

Town of Trenton, WI
Thursday, February 2, 2023

Chapter 380. Zoning

[HISTORY: Adopted by the Town Board of the Town of Trenton 11-7-1989 as Title 10, Ch. 1 of the 1989 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Plan Commission — See Ch. 15, § 15-2.

Board of Adjustment — See Ch. 15, § 15-4.

Building construction — See Ch. 174.

Erosion control and stormwater management — See Ch. 200.

Subdivision of land — See Ch. 350.

ATTACHMENTS

Attachment 1 - RESERVED 

Article I. Introduction

§ 380-1. Authority.

These regulations are adopted under the authority granted by §§ 60.62, 61.35, 62.23(7) and 66.0103, Wis. Stats., the Town Board having been granted Village Board powers of a continuing nature by the Town Meeting held on April 4, 1972. This chapter may be referred to as the "Zoning Code." This Zoning Code, which is on file in the office of the Town Clerk of the Town of Trenton, Washington County, Wisconsin, is hereby adopted as part of the Code of the Town of Trenton, Washington County, Wisconsin, pursuant to § 66.0103, Wis. Stats.

§ 380-2. Title.

This chapter shall be known as, referred to and cited as the "Zoning Code, Town of Trenton, Washington County, Wisconsin" and is hereinafter referred to as the "this chapter."

§ 380-3. General purpose.

The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Town of Trenton.

§ 380-4. Intent and purposes in view.

The general intent and purposes in view of this chapter are to regulate and restrict the use of all structures, lands and waters and to:

- A. Promote and protect the public health, safety, prosperity, aesthetics and general welfare of the people.

- B. Divide the Town into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses.
- C. Protect the character and the stability of the residential, business, industrial and other districts within the Town and promote the orderly and beneficial development thereof.^[1]
[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- D. Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage.
- E. Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements.
- F. Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways.
- G. Secure safety from fire, panic, flooding, pollution, contamination and other dangers.
- H. Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Town.
- I. Preserve and protect the beauty of the Town of Trenton.
- J. Prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts.
- K. Provide for the elimination of nonconforming uses of buildings and structures which are adversely affecting the character and value of desirable development in each district.
- L. Provide for and protect a variety of suitable commercial and industrial sites.
- M. Protect the traffic-carrying capacity of existing and proposed arterial streets and highways.
- N. Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Town of Trenton.
- O. Provide for the administration and enforcement of this chapter and provide penalties for the violation of this chapter.
- P. Facilitate the use of solar energy devices and other innovative development techniques.
- Q. Stabilize and protect property values.
- R. Further the appropriate use of land and conservation of natural resources.
- S. Preserve and promote the beauty of the community.

§ 380-5. Abrogation and greater restrictions.

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

§ 380-6. Interpretation.

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

§ 380-7. Severability and nonliability.

- A. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- B. If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- C. The Town does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town Board, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this chapter.

Article II. General Provisions

§ 380-8. Applicability.

- A. Jurisdiction. The jurisdiction of this chapter shall apply to all structures, lands, water and air within the corporate limits of the Town of Trenton.
- B. Compliance. No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- C. District regulations to be complied with. Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- D. Yard reduction or joint use.
 - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. 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) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.
- E. Lots abutting more restrictive district. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

§ 380-9. Use regulations.

Only the following uses and their essential services may be allowed in any district:

- A. Principal/permitted uses. Only those principal uses specified for a district (sometimes referred to as a "permitted use"), their essential services and the following uses shall be permitted in that district. The principal/permitted dwelling unit shall exist on the parcel before any other permitted or accessory uses or structures are allowed; this limitation shall not be applicable in the M-1, P-1 or I-1 District.

B. Accessory uses.

- (1) 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 this chapter. In all residential and country estate districts, the principal residence shall be present prior to the placement of any other permitted or accessory uses/structures.
- (2) A permitted permanent accessory structure may not include tents or fabric enclosures with wooden, plastic, or metal beams, poles or supports. These structures may be installed for temporary use of no more than 30 days. Any use of longer than 30 days will require a variance and building and zoning permits.

C. General conditional use provisions. Provisions applicable to conditional uses generally:

- (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Town Board in accordance with Article **IV** of this chapter, excepting those existent at time of adoption of the Zoning Code.
- (2) Those existing uses which are classified as conditional uses for the district(s) in which they are located at the time of adoption of this chapter require no action by the Town Board for them to continue as valid conditional uses.
- (3) Proposed changes from a permitted use in a district to conditional use shall require review, public hearing and approval by the Town Board in accordance with Article **IV** of this chapter.
- (4) A conditional use(s), when replaced by a permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s) or establishment of a new conditional use(s) shall require review, public hearing and approval by the Town Board in accordance with Article **IV** of this chapter.
- (5) Regular conditional uses, either allowed by action of the Town Board or existent at time of adoption of this chapter, shall be lapsing and shall not survive vacancies and change of ownership of the properties where located and be subject to substitution with other conditional use(s) of the same or similar type without Town Board approval. A change to a conditional use of other than the same or similar type shall require procedures and approval in accordance with Article **IV**.

D. Uses not specified.

- (1) Uses not specified in this chapter which are found by the Town Board to be sufficiently similar to specified permitted uses for a district shall be allowed, following recommendation from the Plan Commission.
- (2) Uses not specified in this chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Town Board after consideration and recommendation by the Plan Commission, public hearing and approval in accordance with Article **IV** of this chapter.^[1]

[1] *Editor's Note: Original § 10-1-21(e), Temporary uses, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 380-107G, Temporary uses.*

§ 380-10. Site regulations.

- A. Street frontage. All lots shall abut upon a public street, and each lot, except those abutting a cul-de-sac, shall have a minimum frontage at the road right-of-way of 66 feet. Cul-de-sac lots shall not be less than 50% of the required lot width in the district in which they are located at the road right-of-way line.

- B. Principal structures. All principal structures shall be located on a lot. Only one principal structure shall be located, erected or moved onto a lot, except in the EA, AT and A-1 Districts. The Town Board may permit as a conditional use more than one principal structure per lot in other districts where more than one such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Town Board, subject to the recommendation of the Plan Commission, may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- C. Dedicated street. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.^[1]
- [1] *Editor's Note: Original § 10-1-22(d), Lots abutting more restrictive district, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 380-8E, Lots abutting more restrictive district.*
- D. Site suitability. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board, upon the recommendation of the Plan Commission, 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 Building Inspector, in applying the provisions of this subsection, shall, in writing, recite the particular facts upon which he bases his 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 Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Town Board.
- E. Preservation of topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1 1/2 horizontal to one vertical, within a distance of 20 feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Town Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

§ 380-11. Height and yard exceptions and modifications.

- A. Height. The district height limitations stipulated elsewhere in this Zoning Code may be exceeded, but such modification shall be in accordance with the following:
- (1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Zoning Code.
 - (2) Special structures, such as grain elevators, radio and television receiving antennas, satellite dish antennas when mounted on the roof of a principal structure, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks are exempt from the height limitations of this Zoning Code.
 - (3) Essential services, utilities, water towers and electric power and communication transmission lines are exempt from the height limitations of this Zoning Code.
 - (4) Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height their distance from the nearest lot line or public road right-of-way line.
 - (5) Agricultural structures, such as barns and silos, shall not exceed in height their distance from the nearest lot line or public road right-of-way line.

B. Yards. The yard requirements stipulated elsewhere in this Zoning Code may be modified as follows:

- (1) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed three feet.
- (2) Essential services, utilities, and electric power and communication transmission lines are exempt from the yard requirement of this Zoning Code.
- (3) Landscaping and vegetation are exempt from the yard requirements of this Zoning Code.^[1]

[1] *Editor's Note: Original § 10-1-24, Reduction or joint use, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 380-8D, Yard reduction or joint use.*

Article III. Zoning Districts

§ 380-12. Districts established.

A. Districts established. For the purpose of this Zoning Code, the Town of Trenton is hereby divided into the following districts:^[1]

EA	Exclusive Agricultural District
AT	Agricultural Transition District
A-1	Agricultural District
R-1	Single-Family Residential District (Unsewered)
R-2	Single-Family Residential District (Unsewered)
R-3	Rural Residential District
R-4	Single-Family Residential District (Sewered)
R-5	Single-Family Residential District (Sewered)
R-6	Two-Family Residential District (Unsewered)
R-7	Two-Family Residential District (Sewered)
R-8	Multiple-Family Residential District (Unsewered)
B-1	Local Business District
B-2	Highway Business District
M-1	Industrial District
I-1	Rural Institutional District (Unsewered)
I-2	Urban Institutional District (Sewered)
P-1	Park District
CES	Country Estate District
CES	5 Country Estate District (Hobby Farms — Country Homes)
CES	10 Country Estate District (Hobby Farms — Country Estates)
PDO	Planned Development Overlay District
C-1	Conservancy District

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

B. Boundaries. Boundaries of these districts are hereby established as shown on the map titled "Zoning Map, Town of Trenton, Wisconsin," dated March 31, 1986, which map accompanies and is hereby made a part of this Zoning Code. Unless otherwise noted on the Zoning Map, such boundaries shall be construed to follow corporate limits; United States Public Land Survey lines; lot

or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended.

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

§ 380-13. Zoning Map.

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Zoning Code and shall bear upon its face the attestation of the Town Chairperson and Town Clerk and shall be available to the public in the office of the Town Clerk. Changes, thereafter, to the general zoning districts shall not become effective until entered and attested on the certified copy.

§ 380-14. EA Exclusive Agricultural District.

- A. Purpose. The EA 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. Uses permitted in the EA Agricultural District shall be consistent with those uses permitted by § 91.75, Wis. Stats., as may be amended from time to time.
- B. Permitted uses.
- (1) Apiculture (beekeeping).
 - (2) Dairy farming.
 - (3) Floriculture (cultivation of ornamental flowering plants).
 - (4) Grazing and pasturing.
 - (5) Livestock raising, not to exceed 750 cattle or similar animal.
 - (6) Orchards.
 - (7) Plant nurseries.
 - (8) Poultry raising and egg production, not to exceed 5,000 birds.
 - (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, manure storage facilities, silos, sheds and storage bins.
 - (15) One single-family farm dwelling to be occupied by the farm operator.
 - (16) Existing dwellings not accessory to a farm operation or dwellings remaining after the consolidation of farms, provided that such dwellings are located on a lot not less than 40,000 square feet in area having a lot width of not less than 125 feet.
 - (17) Additional single-family dwellings for the farm operator or a child or parent of the farm operator, provided that such dwellings are located on a lot not less than 40,000 square feet in area having a lot width of not less than 125 feet. Additional dwelling units permitted by right shall be

limited to two. However, additional dwelling units, exceeding two, may be permitted by conditional use permit.

(18) Essential services.

C. Animals.

- (1) Lots or acreage totaling less than 10 acres shall be subject to the following, relative to the keeping and raising of domestic stock for agribusiness, show, breeding or other purposes:
 - (a) No more than one horse, cow, sheep or similar animal, over six months of age, shall be kept on each 1 1/2 acres, with a maximum number for any parcel not to exceed three animals.
 - (b) No more than five chickens, ducks, or similar poultry, over six months of age, shall be kept for each five acres.
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre.
 - (d) Combination of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.
 - (e) Any variance from the above requirements may be obtained for parcels exceeding five acres and shall be by conditional use permit.
- (2) No animals may be housed or kept in a building which is attached or connected to a residential dwelling or attached residential garage.

D. Permitted accessory uses.

- (1) Supporting agricultural practices associated with the agricultural uses listed.
- (2) Private garages.
- (3) Home occupations as specified herein.
- (4) One roadside stand for selected farm products produced on the premises and not exceeding 300 square feet in floor area.
- (5) Forest and game management.
- (6) Ponds for private recreational purposes.
- (7) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
- (8) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

E. (Reserved)^[1]

[1] *Editor's Note: Former Subsection E, regarding accessory buildings, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(15).*

F. Conditional uses. See §§ **380-47**, **380-48**, **380-50** and **380-53**.

G. Parcel area and width. Farm parcels shall provide a contiguous area of not less than 35 acres, and no farm shall be less than 600 feet in width.

H. Building height and area.

- (1) No farm buildings or parts of farm buildings shall exceed 100 feet in height.
- (2) No farm dwelling or part of a farm dwelling shall exceed 35 feet in height.

- (3) The total minimum living area of a farm dwelling or other residential dwelling shall be 1,200 square feet with a minimum first floor area of 800 square feet.

I. Yards.

- (1) For property fronting Class B highways, a minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
- (3) There shall be a side yard of not less than 25 feet in width on each side of all structures.
- (4) There shall be a rear yard of not less than 25 feet.

§ 380-15. AT Agricultural Transition District.

- A. Purpose. The AT Agricultural District is intended to preserve existing agricultural uses in the intermediate term until an orderly transition to another planned district and use is approved by the Town Board. For this purpose, use of lands in the district should be reviewed at least once every five years, or more often when lands are annexed to adjacent communities or when urban services, such as centralized sanitary sewer or centralized water supply, are extended into the area. Lands included in this district should be those located near incorporated or urbanized areas where the predominant use is agricultural but where conversion to nonagricultural use is expected to occur in the foreseeable future. Uses permitted in the AT Agricultural District shall be consistent with those uses permitted by § 91.75, Wis. Stats., as may be amended from time to time.
- B. Permitted uses. Those uses permitted in the EA Exclusive Agricultural District.
- C. Permitted accessory uses. Those accessory uses permitted in the EA Exclusive Agricultural District.
- D. Conditional uses. See §§ **380-47**, **380-48** and **380-53**.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- E. Parcel area and width. Farm parcels shall provide a contiguous lot area of not less than 35 acres, and no farm shall be less than 600 feet in width.
- F. Building height and area.
 - (1) No farm buildings or parts of farm buildings shall exceed 100 feet in height.
 - (2) No farm dwelling or part of a farm dwelling shall exceed 35 feet in height.
 - (3) The total minimum living area of a farm dwelling or other residential dwelling shall be 1,200 square feet with a minimum first floor area of 800 square feet.
- G. Yards.
 - (1) A minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
 - (2) There shall be a side yard of not less than 25 feet in width on each side of all structures.
 - (3) There shall be a rear yard of not less than 25 feet.

§ 380-16. A-1 Agricultural District.

- A. Purpose. 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 EA 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.

B. Permitted uses.

- (1) Those agricultural uses permitted in the EA Agricultural District.
- (2) Any of the following agriculturally related uses:
 - (a) Agricultural warehousing.
 - (b) Egg production, provided that no more than 500 birds are maintained on parcels over 35 acres in area.
 - (c) Feed lots for not more than 100 cattle, swine, sheep or similar animals on parcels over 35 acres in area.
[Amended 2-6-2007 by Ord. No. 2-1-2007]
 - (d) Contract sorting, grading and packaging of fruits and vegetables.
 - (e) Corn shelling, hay baling and threshing services.
 - (f) Grist milling services.
 - (g) Horticultural services.
 - (h) Poultry hatchery services.
- (3) Parcels of 35 acres or more in area: general farm buildings, including barns, silos, sheds, and storage bins.
[Amended 7-16-2013 by Ord. No. Z2013-07-01]
- (4) Single-family dwellings with attached or detached garage.
- (5) Essential services.

C. Animals.

- (1) Lots or acreage totaling less than 35 acres shall be subject to the following, relative to the keeping and raising of domestic stock for agribusiness, show, breeding, or other purposes:
[Amended 7-16-2013 by Ord. No. Z2013-07-01]
 - (a) No more than one horse, cow, sheep or similar animal, over six months of age, shall be kept on each 1 1/2 acres, with a maximum number for any parcel not to exceed three animals.
 - (b) No more than five chickens, ducks, or similar poultry, over six months of age, shall be kept for each five acres.
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre.
 - (d) Combination of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.
- (2) No animals may be housed or kept in a building which is attached or connected to a residential dwelling or attached residential garage.

D. Permitted accessory uses.

- (1) Supporting agricultural practices associated with the agricultural uses listed.
- (2) Garages.
- (3) Home occupations as specified herein.

- (4) Forest and game management.
- (5) Ponds for private recreational purposes.
- (6) One roadside stand for selected farm products produced on the premises and not exceeding 100 square feet in area.
- (7) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
- (8) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

E. (Reserved)^[1]

[1] *Editor's Note: Former Subsection E, regarding accessory buildings, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(13).*

F. Conditional uses. See §§ **380-47**, **380-48**, **380-50** and **380-53**.

G. Parcel area and width. Parcels shall be not less than 125 feet in width. Development shall occur in this district at a density not to exceed one residential dwelling unit per 35 acres.

H. Building height and area.

- (1) No farm building or farm-related building shall exceed 100 feet in height.
- (2) No farm dwelling or other residential dwelling shall exceed 35 feet in height.
- (3) The total minimum living area of a farm dwelling or other residential dwelling shall be 1,200 square feet with a minimum first floor area of 800 square feet.

I. Yards.

- (1) A minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
- (2) There shall be a side yard of not less than 25 feet in width on each side of all structures.
- (3) There shall be a rear yard of not less than 25 feet.

§ 380-17. R-1 Single-Family Residential District (Unsewered).

A. Purpose. The R-1 Residential District is intended to provide for single-family residential development at densities not to exceed 1.09 dwelling units per net acre served by on-site sanitary sewerage systems (septic tanks) and private wells and provide for smaller minimum home sizes.

B. Permitted uses.

- (1) Single-family dwellings with an attached garage, excluding all mobile homes; for purposes of this chapter, manufactured homes are included in the definition of "single-family dwelling."
- (2) Two-family dwellings existing at the time of adoption of this Zoning Code.
- (3) Essential services.
- (4) Community living arrangements and day-care centers which have a capacity for eight or fewer persons.
- (5) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.

C. Permitted accessory uses.

- (1) Private detached garages. (See § **380-107**.)
 - (2) Gardening, tool and storage sheds incidental to the residential use.
 - (3) Home occupations and professional home offices.
 - (4) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- D. Conditional uses. See §§ **380-47**, **380-48** and **380-53**.
- E. Lot area and width. Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width.
- F. Building height and area.
- (1) No building or part of a building shall exceed 35 feet in height.
 - (2) The total minimum living area of a dwelling shall be 1,400 square feet with a minimum first floor area of 1,000 square feet.
 - (3) The attached garage shall be a minimum of 440 square feet in area.
- G. Yards.
- (1) For property fronting Class B or C highways, a minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
 - (2) There shall be a side yard of not less than 25 feet in width on each side of all structures.
 - (3) There shall be a rear yard of not less than 25 feet.

§ 380-18. R-2 Single-Family Residential District (Unsewered).

- A. Purpose. The R-2 Single-Family Residential District (Unsewered) is intended to provided for the preservation of a rural setting of very low density and high quality for estate or hobby farm type of development in the area appropriate to such use.
- B. Permitted uses. The following uses are permitted in the R-2 District:
- (1) Single-family dwellings, with a required attached garage of 440 square feet.
 - (2) Community living arrangements which have a capacity for eight or fewer persons subject to the limitations set forth in § 62.23(7)(i), Wis. Stats.
 - (3) The keeping and raising of domestic stock for agribusiness, show, breeding or other purposes, provided that the total number of animals shall be as follows:
 - (a) No more than one horse, cow, steer, sheep or similar animal, over six months of age, shall be kept on each 1 1/2 acres, with a maximum of three animals per five acres without a conditional use permit. (A minimum of three acres is required for the keeping of one animal.)
 - (b) No more than five chickens, ducks or similar poultry, over two months of age, shall be kept for each five acres without a conditional use permit. (A minimum of three acres is required for the keeping of one such fowl.)
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre. (A minimum of three acres is required for the keeping of one animal.)
 - (d) Combinations of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.

(4) Essential services.

C. Permitted accessory uses.

(1) Private detached garages, barns, poultry houses, greenhouses, sheds, or other similar structures, such as storage sheds used for gardening and tools incidental to the residential use. (See § **380-107**.)

(2) Home occupations and professional home offices.

(3) The keeping or raising of domestic livestock for show, breeding, or other use incidental to the principal use of the premises.

(4) Private residential outdoor recreational facilities.

D. (Reserved)^[1]

[1] *Editor's Note: Former Subsection D, regarding accessory buildings or structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § **380-107L(2)**.*

E. Conditional uses (as regulated by Article **IV** of this chapter; see §§ **380-47**, **380-48** and **380-53**).
[Amended 11-19-2019 by Ord. No. Z2019-11-02]

(1) Public, private commercial and private noncommercial group outdoor recreational facilities.

(2) Public and private schools.

(3) Churches and religious institutions.

(4) Public administrative offices and service buildings.

(5) Private lodges and clubs.

(6) Commercial development of historic restoration.

(7) Bed-and-breakfast establishments which are licensed by the State of Wisconsin.

(8) Nursing and rest homes and homes for the aged.

(9) Public utility offices and installations.

F. Lot area and width. Lots shall have a minimum area of 40,000 square feet and shall not be less than 125 feet in width.

G. Building height and area.

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

(2) The total minimum living area of a dwelling shall be 1,400 square feet with a minimum first floor area of 1,000 square feet.

(3) The attached garage shall be a minimum of 440 square feet in area.

H. Yards.

(1) A minimum street yard (setback) of 75 feet from the road right-of-way shall be required.

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

(3) There shall be a rear yard of not less than 25 feet.

§ 380-19. R-3 Rural Residential District.

- A. Purpose. The R-3 Rural Residential District is intended to provide for single-family residential development, at densities not to exceed 0.33 dwelling unit per net acre, served by on-site soil absorption sanitary sewerage systems (septic tanks) and private wells.
- B. Permitted uses.
- (1) Single-family dwellings with an attached garage, excluding all mobile homes; for purposes of this chapter, manufactured homes are included in the definition of "single-family dwelling."
[Amended 2-6-2007 by Ord. No. 2-1-2007]
 - (2) The keeping and raising on domestic stock for agribusiness, show, breeding or other purposes, provided that the total number of animals shall be as follows:
 - (a) No more than one horse, cow, sheep or similar animal, over six months of age, shall be kept on each 1 1/2 acres.
 - (b) No more than five chickens, ducks or similar poultry, over two months of age, shall be kept for each acre.
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre.
 - (d) Combinations of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.
 - (3) Essential services.
 - (4) Community living arrangements and day-care centers which have a capacity for eight or fewer persons.
 - (5) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
- C. Permitted accessory uses.
- (1) Private detached garages of up to 1,000 square feet.
[Amended 3-21-2006]
 - (2) Gardening, tool and storage sheds incidental to the residential use.
 - (3) Home occupations and professional home offices.
 - (4) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- D. (Reserved)^[1]
- [1] *Editor's Note: Former Subsection D, regarding accessory buildings and structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(3).*
- E. Conditional uses. See §§ **380-47**, **380-48** and **380-53**.
- F. Lot area and width. Lots shall have a minimum area of three acres and shall be not less than 300 feet in width.
- G. Building height and area.
- (1) No building or parts of a building shall exceed 35 feet in height.
 - (2) The total minimum living area of a dwelling shall be 1,400 square feet with a minimum first floor area of 1,000 square feet.
 - (3) The attached garage shall be a minimum of 480 square feet in area.
- H. Yards.

- (1) A minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
- (2) There shall be a side yard of not less than 25 feet in width on each side of the dwelling.
- (3) There shall be a rear yard of not less than 25 feet.

§ 380-20. R-4 Single-Family Residential District (Sewered).

A. Purpose. The R-4 Residential District is intended to provide for single-family residential development at densities not to exceed 2.18 dwelling units per net acre served by public sanitary sewerage facilities.

B. Permitted uses.

- (1) Single-family dwellings with an attached garage, excluding all mobile homes; for purposes of this chapter, manufactured homes are included in the definition of "single-family dwelling."
- (2) Essential services.
- (3) Community living arrangements and day-care centers which have a capacity for eight or fewer persons.
- (4) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.

C. Permitted accessory uses.

- (1) Gardening, tool and storage sheds incidental to the residential use. (See § **380-107**.)
- (2) Home occupations and professional home offices.
- (3) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

D. (Reserved)^[1]

[1] *Editor's Note: Former Subsection D, regarding accessory buildings and structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § **380-107L(4)**.*

E. Conditional uses. See §§ **380-47**, **380-48** and **380-53**.

F. Lot area and width. Lots shall have a minimum area of 20,000 square feet and shall not be less than 100 feet in width.

G. Building height and area.

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The total minimum living area of a dwelling shall be 1,100 square feet with a minimum first-floor area of 700 square feet.
- (3) The attached garage shall be a minimum of 440 square feet in area.

H. Yards.

- (1) A minimum street yard (setback) of 40 feet from the road right-of-way shall be required.
- (2) There shall be a side yard of not less than 10 feet in width on each side of all structures.
- (3) There shall be a rear yard of not less than 25 feet.

§ 380-21. R-5 Single-Family Residential District (Sewered).

- A. Purpose. The R-5 Residential District is intended to provide for single-family residential development at densities not to exceed 3.6 dwelling units per net acre served by public sanitary sewerage facilities.
- B. Permitted uses.
- (1) Single-family dwellings with an attached or detached garage.
 - (2) Essential services.
- C. Permitted accessory uses.
- (1) Gardening, tool and storage sheds incidental to the residential use. (See also § 380-107).
 - (2) Home occupations and professional home offices.
- D. (Reserved)^[1]
- [1] *Editor's Note: Former Subsection D, regarding accessory buildings and structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(5).*
- E. Conditional uses. See §§ 380-47, 380-48 and 380-53.
- F. Lot area and width. Lots shall have a minimum area of 7,000 square feet and shall be not less than 50 feet in width.
[Amended 3-19-2019 by Ord. No. Z2019-02-01]
- G. Building height and area.
- (1) No building or part of a building shall exceed 35 feet in height.
 - (2) The total minimum living area of a dwelling shall be 1,000 square feet with a minimum first-floor area of 700 square feet.
- H. Yards.
- (1) A minimum street yard (setback) of 25 feet from the road right-of-way shall be required.
 - (2) A side yard of five feet in width on each side of all structures shall be required on lots with lake frontage. A side yard of 10 feet in width on each side of all structures shall be required on lots without lake frontage.
[Amended 3-19-2019 by Ord. No. Z2019-02-01; 3-15-2022 by Ord. No. Z2022-03-01]
 - (3) There shall be a rear yard of not less than 25 feet.

§ 380-22. R-6 Two-Family Residential District (Unsewered).

- A. Purpose. The R-6 Residential District is intended to provide for existing unsewered two-family residential development at densities not to exceed 1.45 dwelling units per net acre served by on-site sanitary sewerage systems (septic tanks) and private wells. This district is not intended for new unsewered subdivisions but may be used to infill existing two-family areas. No lands shall be zoned in this district after April 1, 1986.
- B. Permitted uses.
- (1) Two-family dwellings with a required attached garage for each residential unit for at least one car.
 - (2) Essential services.
- C. Permitted accessory uses.
- (1) Gardening, tool and storage sheds incidental to the residential use. (See § 380-107.)

- (2) Home occupations and professional home offices.
- (3) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

D. (Reserved)^[1]

[1] *Editor's Note: Former Subsection D, regarding accessory buildings and structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(6).*

E. Conditional uses. See §§ **380-47**, **380-48** and **380-53**.

F. Lot area and width. Lots shall have a minimum area of 60,000 square feet and shall be not less than 175 feet in width.

G. Building height and area.

- (1) No building or part of a building shall exceed 35 feet in height.
- (2) The total minimum living area of a two-family structure shall be 1,100 square feet per dwelling unit or 2,200 square feet per structure.
- (3) The attached garage area shall be a minimum of 480 feet in total area.

H. Yards.

- (1) A minimum street yard (setback) of 50 feet from the road right-of-way shall be required.
- (2) There shall be a side yard of not less than 25 feet in width on each side of all structures.
- (3) There shall be a rear yard of not less than 25 feet.

§ 380-23. R-7 Two-Family Residential District (Sewered).

A. Purpose. The R-7 Residential District is intended to provide for two-family residential development at densities not to exceed 4.36 dwelling units per net acre serviced by public sanitary sewerage facilities.

B. Permitted uses.

- (1) Two-family dwellings with a required attached garage for each residential unit for at least one car.
- (2) Essential services.

C. Permitted accessory uses.

- (1) Gardening, tool and storage sheds incidental to the residential use. (See § **380-107**.)
- (2) Home occupations and professional home offices.
- (3) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

D. (Reserved)^[1]

[1] *Editor's Note: Former Subsection D, regarding accessory buildings and structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(7).*

E. Conditional uses. See §§ **380-47**, **380-48** and **380-53**.

F. Lot area and width. Lots shall have a minimum area of 20,000 square feet and shall be not less than 100 feet in width.

G. Building height and area.

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The total minimum living area of a two-family structure shall be 1,000 square feet per dwelling unit or 2,000 square feet per structure.
- (3) The attached garage area shall be a minimum of 480 feet in total area.

H. Yards.

- (1) A minimum street yard (setback) of 25 feet from the road right-of-way shall be required.
- (2) There shall be a side yard of not less than 10 feet in width on each side of all structures.
- (3) There shall be a rear yard of not less than 25 feet.

§ 380-24. R-8 Multiple-Family Residential District (Unsewered).

A. Purpose. The purpose of the R-8 Multiple-Family District is to provide the opportunity for construction and maintenance of multiple-family dwelling units on unsewered lots at varying dwelling units per acre densities.

B. Permitted uses.

- (1) Multiple-family dwellings.

C. Conditional uses.

- (1) Parks and playgrounds.
- (2) Professional home offices.
- (3) Planned residential developments.
- (4) Golf courses and private clubs.
- (5) Utilities.
- (6) Schools and churches.
- (7) Government, cultural, and public uses, such as fire and police stations, community centers, libraries, public emergency shelters and museums.
- (8) Home occupations.
- (9) Nursery schools.
- (10) Day-care centers (state licensed).

D. Area, height and yard requirements.

- (1) Lot.
 - (a) Area. The minimum lot area for a four-unit shall be 1 1/2 acres. For every additional two units, an additional 1/2 acre is required. A maximum of eight dwelling units is permitted.
 - (b) Width: minimum 100 feet.
- (2) Building height: maximum 35 feet.
- (3) Yards.
 - (a) Street: minimum 30 feet.

- (b) Rear: minimum 30 feet.
- (c) Side: minimum 10 feet each side.
- (4) Minimum floor area.
 - (a) Three-bedroom apartments: 1,000 square feet.
 - (b) Two-bedroom apartments: 800 square feet.
 - (c) One-bedroom apartments: 600 square feet.

§ 380-25. B-1 Local Business District.

- A. Purpose. The B-1 Business District is intended to provide for small groups of retail and customer-service establishments in a shopping center setting serving the residents of the Town and the character, appearance and operation of which are compatible with the character of the surrounding area. No such district shall be less than two acres in area.
- B. Permitted uses.

Antique and collectors' stores (subject to the conditional use provisions of § 380-49J if applicable)

Appliance stores

Art gallery (subject to the conditional use provisions of § 380-49J if applicable)

Bakeries

Banks, credit unions and savings and loan associations

Barbershops and beauty shops

Bookstores (subject to the conditional use provisions of § 380-49J if applicable)

Bowling alleys

Broadcast studios without transmission or receiving towers

Business offices

Camera and photographic supply stores (subject to the conditional use provisions of § 380-49J if applicable)

Clothing stores

Cocktail lounges (subject to the conditional use provisions of § 380-49J if applicable)

Confectioneries

Delicatessens

Dental clinics

Department stores

Drugstores

Fish markets

Florists

Fruit stores

Furriers and fur apparel

Gift stores (subject to the conditional use provisions of § 380-49J if applicable)

Grocery stores

Hardware stores

Hobby and craft shops (subject to the conditional use provisions of § 380-49J if applicable)

Home furnishings

Insurance and real estate offices

Janitorial supplies
Jewelry stores
Law offices
Lodges and clubs (subject to the conditional use provisions of § 380-49J if applicable)
Meat markets
Medical clinics
Newspaper and magazine stores (subject to the conditional use provisions of § 380-49J if applicable)
Office supplies and business machine stores
Optical stores
Packaged beverage stores
Paint, glass and wallpaper stores
Plumbing and heating supplies
Publishing houses
Restaurants (subject to the conditional use provisions of § 380-49J if applicable)
Self-service laundries and dry-cleaning establishments
Shoe stores and leather goods stores
Soda fountains
Sporting goods stores
Taxidermy
Theaters
Tobacco shops
Travel agencies
Variety stores
Vegetable stores

C. Permitted accessory uses.

- (1) Garages for storage of vehicles used in conjunction with the operation of a business.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner or proprietor, located in the same building as the business.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
- (5) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

D. Conditional uses. See §§ **380-47**, **380-48**, **380-49** and **380-53**.

E. Lot area and width.

- (1) Local business shopping centers or districts shall contain a minimum of two acres and shall be not less than 200 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, required yards and appropriate sanitary facilities.

F. Building height.

- (1) No principal building or part of a principal building shall exceed 35 feet in height.
- (2) Accessory dwellings located within the business structures in the B-1 District shall provide a living area of not less than 700 square feet.

G. Yards.

- (1) A minimum street yard (setback) of 50 feet from the road right-of-way shall be required.
- (2) There shall be a rear yard of not less than 25 feet.

H. Plans and specifications to be submitted to Plan Commission. To encourage a business environment that is compatible with the residential character of the Town, zoning permits for permitted uses in business districts shall not be issued without review and approval of the Town of Trenton Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading and landscape plans.

§ 380-26. B-2 Highway Business District.

A. Purpose. The B-2 Business District is intended to provide for the orderly and attractive development 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.

B. Permitted uses.

- (1) Gasoline service stations, provided that all service islands and pumps shall meet the setback requirements.
- (2) Motels and motor hotels.
- (3) Building supply stores excluding lumberyards.
- (4) Automotive sales and service.
- (5) Restaurants.
- (6) Taverns.

C. 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 as a secondary use.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
- (5) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

D. Conditional uses. See §§ **380-47**, **380-49**, **380-52** and **380-53**.

E. Lot area and width. Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width.

F. Building height.

- (1) No principal building or part of a principal building shall exceed 35 feet in height.
 - (2) Accessory dwellings located within the business structures in the B-2 District shall provide a living area of not less than 700 square feet. An accessory dwelling located on a business parcel that is not within the business structure shall provide a living area of not less than 1,000 square feet and shall not exceed 35 feet in height.
- G. Yards.
- (1) A minimum street yard (setback) of 100 feet from the road right-of-way shall be required.
 - (2) There shall be a side yard of not less than 25 feet in width on each side of all structures.
 - (3) There shall be a rear yard of not less than 25 feet.
- H. Plans and specifications to be submitted to Plan Commission. To encourage a business environment that is compatible with the residential character of the Town, zoning permits for permitted uses in business districts shall not be issued without review and approval of the Town of Trenton Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading and landscape plans.

§ 380-27. M-1 Industrial District.

A. Purpose. The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations 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, and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

B. Permitted uses.

[Amended 2-1-2007 by Ord. No. 2-1-2007; 7-21-2020 by Ord. No. Z2020-07-02]

Automotive body repair
 Automotive upholstery
 Cleaning, pressing and dyeing
 Commercial bakeries
 Commercial greenhouses
 Cosmetic manufacturing
 Distributors
 Electrical appliances manufacturing
 Electronic devices manufacturing
 Farm machinery sales and repair
 Food locker plants
 Glass manufacturing
 Jewelry manufacturing
 Instrument manufacturing
 Laboratories
 Leather fabrication, not including tanning
 Machine shops

Manufacture and bottling of nonalcoholic beverage
 Mini warehousing
 Packaging and packing of confections
 Packaging and assembly of products made from fur
 Painting
 Pharmaceutical processing
 Printing and publishing
 Storage and sale of machinery and equipment
 Tobacco and toiletries
 Trucking
 Warehousing
 Wholesaling

C. Permitted accessory uses.

- (1) Garages and yards for storage of vehicles used in conjunction with the operation of an industry.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply and other uses normally auxiliary to the principal industrial operations.
- (4) Residential quarters for the owner or caretaker in a separate building not housing the industrial use.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

D. Conditional uses. See §§ **380-47**, **380-50**, **380-51** and **380-53**.

E. Lot area and width. Lots shall have a minimum of 40,000 square feet in area and shall not be less than 125 feet in width.

F. Building height and area.

- (1) No building or parts of a building shall exceed 45 feet in height.
- (2) No building or buildings shall occupy more than 50% of the lot area.

G. Yards.

- (1) A minimum street yard (setback) of 100 feet from the road right-of-way shall be required.
- (2) There shall be a side yard of not less than 25 feet in width on each side of all structures.
- (3) There shall be a rear yard of not less than 25 feet.

H. Plans and specifications to be submitted to Plan Commission. To encourage an industrial use environment that is compatible with the residential character of the Town, zoning permits for permitted uses in industrial districts shall not be issued without review and approval of the Town Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading and landscape plans.

§ 380-28. I-1 Rural Institutional District (Unsewered).

- A. Purpose. The I-1 Rural 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. I-1 institutional uses are served by on-site sanitary sewerage systems (septic tanks) and private wells.
- B. Permitted uses.
- (1) Public or private schools, colleges and universities.
 - (2) Churches.
 - (3) Funeral homes.
 - (4) Hospitals, sanitoriums, nursing homes and clinics.
 - (5) Libraries, community centers, museums and public art galleries.
 - (6) Public administrative offices and public service buildings, including fire and police stations.
 - (7) Public utility offices.
 - (8) Day care.
[Added 11-19-2019 by Ord. No. Z2019-11-02]
- C. 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 on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
 - (5) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- D. Conditional uses. See §§ **380-47** and **380-53**.
- E. Lot area and width. Lots shall be a minimum area of 40,000 square feet and shall not be less than 125 feet in width.
- F. Building height and area.
- (1) No principal building or part of a principal building shall exceed 35 feet in height.
 - (2) Residential uses permitted in the I-1 District shall comply with the building area requirements of the R-2 Single-Family Residential District.
- G. Yards.
- (1) A minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
 - (2) There shall be a side yard of not less than 25 feet in width on each side of all structures.
 - (3) There shall be a rear yard of not less than 25 feet.
- H. Plans and specifications to be submitted to the Plan Commission. To encourage an institutional use environment that is compatible with the residential character of the Town, zoning permits for permitted uses in the Institutional District shall not be issued without review and approval of the Town of Trenton Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading and landscape plans.

§ 380-29. I-2 Urban Institutional District (Sewered).

- A. Purpose. The I-2 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. I-2 institutional uses are served by public sanitary sewerage facilities.
- B. Permitted uses.
- (1) Public or private schools, colleges and universities.
 - (2) Churches.
 - (3) Funeral homes.
 - (4) Hospitals, sanitoriums, nursing homes and clinics.
 - (5) Libraries, community centers, museums and public art galleries.
 - (6) Public administrative offices and public service buildings, including fire and police stations.
 - (7) Public utility offices.
- C. 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 on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
 - (5) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- D. Conditional uses. See §§ **380-47** and **380-53**.
- E. Lot area and width. Lots shall be a minimum area of 12,000 square feet and shall not be less than 75 feet in width.
- F. Building height and area.
- (1) No principal building or part of a principal building shall exceed 35 feet in height.
 - (2) Residential uses permitted in the I-2 District shall comply with the building area requirements of the R-5 Single-Family Residential District.
- G. Yards.
- (1) A minimum street yard (setback) of 25 feet from the road right-of-way shall be required.
 - (2) There shall be a side yard of not less than 10 feet in width on each side of all structures.
 - (3) There shall be a rear yard of not less than 25 feet.
- H. Plans and specifications to be submitted to Plan Commission. To encourage an institutional use environment that is compatible with the residential character of the Town, zoning permits for permitted uses in the Institutional District shall not be issued without review and approval of the Town of Trenton Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading and landscape plans.

§ 380-30. P-1 Park District.

- A. Purpose. The P-1 Park District is intended to provide for areas where open space and recreational needs, both public and private, can be met without undue disturbance of natural resources and adjacent uses.
- B. Permitted uses. Hours of operation are restricted to 7:00 a.m. to 10:00 p.m.
[Amended 1-20-2015 by Ord. No. Z2015-01-01]
- (1) Botanical gardens and arboretums.
 - (2) Historic monuments or sites.
 - (3) Outdoor skating rinks.
 - (4) Park and playgrounds.
 - (5) Picnicking areas.
 - (6) Play fields or athletic fields.
 - (7) Sledding, skiing or tobogganing.
 - (8) Swimming beaches.
 - (9) Tennis courts.
 - (10) Retreat centers.
- C. Permitted accessory uses.
- (1) Buildings accessory to the permitted use.
 - (2) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
 - (3) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- D. Conditional uses. See §§ **380-47**, **380-52** and **380-53**.
- E. Building height. No building or part of a building shall exceed 35 feet in height.
- F. Yards.
- (1) A minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
 - (2) No building or structure shall be erected, altered or moved closer than 50 feet to a side or rear lot line.
- G. Plans and specifications to be submitted to Plan Commission. To encourage a recreational-use environment that is compatible with the residential character of the Town, zoning permits for permitted uses in the Park District shall not be issued without review and approval of the Town of Trenton Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading and landscape plans. Municipally owned facilities shall be exempt from site plan review.

§ 380-31. PDO Planned Development Overlay District.

- A. Purpose. The PDO Planned Development 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 PDO Overlay District under this Zoning Code 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. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Ch. 703, Wis. Stats. (condominiums), may be permitted by the Town upon specific petition under this section of the Zoning Code and after public hearing, with such development encompassing one or more principal uses or structures and related accessory uses or structures when all regulations and standards are set forth in this section of the Zoning Code have been met.
- B. Application of district; private roads.
 - (1) The PDO District may be used for development in any district except the EA Exclusive Agricultural District, AT Agricultural Transition District, A-1 Agricultural District and the R-3 Residential District.
 - (2) The Town Board, following a recommendation from the Plan Commission, may allow the use of private roads/streets when a PDO District is used as an overlay in an R-2 Residential District. The applicant shall file documentation demonstrating adequate means to ensure long-term maintenance of the private road. The use of private roads, and the design thereof, shall be subject to the approval of the Town Board.
- C. Permitted uses. Uses permitted in a planned 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. 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 or more locations within the development.
- D. Minimum area requirements. Areas designated as planned development overlay districts shall be under single or corporate ownership or control and shall contain a minimum development area as follows:

Minimum Area of PDO

Principal Uses	(acres)
Residential PDO	5
Commercial PDO	5
Industrial PDO	20
Mixed compatible use	20

- E. Procedural requirements.
 - (1) Pre-petition conference. Prior to the official submission of the petition for the approval of a planned development overlay district, the owner or his agent making such petition shall meet with the Town Plan 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/her agent may file a petition with the Town Clerk for approval of a planned development overlay district. Such petition shall be accompanied by a review fee and the following information:

- (a) A statement which sets forth the relationship of the proposed PDO to the Town's adopted Comprehensive Plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PDO, including the following information:
- [1] Total area to be included in the PDO, 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 owners' or management 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 PDO and its relationship to surrounding properties.
 - [2] The location of existing and proposed public and private roads, existing and proposed driveways and existing and proposed 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 locations 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-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 Plan Commission. The petition for a planned development overlay district shall be referred to the Town Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
- (4) Public hearing. The Town Plan Commission and the Town Board shall hold a joint public hearing pursuant to the requirements of Article **XII** of this chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested planned

development overlay district. As soon as is practical following the hearing, the Plan Commission shall report its findings and recommendations to the Town Board.

F. Basis for approval of the petition.

- (1) The Town Plan Commission, in making its recommendation, and the Town Board, in making its determination, shall consider that:
 - (a) The petitioners for the proposed planned development overlay district have indicated that they intend to begin the physical development of the PDO within nine 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.
 - (b) The proposed planned development overlay district is consistent in all respects with the purpose of this section and with the spirit and intent of this Zoning Code and is in conformity with the adopted Comprehensive Plan or any adopted component thereof and that the development would not be contrary to the general welfare and economic prosperity of the community.
- (2) The Town Plan 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) Adequate water and sewer facilities shall be provided.
 - (f) The entire tract or parcel of land to be included in a planned development overlay district shall be held under single ownership or, if there is more than one owner, the petition for such planned development overlay district shall be considered as one tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot or tract and be so recorded with the Register of Deeds for Washington County.
- (3) In the case of a proposed residential planned development overlay 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 density within the planned development overlay district will be compatible with and not exceed the average intensity and density of development permitted in the underlying basic use district.
 - (c) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities. Residential PDO developments containing more than two dwelling units per structure shall be served by public sanitary sewerage facilities.
 - (d) Adequate continuing fire and police protection is available.

- (e) 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.
 - (f) 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.
- (4) In the case of a proposed commercial planned development overlay district:
- (a) The proposed development will be adequately served by off-street 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 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.
- (5) In the case of a proposed industrial planned 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 off-street 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.
- (6) In the case of mixed-use planned 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.
- G. Determination. 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 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.

- H. Changes and additions. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town Plan Commission, and if, in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Town Plan Commission shall be required and notice thereof shall be given pursuant to the provisions of Article **XII** of this chapter, and said proposed alterations shall be submitted to the Town Board for approval.
- I. Subsequent land division. The division of any land or lands within a planned 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 PDO approval.^[1]
- [1] *Editor's Note: See Ch. 350, Subdivision of Land.*

§ 380-32. CES Country Estate District.

- A. Purpose. The CES Country Estate District is intended to provide for the preservation of a rural setting of very low density and high quality for estate or gentleman's farm type of development in areas where the physical and environmental character of the land and of existing development in the area is appropriate to such use.
- B. Permitted uses.
- (1) Single-family dwellings with an attached garage.
 - (2) The keeping and raising of domestic stock for agribusiness, show, breeding or other purposes, provided that the total number of animals shall be as follows:
 - (a) No more than one horse, cow, sheep or similar animal, over six months of age, shall be kept on each 1 1/2 acres or a maximum of 1 1/2 animals per five acres without a conditional use permit.
 - (b) No more than five chickens, ducks or similar poultry, over two months of age, shall be kept for each five acres or a maximum of five per five acres without a conditional use permit.
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre.
 - (d) Combinations of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.
 - (3) Essential services.
- C. Permitted accessory uses.
- (1) Private detached garages, stables, barns, poultry houses, greenhouses, sheds, or other similar structures such as storage sheds used for gardening and tools incidental to the residential use.
 - (2) Home occupations and professional home offices.
 - (3) The keeping or raising of domestic livestock for show, breeding, or other use incidental to the principal use of the premises.
 - (4) Private residential outdoor recreational facilities.
 - (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
 - (6) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- D. (Reserved)^[1]

[1] *Editor's Note: Former Subsection D, regarding accessory buildings and structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(9), (10), and (11).*

- E. Conditional uses (as regulated by Article IV of this chapter).
- (1) Public, private commercial and private noncommercial group outdoor recreational facilities.
 - (2) Public and private schools.
 - (3) Churches and religious institutions.
 - (4) Public administrative offices and service buildings.
 - (5) Private lodges and clubs.
 - (6) Commercial development of historic restoration.
 - (7) Bed-and-breakfast establishments which are licensed by the State of Wisconsin.
 - (8) Nursing and rest homes and homes for the aged.
 - (9) Public utility offices and installations.
 - (10) Commercial riding stables.
- F. Lot area and width. Lots shall have a minimum area of 10 acres and shall not be less than 250 feet in width at the building setback line.
- G. Building height and area.
- (1) No building or parts of a building shall exceed 35 feet in height.
 - (2) The total minimum living area of a dwelling shall be 1,800 square feet with a minimum first floor area of 1,200 square feet.
 - (3) The attached garage shall be a minimum of 600 square feet in area.
- H. Yards.
- (1) A minimum street yard (setback) of 100 feet from the road right-of-way shall be required.
 - (2) There shall be a side yard of not less than 30 feet in width on each side of all structures, except that lots fronting on a cul-de-sac shall have a minimum side yard of 15 feet in width on each side of all structures.
 - (3) There shall be a rear yard of not less than 30 feet.

§ 380-33. CES-5 Country Estate District (Hobby Farms — Country Homes).

- A. Purpose. The CES-5 Country Estate District is intended to provide for a single-family residential development in a farmette or estate-type setting, at densities not to exceed one dwelling unit, served by private sewer and water facilities.
- B. Permitted uses. The following uses are permitted in the CES-5 District:
- (1) Single-family dwellings with an attached garage. The garage shall be a minimum 600 square feet in area.
 - (2) Community living arrangements which have a capacity for eight or fewer persons subject to the limitations set forth in § 62.23(7)(i), Wis. Stats.

- (3) The keeping and raising of domestic stock for agribusiness, show, breeding or other purposes, provided that the total number of animals shall be as follows:
 - (a) No more than one horse, cow, sheep or similar animal, over six months of age, shall be kept on each 1 1/2 acres, with a maximum of three animals per five acres without a conditional use permit. (A minimum of three acres is required for the keeping of one animal.)
 - (b) No more than five chickens, ducks or similar poultry, over six months of age, shall be kept for each acre, with a maximum of five per acre without a conditional use permit. (A minimum of three acres is required for the keeping of one such fowl.) Poultry must be kept in an enclosed coop at all times. The coop must be placed a minimum of 35 feet from the side and rear yard lot lines. The coop cannot be placed in the front yard of the residence. [Amended 2-19-2021 by Ord. No. 2021.02.02]
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre. (A minimum of three acres is required for the keeping of one animal.)
 - (d) Combinations of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.

(4) Essential services.

C. Permitted accessory uses.

- (1) Private detached garages, stables, barns, poultry houses, greenhouses, sheds, or other similar structures such as storage sheds used for gardening and tools incidental to the residential use.
- (2) Home occupations and professional home offices.
- (3) The keeping or raising of domestic livestock for show, breeding, or other use incidental to the principal use of the premises.
- (4) Private residential outdoor recreational facilities.
- (5) Roof-mounted solar collectors (over three feet in diameter), provided that a registered professional engineer shall certify that the structure is adequate to support the load.

D. (Reserved)^[1]

[1] *Editor's Note: Former Subsection D, regarding accessory buildings and structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(10).*

E. Conditional uses (as regulated by Article IV of this chapter; see §§ 380-47, 380-48, 380-50 and 380-53).

- (1) Public, private commercial and private noncommercial group outdoor recreational facilities.
- (2) Public and private schools.
- (3) Churches and religious institutions.
- (4) Public administrative offices and service buildings.
- (5) Private lodges and clubs.
- (6) Commercial development of historic restoration.
- (7) Bed-and-breakfast establishments which are licensed by the State of Wisconsin.
- (8) Nursing and rest homes and homes for the aged.
- (9) Public utility offices and installations.

- F. Lot area and width. Lots shall have a minimum area of five acres and shall not be less than 250 feet in width at the building setback line.
- G. Building height and area.
 - (1) No building or parts of a building shall exceed 35 feet in height.
 - (2) The total minimum living area of a dwelling shall be 1,600 square feet with a minimum first floor area of 1,200 square feet.
 - (3) The attached garage shall be a minimum of 600 square feet in area.
- H. Yards.
 - (1) A minimum street yard (setback) of 100 feet from the road right-of-way shall be required.
 - (2) There shall be a side yard of not less than 30 feet in width on each side of all structures, except that lots fronting on a cul-de-sac shall have a minimum side yard of 25 feet in width on each side of all structures.
 - (3) There shall be a rear yard of not less than 30 feet.

§ 380-34. CES-10 Country Estate District (Hobby Farms — Country Estates).

- A. Purpose. The CES-10 Country Estates District is intended to provide for the preservation of a rural setting of very low density and high quality for estate or hobby farm type of development in areas where the physical and environmental character of the land and of existing development in the area is appropriate to such use.
- B. Permitted uses. The following uses are permitted in the CES-10 District (see Appendix for acreage and square footage scale):
 - (1) Single-family dwellings with an attached garage; the required garage containing a minimum of 600 square feet in area.
 - (2) Community living arrangements which have a capacity for eight or fewer persons subject to the limitations set forth in § 62.23(7)(i), Wis. Stats.
 - (3) The keeping and raising of domestic stock for agribusiness, show, breeding or other purposes, provided that the total number of animals shall be as follows:
 - (a) No more than one horse, cow, sheep or similar animals, over six months of age, shall be kept on each 1 1/2 acres, with a maximum of 1 1/2 animals per five acres without a conditional use permit.
 - (b) No more than five chickens, ducks or similar poultry, over six months of age, shall be kept for each acre, with a maximum of five per acre without a conditional use permit. Poultry must be kept in an enclosed coop at all times. The coop must be placed a minimum of 35 feet from the side and rear yard lot lines. The coop cannot be placed in the front yard of the residence.
[Amended 2-19-2021 by Ord. No. 2021.02.02]
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre.
 - (d) Combinations of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.
 - (4) Essential services.
- C. Permitted accessory uses.

- (1) Private detached garages, stables, barns, poultry houses, greenhouses, sheds, or other similar structures such as storage sheds used for gardening and tools incidental to the residential use.
- (2) Home occupations and professional home offices.
- (3) The keeping or raising of domestic livestock for show, breeding, or other use incidental to the principal use of the premises.
- (4) Private residential outdoor recreational facilities.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted (over three feet in diameter), a registered professional engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

D. (Reserved)^[1]

[1] *Editor's Note: Former Subsection D, regarding accessory buildings and structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(11).*

E. Conditional uses (as regulated by Article IV of this chapter; see §§ 380-47, 380-48, 380-50 and 380-53):

- (1) Public, private commercial and private noncommercial group outdoor recreational facilities.
- (2) Public and private schools.
- (3) Churches and religious institutions.
- (4) Public administrative offices and service buildings.
- (5) Private lodges and clubs.
- (6) Commercial development of historic restoration.
- (7) Bed-and-breakfast establishments which are licensed by the State of Wisconsin.
- (8) Nursing and rest homes and homes for the aged.
- (9) Public utility offices and installations.
- (10) Commercial riding stables.

F. Lot area and width. Lots shall have a minimum area of 10 acres and shall not be less than 250 feet in width at the building setback line.

G. Building height and area.

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The total minimum living area of a dwelling shall be 1,800 square feet with a minimum first floor area of 1,400 square feet.
- (3) The attached garage shall be a minimum of 600 square feet in area.

H. Yards.

- (1) A minimum street yard (setback) of 100 feet from the road right-of-way shall be required.
- (2) There shall be a side yard of not less than 30 feet in width on each side of all structures, except that lots fronting on a cul-de-sac shall have a minimum side yard of 25 feet in width on each side of all structures.
- (3) There shall be a rear yard of not less than 30 feet.

§ 380-35. C-1 Conservancy District.

[Amended 7-20-2010]

- A. Purpose. The purpose of the C-1 Conservancy District is to preserve, protect, and maintain the natural environment and character of areas exhibiting significant natural resource features which contribute to the productive, recreational, or aesthetic value of the community. Slopes in excess of 12% are unsuitable for development and should be maintained in essentially natural, open uses.
- B. Permitted uses.
- (1) Single-family dwellings with an attached garage or detached garage located on upland areas outside of wetlands as per Washington County Park and Planning Department and the Department of Natural Resources; excluding all mobile homes; for purposes of this chapter, manufactured homes are included in the definition of "single-family dwelling."
 - (2) Farming and related agricultural uses when conducted in accordance with conservation standards.
 - (3) The keeping and raising of domestic stock for agribusiness, show, breeding or other purposes, provided that the total number of animals shall be as follows:
 - (a) No more than one horse, cow, sheep or similar animal, over six months of age, shall be kept on each 1 1/2 acres.
 - (b) No more than five chickens, ducks or similar poultry, over two months of age, shall be kept for each acre.
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre.
 - (d) Combinations of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.
 - (4) Essential services.
 - (5) Residences existing on the property.
 - (6) Forest and game management.
 - (7) Hunting, fishing and hiking.
 - (8) Parks and recreation areas; arboreta; botanical gardens; and greenways.
 - (9) Stables.
 - (10) Utilities.
 - (11) Nonresidential buildings used solely in conjunction with the raising of waterfowl or fish.
 - (12) Harvesting of wild crops.
 - (13) Recreation-related structures not requiring basements.
 - (14) Single-family dwellings with attached or detached garage located on upland areas outside of wetlands.
- C. Permitted accessory uses.
- (1) Private detached garages of up to 1,000 square feet.
 - (2) Gardening, tool and storage sheds incidental to the residential use.
 - (3) Home occupations and professional home offices.

- (4) Roof-mounted solar collectors provided that a registered professional engineer shall certify that the structure is adequate to support the load.

D. (Reserved)^[1]

[1] *Editor's Note: Former Subsection D, regarding accessory buildings and structures, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(12).*

E. Building height and area.

- (1) Lot.
 - (a) Area: minimum five acres.
 - (b) Width: minimum 300 feet.
- (2) Building height: maximum 35 feet, measured from the foundation to the peak of the roof.
- (3) Other structure height: maximum 1/2 the distance from the structure's nearest lot line.

F. Building height and area.

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The total minimum living area of a dwelling shall be 1,400 square feet with a minimum first floor area of 1,000 square feet.
- (3) The attached garage shall be a minimum of 480 square feet in area.

G. Yards.

- (1) A minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
- (2) There shall be a side yard of not less than 30 feet in width on each side of the dwelling, except that structures used for the housing of shelters for animals must be 100 feet from lot lines.
- (3) There shall be a rear yard of not less than 30 feet.

H. Conditional uses.

- (1) Animal hospitals, shelters and kennels.
- (2) Archery and firearm ranges, sports fields and skating rinks.
- (3) Land restoration, flowage, and ponds.
- (4) Golf courses and clubs.
- (5) Ski hills and trails.
- (6) Yacht clubs and marinas.
- (7) Recreation camps.
- (8) Public and private campgrounds.
- (9) Riding stables.
- (10) Planned residential developments.
- (11) Sewage disposal plants.
- (12) Governmental, cultural and public buildings or uses.
- (13) Utilities.
- (14) Hunting and fishing clubs.

(15) Professional home offices.

(16) Farm structures.

Article IV. Conditional Uses

§ 380-36. Findings.

The development and execution of this article are based upon the division of the Town into districts, within which districts the use of land and buildings and bulk and location of buildings and structures in relation to the land are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land or public facilities and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

§ 380-37. Authority of Plan Commission and Town Board.

- A. The Town Board may authorize the Zoning Administrator to issue a conditional use permit for a conditional use after review, public hearing and advisory recommendation from the Plan Commission, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Board resolution, and the resulting conditional use permit, when for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- B. Any development within 500 feet of the existing or proposed rights-of-way of freeways and expressways and within 1/2 mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the trafficway. The Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.
- C. Conditions such as landscaping, architectural design, type of construction, 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 requirements may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- D. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses.

§ 380-38. Initiation of conditional use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses provided for in this article in the zoning district in which such land is located.

§ 380-39. Application for permit.

Applications for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Town 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 is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
- C. A location sketch drawn to scale showing all the information required for a zoning permit and, in addition, the mean and historic high-water lines and floodlands on or within 40 feet of the subject premises and existing and proposed landscaping.
- D. Additional information as may be required by the Town Plan Commission or Zoning Administrator.

§ 380-40. Hearing on application.

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this chapter shall prohibit the Town Board, on its own motion, from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in § 380-39 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

§ 380-41. Notice of hearing; Plan Commission report.

- A. Hearing. Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 notice under the Wisconsin Statutes in the official Town newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Town Board and Plan Commission, and the owners of record as listed in the office of the Town Assessor who are owners of property in whole or in part situated within 200 feet of the boundaries of the properties affected, said notice to be sent at least 10 days prior to the date of such public hearing.
- B. Report of Plan Commission. The Plan Commission shall report its advisory recommendations to the Town Board within 30 days after a matter has been referred to it. If such action has not been reported by the Plan Commission within 30 days, the Town Board can act without such recommendation.

§ 380-42. General standards for conditional uses.

- A. No application for a conditional use shall be recommended for approval by the Plan Commission or granted by the Town Board unless such Commission and Board shall find all of the following conditions are present:
- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
 - (7) The proposed use does not violate floodplain regulations governing the site.
- B. When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- C. In addition to passing upon a conditional use permit, the Plan Commission and Board shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution, including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

§ 380-43. Denial of application.

When a denial of a conditional use application is made, the Town Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Town Board has used in determining which standards were not met.

§ 380-44. Conditions and guarantees.

The following conditions shall apply to all conditional uses:

- A. Conditions. Prior to the granting of any conditional use, the Town Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in § **380-42** above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
- (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking;
 - (18) Duration of conditional use; or
 - (19) Any other requirements necessary to fulfill the purpose and intent of this chapter.
- B. Site review. In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- C. Alteration of conditional use. No alteration of a conditional use shall be permitted unless approved by the Town Board after recommendation from the Plan Commission. 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. Enlargement of a conditional use shall not be considered an amendment. The process for amending a permit shall generally follow the procedures for granting a permit as set forth herein.
- D. Architectural treatment. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Town Board may require the use of certain

general types of exterior construction materials and/or architectural treatment.

- E. Sloped sites; unsuitable soils. Where slopes exceed 6% and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- F. Conditional uses to comply with other requirements. Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading.
- G. Special notification in agricultural districts. A notification of each conditional use permit granted in the EA or AT District shall be transmitted to the Wisconsin Department of Agriculture, Trade and Consumer Protection.

§ 380-45. Expiration of conditional use permit.

Where the Town Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the Board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of 90 days for justifiable cause, if application is made to the Town Board at least 30 days before the expiration of said permit.

§ 380-46. Complaints against conditional uses; revocation of permit.

- A. The Town Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code.
- B. Should a permit applicant, his heirs or assigns fail to comply with the conditions of the permit issued by the Town Board or should the use or characteristics of the use be changed without prior approval by the Town Board, the conditional use permit may be revoked.
- C. Upon written complaint by any citizen or official, the Town Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in § 380-42 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in § 380-41 above. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Town Board may, in order to bring the subject conditional use into compliance with the standards set forth in § 380-42 or conditions previously imposed by the Town Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Subsection **A(1)** and **(2)** in § 380-42 will be met, the Town Board may revoke the subject conditional approval and direct the Zoning Administrator and the Town Attorney to seek elimination of the subject use. Following any

such hearing, the decision of the Town Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

§ 380-47. Public and semipublic uses.

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

- A. Airports, airstrips and landing fields in the I-1 and I-2 Institutional Districts, the M-1 Industrial District and A-1 Agricultural District, provided that the site is not less than 20 acres.
- B. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums in all residential and business districts, in the M-1 Industrial District and in the P-1 Park District.
- C. Utility substations, pumping stations and towers in all districts, provided that all principal structures and uses are not less than 50 feet from any residential district lot line.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- D. Water treatment facilities in the I-1 and I-2 Institutional Districts and the M-1 Industrial District.
- E. Public passenger transportation terminals, such as heliports and bus and rail depots, but excluding airports, airstrips and landing fields, in all business districts and in the M-1 Industrial District, provided that all principal structures and uses are not less than 100 feet from any residential district boundary.
- F. Public, parochial and private elementary and secondary schools and churches in all residential districts and the P-1 Park District, provided that the lot area is not less than two acres and all principal structures and uses are not less than 50 feet from any lot line.
- G. Penal and correctional institutions, houses in the I-1 Institutional District, provided that the site is not less than five acres and does not abut upon a residential property.
- H. Cemeteries and crematories in the I-1 and I-2 Institutional Districts, provided that no structure is located closer than 50 feet to any lot line.

§ 380-48. Residential and quasi-residential uses.

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

- A. Clubs, fraternities, lodges and meeting places of a noncommercial nature in any residential district and the I-1 and I-2 Institutional Districts.
- B. Rest homes, housing for the elderly at a density of not more than 16 units per acre, clinics and children's nurseries in the R-7 Two-Family Residential District and the I-2 Institutional District, provided that all principal structures and uses are not less than 50 feet from any lot line.
- C. Additional residential dwellings, in excess of the two permitted by right, for a child or parent of a farm operator in the EA, AT and A-1 Agricultural Districts, provided that the farm operator shall show a need for the additional dwelling units to the satisfaction of the Town Board and such dwellings are located on a lot not less than 40,000 square feet in area having a lot width of not less than 125 feet.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- D. Conversion of a single-family farm dwelling to a two-family dwelling in the A-1, AT and EA Agricultural Districts, provided that:
 - (1) The structure being converted was built prior to 1970;
 - (2) The structure shall provide a minimum living area of 900 square feet per dwelling unit; and

- (3) The farm parcel has soil conditions which will accommodate a two-family sewage disposal system.
- E. Accessory apartments in the EA, AT and A-1 Agricultural Districts, the R-1, R-2, R-3 and R-4 Residential Districts and the I-1 and I-2 Institutional Districts, provided that:
- (1) The principal dwelling has a minimum living area of 1,200 square feet, excluding the accessory dwelling unit;
 - (2) The dwelling unit is owner-occupied;
 - (3) There may be only one accessory apartment per dwelling unit;
 - (4) The accessory apartment shall have a minimum living area of 600 square feet and no more than one bedroom; and
 - (5) The accessory apartment shall be occupied by a person related to the owner of the principal dwelling unit by blood, marriage or adoption.
- F. Bed-and-breakfast establishments in the EA, AT and A-1 Agricultural Districts, the R-1, R-2, R-3 and R-4 Residential Districts, and the I-1 and I-2 Institutional Districts, provided that no more than four bedrooms are rented, that adequate off-street parking is provided, and that any permit required by § 254.64(1)(b), Wis. Stats., has been secured. One exterior advertising sign, not exceeding two square feet in area, may be erected on the premises.
- G. Community living arrangements for nine or more residential units in the R-1, R-2, R-3 and R-4 Residential Districts.
- H. Beauty and barber shops and dog grooming in all residential districts.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- I. Home occupations and professional home offices in all residential and country estate districts meeting the standards of § 380-56.
- J. Landscaping, lawn care, masonry, carpenter/contractor, and other businesses which may utilize off-site workers/employees in any residential, agricultural or country estate district may do so, provided that they are not employed on the premises and they do not visit the residence during the course of business. Employees shall not report to the residence for work orders or other business reasons. No materials, supplies or equipment to be used in other locations can be stored at the residence in which the home occupation is operated.
[Amended 2-6-2007 by Ord. No. 2-1-2007]

§ 380-49. Commercial uses.

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

- A. Drive-in theaters. Drive-in theaters in the B-2 Business District, provided that a planting screen at least 25 feet wide is created along any side abutting a residential district and no access is permitted to or within 1,000 feet of an arterial street.
- B. Funeral homes. Funeral homes in the B-1 and B-2 Business Districts and the I-1 and I-2 Institutional Districts, provided that all principal structures and uses are not less than 25 feet from any lot line.
- C. Drive-in banks. Drive-in banks in the B-1 and B-2 Business Districts.
- D. Transmission towers. Radio and television transmitting towers, receiving towers, relay and microwave towers and broadcast studios in the B-2 Business and M-1 Industrial Districts and I-1 and I-2 Institutional Districts.

- E. Equipment rental. Equipment rental in the B-1 and B-2 Business Districts and the M-1 Industrial District.
- F. Service stations. Gasoline service stations in the B-1 Business District, provided that all service islands and pumps shall be set back at least 20 feet from the street right-of-way.
- G. Automotive body repair. Automotive body repair in the B-2 Business District, provided that any outside storage areas shall be surrounded by a solid fence or evergreen plating screen preventing a view from any residential, park or institutional district.
- H. Self-storage warehouses/mini warehouses. Self-storage warehouses/mini warehouses in the B-1 and B-2 Business Districts. All self-storage warehouses or mini warehouses shall have side walls not to exceed 14 feet.
[Added 11-15-2005; amended 2-6-2007 by Ord. No. 2-1-2007]
- I. Construction contractors' shops and yards. Construction contractors' shops and yards in the B-1 and B-2 Business Districts.
[Added 11-15-2005; amended 2-6-2007 by Ord. No. 2-1-2007^[1]
[1] *Editor's Note: Former Subsection J, Adult entertainment establishments, as amended, which immediately followed this subsection, as amended, was repealed 5-15-2012 by Ord. No. 2012-02.*

§ 380-50. Industrial and agricultural uses.

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

- A. Specialized agriculturally related uses such as sawmills, fur farms, stables, paddocks and equestrian trails in the EA Agricultural District.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- B. Business-involved servicing of farm machinery in the EA Agricultural District.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- C. Veterinary offices and clinics intended to service farm animals in the EA Agricultural District.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- D. Animal hospitals in any business or industrial district, provided that all principal structures and uses are not less than 100 feet from any residential use. Parcels in A-1 zoning must be a minimum of 20 acres in size to seek a conditional use permit under § 380-50.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- E. Commercial raising and propagation of animals such as dogs, cats, mink, rabbits, and foxes in the EA, AT, and A-1 Agricultural Districts. Parcels in A-1 zoning must be a minimum of 20 acres in size to seek a conditional use permit under § 380-50.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- F. Business of boarding of animals such as horses and dogs in the EA, and A-1 Agricultural Districts. Parcels in A-1 zoning must be a minimum of 20 acres in size to seek a conditional use permit under § 380-50.
[Amended 11-19-2019 by Ord. No. Z2019-11-02]
- G. Dumps, disposal areas, incinerators and sewage treatment plants in the M-1 Industrial District.
- H. Recycling centers in the M-1 Industrial District and the I-1 Institutional District.
- I. Manufacturing and processing of abrasives, acetylene, acid, alcoholic beverages, alkalis, ammonia, asphalt, batteries, bedding, bleach, candles, celluloid, cement, charcoal, chlorine, cordage, creosote, dextrine, disinfectant, dry ice, dyes, excelsior, felt, fertilizer, gelatin, glucose, glue, ice, ink, insecticide, lime, linoleum, matches, oil cloth, paint, paper, perfume, plastics, poison, polish, potash,

pulp, rope, rubber, size, shellac, soap, starch, stove polish, turpentine, varnish, vinegar and yeast in the M-1 Industrial District.

- J. Processing of bone, alcoholic beverage bottling, building materials, cement products, cereals, chemicals, coffee, coke, fat, flammables, food products, fuel, furs, gasoline, grains, hair products, lard, lime products, meat, peas, pickles, plaster of paris and textiles in the M-1 Industrial District.
- K. Storage of building materials, ice, dry ice, flammables, gasoline, grains, paint, shellac, fat, lard, turpentine, vinegar and yeast in the M-1 Industrial District. Outside storage areas shall be surrounded by a solid fence or evergreen planting screen capable of completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from residential, institutional or park districts.
- L. Bag cleaning facilities; bleacheries; canneries; cold storage warehouses; electric and steam generating plants; electroplating; enameling; lacquering; lithographing; oil, coal and bone distillation; refineries; road test facilities; and weaving facilities in the M-1 Industrial District and shall be at least 600 feet from any residential, institutional or park districts.
- M. Freight yards, freight terminals and transshipment depots in the M-1 Industrial District.
- N. Commercial service facilities, such as restaurants and fueling stations, in the M-1 Industrial District, provided that all such services are physically and saleswise oriented toward industrial district users and employees and that other users are only incidental customers.
- O. Alternative agricultural activities limited to barn weddings, barn wedding receptions, private barn receptions and corporate barn parties in the EA, and A-1 Agricultural Districts. Parcels zoned A-1 Agricultural District must be a minimum of 20 acres in size. Parcels in A-1 zoning must be a minimum of 20 acres in size to seek a conditional use permit under § **380-50**.
[Added 3-15-2016 by Ord. No. Z2-2016-01; amended 11-19-2019 by Ord. No. Z2019-11-02]

§ 380-51. Earthmoving and mineral extraction uses.

The following earthmoving and mineral extraction uses shall be conditional uses and may be permitted as specified:

- A. Soil removal. Topsoil and sod removal and sale are a conditional use and may be permitted in any district except the EA and AT Agricultural Districts. The Plan Commission shall require the use of adequate soil erosion control measures to prevent pollution of surface waters caused by runoff.
- B. Mineral extraction operations. Mineral extraction operations, including washing, crushing or other processing, are conditional uses and may be permitted as follows:
 - (1) Application. The application for the conditional use permit shall include an adequate description of the operation; a list of equipment, machinery and structures to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet, trees, and existing and proposed excavations; and a restoration plan.
 - (2) Restoration plan. The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and 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 Attorney.
 - (3) Term of permit. The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period not to exceed two years. Modifications or additional conditions may be imposed upon application for renewal.

- (4) Impact. The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring developments, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site.

§ 380-52. Public recreational facilities.

The following public recreational facilities shall be conditional uses and may be permitted as specified:

- A. Archery sales and shooting ranges, bathhouses, beaches, boating, camps, concession stands, conservatories, driving ranges, golf courses, gymnasiums, ice boating, marinas, music halls, polo fields, pools, riding academies, stadiums and zoological and botanical gardens in the P-1 Park District, provided that the lot area is not less than three acres and all structures are not less than 50 feet from any district boundary. Archery sales and shooting ranges meeting the above standards may also be conditional uses in agricultural districts.
- B. Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf facilities, pool and billiard halls, skating rinks and theaters, are conditional uses and may be permitted in any business district. Physical cultural facilities, racetracks, rifle ranges and turkish baths are specifically prohibited uses.

§ 380-53. Energy conservation uses.

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

- A. Wind energy conversion systems. Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power may be permitted in the M-1 District only, 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 more than one premises; 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 50 decibels, as measured on a dB(A) scale, measured at the lot line.
 - (4) Electromagnetic 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 chapter; 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 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 the Electrical Code of the Town.^[1]

[1] *Editor's Note: See Ch. 174, Building Construction, § 174-4C.*

B. Solar energy conversion systems. Solar energy conversion systems, including all systems as defined by § 13.48(2)(h)1g, Wis. Stats., 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 the Zoning Code unless otherwise provided in the conditional use permit issued pursuant to this section.

C. Earth-sheltered structures. Earth-sheltered structures which are built partially or totally into the ground for the purpose of using the insulating value of the soil to conserve energy may be permitted in the EA, AT, A-1 and R-1 Districts. This subsection does not include conventional homes with exposed basements, split-levels or similar types of construction, and provided further that the following information requirements and standards shall apply:

- (1) Application. Applications for the construction of an earth-sheltered structure shall be accompanied by all of the information required to obtain a building permit, with special attention to be given to the bearing strength of the structure, provision of proper drainage for sanitary, storm and ground water and wastes, proper ventilation, grading of the lot and its effect on adjacent properties, proper exit availability and exterior renderings of the structure to determine its visual affect on adjacent structures. Such standards shall be certified by a registered engineer or architect.
- (2) Construction. Earth-sheltered structures shall be constructed in conformance with all applicable state and local building and zoning codes. A registered engineer or architect shall certify that the design of the structure is in conformance with all applicable state and local codes.

§ 380-54. Public gatherings.

A. Scope. This section shall apply to all public gatherings, rallies, assemblies or festivals at which attendance is greater than 500 persons for a one-day event and greater than 250 persons for a two-day or more event. The requirement for a public gathering conditional use permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena, auditorium, or coliseum, any annual event held prior to the adoption of this section or other

similar permanently established place for assemblies which does not have a maximum capacity over 250 persons, nor those events sponsored or approved by the Town Board of the Town of Trenton.^[1]

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

- B. Intent. The purpose and intent of this section is to establish site approval for locations in the Town of Trenton used temporarily for gatherings as defined in this section, it being recognized that the character and type of such gatherings vary widely and the facilities required to carry out the general purpose and intent should be the subject of a conditional use permit issued only after public hearing before the Plan Commission and a determination by the Town Board that there will be compliance with the standards set forth in this section.
- C. Application. Applications for a public gathering conditional use permit shall be made by the owner or a person having a contractual interest in lands proposed as the site for a public gathering, rally, assembly or festival as defined in this section. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there are no officers, by all members of such association, society or group. Such application shall be filed with the Town Clerk at least 60 days in advance of the date of the scheduled event on forms to be furnished by him and shall include the following:
- (1) Names. Names and addresses of the applicant, owner of the site, promoter and/or sponsor of the gathering.
 - (2) Site description. Description of the site by metes and bounds or other legal description, address of the site, type of proposed gathering and proposed method of operation, maximum number of persons to attend such gathering and any special or unusual conditions anticipated.
 - (3) Survey. Plat of survey to a scale of one inch equals 100 feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type, elevations and size of the following: subject site, soil mapping unit lines, existing or proposed wells, buildings, fences, woods, streams, lakes or watercourses, as well as the vertical contour interval two feet above the ordinary high-water level.
 - (4) Fees. The fee for a public gathering conditional use permit and for the public hearing shall be as set forth on the schedule of deposits, bonds and fees.^[2]
- [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- D. Bond. The Town Board shall have authority to require the applicant and site owners to file a cash bond in an amount to be determined by the Town Board, but not exceeding \$100,000, conditioned on complete compliance by the applicant and site owner with all provisions of this section, the terms and conditions of the public gathering conditional use permit, including cleaning up the site, and the payment of any damages, fines, forfeitures or penalties imposed by reason of violation thereof.
- E. Determination. The Plan Commission shall, based on evidence presented at the hearing, make a finding of the number of persons expected to attend the event. Such finding shall be final and conclusive on the applicant for the purpose of determining the amount of the permit fee and the applicability of those standards set forth herein which are dependent upon the number of persons attending the event.
- F. Standards. A public gathering conditional use permit shall not be issued unless it is determined, based on evidence produced at the hearing, that the following standards are or will be met:
- (1) For events scheduled for two successive days or more, at least one acre of land, exclusive of roads, parking lots and required yards, shall be provided for each 100 persons attending.
 - (2) Every site proposed for a public gathering conditional use permit shall be on generally well-drained ground and shall not be a ground on which storm or other waters accumulate or on

ground which is wet or muddy due to subsoil moisture.

- (3) The applicant shall provide proof that he or it will furnish, at his or its own expense, before the assembly commences:
 - (a) A fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.
 - (b) Physicians and nurses licensed to practice in Wisconsin sufficient to provide the average medical care enjoyed by residents of Wisconsin for the maximum number of people to be assembled at the rate of at least one physician for every 2,000 people and at least one nurse for every 1,000 people, together with an enclosed, covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times.
 - (c) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
 - (d) A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.
 - (e) Security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 500 people. If it is determined by the Town Chairperson that additional police protection shall be required, he may contact the County Sheriff's Department, and all costs for the additional protection required shall be deducted from the posted cash bond.
 - (f) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county and municipality and sufficient emergency personnel to efficiently operate the required equipment.
 - (4) The applicant shall provide adequate sanitary facilities which shall require a minimum of one approved toilet for each 100 persons in attendance.
 - (5) The applicant shall provide an adequate source of pure water with sufficient supply outlets for drinking and other purposes to comfortably accommodate the number of persons expected to attend the event at the rate of one gallon per person per day. Where a public water supply is not available, potable water, meeting all federal and state requirements for purity, may be used. Any well or wells supplying any such site shall comply with the Wisconsin Administrative Code.
- G. Other licenses and permits required.
- (1) Any license as provided by Ch. 125, Wis. Stats., particularly Class "B" picnic licenses, shall be obtained by the applicant.
 - (2) All required permits and licenses must be on file with the Zoning Administrator prior to issuance of the public gathering conditional use permit.
- H. Permit issuance. If approved, the Town Board shall direct the Zoning Administrator to issue the conditional use permit. Such permit shall be valid only on the dates for which the same is issued and shall permit the assembly of only the maximum number of people stated in the permit. The permit holder shall not sell tickets or permit the assembly at the approved location of more than the maximum permissible number of people.

- I. Revocation. It shall be the duty of Town law enforcement officers to enforce the provisions of this section. In the event of any noncompliance with this section by the applicant or owner of the site or any other person or in the event of violation or threatened violation of any conditions attached to the conditional use permit, Town law enforcement officers shall forthwith revoke such permit and issue a citation for such violations notifying the Town Attorney, who shall prosecute such violations and take appropriate legal action to restrain any further violation or threatened violation of this section.

§ 380-55. Commercial driveway and roadway access uses.

The following commercial driveway and roadway access uses are conditional uses and may be permitted as specified:

- A. Definition. Commercial driveway and roadway access uses, for purposes of this section, shall be defined as any public or private driveway, roadway, highway, street, alley or other thoroughfare constructed on private property for the purpose of providing ingress and egress from a public highway or road to a commercial or industrial use and on which it is anticipated that traffic will average more than 25 vehicle trips per day.
- B. Intent. The purpose and intent of this section is to regulate commercial driveways and roadway access uses, as defined in more detail above, in order to take into account the impact of those uses upon neighboring land, traffic patterns, and/or existing public facilities and highways.
- C. Application. Applications for the construction of a commercial driveway or roadway use shall be accompanied by the following: specifications for the construction of said commercial driveway or roadway use; estimates, prepared by the applicant, of the average number of vehicle trips and types of vehicles, including load weights if vehicles include semi-tractor-trailers, for the traffic that will be using the commercial driveway or roadway use; plat of survey prepared by a registered land surveyor showing the location, dimensions, and elevations of the proposed commercial driveway and roadway use; application fee and costs; and such other information as may be specifically requested by the Town of Trenton in furtherance of the intent of this section. The application shall further contain a statement made upon oath or affirmation by the applicant that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making the application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership, or by all officers of an incorporated association, society or group, or, if there are no officers, by all members of such association, society or group.
- D. Application fee and costs. An application for a commercial driveway and roadway conditional use shall be filed with the Town Building Inspector in writing. The initial application fee as set forth on the schedule of deposits, bonds and fees shall accompany the application, unless waived or reduced by the Town Board. In addition, the Town Board may charge the applicant an additional fee to reimburse the Town for appropriate necessary costs and expenses incurred by the Town for attorneys' fees and experts' fees related to the application process. The total application fees, both initial and subsequent, shall not exceed \$20,000 for any application.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- E. Bond. The Town Board shall have authority to require, and the Town Plan Commission may recommend, that any commercial driveway and roadway conditional use permit issued under this section shall not be effective unless there is on file with the Town Clerk a cash bond or a bond with a corporate surety duly licensed in the State of Wisconsin in the amount of \$100,000. This bond is to assure that the applicant will comply with all the provisions of this chapter. As a term and condition of the commercial driveway and roadway conditional use, the applicant will save harmless, indemnify and defend the Town, its officers, its representatives and its agents of any expenses or costs incurred through the action of the applicant with regard to the use. Such expenses or costs shall specifically include, but are not limited to, repairs, damage, or injury to a public roadway or highway in the Town.

- F. Standards for review. In addition to those standards set forth in § 380-42 of this chapter, as amended, a commercial driveway and roadway conditional use permit shall not be issued without consideration, based upon evidence produced at the public hearing, of the following, as applicable to the specific request:
- (1) The load-bearing weight of vehicles that it is anticipated will be using the commercial driveway or roadway conditional use and the impact of the same on public Town highways and roadways;
 - (2) The impact of the proposed use on traffic patterns in the area and the potential need for traffic markers, signs, and/or acceleration/deceleration traffic lanes to be provided by the applicant and/or landowner, if different, to lessen the impact on local traffic patterns;
 - (3) Driveway width which shall safely accommodate the expected traffic patterns, vehicle trips, and types of vehicles;
 - (4) Driveway length which shall safety accommodate the anticipated vehicle patterns, vehicle trips, and types of vehicles; and
 - (5) Paving of driveways with the intent of minimizing the dust, noise, and/or other nuisance to neighboring properties and uses.
- G. Permit issuance. If approved, the Town Board shall direct the Zoning Administrator to issue the conditional use permit. Such permit shall contain those limitations and/or conditions determined by the Town Board.
- H. Revocation. In the event of any noncompliance with this section by the applicant or owner of the site or any other person or in the event of a violation or threatened violation of any conditions attached to the conditional use permit, the permit may be revoked after a public hearing upon a published Class 1 notice by the Town.
- I. State law applicability. Nothing contained herein shall be deemed to limit or restrict the application of any state law, including Ch. 86, Wis. Stats., or any administrative regulation of any state agency regulating the subject of this section.
- J. References. References within this section to the term "vehicle trip" shall be defined as an entry or an exit by a motor vehicle on the proposed use.

§ 380-56. Home occupations and professional home offices.

- A. Intent. The intent of this section is to provide a means to accommodate a small family home occupation business or professional home office without the necessity of a rezone into a commercial district, in some instances as a permitted use and in others as a conditional use. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- B. Permitted home occupations. Home occupations and professional home offices are a permitted use in all residential districts and country estate districts, provided that the following standards are completely adhered to, and such uses are subject to the requirements of the district in which the use is located:
- (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.

- (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (7) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
 - (8) The home occupation shall be restricted to a service-oriented business. The manufacturing of items or products or the retail sale of items or products on the premises is prohibited.
 - (9) One nonresident employee may work at the home occupation or professional home office.
 - (10) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- C. When conditional use permit required. A home occupation or professional home office which exceeds or does not satisfy the standards in Subsection **B** may only be maintained following the issuance of a conditional use permit. Uses which require retail sales, involve the parking or storage of commercial vehicles, or which utilize manufacturing or fabrication equipment require issuance of a conditional use permit or may be deemed as inappropriate for the site by the Town. The general intent of this section and the underlying zoning district shall be respected. Sale or transfer of the property shall cause the conditional use permit issued under this section to be null and void. Landscaping, lawn care, masonry, carpenter/contractor, and other businesses which may utilize off-site workers/employees are governed by § **380-48J**.

§ 380-57. Group homes.

- A. Proximity. In the absence of compelling reasons to the contrary, it is the policy of the Town of Trenton that in order to prevent the concentration of group home facilities, no two group homes may locate within 1/4 mile of each other. There shall be a finding that there is no other home located within 1/4 mile of the proposed group home or that there are compelling reasons for disregarding this dispersal policy in a particular case.
- B. Conditional use. Group homes may only be allowed in residential districts as a conditional use.
- C. Exceptions. The Fair Housing Act does not extend to persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record or being a sex offender. Furthermore, the Fair Housing Act does not protect persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.
- D. Process. Upon notification by the State of Wisconsin of an application for licensure of an adult family home, community living arrangement, foster home or treatment foster home, the Town Clerk shall:
 - (1) Request of the pertinent Town departments that within 15 days they provide a report on a form prescribed by the Town as follows:
 - (a) The Chief of Police shall report, as applicable, with respect to the conditions and criteria set forth in § **380-42** and shall note any conditions which may adversely affect the health and safety of the residents of the facility proposed to be licensed.

- (b) The Fire Department shall report with respect to the criteria set forth in § **380-42** and shall note any conditions which may adversely affect the health and safety of the residents of the facility proposed to be licensed.
 - (c) The Building Inspector or his/her agent or designee shall report with respect to the criteria set forth in § **380-42** and shall note any conditions which may adversely affect the health and safety of the residents of the facility proposed to be licensed.
- (2) No later than 30 days after notification by the state of a license application, conduct a public meeting for the purpose of identifying specific hazards which may affect the health and safety of the residents of the licensed facility. The license applicant shall attend the meeting. The meeting shall be preceded by written notice to the last known address of all property owners within 200 feet of the facility proposed to be licensed. Following the meeting, the Town Clerk shall prepare a list of specific hazards and forward the same to the State of Wisconsin.
- E. Access. The license applicant shall permit reasonable access to the proposed facility to Town employees and their agents for the purpose of conducting inspections necessary in the preparation of reports specified in Subsection **D** of this section.

Article V. Nonconforming Uses, Structures and Lots

§ 380-58. Existing nonconforming uses.

- A. The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks, existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- B. If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this chapter, provided that when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted, provided that all other regulations governing the new use are complied with.
- C. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses. Additions and enlargements to the existing substandard structures are permitted and shall conform to the established building setback lines along streets and the yard, height, parking, loading and access provisions of this Zoning Code.
- D. Except for zoning or rezoning, when the action of a governmental body or agency renders a parcel of land or lot nonconforming, the use and structure shall, for all purposes, be considered conforming.

§ 380-59. Abolishment or replacement.

- A. Termination. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure or land shall conform to the provisions of this chapter.
- B. Building destroyed by fire. Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than 50% of its fair market value, the same may be rebuilt, but where such a building is destroyed to the extent of more than 50% of its fair market value, a permit may be granted for its reconstruction within 12 months from the date of

such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

§ 380-60. Existing nonconforming structures.

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

§ 380-61. 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 Board of Adjustment 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 Board of Adjustment.

§ 380-62. Existing substandard lots.

A. Nonconformance with dimensional requirements. A lot which does not conform to the dimensional requirements of this Zoning Code may be used as a single-family residential building site, provided that the lot is of record in the County Register of Deed's office prior to the effective date of this Zoning Code and further provided that such lot meets all of the following requirements:

(1) Lot.

- (a) Width: minimum 60 feet.
- (b) Area: minimum 10,000 square feet.

(2) Building.

- (a) Area: minimum 1,000 square feet.
- (b) Height: maximum 35 feet.

(3) Yards.

- (a) Street. The street yard shall be the same as provided for in the district in which the lot is located.
- (b) Shore: minimum 75 feet.
- (c) Side: minimum 7 1/2 feet one side and 20 feet both sides.
- (d) Rear: minimum 25 feet.

B. Variance requirement. A building permit for the improvement of a lot with lesser dimensions and requirements than those stated above shall be issued only after a variance by the Board of Adjustment.

§ 380-63. Additions.

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

§ 380-64. Average street yards.

The required street yard, or setback, may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side but shall in no case be less than 15 feet.

Article VI. Traffic Visibility, Loading, Parking and Access

§ 380-65. Traffic visibility.

- A. On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines 30 feet from the point of intersection.
- B. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 80 feet.

§ 380-66. Loading requirements.

- A. Number of loading and unloading spaces required.

Gross Floor Area of Building

(square feet)

Number of Spaces

5,000 to 24,999

1

25,000 to 49,999

2

50,000 to 99,999

3

100,000 to 174,999

4

175,000 to 249,999

5

NOTE:

For each additional 74,000 square feet (or fraction thereof) of gross floor area, one additional loading and unloading space shall be provided.

- B. Multiple or mixed uses. Where a building is devoted to more than one use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- C. Location. Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street or road.
- D. Design standards.
 - (1) The minimum area for each loading and unloading space, excluding the area needed to maneuver, shall be 250 square feet.

- (2) 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.
- E. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence district.
 - F. Utilization. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

§ 380-67. Off-street parking requirements.

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

- A. Access. 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. Adequate access to a public street shall be provided for each parking space.
- B. Design standards. Each required off-street parking space shall be not less than 180 square feet. No parking area of more than four spaces shall be designed as to require any vehicle to back into a public street. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- C. Location.
 - (1) Off-street parking shall be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.
 - (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five feet to a side lot line, right-of-way line or rear lot line.
- D. Surfacing. All off-street parking areas and/or driveways for more than five vehicles shall be surfaced with an asphaltic or portland cement pavement in accordance with the Town of Trenton standards and specifications so as to provide a durable and dust-free surface, shall be so graded and drained as to dispose of all surface water accumulated within the area and shall be so arranged and marked so as to provide for orderly and safe loading or unloading, parking and storage of self-propelled vehicles.
- E. Landscaping. All public off-street parking areas which serve five vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this article shall be provided with accessory landscape areas totaling not less than 5% of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet. Location of landscape areas, plant materials, protection afforded the plantings, including curbing, and provision for maintenance shall be subject to approval by the Plan Commission. All plans for such proposed parking areas shall include a topographic survey or 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 the required minimum landscape area. Those parking areas for five or more vehicles, if adjoining a residential use, shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six feet.
- F. Additional requirements.
 - (1) Repair and service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residence districts.

- (2) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three footcandles measured at the lot line.
 - (3) Street setback area. No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- G. Curbs. Curbs or barriers shall be installed a minimum of four feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- H. Number of stalls. The number of parking stalls required is shown in the following subsections:
- (1) Residential uses:
 - (a) Single-family dwellings and two-family dwellings: two spaces per dwelling unit.
 - (b) Housing for the elderly: one space per dwelling unit.
 - (2) Business, institutional and industrial uses: four square feet of parking for each one square foot of gross building area.
- I. Combined uses. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided that such uses are not operated during the same hours. A written agreement satisfactory to the Town Attorney shall accompany any joint use arrangement.
- J. Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in this Code, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed. All open off-street parking areas providing more than 25 spaces, except for parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the following minimum standards:
- (1) One parking space shall be provided in parking areas containing 26 to 49 spaces.
 - (2) Two percent of the total number of spaces shall be provided in parking areas containing 50 to 1,000 spaces.
 - (3) In addition to the number of spaces required in Subsection **J(2)** above, 1% of each 1,000 spaces over the first 1,000 spaces shall be provided for physically disabled parking.
 - (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 the use of physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.
 - (6) All parking spaces provided for the use of 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, all according to law.
- K. Changes in buildings or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50% or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.

§ 380-68. Highway access.

- A. Direct 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 of 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 freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within 100 feet of the intersection of an arterial street right-of-way line.
- B. Access barriers. 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.
- C. Temporary access. Temporary access to the above rights-of-way may be granted by the Zoning Administrator 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.

Article VII. Signs

§ 380-69. Intent.

The intent of this article 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.

§ 380-70. Compliance required.

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

§ 380-71. 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 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 square feet located on the premises.
- C. Home occupation and professional home office signs not to exceed two 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 § 12.04, Wis. Stats., and shall be removed within four 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 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 membership not to exceed 16 square feet in area.

§ 380-72. Signs permitted in 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 they are located. The Plan 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 Plan 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.

§ 380-73. Signs permitted in 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. No directional sign shall exceed 12 square feet in area.

§ 380-74. Signs permitted in business and industrial districts with a permit.

[Amended 2-6-2007 by Ord. No. 2-1-2007]

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

- A. Wall signs placed against the exterior walls of buildings shall not extend more than six 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 roofline 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 feet into any required yard, shall

not extend more than three 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 center-line 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. Monument and ground. There shall not be more than one freestanding monument or ground sign for each principal building.

[Amended 1-20-2015 by Ord. No. Z2015-01-02]

(1) Area of monument and ground signs. The area of a monument or ground sign shall be proportional to the size of the building and the distance back from the right-of-way. Monument and ground signs shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.

(2) Location. Monument or ground signs shall meet the following setback requirements: Front yard setback: 10 feet; side yard setback: 10 feet; setback from driveways: 10 feet. Under no condition shall a sign be allowed within the street right-of-way.

(3) Height. Ground or monument signs shall not exceed 20 feet in height as measured from preconstruction grade at the base of the sign except that decorative finials attached to the top of the supports may be up to six inches above the six feet height maximum for the supports. A monument sign base shall not project higher than three feet, as measured from preconstruction grade at the base of the sign. The face of a monument sign may not exceed three feet in height.

D. Marquee, awning or canopy signs affixed flat to the surface of the marquee, awning or canopy are permitted provided 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 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 Trenton.

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

Floor Area (square feet)	Maximum Number of Signs Permitted
0 to 5,000	2
5,001 to 20,000	3
20,001 to 50,000	4
More than 50,000	5

§ 380-75. 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 regulations:

A. Private and institutional and park name signs when approved by the Town Plan Commission.

- B. Public institutional and park name signs when approved by the Town Plan Commission after review and recommendation by the Park Commission.

§ 380-76. Portable signs.

The Town Board may permit the temporary use of a portable sign for advertising purposes in any district, provided that the portable sign will not be located on 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 three-hundred-sixty-five-day period. The permit required in § **380-81** shall be required for portable signs. Portable signs mounted on trailers are prohibited.

§ 380-77. Facing.

No sign, except those permitted in §§ **380-71** and **380-72**, shall be permitted to face a residence within 100 feet of such residence.

§ 380-78. Location, 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 nonflashing. 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 Plan Commission approval.

§ 380-79. 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.^[1]

[1] *Editor's Note: See Ch. 174, Building Construction.*

- B. Protection of the public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided that 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. Construction standards for supports. 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 feet of area may be attached to a building or by use of lag bolts or other means to the satisfaction of the Zoning Administrator.

- E. Improper bracing. 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 therefor may require.

§ 380-80. Existing signs.

Signs lawfully existing at the time of the adoption of amendment of this Zoning Code may be continued although the size or location does not conform to this Zoning Code. However, all nonconforming signs shall be deemed to have exhausted their economic life after seven years from the time they became a nonconforming use. Nonconforming signs, after this seven-year period, shall either be made to conform to the terms of this Zoning Code or shall be removed by the owner, agent or person having beneficial use of the property. Nonconforming signs, during the seven-year grace period, shall be kept in good repair; but the cost of maintenance shall not be considered grounds for their continued use beyond the seven-year period. The Zoning Administrator shall, after the seven-year grace period, notify the owner, agent or person having beneficial use of the property of the expiration of the grace period. After 30 days, if the sign has not been made to conform to this Zoning Code or removed, the Zoning Administrator shall initiate appropriate punitive action. Signs which are not repaired, painted or maintained pursuant to written notification and orders by the Zoning Administrator shall also be subject to punitive action.

§ 380-81. Sign permit.

- A. 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:
- (1) Name, address and telephone number of the applicant and location of the building, structure or lot to which or upon which the sign is to be attached or erected.
 - (2) Name of person, firm, corporation or association erecting the sign.
 - (3) Written consent of the owner or lessee of the building, structure or land to which or upon which the sign is to be affixed.
 - (4) 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.
 - (5) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures.
 - (6) 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 Code.^[1]
 [1] *Editor's Note: See Ch. 174, Building Construction, § 174-4C.*
 - (7) Additional information as may be required by the Building Inspector or Town Plan Commission.
- B. Sign permit applications shall be filed with the Building Inspector, 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 months of the date of issuance.
- C. 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 Plan Commission upon recommendation of the

Building Inspector, 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 subsection may be permitted by the Town Attorney in lieu of a bond.

§ 380-82. Calculation of sign area.

In calculating the area of a sign to determine whether it meets the requirement of this Zoning Code, 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.

Article VIII. Performance Standards

§ 380-83. Compliance required.

This Zoning Code 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, lands, air and waters shall hereafter, in addition to their use, site and sanitary regulations, comply with the following performance standards established in this article.

§ 380-84. 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 established state or federal air pollution standards.

§ 380-85. Fire and explosive hazards.

All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire-extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed 30,000 gallons.

§ 380-86. 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.

§ 380-87. Water quality protection.

A. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness,

toxicity or temperature that 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.

- B. 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 and those other standards and the application of those standards set forth in Ch. NR 102, Wis. Adm. Code.

§ 380-88. Noise.

- A. No activity in an M-1 Industrial 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 band filter:

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 75	79
76 to 150	74
151 to 300	66
301 to 600	59
601 to 1,200	53
1,201 to 2,400	47
2,401 to 4,800	41
Above 4,800	39

- B. No other activity in any other district except the EA, AT and A-1 Agricultural Districts shall produce a sound level outside its premises that exceeds the following:

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 75	72
76 to 150	67
151 to 300	59
301 to 600	52
601 to 1,200	46
1,201 to 2,400	40
2,401 to 4,800	34
Above 4,800	32

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

§ 380-89. 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.

§ 380-90. Vibration.

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

Frequency (cycles per second)	Displacement (inches)	
	Outside the Premises	Outside the District
0 to 10	0.0020	0.0004
11 to 20	0.0010	0.0002
21 to 30	0.0006	0.0001
31 to 40	0.0004	0.0001
41 to 50	0.0003	0.0001
51 and over	0.0002	0.0001

Article IX. Satellite Earth Stations

§ 380-91. Permit required.

No owner shall, within the Town, build, construct, use or place any type of satellite earth station until a permit shall have first been obtained from the Building Inspector.

§ 380-92. Definitions.

For purposes of this article, the following definitions shall be used:

OWNER

The holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life, but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one owner shall be considered an owner.

SATELLITE TELEVISION DISH OR EARTH STATION

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. They are also commonly referred to as discs, satellite communications systems or home earth stations.

§ 380-93. Application for permit.

Application for a satellite earth station permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee as set forth on the schedule of deposits, bonds and fees and a complete set of plans and specifications, including a plot plan showing the location of the proposed satellite earth station with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this article, the application shall be approved.

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

§ 380-94. Installation restrictions.

Satellite earth stations installed in any zoning district within the Town shall comply with the following provisions:

- A. Number of units. Not more than one satellite earth station may be allowed per individual recorded lot, except additional stations may be permitted upon application for a variance in nonresidential zones.
- B. Location and setbacks.
 - (1) Satellite dish antennas are permitted on the roof of a principal structure in any district or may be located in the street yard of any lot abutting a lake or in the rear yard of any lot not abutting a lake.
 - (2) Satellite dish antennas placed in a yard shall not:
 - (a) Be closer than 10 feet to the principal structure.
 - (b) Exceed 15 feet in height.
 - (c) Together with other accessory structures, occupy more than 20% of the appropriate yard area.
 - (d) Be closer than five feet to a side lot line.
 - (e) Be closer than five feet to a rear lot line.
 - (3) Satellite dish antennas permitted in a street yard shall not be closer than 15 feet to the right-of-way nor 40 feet to the center line of a public or private road, whichever is greater.

§ 380-95. Mounting.

Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Building Inspector may require engineering calculations.

§ 380-96. Diameter.

The diameter of the satellite television dish shall not exceed 12 feet for the ground-mounted dish and six feet for the roof-mounted dish, except for stations used to provide community antenna television services.

§ 380-97. Height.

- A. A ground-mounted satellite dish may not exceed 15 feet in height, as measured from the ground to the highest point of the dish.
- B. A roof-mounted satellite dish may not exceed 10 feet in height above the surrounding roofline as measured from the lowest point of the existing roofline.

§ 380-98. Wind pressure.

All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 miles per hour.

§ 380-99. Electrical installations.

Electrical installations in connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground unless installation site conditions preclude installation underground. If a satellite earth station is to be used by two or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All satellite earth stations shall be grounded against direct lightning strikes.

§ 380-100. Temporary placement.

No portable or trailer-mounted satellite earth station shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five days. However, such trial placement shall be in accordance with all provisions of this article. Failure to comply shall result in a citation being issued for violation of this article. Any person making such temporary placement shall give written notice to the Building Inspector of the date when such placement shall begin and end.

§ 380-101. Advertising.

No form of advertising or identification, sign or mural is allowed on the dish or framework other than the customary manufacturer's identification plates, not to exceed one square foot.

§ 380-102. Interference with broadcasting.

Satellite earth stations shall be filtered and/or shielded so as to prevent the emission or reflection of any electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the satellite earth station shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

§ 380-103. Compliance with federal regulations.

The installation and use of every satellite earth station shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.

§ 380-104. Color.

The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Building Inspector as part of the application.

§ 380-105. Variances.

Requests for variances from the standards established by this article may be made to the Board of Adjustment pursuant to this chapter.

§ 380-106. Enforcement.

- A. It shall be unlawful to construct, use, build or locate any satellite television dish in violation of any provisions of this article. In the event of any violation, the Town Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this article.
- B. Any person, firm or corporation who or which fails to comply with the provisions of this article shall, upon conviction, be subject to the general penalty found in Chapter 1, § 1-5 of this Code.

Article X. Accessory Uses and Structures; Fences and Hedges

§ 380-107. Accessory uses or structures.

[Amended 3-21-2006; 2-6-2007 by Ord. No. 2-1-2007; 3-19-2019 by Ord. No. Z2019-02-03]

- A. Principal use to be present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- B. Placement restrictions for residential districts. An accessory use or structure in a residential district may be established subject to the following regulations:
 - (1) Lake lots, general standards.
 - (a) Accessory uses and detached accessory structures are permitted in the street yard of lots abutting a lake, provided that such use or structure shall not be closer than 10 feet to the principal structure, shall not occupy more than 20% of the street yard area, shall not be closer than five feet to a side lot line and shall not be closer than 15 feet to the right-of-way of a public or private road.
 - (b) No single accessory structure shall exceed 600 square feet in area, except that no single accessory structure shall exceed 800 square feet in the R-1 District.
 - (c) Accessory buildings 26 feet or less in width shall not be more than 15 feet in height; accessory building height may be increased two feet for every four feet of width added beyond 26 feet. Height shall be measured from the grade to a building's roof ridge line.
 - (2) Nonlake lots, general standards.
 - (a) Accessory uses and detached accessory structures in the R-1 through R-8 Residential Districts are permitted in the rear yard of lots not abutting a lake, provided that such use or structure shall meet all Building Code separation footage from the principal dwelling. The accessory building shall not occupy more than 20% of the rear yard and conform to Washington County Planning and Parks setbacks for sanitary systems. The accessory building shall not be closer than 10 feet to a side or rear lot line.
 - (b) Accessory buildings 26 feet or less in width shall not be more than 15 feet in height; accessory building height may be increased two feet for every four feet in width added beyond 26 feet. Height shall be measured from the grade line to a building's ridge line. The accessory building shall not exceed the height of the principal residence, measured from the grade at the front door of the residence to the peak of the roof.
 - (c) Metal accessory buildings, as an example, garden/utility sheds larger than 60 square feet, are prohibited in all districts.
 - (d) Accessory structures consisting of tubular frames and canvas outer skin or any type of frame and any type of covering are considered the same as to size and are deemed

taxable structures. Building permits and county approval are required.

- (e) Accessory structures may have a second floor but shall not exceed the height of the principal structure.
- (3) Attached accessory buildings. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
- C. Additional restrictions for residential districts.
 - (1) Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.
 - (2) Accessory buildings placed on wheels, skids, etc., shall comply with the requirements of this section, including placement restrictions.
 - (3) The use of semitrailers, freight containers, or other types of similar storage containers as an accessory structure is prohibited.
- D. Placement restrictions for nonresidential districts. An accessory use or structure in a business or industrial district may be established in the rear yard or side yard and shall not be nearer than three feet to any side or rear lot line.
- E. Reversed corner lots. When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear nor nearer than three feet to the side line of the adjacent structure.
- F. Landscaping and decorative uses. Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flagpoles, ornamental light standards, lawn furniture, sundials, birdbaths, trees, shrubs and flowers and gardens.
- G. Temporary uses. Temporary accessory uses, such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure, may be permitted by the Zoning Administrator.
- H. Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, provided that:
 - (1) Such private garage shall be located not less than five feet from the front lot line;
 - (2) The floor level of such private garage shall be not more than one foot above the curb level; and
 - (3) At least 1/2 the height of such private garage shall be below the mean grade of the front yard.
- I. Outdoor lighting. Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- J. Lawn accessories. Walks, drives, paved terraces and purely decorative garden accessories, such as pools, fountains, statuary, flagpoles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line.
- K. Retaining walls. Retaining walls may be permitted anywhere on the lot; provided, however, that no individual wall shall exceed six feet in height, and a terrace of at least three feet in width shall be provided between any series of such walls, and provided further that along a street frontage no such wall shall be closer than three feet to the property line.
- L. Specific provisions for accessory buildings; Residential Zoning Districts.
 - (1) R-1 Single-Family Residential District (Unsewered).

- (a) Permitted accessory buildings: private detached garages; gardening, tool, and storage sheds incidental to the residential use.
 - (b) Permitted accessory buildings shall not exceed two accessory buildings and constitute no more than 800 square feet. There shall be a maximum of 800 square feet for one accessory building. The detached garage size may be increased by 150 square feet for each acre over two acres per parcel.
 - (c) A combination of any two accessory buildings shall not exceed 800 square feet.
 - (d) Detached accessory structures are permitted in the rear yard or side yard and shall not exceed 20 feet in height.
 - (e) Metal accessory buildings larger than 60 square feet in size are prohibited.
- (2) R-2 Single-family Residential District (Unsewered).
- (a) Permitted accessory buildings: Private detached garages, barns, poultry houses, greenhouses, sheds, or other similar structures, such as storage sheds used for gardening and tools incidental to the residential use.
 - (b) Permitted accessory buildings shall not exceed two accessory buildings and constitute no more than 800 square feet. There shall be a maximum of 800 square feet for one accessory building. Building size may be increased by 150 square feet for each acre over two acres per parcel.
 - (c) A combination of any two accessory buildings shall not exceed 800 square feet.
 - (d) Detached accessory structures are permitted in the rear yard or side yard and shall not exceed 20 feet in height.
 - (e) Metal accessory buildings larger than 60 square feet in size are prohibited.
- (3) R-3 Rural Residential District.
- (a) Permitted accessory buildings: Private detached garages of up to 1,000 square feet; gardening, tool and storage sheds incidental to the residential use.
 - (b) Permitted accessory buildings shall not exceed two accessory buildings and constitute no more than 1,000 square feet. There shall be a maximum of 1,000 square feet for one accessory building. Building size may be increased by 100 square feet for each added acre over three acres per parcel or fraction thereof. A combination of any two accessory buildings shall not exceed the limit calculated by the Building and/or Zoning Department.
 - (c) Square footage is calculated on the base of the building. Square footage for the permit fee is the total of all floor space.
 - (d) Accessory uses and detached accessory structures are permitted in the rear yard or side yard and shall not exceed the height of the principal dwelling. The square footage may not exceed the living area of the dwelling.
 - (e) Accessory buildings may be placed in the street yard setback forward of the dwelling with the following conditions:
 - [1] The lot must conform to the minimum width standard of 300 feet.
 - [2] The setback must meet the minimum setback from the right-of-way in R-3 zoning.
 - [3] The building must be at least 10 feet from the dwelling, but cannot be more than 30% of the road right-of-way setback from the dwelling.
 - [4] The accessory building must match the roof pitch in the front decor of the dwelling.

- [5] The accessory building cannot exceed the height of the dwelling measured from grade line to top of ridge.
- (f) Metal accessory buildings larger than 60 square feet in size are prohibited.
- (4) R-4 Single-Family Residential District (Sewered).
- (a) Permitted accessory buildings: Gardening, tool and storage sheds incidental to the residential use.
- (b) Permitted accessory buildings shall not exceed two accessory buildings and constitute no more than 600 square feet. There shall be a maximum of 600 square feet for one accessory building. Building size may be increased by 100 square feet for each added acre per parcel.
- (c) A combination of any two accessory buildings shall not exceed 600 square feet.
- (d) Accessory uses and detached accessory structures are permitted in the rear yard or side yard and shall not exceed 20 feet in height.
- (e) Metal accessory buildings larger than 60 square feet in size are prohibited.
- (5) R-5 Single-Family Residential District (Sewered).
- (a) Permitted accessory buildings: Gardening, tool and storage sheds incidental to the residential use.
- (b) Permitted accessory buildings shall not exceed two accessory buildings and constitute no more than 600 square feet. There shall be a maximum of 600 square feet for one accessory building. Building size may be increased by 100 square feet for each added acre per parcel.
- (c) A combination of any two accessory buildings shall not exceed 600 square feet.
- (d) Accessory uses and detached accessory structures are permitted in the rear yard or side yard and shall not exceed 20 feet in height.
- (e) Metal accessory buildings larger than 60 square feet in size are prohibited.
- (6) R-6 Two-Family Residential District (Unsewered).
- (a) Permitted accessory buildings: Gardening, tool and storage sheds incidental to the residential use.
- (b) Permitted accessory buildings shall not exceed two accessory buildings and constitute no more than 600 square feet. There shall be a maximum of 600 square feet for one accessory building. Building size may be increased by 100 square feet for each added acre per parcel.
- (c) A combination of any two accessory buildings shall not exceed 600 square feet.
- (d) Accessory uses and detached accessory structures are permitted in the rear yard or side yard and shall not exceed 20 feet in height.
- (e) Metal accessory buildings larger than 60 square feet in size are prohibited.
- (7) R-7 Two-Family Residential District (Sewered).
- (a) Permitted accessory buildings: Gardening, tool and storage sheds incidental to the residential use.
- (b) Permitted accessory buildings shall not exceed two accessory buildings and constitute no more than 600 square feet. There shall be a maximum of 600 square feet for one

accessory building. Building size may be increased by 100 square feet for each added acre per parcel.

- (c) A combination of any two accessory buildings shall not exceed 600 square feet.
 - (d) Accessory uses and detached accessory structures are permitted in the rear yard or side yard and shall not exceed 20 feet in height.
 - (e) Metal accessory buildings larger than 60 square feet in size are prohibited.
- (8) R-8 Multiple Family Residential District (Unsewered).
- (a) Permitted accessory buildings: By application to the Plan Commission.
- (9) CES Country Estates District; general standards.
- (a) Permitted accessory buildings: Private detached garages, stables, barns, poultry houses, greenhouses, sheds, or other similar structures such as storage sheds used for gardening and tools incidental to the residential use.
- (10) CES-5 Country Estate District (five-acre minimum).
[Amended 7-21-2020 by Ord. No. Z2020-07-02]
- (a) Permitted accessory buildings: Private detached garages, stables, barns, poultry houses, greenhouses, sheds, or other similar structures such as storage sheds used for gardening and tools incidental to the residential use
 - (b) Accessory building application requirements in CES-5 Zoning Districts: All accessory buildings constructed in CES-5 Zoning Districts require approval by the Plan Commission. The following application requirements and standards apply for accessory structures of all sizes in CES-5 Zoning Districts.
 - [1] All accessory buildings in CES-5 Zoning, regardless of size, require architectural approval by the Town of Trenton Plan Commission prior to issuance of any permits for the accessory building.
 - [2] At the time of application, the applicant shall submit a plat of survey prepared by a Wisconsin-registered land surveyor which accurately depicts and dimensions the proposed location of the accessory structure. The accessory structure shall be located as depicted on the survey or as approved by the Plan Commission.
 - [3] The application materials submitted by the applicant for the accessory structure shall specifically indicate all of the exterior building dimensions of the accessory structure, including height.
 - [4] The following specific requirements and standards shall be considered and will be applied as deemed appropriate by the Plan Commission when considering approval of applications for accessory structures in the CES-5 Zoning District:
 - [a] The accessory structure shall be building code compliant, meeting all building restrictions in the Town of Trenton.
 - [b] No business operation of any kind, including a home-based business, shall be allowed as part of the use of the accessory structure.
 - [c] Detached accessory structures are permitted in the rear yard or side yard.
[Amended 3-15-2022 by Ord. No. Z2022-03-01]
 - [d] The side yard setback shall be 50 feet, but in no case shall the side yard setback be less than 150 feet from a neighboring residence.
 - [e] No accessory structure shall exceed 35 feet in height.

- [f] No more than three accessory structures totaling no more than the allowed square footage listed below shall be allowed on the parcel. If a single accessory structure is constructed to the maximum square footage allowed for the parcel, no additional accessory structures shall be allowed on the parcel.
 - [i] Permitted accessory structure sizes:
 - [A] Five to six acres: A maximum of 1,600 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 1,600 square feet.
 - [B] Six to seven acres: A maximum of 1,700 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 1,700 square feet.
 - [C] Seven to eight acres: A maximum of 1,800 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 1,800 square feet.
 - [D] Eight to nine acres: A maximum of 1,900 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 1,900 square feet.
 - [E] Nine acres or larger: A maximum of 2,000 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 2,000 square feet.
 - [g] No reduction of land area through land divisions of any kind (including transfers of land between abutting property owners) shall be allowed if the property owner has constructed the maximum square footage of accessory structure(s) allowed, unless the accessory structure(s) is reduced in size prior to the land division occurring to meet the requirements of Town ordinances for the reduced-size parcel.
 - [h] The materials for construction of the accessory structure shall be consistent with the materials represented by the applicant to the Plan Commission and shall remain consistent throughout the useful life of the accessory structure.
 - [i] The property owner and the property owner's successor and assigns shall maintain landscaping and screening consistent with a plan for the accessory structure approved by the Plan Commission throughout the useful life of the accessory structure.
 - [j] Construction of the accessory structure shall not commence until an approved landscape plan is agreed to by the property owner and the Plan Commission. The landscape plan can be submitted with the structure plans as part of the structure approval process.
 - [k] The accessory structure shall not be rented or leased to any person, nor may the accessory structure be used by any person other than the owner of the property upon which the accessory structure is located.
- [5] The Plan Commission may recommend to the Town Board or the Town Board may increase the minimum required setbacks of the accessory structure(s) as deemed necessary.
- [6] Architectural approval required. Architectural approval shall be required for all accessory structures in CES-5 Zoning. The following requirements, as well as additional requirements that may be proposed by the Plan Commission at its architectural review, shall be considered at a minimum.

- [a] Color.
 - [b] The height of the accessory structure cannot exceed the height of the residence measured at the front door of the residence.
 - [c] The accessory structure shall be compatible and architecturally pleasing with the surrounding area. Appropriate landscaping shall be required.
 - [d] Freight containers, semitrailers, and similar equipment are not allowed as accessory buildings.
 - [e] Exterior lighting shall not be aimed at, illuminate, or encroach upon neighboring properties. Exterior lighting shall be aimed at a downward angle.
- (c) Loafing sheds permitted. Notwithstanding the permitted accessory building requirements in this subsection, loafing sheds may be permitted as temporary structures at the sole discretion of the Plan Commission and the Town Board with conditions such as limitations and restrictions relating to height, width, setback, number of stalls, and any other aesthetic concerns.
- [1] If there are no livestock on the property for a period of six months, the loafing shed located on the property must be removed.
- (11) CES-10 Country Estate District (hobby farms; country estates; ten-acre minimum).
- (a) Permitted accessory buildings: Private detached garages, stables, barns, poultry houses, greenhouses, sheds, or other similar structures such as storage sheds used for gardening and tools incidental to the residential use.
 - (b) Accessory building application requirements in CES-10 Zoning Districts: All accessory buildings constructed in CES-10 Zoning Districts require approval by the Plan Commission. The following application requirements and standards apply for accessory structures of all sizes in CES-10 Zoning Districts.
 - [1] All accessory buildings in CES-10 zoning, regardless of size, require architectural approval by the Town of Trenton Plan Commission prior to issuance of any permits for the accessory building.
 - [2] At the time of application, the applicant shall submit a plat of survey prepared by a Wisconsin-registered land surveyor which accurately depicts and dimensions the proposed location of the accessory structure. The accessory structure shall be located as depicted on the survey or as approved by the Plan Commission.
 - [3] The application materials submitted by the applicant for the accessory structure shall specifically indicate all of the exterior building dimensions of the accessory structure, including height.
 - [4] The following specific requirements and standards shall be considered and will be applied as deemed appropriate by the Plan Commission when considering approval of applications for accessory structures in the CES-10 Zoning District:
 - [a] The accessory structure shall be building code compliant, meeting all building restrictions in the Town of Trenton.
 - [b] No business operation of any kind, including a home-based business, shall be allowed as part of the use of the accessory structure.
 - [c] Detached accessory structures are permitted in the rear yard or side yard.
[Amended 3-15-2022 by Ord. No. Z2022-03-01]
 - [d] The side yard setback shall be 50 feet, but in no case shall the side yard setback be less than 150 feet from a neighboring residence.

- [e] No accessory structure shall exceed 35 feet in height.
- [f] No more than three accessory structures totaling no more than the allowed square footage listed below shall be allowed on the parcel. If a single accessory structure is constructed to the maximum square footage allowed for the parcel, no additional accessory structures shall be allowed on the parcel.
 - [i] Permitted accessory structure sizes:
 - [A] Ten to 12 acres: A maximum of 2,400 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 2,400 square feet.
 - [B] Thirteen acres: A maximum of 2,500 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 2,500 square feet.
 - [C] Fourteen acres: A maximum of 2,600 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 2,600 square feet.
 - [D] Fifteen acres: A maximum of 2,700 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 2,700 square feet.
 - [E] Sixteen acres: A maximum of 2,800 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 2,800 square feet.
 - [F] Seventeen acres: A maximum of 2,900 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 2,900 square feet.
 - [G] Eighteen acres: A maximum of 3,000 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 3,000 square feet.
 - [H] Nineteen acres: A maximum of 3,100 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 3,100 square feet.
 - [I] Twenty acres and larger: A maximum of 3,200 square feet for one accessory building; a combination of any three accessory buildings shall not exceed 3,200 square feet.
- [g] No reduction of land area through land divisions of any kind (including transfers of land between abutting property owners) shall be allowed if the property owner has constructed the maximum square footage of accessory structure(s) allowed, unless the accessory structure(s) is reduced in size prior to the land division occurring to meet the requirements of Town Ordinances for the reduced-size parcel.
- [h] The materials for construction of the accessory structure shall be consistent with the materials represented by the applicant to the Plan Commission and shall remain consistent throughout the useful life of the accessory structure.
- [i] The property owner and the property owner's successor and assigns shall maintain landscaping and screening consistent with a plan for the accessory structure approved by the Plan Commission throughout the useful life of the accessory structure.

- [j] Construction of the accessory structure shall not commence until an approved landscape plan is agreed to by the property owner and the Plan Commission. The landscape plan can be submitted with the structure plans as part of the structure approval process.
 - [k] The accessory structure shall not be rented or leased to any person, nor may the accessory structure be used by any person other than the owner of the property upon which the accessory structure is located.
- [5] The Plan Commission may recommend to the Town Board or the Town Board may increase the minimum required setbacks of the accessory structure(s) as deemed necessary.
- [6] Architectural approval required. Architectural approval shall be required for all accessory structures in CES-10 zoning. The following requirements, as well as additional requirements that may be proposed by the Plan Commission at its architectural review, shall be considered at a minimum.
- [a] Color.
 - [b] The height of the accessory structure cannot exceed 35 feet.
 - [c] The accessory structure shall be compatible and architecturally pleasing with the surrounding area. Appropriate landscaping shall be required.
 - [d] Freight containers, semi trailers, and similar equipment are not allowed as accessory buildings.
 - [e] Exterior lighting shall not be aimed at, illuminate, or encroach upon neighboring properties. Exterior lighting shall be aimed at a downward angle.
- (c) Loafing sheds permitted. Notwithstanding the permitted accessory building requirements in this subsection, loafing sheds may be permitted as temporary structures at the sole discretion of the Plan Commission and the Town Board with conditions such as limitations and restrictions relating to height, width, setback, number of stalls, and any other aesthetic concerns.
- [1] If there is no livestock on the property for a period of six months, the loafing shed located on the property must be removed.

(12) C-1 Conservancy District.

- (a) Permitted accessory buildings: Private detached garages of up to 1,000 square feet. Gardening, tool and storage sheds incidental to the residential use.
- (b) Permitted accessory buildings shall not exceed two accessory buildings and constitute no more than 1,000 square feet. There shall be a maximum of 1,000 square feet for one accessory building. Building size may be increased by 100 square feet for each added acre over three acres per parcel or fraction thereof.
- (c) A combination of any two accessory buildings shall not exceed the limit calculated by the Building and/or Zoning Department.
- (d) Square footage is calculated on the base of the building.
- (e) Square footage for the permit fee is the total of all floor space.
- (f) Accessory uses and detached accessory structures are permitted in the rear yard or side yard and shall not exceed the height of the principal dwelling. The square footage may not exceed the living area of the dwelling.
- (g) Accessory buildings may be placed in the street yard setback forward of the dwelling with the following conditions:

- [1] The lot must conform to the minimum width standard of 300 feet.
 - [2] The setback must meet the minimum setback from the right-of-way in R-3 zoning.
 - [3] The building must be at least 10 feet from the dwelling, but cannot be more than 30% of the road right-of-way setback from the dwelling.
 - [4] The accessory building must match the roof pitch in the front decor of the dwelling.
 - [5] The accessory building cannot exceed the height of the dwelling measured from grade line to top of ridge.
- (h) Loafing sheds permitted. Notwithstanding the permitted accessory building requirements in this subsection, loafing sheds may be permitted as temporary structures at the sole discretion of the Plan Commission and the Town Board with conditions such as limitations and restrictions relating to height, width, setback, number of stalls, and any other aesthetic concerns.
- [1] If there is no livestock on the property for a period of six months, the loafing shed located on the property must be removed.
- (13) A-1 Agricultural District.
- (a) Permitted accessory buildings: Supporting agricultural practices associated with the agricultural uses listed; garages.
 - (b) Permitted accessory buildings shall not exceed the number of accessory buildings permitted by lot acreage size as stated below, or as determined by the Plan Commission for lots of 35 acres or more in size, and shall comply with the following square footage requirements:
 - [1] For lots of less than three acres: a maximum of 600 square feet for one or the combination of two accessory buildings.
 - [2] For lots of three or more acres but less than five acres: a maximum of 864 square feet for one or the combination of two accessory buildings.
 - [3] For lots of five or more acres but less than 10 acres: a maximum of 1,000 square feet for one or the combination of two accessory buildings.
 - [4] For lots of 10 or more acres but less than 13 acres: a maximum of 1,600 square feet for one accessory building or 1,600 square feet for a combination of any two accessory buildings.
 - [5] For lots of 13 acres: a maximum of 1,700 square feet for one accessory building or 1,700 square feet for a combination of any two accessory buildings.
 - [6] For lots of 14 acres or more, permitted accessory buildings shall not exceed three accessory buildings and shall comply with the following square footage requirements:
 - [a] For lots of 14 acres: a maximum of 1,800 square feet for one accessory building or 1,800 square feet for a combination of any three accessory buildings.
 - [b] For lots of 15 acres: a maximum of 1,900 square feet for one accessory building or 1,900 square feet for a combination of any three accessory buildings.
 - [c] For lots of 16 acres: a maximum of 2,000 square feet for one accessory building or 2,000 square feet for a combination of any three accessory buildings.
 - [d] For lots of 17 acres: a maximum of 2,100 square feet for one accessory building or 2,100 square feet for a combination of any three accessory buildings.

- [e] For lots of 18 acres: a maximum of 2,200 square feet for one accessory or 2,200 square feet for a combination of any three accessory buildings.
 - [f] For lots of 19 acres: a maximum of 2,300 square feet for one accessory building or 2,300 square feet for a combination of any three accessory buildings.
 - [g] For lots of 20 acres: a maximum of 2,400 square feet for one accessory building or 2,400 square feet for a combination of any three accessory buildings.
 - [h] For lots over 20 acres, less than 35 acres in size: add 200 square feet for each additional acre over 20 acres for one accessory building. A combination of any three accessory buildings shall not exceed the total legal limit for lot size.
 - [i] For lots of 35 acres or more in size: By application to the Plan Commission only.
- (c) Notwithstanding the permissible accessory building requirements in this subsection, loafing sheds may be permitted as temporary structures at the sole discretion of the Town Board with conditions such as limitations and restrictions relating to height, width, setback, number of stalls and any other aesthetic concerns.
- [1] If there is no livestock on the property for a period of six months, the loafing shed located on the property must be removed.

(14) AT Agricultural Transition District.

- (a) Permitted accessory buildings: Those accessory buildings permitted in the EA Exclusive Agricultural District.

(15) EA Exclusive Agricultural District.

- (a) Permitted accessory buildings on parcels of at least 35 acres, zoned EA Exclusive Agricultural, not for agricultural use: private garages.
[Amended 3-15-2022 by Ord. No. Z2022-03-01]
- (b) Permitted accessory buildings not for agricultural use shall not exceed two accessory buildings totaling not more than 3,200 square feet.
[Amended 3-15-2022 by Ord. No. Z2022-03-01]
- (c) Permitted accessory buildings are permitted in the rear yard or side yard, shall not exceed 20 feet in height to the ridgeline of the roof and shall comply with the setback requirements of the district. Accessory buildings may be placed in the street yard setback forward of the dwelling with the following conditions:
 - [1] The building must meet the minimum setback from the right-of-way.
- (d) Notwithstanding the permissible accessory building requirements in this subsection, loafing sheds may be permitted as temporary structures at the sole discretion of the Town Board with conditions such as limitations and restrictions relating to height, width, setback, number of stalls and any other aesthetic concerns.
 - [1] If there is no livestock on the property for a period of six months, the loafing shed located on the property must be removed.

§ 380-108. Outside storage of firewood in nonagricultural areas.

- A. No person shall store firewood in the front yard on residentially zoned property or a commercially zoned property with a residence on the premises, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery.
- B. Firewood should be neatly stacked and may not be stacked closer than three feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked

against the fence as high as the fence. "Fence" as used in this subsection shall not include hedges and other vegetation.

- C. All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- D. Woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.^[1]
[1] *Editor's Note: See Ch. 280, Nuisances.*
- E. Not more than 30% of the side and rear yard may be used for storage of firewood at any one time.

§ 380-109. Fences and hedges.

[Amended 2-6-2007 by Ord. No. 2-1-2007; 7-20-2010]

- A. Fences defined. For the purpose of this section, "fence" is herein defined as a barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials, which would constitute a nuisance or hazard. Snow fencing is not an acceptable material for a fence.
[Amended 6-21-2022 by Ord. No. Z2022-06-02]
- B. Fences categorized. Fences shall be categorized into five classifications:
 - (1) Boundary fence. A fence placed on or within three feet of the property lines of adjacent properties.
 - (2) Protective fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) Architectural or aesthetic fence. A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) Hedge. A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
 - (5) Picket fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- C. Fence permit. Prior to construction, a Town fence permit is required for any fence proposed within 10 feet of a property line. The applicant shall submit design information and a proposed site drawing at the time of filing.
- D. Residential fences.
 - (1) Residential fence standards. 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 feet and shall not be closer than two feet to any alley line. Residential fences, hedges and walls are permitted in the street yard provided they are no more than three feet in height and shall not be closer than five feet to a street right-of-way.
 - (2) Security fences. 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.
 - (3) Prohibited fences. No fence on residentially zoned property shall be constructed which is of a dangerous type of construction or which conducts electricity or is designed to electrically shock or which uses barbed wire. Barbed wire may be used in industrially zoned areas if the devices

securing the barbed wire to the fence are 10 feet above the ground or height and project toward the fenced property and away from any public area.

- E. Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- F. Temporary fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days.
- G. Nonconforming fences and hedges.
 - (1) Any fence or hedge existing on the effective date of this Zoning Code and not in conformance with this section may be maintained, but any alteration, modification or improvement of said fence shall comply with this section.
 - (2) Agricultural fences are excluded from the provisions of this section.

§ 380-110. Swimming pools.

[Amended 2-6-2007 by Ord. No. 2-1-2007; 7-20-2010]

- A. Definition. A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 1 1/2 feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- B. Exempt pools. Storable, inflatable children's swimming or wading pools with a maximum dimension of 15 feet in diameter and a maximum wall height of 15 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section.
- C. Permit required. Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A fee as set forth on the schedule of deposits, bonds and fees shall accompany such application.
- D. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection C unless the following construction requirements are observed:
 - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all ordinances of the Town now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable ordinances of the Town and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into a sanitary sewer system, into any on-site private sewage system, directly into a navigable body of water or onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.

- (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Town ordinances regulating electrical installations. Swimming pools shall not be constructed directly over or under electric 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 swimming pool or the surrounding fence.
- (4) No lighting installed around swimming pools shall throw direct illumination onto adjacent properties.

E. Setbacks and other requirements.

- (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) Swimming pools shall comply with the yard requirements for principal structures in the district in which they are located.
- (3) Pools must be located a minimum of 10 feet from any roof structure.

F. Fence.

- (1) Pools within the scope of this section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall be not less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Access to in-ground pools 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.
- (2) The pool enclosure may be omitted where aboveground pools are installed above ground and have a raised deck for access to pool and the remainder of pool meets the forty-two-inch pool height. An attached enclosed railing with a minimum of 36 inches high with openings not to exceed four inches with a self-closing, self-latching gate, or if the pool enclosure has side walls of at least 42 inches, with a ladder or stairs access that is restricted.

- G. Compliance. All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section or when water is placed in the pool.

Article XI. Administration

§ 380-111. General administrative system.

This chapter contemplates an administrative and enforcement officer titled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and the Zoning Map, and amending the text of this chapter require review and recommendation by the Plan Commission and ultimate action by the Town Board. A Board of Adjustment is provided to assure proper administration of this chapter and to avoid arbitrariness.

§ 380-112. Zoning Administrator.

The duty of the Zoning Administrator shall be to interpret and administer this chapter and to issue, after on-site inspection, all permits required by this chapter. The Zoning Administrator shall further:

- A. Maintain records of all permits issued, inspections made, work approved and other official actions.
- B. Inspect structures, lands and waters as often as necessary to assure compliance with this chapter.
- C. Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Town Attorney in a manner specified by him.
- D. Prohibit the use or erection of any structure, land or water until he has approved such use or erection.
- E. Request assistance and cooperation from the Town Engineer and Town Attorney as deemed necessary.

§ 380-113. Role of Plan Commission, Town Board and Board of Adjustment.

- A. Plan Commission. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this chapter, its functions are primarily recommendatory to the Town Board pursuant to guidelines set forth in this chapter as to various matters and always being mindful of the intent and purposes of this chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing. The Plan Commission shall hold public hearings for conditional use permit requests.
- B. Town Board. The Town Board, the governing body of the Town, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has authority to make changes and amendments in zoning districts, the Zoning Map and supplementary Floodland Zoning Map and to amend the text of this chapter. The Town Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this chapter.
- C. Board of Adjustment. A Board of Adjustment is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this chapter. See Article **XIII** of this chapter for additional provisions.

§ 380-114. Zoning permit.

- A. Zoning permit required. No new structure, new use of land or air or change in the use of land or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit. The fee for a zoning permit shall be as prescribed in § **380-118**.
- B. Application. Applications for a zoning permit shall be made in duplicate to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) 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.
 - (3) A location sketch or, where deemed appropriate by the Zoning Administrator, a plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions,

elevations of the site and the proposed development. The scale shall not be smaller than one inch equals 40 feet. The sketch or plat of survey shall show uses and sizes of the following, where applicable: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side and rear yards. In addition, the sketch or plat of survey shall show the location, elevation and use of any abutting lands and their structures within 40 feet of the subject site.

- (4) A photocopy of any necessary shoreland or floodplain zoning permits secured from Washington County Planning and Parks.^[1]

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

- (5) A photocopy of any necessary sanitary permits secured from Washington County Planning and Parks.^[2]

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

- (6) Additional information as may be required by the Zoning Administrator or the Plan Commission and Town Board (if involved).

C. Action.

- (1) A zoning permit in an agricultural or residential district shall be granted or denied in writing by the Zoning Administrator within seven working days. Business and industrial zoning permits shall be granted or denied in writing within 30 calendar days.^[3]

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

- (2) The permit shall expire within six months unless substantial work has commenced or within 18 months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration the applicant shall reapply for a zoning permit before commencing work on the structure.

- (3) Any permit issued in conflict with the provisions of this chapter shall be null and void.

D. Uses not requiring a zoning permit. No zoning permit shall be required for any of the following cases; however, any work that qualifies for an exemption under this subsection shall be required to comply with the applicable setback, yard, height and other requirements set forth in this Zoning Code:

- (1) For building an accessory building less than 150 square feet in area.
- (2) For any improvement or alteration to an existing building less than 150 square feet in area which does not effect a change in use.
- (3) For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.

§ 380-115. Certificate of compliance.

- A. No vacant land shall be occupied or used, and no building or premises shall be erected, altered or moved or create a change in use, and no nonconforming use shall be reestablished, renewed, changed or extended until a certificate of compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this Zoning Code. Such certificate shall be applied for at the time of occupancy of any land and/or building.
- B. No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new certificate of compliance by the Building Inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of the Zoning Code,

Building Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the Town of Trenton and State of Wisconsin.^[1] Such certificate for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for a certificate of compliance shall be made in the same manner as for a zoning permit pursuant to § 380-114 of this Zoning Code.

[1] *Editor's Note: See Ch. 174, Building Construction.*

§ 380-116. Site plan review and architectural control.

A. Purpose and intent.

- (1) For the purpose of promoting compatible development and 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 agricultural structures, and single-family and two-family dwellings without first obtaining the approval of the Plan Commission of detailed site and architectural plans as set forth in this section.
- (2) The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

B. Principles. To implement and define criteria for the purposes set forth in Subsection **A**, the following principles are established:

- (1) No building 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.
- (2) No building shall be permitted, the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- (3) No building 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.
- (4) No building or sign 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 affect on the beauty and general enjoyment of existing structures on adjoining properties.
- (5) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
- (6) Buildings and uses shall maintain existing topography, drainage patterns and vegetative cover insofar as is practical.
- (7) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- (8) Buildings and uses shall provide adequate parking and loading areas.
- (9) Buildings and uses shall be provided with adequate public services.
- (10) Buildings and uses shall make appropriate use of open spaces, and the Town Plan Commission may require appropriate landscaping and planting screens.

- C. Administration. Plan data shall be submitted to the Building Inspector who shall transmit all applications and their accompanying plans to the Plan Commission for its review. Plan data to be submitted with all plan review applications shall include the following:
- (1) Site plan drawn to a recognized engineering scale.
 - (2) Name of project noted.
 - (3) Owner's and/or developer's name and address noted.
 - (4) Architect's and/or engineer's name and address noted.
 - (5) Date of plan submittal.
 - (6) Scale of drawing noted on plan.
 - (7) Existing and proposed topography shown at a contour interval not less than two feet.
 - (8) The characteristics of soils related to contemplated specific uses.
 - (9) Total number of parking spaces noted.
 - (10) The type, size and location of all structures with all building dimensions shown.
 - (11) Indicate height of building(s).
 - (12) Existing and proposed street names indicated.
 - (13) Indicate existing and proposed public rights-of-way and widths.
 - (14) North arrow shown.
 - (15) Locate existing and general location of proposed sanitary sewers, storm sewers and water mains.
 - (16) Locate any proposed stormwater management facilities, including detention/retention areas.
 - (17) A graphic outline of any development staging that is planned is required to be shown on the site plan.
 - (18) Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.
- D. Review and findings. The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless it finds, after viewing the application, that the structure or use, as planned, will not violate the intent and purpose of this Zoning Code. The Plan Commission will approve said plans only after determining the proposed building or buildings 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.
- E. Sureties. The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.
- F. Appeals. Any person or persons aggrieved by any decision of the Plan Commission related to plan review may appeal the decision to the Board of Adjustment. Such appeal shall be filed with the Town Clerk within 30 days after filing of the decision with the Building Inspector.

§ 380-117. Developer's agreement.

All development which occurs in any business, industrial, institutional or planned development district shall require the execution of a developer's agreement which covers in some detail the manner and methods by which the land will be developed. The Plan Commission may impose time limits for the completion of projects and may require the execution of an irrevocable letter of credit or other appropriate surety to guarantee that the project will be completed on schedule.

§ 380-118. Fees.

- A. Permit fees. All persons, firms or corporations performing work which by this Zoning Code requires the issuance of a permit shall pay a fee for such permit to the Town Clerk to help defray the cost of administration, investigation, advertising and processing of permits and variances. Fees shall be as set forth on the schedule of deposits, bonds and fees.^[1]

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

- B. Reimbursement for professional fees. The permit applicant shall pay a fee equal to the cost of any legal, engineering, professional, administrative, or fiscal work which may be undertaken by the Town in connection with the permit request.
- C. Payment. All fees shall be paid in full within 30 days of invoicing. As a condition of the review of any application for any type of permit as required under the provisions of this chapter, the applicant shall pay to the Town Clerk all fees as required by the Town Code before being entitled to any approvals or permits. No application filed pursuant to this chapter shall be considered complete unless and until all fees due pursuant to this chapter have been paid. Every approval granted and every permit issued pursuant to this chapter, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees. The failure to pay any such fee fully when due shall be grounds for the Town of Trenton to refuse to process, or to continue to process, an application and to deny or revoke any permit or approval sought or issued with respect to the land or development to which the unpaid fee(s) relates.
- D. Double fee. A double fee may be charged by the 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 this Zoning Code nor from prosecution for violation of this Zoning Code.

§ 380-119. Violations and penalties.

- A. Violations. It shall be unlawful to use or improve any structure or land or to use water or air in violation of any of the provisions of this chapter. In case of any violation, the Town Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may cause appropriate action or proceedings to be instituted to enjoin a violation of this chapter or cause a structure to be vacated or removed.
- B. 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.
- C. Penalties. Any person, firm or corporation who or which fails to comply with the provisions of this chapter or any order of the Zoning Administrator issued in accordance with this chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Chapter 1, § 1-5 of this Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution provided for in Chapter 1, § 1-5.

Article XII. Changes and Amendments

§ 380-120. Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Town Board may, by ordinance, change the district boundaries established by this chapter and the Zoning Map incorporated herein or amend, change or supplement the text of the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

§ 380-121. Initiation.

A change or amendment may be initiated by the Town Board or Town Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

§ 380-122. Procedure.

- A. Request for changes. Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be filed with the Town Clerk, describe the premises to be rezoned or the portions of the text regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if the petition is for change of district boundaries:
- (1) Plot plan, drawn to a scale of one inch equals 100 feet, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
 - (3) Additional information as may be required by the Plan Commission or Town Board.
- B. Recommendations.
- (1) The Town Clerk shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and Zoning Map(s) within the limits of the Town and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on the proposed amendment(s).
 - (2) The Plan Commission shall recommend changes which remove areas from the EA or AT District only after a consideration of findings with respect to the following:
 - (a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time;
 - (b) 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
 - (c) 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 unreasonable adverse effect on rare or irreplaceable natural resources.
 - (3) The Town Board shall notify the Wisconsin Department of Agriculture, Trade and Consumer Protection of any change in the EA or AT District.

C. Hearings.

(1) The Town Board, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Ch. 985, Wis. Stats. At least 10 days' prior written notice shall also be given to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and the owners of all lands included in the petition and the owners of all lands within 200 feet of lands included in the petition. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

(2) The Town Board shall hold public hearings as required under this section.

D. Board's action. Following such hearing and after consideration of the Plan Commission's recommendations, the Town Board shall vote on the proposed ordinance effecting the proposed change or amendment.

§ 380-123. Protest.

A. In the event of a protest against an amendment to the Zoning Map, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the full Town Board membership.

B. In the event of protest against amendment to the text of the regulations of this chapter, duly signed and acknowledged by 20% of the number of persons casting ballots in the last general election, it shall cause a 3/4 vote of the full Town Board membership to adopt such amendment.

Article XIII. Appeals and Variances

§ 380-124. Board of Adjustment.

A. Scope of appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officer. Such appeal shall be taken within reasonable 30 days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof, together with payment of a filing fee as prescribed in § 380-118. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record of appeal upon which the action appealed from was taken.

B. Stay of proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

C. Meetings.

(1) Open to public. All meetings and hearings of the Board of Adjustment shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special

meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.^[1]

[1] *Editor's Note: See §§ 19.81 to 19.98, Wis. Stats.*

- (2) Special meetings. Special meetings may be called by the Chairperson or by the Secretary of the Board of Adjustment at the request of two members. Notice of a special meeting shall be mailed to each member at least 48 hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (3) Hearings. Hearings may be held at any regular or special meeting at the time set by the Chairperson.
- (4) Quorum. A quorum for any meeting or hearing shall consist of four members, but a lesser number may meet and adjourn to a specified time.
- (5) Minutes. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of fact. These records shall be immediately filed in the office of the Board and shall be a public record.
- (6) Required vote. The concurring vote of four members of the Board of Adjustment shall be necessary to correct an error, grant a variance, make an interpretation and permit a temporary, unclassified or substituted use.^[2]

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

D. Powers of Board of Adjustment.

- (1) In addition to those powers enumerated elsewhere in this Code,^[3] the Board of Adjustment shall have the following powers:
 - (a) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator, Building Inspector or other administrative official in the enforcement of the Zoning Code or any ordinance adopted under § 61.35, 62.23, 62.231 (wetlands), 87.30 or 281.31 (floodplains) or Ch. 91 (farmland preservation), Wis. Stats.
 - (b) Variances. To hear and rule on appeals for variances in accordance with the procedures and requirements of § 380-128.^[4]

[4] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
 - (c) Interpretations. To hear and decide applications for interpretation of the zoning regulations and the boundaries of the zoning districts after the Plan 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 that no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (e) Unclassified uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
 - (f) Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Adjustment and shall be

issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.

[3] *Editor's Note: See Ch. 15, § 15-4, Board of Adjustment.*

- (2) Permits. The Board may reverse, affirm, wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.
 - (3) Assistance. The Board may request assistance from other Town officers, departments, commissions and boards.
 - (4) Oaths. The Chairperson may administer oaths and compel the attendance of witnesses.
- E. Board action. In exercising the powers under Subsection **D**, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
- F. Voting.
- (1) Personal interest. No Board of Adjustment member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairperson shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
 - (2) Record of vote. The Secretary shall record the vote of each member on every question in the minutes or, if the member is absent or fails to vote, shall indicate such fact in the record of the proceedings.

§ 380-125. Filing of applications and appeals.

- A. Time of appeal. Appeals shall be filed within 30 days after the date of receipt of the written decision or order from which the appeal is taken by filing in duplicate a notice of appeal with the Town Clerk. The date of receipt of the decision shall not be counted in determining the time for filing of the appeal. Sundays and holidays shall be counted, except that if the last day falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.
- B. Who may appeal. Appeals or applications to the Board may be made by:
- (1) The owner, mortgagee, purchaser under a land contract, optionee or occupant under a written lease for one year or more of the property for which relief is sought.
 - (2) Any officer (other than the Zoning Administrator), department, board or bureau affected by a decision or order of the Zoning Administrator.
 - (3) Any person aggrieved and whose use and enjoyment of property within the Town is directly and adversely affected by a decision or order of the Building Inspector or Zoning Administrator or the requested Board action.
- C. Appeal and application forms.
- (1) 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 Town Clerk. Such appeals and applications shall include the following:
 - (a) Name and address of the appellant or applicant and all abutting and opposite property owners of record.

- (b) Plat of survey prepared by a registered land surveyor showing all of the information required for a zoning permit.
 - (c) Additional information required by the Town Plan Commission, Town Engineer, Board of Adjustment, Zoning Administrator or Building Inspector.
- (2) Failure to supply required information shall be grounds for dismissal of the appeal or application.
- D. Filing appeal or application. The appellant or applicant shall file the required appeal form in duplicate with the Town Administrator. The Town Clerk shall deliver one copy to the Zoning Administrator or other officer or body from whose decision an appeal is taken. Upon receipt of an appeal, the Zoning Administrator or other officer or body responsible for the original determination shall transmit to the Secretary of the Board of Adjustment all notes or papers relating to the order or decision from which the appeal is being taken.
- E. Election to have appeal or application handled as a contested case. The applicant or appellant may elect to have the appeal or application handled as a contested case. The appeal or application form shall explain that a contested case includes the right of all parties to cross-examine witnesses, to object to improper evidence and to have a record of the proceedings made by a court reporter or qualified stenographer or by tape recording. Election to have the matter treated as a contested case must be made in writing at the time of filing of the appeal or application.
- F. Insufficient notice. No appeal or application shall be considered by the Board of Adjustment unless it is made on the required form. Upon receipt of any communication purporting to be an appeal or application, the Town Administrator shall supply the applicant with the proper forms which must be filed within 10 days, in addition to the 30 days specified in Subsection **A**, in order to be considered by the Board of Adjustment.

§ 380-126. Hearings.

- A. Notice of public hearings.
- (1) Notice of any public hearing which the Board of Adjustment is required to hold shall specify the date, time and place of hearing and the matter to be presented at the hearing. Pursuant to Ch. 985, Wis. Stats., the notice shall be published as a Class 2 notice in a newspaper of general circulation in the Town of Trenton at least once each week for two consecutive weeks, the last publication of which shall be at least one week before the public hearing.
 - (2) Notice of the public hearing shall be mailed to all parties in interest at least 10 days before the hearing. Parties in interest shall be defined as the petitioner, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition and all lands lying within 200 feet of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by the Board of Adjustment.
- B. Time of hearing; docketing. Each appeal or application properly filed shall be numbered serially, docketed in a special book provided therefor and placed upon the calendar by the Secretary of the Board of Adjustment. Cases docketed more than 15 days preceding a regular meeting shall be set for hearing at such meeting. Cases docketed seven days or less prior to a regular meeting shall be scheduled by the Secretary, or his/her designee, for a hearing on the second regular meeting day thereafter unless otherwise directed by the Chairperson.
- C. Appearances. The appellant or applicant may appear in person or by his/her agent or attorney. In the absence of an appearance for or against an appeal or application, the Board of Adjustment may dismiss the appeal or application or may dispose of the matter on the record before it.
- D. Oath. Unless waived by the appellant or applicant and the Chairperson, all witnesses shall be sworn before testifying by the Chairperson or presiding officer.

- E. Compelling attendance of witnesses. The Chairperson or, in his/her absence, the presiding officer may compel the attendance of witnesses by subpoena. Written request for subpoenas shall be filed with the Secretary of the Board of Adjustment not less than two days prior to the hearing except by special permission of the Chairperson.
- F. Order of hearing. Appeals and applications shall be heard in numerical order except for good cause shown.
- G. Order of business.
 - (1) General hearing. At the hearing, the order of business shall be as follows:
 - (a) Statement of the nature of the case by the Chairperson.
 - (b) Appellant's side of the case.
 - (c) Questions by Board members.
 - (d) Zoning Administrator's side of the case.
 - (e) Questions by Board members.
 - (f) Statements by interested persons such as neighbors or abutting landowners.
 - (g) Questions by Board members.
 - (h) Appellant's or applicant's rebuttal.
 - (2) Contested cases. If the applicant or appellant elects to have his or her appeal or application treated as a contested case, the order of business shall be as follows:
 - (a) Call to order by the Chairperson.
 - (b) Appellant or applicant's opening statement.
 - (c) Zoning Administrator's opening statement.
 - (d) Opening statement of persons aggrieved and other interested parties. The right to make an opening statement is limited to persons who will present evidence.
 - (e) Applicant's or appellant's case-in-chief.
 - (f) Questions by Board members.
 - (g) Cross-examination. No more than one person for each party shall cross-examine witnesses. The Chairperson may limit the number of parties who may cross-examine.
 - (h) Zoning Administrator's case-in-chief.
 - (i) Questions by Board members.
 - (j) Cross-examination as under Subsection **G(2)(g)**.
 - (k) Case-in-chief of other parties.
 - (l) Questions by Board members.
 - (m) Cross-examination under Subsection **G(2)(g)**.
 - (n) Rebuttal by appellant or applicant. Rebuttal is limited to matters raised by the adverse parties by way of evidence or argument.
 - (o) Statements of opinion of neighbors or abutting landowners, not subject to cross-examination.

(p) Closing statements of those who made or waived opening statements.

- H. Evidence and official notice. Except in contested case hearings, written and oral testimony will be received. In contested case hearings, no hearsay evidence will be allowed or relied upon as the sole evidence of any factual determination. The Board of Adjustment may take official notice of the ordinances of the municipality, the zoning and location of the subject property and geographical features or other facts which are common knowledge in the municipality or can be verified by reference to public record. In contested case hearings, all witnesses shall be sworn and no person shall be permitted to testify unless he or she submits to cross-examination. See § 227.45, Wis. Stats.
- I. Adjournments. When all appeals or applications cannot be disposed of on the day set, the Board of Adjustment may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Board of Adjustment.
- J. Withdrawal. An appellant or applicant may withdraw an appeal at any time prior to the decision, but a pending motion to grant or dismiss the appeal shall have precedence over withdrawal. Withdrawal of the appeal shall not entitle the appellant or applicant to remission of the filing fee.

§ 380-127. Decision and disposition of cases.

- A. Time of decision. The Board of Adjustment shall render its decision either at the termination of the hearing or within 30 days thereafter and shall notify the parties in interest and the Zoning Administrator in writing of its decision.
- B. Form of decision. The final disposition of an appeal or application shall be in the form of a written decision or order signed by the Chairperson and Secretary of the Board of Adjustment. Such decision shall state the reasons for the Board's determination with findings of fact and conclusions of law and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the special exception, conditional use or variance. Copies of the decision shall be sent to the applicant, Town Clerk and the Secretary of the Plan Commission.
- C. Basis of decision; findings. At the conclusion of a hearing, the Board should reduce to writing its findings of fact and conclusions of law regarding the proper interpretation and application of the Zoning Code.
- D. Vote required. All orders or decisions of the Board of Adjustment granting a variance, exception or conditional use or reversing any action or order of the Administrator require the affirmative vote of four members. Whenever only four members of the Board are present and the vote stands three to one in favor of the appellant or applicant, the matter shall be laid over for consideration and final determination at the next meeting of the Board or a special meeting noticed and called for that purpose.
- E. Conditions. Variances or conditions imposed in any permit shall be stated in the decision or order embodying the Board's decision and shall also be set forth in the building, conditional use or occupancy permit issued under that order by the Zoning Administrator. A permit shall be valid only as long as the conditions upon which it is granted are observed. Whenever the Board grants an application or appeal affecting the use of any premises, such authorization shall be deemed revoked unless the owner, occupant or his/her agent shall, upon request, file with the Board Secretary a written report certifying that all conditions or limitations imposed by the Board have been conformed to and maintained. Variances, substitutions or conditional use permits approved by the Board shall expire six months after issuance if the performance of work is required and substantial work has not commenced.
- F. Filing of decision. Every order or decision of the Board of Adjustment shall be immediately filed with the Secretary who shall thereupon forward the decision to the Town Clerk and mail a copy to the

applicant or appellant. Copies of decisions granting conditional uses or variances in a floodplain, shoreland or wetland district shall be mailed to the district office of the Wisconsin Department of Natural Resources.

G. Reconsideration.

- (1) Resubmission. No appeal or application which has been dismissed or denied shall be considered again without material alteration or revision within one year of the Board's decision, except pursuant to court order or by motion to reconsider made by a member voting with the majority or as provided in Subsection **G(2)** below.
- (2) Rehearing. No rehearing shall be held except upon the affirmative vote of four or more members of the Board upon finding that substantial new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing, shall state the reasons for the request and shall be accompanied by necessary data and diagrams. Rehearings shall be subject to the same notice requirements as original hearings.

§ 380-128. Variances.

A. Purpose.

- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
- (2) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
[Amended 3-15-2022 by Ord. No. Z2022-03-01]
- (3) For the purposes of this section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

B. Application for variation. The application for variation shall be filed pursuant to § 280-125.

C. Public hearing of application. The public hearing for a variance shall be conducted pursuant to § 280-126.

D. Prohibited variances. The Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.

[Amended 3-15-2022 by Ord. No. Z2022-03-01]

E. Action of the Board of Appeals; standards. No variance to the provisions of this Zoning Code shall be granted by the Board of Appeals unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates such in the minutes of its proceedings:

[Amended 3-15-2022 by Ord. No. Z2022-03-01]

- (1) 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.
- (2) 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 should not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
- (3) 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.
- (4) 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.
- (5) Absence of detriment. No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Zoning Code or the public interest.

F. Conditions. The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section. A variance that is granted but not commenced within two years of the date of grant of the variance shall expire two years from the grant date.

[Amended 2-19-2021 by Ord. No. 2021.02.02]

§ 380-129. Review by court of record.

Any person or persons aggrieved by any decision of the Board of Adjustment may present to a 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 offices of the Board of Adjustment.

Article XIV. Definitions

§ 380-130. Definitions and word usage.

For the purposes of this chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.

ABUTTING

A common property line or district line.

ACCESSORY APARTMENT

A dependent dwelling unit located within a single-family dwelling unit intended for occupancy by another family member within the principal dwelling. The accessory apartment is self-contained featuring a separate outside entrance, sleeping facilities, kitchen facilities and bathroom facilities. The apartment usually occupies only a small portion of the single-family dwelling area and is often

occupied by a parent or in-law. The unit is accessible from the interior of the principal dwelling and has portions, such as a doorway or stairs, in common.

ACCESSORY USE OR STRUCTURE

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

ACRE, NET

The actual land devoted to the land use, excluding public streets, public lands or unusable lands, within 43,560 square feet.

ALLEY

A public way which affords only a secondary means of access to abutting property.

APARTMENT

A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

ASSEMBLY

When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. "Assembly" shall not include the construction, stamping or reshaping of any of the component parts.

ATTACHED GARAGE

A garage that is connected to the home, sharing a common wall with the home, and featuring direct access into the home.

[Added 3-15-2022 by Ord. No. Z2022-03-01]

BASEMENT

That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-round living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.

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.

BLOCK

A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

BOARDINGHOUSE

A building other than a hotel or restaurant where meals or lodging is regularly furnished by prearrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

BUILDABLE LOT AREA

The portion of a lot remaining after required yards have been provided.

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. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

BUILDING, DETACHED

A building surrounded by open space on the same lot.

BUILDING, HEIGHT OF

The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deckline of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.

BUILDING, PRINCIPAL

A building in which the principal use of the lot on which it is located is conducted.

BUILDING SETBACK LINE

A line parallel to the lot line at a distance parallel to it regulated by the yard requirements set up in this chapter.

BUSINESS

An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

COMMUNITY LIVING ARRANGEMENT

As defined in § 46.03(22), Wis. Stats. The establishment of a community living arrangement shall be in conformance with applicable sections of the Wisconsin Statutes, including §§ 46.03(22), 59.69(15) and 62.23(7)(i) and (7a), Wis. Stats., and amendments thereto, and also the Wisconsin Administrative Code.^[1]

CONDITIONAL USES

Uses of a special nature as to make impractical their predetermination as a principal use in a district.

CONSERVATION STANDARDS

Guidelines and specifications for soil and water conservation practices and management enumerated in the technical guide prepared by the United States Department of Agriculture Soil Conservation Service for Washington County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.

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° or less, measured on the lot side.

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 Zoning 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.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.

DISTRICT, BASIC

A part or parts of the Town for which the regulations of this chapter governing the use and location of land and building are uniform.

DISTRICT, OVERLAY

Overlay districts, also referred to herein as "regulatory areas," 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 requirements shall apply.

DWELLING

A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents or cabins primarily used for transient rental or recreational purposes.

DWELLING, BI-LEVEL

A two-level dwelling with one level above grade and the other level half above grade and half below grade. The lowest level may or may not have exterior access. For the purpose of measuring living area, the Building Inspector will determine functional areas as set forth in the definition of "living area," and the first-floor area will be considered to be the level that is entirely above grade.

DWELLING, EFFICIENCY

A dwelling unit consisting of one principal room with no separate sleeping rooms.

DWELLING, MULTIPLE-FAMILY

A residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

DWELLING, SINGLE-FAMILY

A detached building designed for or occupied by one family.

DWELLING, TRI-LEVEL

A three-level dwelling with two levels above grade and a third level half above grade and half below grade. The lowest level may or may not have exterior access.

DWELLING, TWO-FAMILY

A detached building containing two separate dwelling (or living) units, designed for occupancy by not more than two families.

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 family and have at least one bedroom, bathroom and kitchen.

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.

ESSENTIAL SERVICES

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, 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.

FAMILY

A. A family may consist of a person living alone or any of the following groups living together in a dwelling unit and sharing common living, sleeping, cooking and eating facilities:

- (1) Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationships.
- (2) Two unrelated persons.
- (3) Two unrelated people and any children related to either of them.

B. A family does not include:

- (1) Any social club, fraternity, sorority, association, lodge, combine, federation or other like organization.
- (2) Two or more individuals whose association to each other is temporary and/or seasonal in nature.
- (3) More than one person determined to be a sexually violent person under Ch. 980, Wis. Stats.
- (4) Three or more people who are granted a conditional use permit as a group home.

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 this definition, any person who has farmed land for five consecutive years is deemed to have farmed it historically.

FLOOR AREA, BUSINESS AND MANUFACTURING BUILDINGS

For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

FOSTER FAMILY HOME

The primary domicile of a foster parent who has four or fewer foster children and who is licensed under § 48.62, Wis. Stats., and amendments thereto.

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.

FRONT YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. All yards abutting on a street shall be considered as front yards for setback purposes.

[Added 3-15-2022 by Ord. No. Z2022-03-01]

GARAGE, PRIVATE

A detached accessory building or portion of the principal building designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.

GARAGE, PUBLIC

Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.

GIFT STORES

Retail stores where items such as art, antiques, jewelry, books and notions are sold.

GROUP FOSTER HOME

Any facility operated by a person required to be licensed by the State of Wisconsin under § 48.62, Wis. Stats., for the care and maintenance of five to eight foster children.

GROUP HOME

A single-family dwelling unit occupied on a relatively permanent basis in a family-like environment by eight or fewer unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a twenty-four-hour basis or present whenever residents are present at the dwelling.^[2]

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, does not exceed 25% of the area of any floor, and uses only household equipment, and for which no stock-in-trade is kept or sold except that made on the premises. A home occupation includes uses such as baby-sitting, millinery, dressmaking, canning, laundering, real estate brokerage or photographic studios, and crafts, but does not include the display of any goods nor such occupations or uses as barbering, beauty shops, or dance schools.

HOTEL

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

INDOOR WOOD-BURNING FURNACE

A stand-alone or supplemental wood or pellet furnace (permits required).
[Added 3-21-2006]

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 Trenton and which is approved, as to form, by the Town Attorney.

JUNK OR SALVAGE YARD

An area consisting of buildings, structures or premises where junk waste and discarded or salvage materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purpose or storage of used furniture and household equipment or used cars in operable condition.

LIVESTOCK

Domestic farm animals, such as cattle, horses, llamas, ostriches, sheep and pigs.

LIVING AREA

The total area bounded by the exterior walls of a building at the floor levels, but not including basements, utility rooms, garages, porches, breezeways and unfinished attics.

LOADING AREA

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

LOAFING SHED

A temporary three-sided structure minimally constructed and used for the protection of livestock.
[Added 9-20-2016 by Ord. No. Z-2016.09.01]

LODGING HOUSE

A building where lodging only is provided for compensation for not more than three persons not members of the family.

LOT

A parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that such parcel shall not 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 except in the EA, AT and A-1 Agricultural Districts.^[3]

LOT COVERAGE (EXCEPT RESIDENTIAL)

The area of a lot occupied by the principal building or buildings and accessory buildings, including any driveways, parking areas, loading areas, storage areas and walkways.

LOT COVERAGE (RESIDENTIAL)

The area of a lot occupied by the principal building or buildings and accessory building.

LOT, DOUBLE FRONTAGE

A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. Double frontage lots, for the purposes of this Zoning Code, shall be deemed to have two front yards and no rear yard. With lake lots, the lake side is the front yard and the street side is the rear yard.

LOT, INTERIOR

A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

LOT LINE

A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

LOT LINES AND AREA

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

LOT, SUBSTANDARD

A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking area or other open space provisions of this chapter as pertaining to the district wherein located.

LOT, THROUGH

A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT WIDTH

The horizontal distance between the side lot lines measured at the building setback line.

MACHINE SHOPS

Shops where lathes, presses, grinders, shapers and other wood- and metal-working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops, plumbing, heating and electrical repair shops, and overhaul shops.

MINOR STRUCTURE

Any small, movable accessory erection or construction, such as birdhouses, toolhouses, pet houses, play equipment, arbors and walls and fences under four feet in height.

MOBILE HOME

A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being

eight feet or more in width (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.

MOBILE HOME LOT

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

MOBILE HOME PARK

A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.

MOBILE HOME SUBDIVISION

A land subdivision, as defined by Ch. 236, Wis. Stats., and any Town land division ordinance,^[4] with lots intended for the placement of individual mobile home units. Individual home sites are in separate ownership as opposed to the rental arrangements in mobile home parks.

MODULAR UNIT

A factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

MOTEL

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

NONCONFORMING USES

Any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this chapter or amendments thereto and which is not in conformance with this chapter.

OUTDOOR WOOD-BURNING FURNACE

A stand-alone outside wood-burning unit used to supplement heating to a residence or accessory building (permits required).

[Added 3-21-2006]

PARKING LOT

Any public or private land area designated and used for parking motor vehicles. A parking lot may be at ground level and not be subject to the setback and other yard requirements of a structure or may be located within a structure which must meet the yard requirements of a specified zoning district.

PARKING SPACE

A graded and surfaced area of not less than 180 square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

PARTIES IN INTEREST

Includes all abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages.

PROFESSIONAL OFFICE

The office of a doctor, practitioner, dentist, minister, architect, landscape architect, real estate agent, insurance agent, stock broker, financial planner, engineer, lawyer, author, musician or other recognized trade or profession. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25% of the floor area of one story of a dwelling unit shall be occupied by such office, and only one unlighted nameplate, not exceeding two

square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.^[5]

PUBLIC AIRPORT

Any airport which complies with the definition contained in § 114.002(7), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

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, or waterline in the case of waterfront lots (applicable shoreland-wetland zoning provisions shall also be complied with), 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. With lake lots, the lake side is the front yard and the street side is the rear yard.

RECYCLING

The process by which waste products, such as metal cans, scrap metal, paper or glass, are reduced to raw materials for transformation into new and different products. For the purpose of this Zoning Code, "recycling" does not include the reclamation of sewage sludge, food wastes and other organic materials.

RETAIL

The sale of goods or merchandise in small quantities to the consumer.

SETBACK or STREET YARD

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 such yards.

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 drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and^[6]
- C. Such lands are maintained in nonstructural agricultural use.

SHORE YARD

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between a navigable body of water and a line parallel thereto through the nearest point of the principal structure.

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.

SIGN

Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, by which anything is made known and which is 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.

SIGN, AWNING

A sign that is mounted or painted on or attached to an awning, canopy or marquee.

SIGN COPY

The message or advertisement and any other symbols on the face of a sign.

SIGN FACE

The area or display surface used for the message.

SIGN, GROUND

Any sign placed upon or supported by the ground independent of any other structure.

SIGN, PORTABLE

A sign that is not permanent, affixed to a building, structure or to the ground. Such sign may be mounted on wheels to make it transportable.

SIGN, PROJECTING

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

SIGN, ROOF

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the declivity of a building with a mansard roof.

SIGN, WALL

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from such building or structure.

SIGN, WINDOW

A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window.

STORY

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

STORY, HALF

That portion of a building under a gable, hip or mansard roof the wall plates of which, on at least two opposite exterior walls, are not more than 4 1/2 feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multifamily dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purposes of this chapter.

STREET

A public right-of-way not less than 50 feet wide providing primary access to abutting properties.^[7]

STRUCTURAL ALTERATION

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

STRUCTURE

Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.

TEMPORARY STRUCTURE

A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

[Added 9-20-2016 by Ord. No. Z-2016.09.01]

USE

The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.^[8]

USE, PRINCIPAL

The main use of land or building as distinguished from subordinate or accessory use.

UTILITIES

Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.

VISION CLEARANCE

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

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.

ZERO LOT LINE

The concept whereby two respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

ZONING PERMIT

A permit issued by the Building Inspector that verifies that a specified use is permitted at the location and that the lot size and width requirements and the setback and yard requirements have been complied with. The zoning permit does not verify that structural components of a building comply with the Building Code. Such verification is typically certified by issuance of a building permit.^[9]

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

[2] *Editor's Note: For additional regulations see § 380-57, Group homes.*

[3] *Editor's Note: The definition of "lot, corner" which immediately followed this definition was repealed 2-6-2007 by Ord. No. 2-1-2007. See "corner lot."*

[4] *Editor's Note: See Ch. 350, Subdivision of Land.*

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

- [6] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- [7] *Editor's Note: The definition of "street yard" which immediately followed this definition was repealed 2-6-2007 by Ord. No. 2-1-2007. See "setback or street yard."*
- [8] *Editor's Note: The definition of "use, accessory" which immediately followed this definition, was repealed 2-6-2007 by Ord. No. 2-1-2007. See "accessory use or structure."*
- [9] *Editor's Note: Former Article P, Rezoning, which immediately followed this section, has been removed from the Code. A copy of the current Zoning Map is on file at the Town Clerk's office. Agreements for specific planned development overlay districts are also on file at the Town Clerk's office.*