and specifications in sec. 9.10 of this ordinance, the ordinance administrator may withhold issuance, suspend or revoke an erosion and runoff control permit, or require a change in the proposed construction schedule as a condition of a permit under sub. (1) above, if the ordinance administrator determines that all of the following apply:

1. The proposed or actual land disturbing activity will exceed standard deadlines for seeding and sodding;
2. Runoff or erosion from the site may significantly impact an environmentally sensitive area or cause other off-site environmental or property damage; and

3. The applicant or permit holder is unable or unwilling to provide other approved measures to minimize off-site impacts.

(3) **Financial Guarantee.** (a) Purpose and Type. A bond, escrow or letter of credit in a form approved by the ordinance administrator may be required for all erosion and runoff control permits issued to ensure compliance with this ordinance.

(b) Amount. The amount of the financial guarantee shall be determined by the ordinance administrator and shall be based on the estimated costs of construction of the best management practices in the approved erosion control and/or stormwater management plan(s) plus any costs for best management practice maintenance that may be needed during the construction phase or immediately after the site is stabilized, such as sediment removal.

(c) Security. Each financial guarantee shall be accompanied by a written agreement outlining its purpose, applicable amounts and all of the conditions for release.

(d) Conditions for Release. 1. The ordinance administrator shall release the financial guarantee only after determining full compliance with the requirements of the permit and this ordinance, including the following:

- a. Certification of construction by a professional engineer, in accordance with sub.(4) below;
- b. Completion of a satisfactory final inspection by the ordinance administrator in accordance with sub (5) below;
- c. Submittal of a copy of the recorded maintenance agreement, in accordance with sec. 9.12 of this ordinance.

2. The permit holder may apply for a prorated release of the financial guarantee based on the completion or partial completion of various construction components or satisfaction of individual requirements of par.(d) above.

3. The ordinance administrator shall withhold from the financial guarantee amount released to the permit holder, any costs incurred by the Town to complete installation or maintenance of best management practices through enforcement action, as described in sec. 9.13 of this ordinance, or prior to the transfer of maintenance responsibilities through an approved maintenance agreement, or other unpaid fees or costs incurred by the Town associated with the administration of this section.

(e) Other Financial Guarantees. The financial guarantee provisions of this ordinance shall be in addition to any other financial guarantee requirements of the town board for other site improvements. Any arrangements made to combine the financial guarantee provisions of this ordinance with other related requirements shall be made at the discretion of the ordinance administrator.

(4) **Construction Certification.** (a) A professional engineer, licensed in the State of Wisconsin, shall be in responsible charge and certify that the construction of all stormwater management facilities, and other best management practices as determined by the ordinance administrator, comply with the plan(s) approved by the ordinance administrator and the technical standards and specifications of sec. 9.10 of this ordinance.

(b) "As-built" plans shall be submitted for all stormwater management facilities and other permanent best management practices or practice components as deemed necessary by the ordinance administrator to ensure compliance with this ordinance. As-built plans shall document, on maps and drawings of the same scale and quality as the site development plan, actual location, elevations, materials, construction specifications and other items and be certified by the project engineer.

(5) **Final Inspection.** After completion of construction, the ordinance administrator shall conduct a final inspection of all sites regulated by this ordinance to assist in determining compliance with the approved plan(s) and other applicable requirements, the permit and this ordinance. If upon inspection, the ordinance administrator determines that any of the applicable requirements have not been met, the ordinance administrator shall notify the permit holder what changes would be necessary to meet the requirements. At the request of the permit holder, the ordinance administrator shall provide notification of noncompliance or a report of final inspection in written or electronic form.

9.12 MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES. (1) Maintenance Agreement Required. A maintenance agreement between the local municipality or other approved unit of government and the proposed property owner(s) shall be required for all stormwater management facilities installed to comply with the requirements of this ordinance. The agreement shall be independent of all other restrictions or covenants and shall be prepared in accordance with this section.

(2) **Agreement Provisions.** The maintenance agreement shall, at a minimum, contain the following information and provisions:

- (a) Identification of the owner(s) of the land parcel where the stormwater management facility is located;
- (b) Identification of each type of stormwater management facility and a general description of its purpose and design, including but not limited to facility dimensions, inlet and outlet design and dimensions and the drainage area served by the facility;
- (c) A description of all long term maintenance activities that may or will be required for each stormwater management facility, and an estimated time interval between each activity;
- (d) Granting of an access easement for access to all stormwater management facilities that

is a minimum of 15 feet wide, not including drainage easements, right-of-ways or other restricted areas, and a minimum 12 foot wide travel lane within this area that is capable of withstanding construction equipment loads for future maintenance work.

- (e) Identification of the landowner(s), organization, municipality or other entity responsible for long term maintenance of the stormwater management facility;
- (f) Authorization for access to the property by the Town Board, the ordinance administrator, and employees of the Washington County Land Conservation Department to conduct periodic inspections of the facility, monitor its performance and maintenance, and notify the designated entity when maintenance or repair activities are necessary;
- (g) Recognition that, upon written notification, the designated entity shall, within a reasonable time period, complete any needed maintenance or repair work recommended as a result of an inspection of the facility;
- (h) Authorization for the town, Washington County and/or other designated authority to carry out any maintenance activities if the designated entity does not perform the required maintenance or repair work within the time period specified in par. (g) above;
- (i) Recognition that the applicable local government may exercise their statutory authority to levy and collect special assessments and charges under §66.60, Wis. Stats., for any services carried out relating to par. (h) above;
- (j) Language confirming that the entire agreement shall remain binding among all parties to and within the agreement, until changes are mutually agreed to in writing by all parties. Any changes made to the agreement must maintain the minimum items listed in this subsection and the long term maintenance of the stormwater management facility.
- (k) Other information as determined to be necessary by the ordinance administrator or the Town Board to ensure compliance with this ordinance.

(3) **Agreement Approval and Recording.** (a) The ordinance administrator shall ensure that all submitted maintenance agreements comply with sub.(2) above. If the agreement does not comply, the ordinance administrator shall notify the applicant or permit holder what changes are needed in order to comply.

(b) Upon certification of compliance with sub.(2) above by the ordinance administrator, the maintenance agreement shall be recorded at the Washington County Register of Deeds referencing any plat, certified survey or other ownership transfer device pertaining to land which contains a stormwater management facility or is subject to maintenance responsibility in the approved agreement. The agreement as recorded shall ensure that the maintenance requirements are binding on all subsequent owners of the property upon which the stormwater management

facility is located and that the restrictions run with the land and on any other property which is subject to maintenance responsibility in the agreement.

(c) The permit holder shall provide a copy of the recorded agreement, including evidence of the actual recording(s), to the ordinance administrator.

(4) **Agreement Form.** The maintenance agreement requirements of this section may, at the discretion of the ordinance administrator, be a separate document or may be incorporated into a developers agreement. The form of the document proposed for recording shall be reviewed and approved by the ordinance administrator. Any method used shall comply with all of the requirements of this section.

(5) **Maintenance Responsibilities Prior to a Maintenance Agreement.** The permit holder shall be responsible for the maintenance of all stormwater management facilities prior to a satisfactory final inspection under sec. 9.11(5) of this ordinance and the release of a financial guarantee under sec. 9.11(3) of this ordinance.

9.13 ENFORCEMENT. (1) Ordinance administrator. The ordinance administrator is authorized to administer and enforce compliance with this ordinance. The ordinance administrator shall have the following powers and duties:

- (a) Advise applicants as to the requirements of this ordinance and assist them in filling out forms and other related administrative procedures.
 - (b) Review applications, issue permits, and make all determinations stated in this ordinance.
 - (c) Conduct on-site inspections and investigate complaints in a timely manner to ensure compliance with this ordinance.
 - (d) Maintain records of all permits issued, inspections and determinations made, work approved, enforcement action and other official action.
 - (e) Make recommendations to the Town Board on any revisions or updates to this ordinance, including keeping all technical standards, construction specifications and administrative tools current and advising on policy issues.
 - (f) Assist the Board of Appeals with the appeal process by providing the necessary information for their consideration and action.
 - (g) Carry out duties relating to ensuring the long term maintenance of stormwater management facilities, such as site inspections and making recommendations for needed repairs or maintenance, in accordance with approved working agreements.
- (2) **Prohibited Practices.** It shall be deemed a violation, and be subject to enforcement

action, for any person, firm, association, corporation or other entity subject to the requirements of this ordinance to do in any of the following:

- (a) Commence in any land disturbing or land development activity prior to:
 - 1. Obtaining an erosion and runoff control permit;
 - 2. Notifying the ordinance administrator a minimum of 24 hours in advance of commencement of the activity;
 - 3. Installing those best management practices identified in the approved plan(s) to be installed prior to any land disturbing or land developing activity.
- (b) Fail to follow the approved plan(s), or other permit conditions, including but not limited to the required construction sequence, practice installation and technical standards or specifications.
- (c) Fail to maintain, repair or replace any best management practice deemed ineffective prior to the release of a financial guarantee.
- (3) **Violations.** (a) The ordinance administrator is authorized to use the following methods of enforcement in any combination thereof against any person, firm, association,

corporation or other entity that is found to be in violation of any provision of this ordinance:

1. **Forfeiture.** Any violator shall be subject to a forfeiture of not less than \$50 or more than \$500 plus the cost of prosecution for each violation. Each day that a violation exists shall constitute a separate offense.

2. **Stop Work Order.** Any violator is subject to an order to stop all work except that which is needed as a corrective action to bring the site into compliance, or the Town attorney may be requested to obtain a temporary restraining order and such other remedial court orders as shall be necessary to ensure compliance.

3. **Permit Withholding and Revocation.** The ordinance administrator may revoke a permit issued under this ordinance, and the town may withhold other permits or approvals, if the ordinance administrator determines that the permit holder is not making a good faith effort to comply with the conditions of the permit. Upon loss of the permit, all construction shall cease and the site shall be stabilized, with any costs incurred by the Town to be charged against the financial guarantee.

4. **Emergency Action.** The Town may enter upon the property and take any necessary emergency action if the ordinance administrator determines that the site in violation is an

immediate threat to public health, safety, welfare, the environment or offsite property, or if the permit holder or other violator refuses to take the corrective action as ordered by the ordinance administrator. Any cost incurred by the Town as a result of this action shall be billed to the permit holder or subtracted from the financial guarantee provided by the permit holder, or charged as a special assessment under the authority of §66.60, Wis. Stats. Failure to pay said costs on a timely basis shall constitute a violation of this ordinance.

(b) Any enforcement measures shall continue until compliance is achieved or as ordered by the court.

(c) The ordinance administrator shall notify the permit holder in writing of any violation. The written notice shall be hand delivered to the permit holder or sent by certified mail and shall describe the violation, remedial action(s) needed, a schedule for all remedial action to be completed, and additional enforcement action which may be taken.

(d) The schedule established by the ordinance administrator for required remedial action shall be based on a reasonable amount of time required to carry out the remedial action.

(e) Private Enforcement. Any person affected by activities regulated under this ordinance may enforce the provisions of this ordinance by private action seeking an injunction.

(4) **Responsible Party.** For purposes of determining the responsible party or parties for any enforcement action under this ordinance, the phrase "person, firm, association, corporation or other entity" as used in this ordinance shall include, as the context requires, any owner, lessee, tenant, mortgagee, trustee, land contract vendor or vendee, or other holder of any legal or equitable interest in the particular land subject to this ordinance and shall also include any contractor, subcontractor, engineer, consultant, agent or employee retained or acting on behalf of any of the preceding and having any material responsibility or having undertaken any activity with respect to the particular land subject to this ordinance.

9.14 APPEALS. (1) **Authority.** The Board of Appeals shall act as the review and appeal authority for any order, requirement, decision or determination by the ordinance administrator under this ordinance.

(2) **Procedure.** The rules, procedures, duties and powers of the Board of Appeals shall be as provided in the Town Code and the provisions of §60.651 Wis. Stats., shall apply to any review or appeal under this ordinance.

(3) **Variations.** Upon appeal, the Board of Appeals may authorize variations from the provisions of this ordinance which are not contrary to the public interest or the purpose of this ordinance, and where owing to special conditions beyond the control of the applicant, a literal enforcement of this ordinance will result in unnecessary hardship.

(4) **Who May Appeal.** Appeals to the Board of Appeals may be taken by any aggrieved person or by an officer, department or board of the Town affected by any decision of the ordinance administrator.

9.15 SEVERABILITY. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

9.16 DEFINITIONS. The terms used in this ordinance shall have the following meaning:

(1) "**Affected**" as used in sec. 9.13(3)(e) of this ordinance, means that a regulated activity has significantly:

(a) Caused negative impacts on water quality or the use or maintenance of one's property or business; or

(b) Endangered one's health, safety or general welfare.

(2) "**Agricultural crops**" means any plant grown for the purpose of harvest to support a business.

(3) "**Best management practice**" means a practice, technique or measure that is an effective, practical means of preventing or reducing soil erosion and/or water pollution from runoff both during and after land development activities. These can include structural, vegetative or management practices.

(4) "**Common plan of development**" means all lands included within the boundary of one or more certified surveys or other land divisions where multiple, separate and distinct land development activity may occur at different times.

(5) "**Construction site erosion control**" means preventing or reducing soil erosion and sedimentation from land disturbing activity.

(6) "**Design storm**" means a hypothetical depth of rainfall that would occur for the stated return frequency (e.g. 2-year or 10-year) and duration (e.g. 24-hour). All values are based on the historical rainfall records for the area and are available for reference in many publications. *[Note: See sec. 9.10(1) of this ordinance for a table of applicable design storms for Washington County.]*

(7) "**Environmentally sensitive area**" means any area that, due to the natural resources present or the lack of filtering capacity, is significantly more susceptible to the negative impacts of sedimentation and other pollutants associated with erosion and urban runoff. Examples include direct hydrologic connections to lakes, stream, wetlands or other water resources, very coarse or shallow soils to groundwater or bedrock, or areas inhabited by endangered resources.

(8) "**Final grading**" means the placement of topsoil over disturbed areas in accordance with the requirements of sec. 9.08(3) of this ordinance.

(9) "**Impervious surface**" means any land cover that prevents rain or melting snow from

soaking into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purposes of this ordinance, all road, driveway or parking surfaces, including gravel, shall be considered impervious, unless specifically designed to encourage infiltration and approved by the ordinance administrator.

(10) "**Impractical**" means that complying with a specific requirement would cause undue economic hardship and that special conditions exist which are beyond the control of the applicant and would prevent compliance.

(11) "**Infiltration**" means the process by which rainfall or runoff seeps into the soil.

(12) "**Intercept soil transport**" means the process of trying to prevent delivery of sediment by installing a silt fence or some other form of sediment trap in the flow path to slow flows and settle the suspended soil particles.

(13) "**Land Conservation Department**" means the County department that is charged with implementing the soil and water conservation policies and programs of the Washington County Land Conservation Committee under §92 Wis. Stats.

(14) "**Land disturbing activity**" means any construction related activity that exposes soil to the erosive forces of wind, rain and snow melt. Land disturbing activities include removing vegetative cover, grading, excavating and filling. It does not include the planting, growing and harvesting of agricultural crops or mining activity that is otherwise regulated through a local mine reclamation ordinance.

(15) "Land development activity" means any construction related activity that results in the addition or replacement of impervious surfaces such as rooftops, roads, parking lots and other structures.

(16) "No appreciable off-site impact" means that the impact of any land disturbing or land development activity on off-site property or natural resources would be negligible due to site conditions, such as internal drainage or a very large vegetative buffer area surrounding a small building project.

(17) "Ordinance administrator" means the Zoning Administrator or his/her designee.

(18) "Peak flow" means the highest flow rate of runoff, measured in cubic feet per second, that would normally result from a given design storm.

(19) "Permanent best management practice" means any best management practice that is designed to remain in place after the development is complete. They are designed to stabilize the site or to permanently manage stormwater runoff.

(20) "Practical" means that complying with a specific requirement does not cause undue economic hardship and that special conditions do not exist which are beyond the control of the

applicant and would prevent compliance.

(21) "**Pre-development condition**" means the conditions of the land surface, including vegetative cover and natural drainage patterns, prior to the proposed land development activity. For purposes of this ordinance, all pre-development conditions shall assume good land management and good hydrologic condition, as stated in TR-55.

(22) "**Regional stormwater management plan**" means a published document that establishes a planned course of action for managing stormwater runoff from an entire drainage area or watershed, including future land development activities within the watershed. A regional stormwater management plan will recommend the use of best management practices for individual development sites and for selected points within the watershed to meet the goals and objectives of the plan.

(23) "**Roads**" as used in sec. 9.05(2)(b) of this ordinance, means any access drive that serves more than 2 residences or businesses.

(24) "**Runoff**" means any rain or melting snow that flows over the ground surface. (Also referred to as stormwater runoff.)

(25) "**Shoreland/wetland/floodplain zone**" means the land area that is within the districts identified as the shoreland/wetland/floodplain zone on the official zoning maps of the Washington County Land Use and Park Department. The shoreland zone generally includes all lands within 300 feet of a navigable stream or 1,000 feet from a lake shore. The wetland and floodplain zoning districts may extend beyond the shoreland zone.

(26) "**Soil detachment**" means the first step in the soil erosion process, or the dislodging of the soil particle from raindrop impact, water flow or wind. After detachment, the soil particle can be suspended and carried in runoff or wind to another site. Soil detachment is reduced by providing a vegetative or synthetic cover over the soil surface or through the application of soil treatment measures designed for this purpose.

(27) "**Stabilized**" means that vegetation is well established or other surfacing material is in place and the risk of further soil erosion is minimal.

(28) "**Stormwater management**" means any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff quantity and quality from urban areas after land development activities.

(29) "**Stormwater management facility**" means any structural best management practice, such as a retention pond, infiltration basin or other physical structure, that is designed to collect and permanently manage the quantity and/or quality of stormwater runoff.

(30) "**Subsoil**" means the "B" horizon in any natural soil profile. Natural soil profiles are described in detail in the Soil Survey of Washington County.

(31) "**Temporary best management practice**" means any best management practice that is intended to reduce soil erosion and/or sediment in runoff during the construction phase only, and is intended to be removed after the site is stabilized.

(32) "**Topsoil**" means the "A" horizon found in any natural soil profile not formed from organic material. Natural soil profiles are described in detail in the Soil Survey of Washington County.

(33) "**Total suspended solids load**" means the total weight of material, including sediment and other solids, that is assumed to be carried in the runoff water and discharged from the site based on runoff models for urban lands. For best management practice design purposes, a 5 micron particle size is usually selected as a target to achieve 80% total suspended solids removal rate, as required in sec. 9.09(4) of this ordinance.

(34) "**Watershed**" means the total area of land where runoff drains to a specific point on the landscape. It is also referred to as the drainage area.

(35) "**Wetland functional values**" means the type, quality and significance of the ecological and cultural benefits provided by the wetland, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation and education.

(36) "**Working day**" means a day when the administering authority and other local businesses are routinely and customarily open for business, not including Saturdays, Sundays or scheduled holidays. When used in sec. 9.08 of this ordinance, relating to specific erosion control requirements, the term working days shall not include any days that site stabilization activities could not reasonably be carried out due to inclement weather conditions.