

**TOWN OF POYGAN ZONING ORDINANCE  
COUNTY OF WINNEBAGO, WISCONSIN\***

**ADOPTED**

\*A Comprehensive revision of the Town of Poygan Zoning Ordinance,

Prepared under the jurisdiction of the Town of Poygan Planning and Zoning  
Committee.

Prepared by Town of Poygan Planning and Zoning Committee

John Huffcut, Planning and Zoning Chairman  
Rose Luebke, Planning and Zoning Clerk

**TOWN OF POYGAN ZONING ORDINANCE**

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## **TOWN OF POYGAN ZONING ORDINANCE 17.01**

### **17.01            INTRODUCTION**

(1)    **AUTHORITY.** This Zoning Ordinance, hereinafter called "Ordinance," is adopted under the authority granted by Sections 59.97, 59.971, 59.99, 87.30, 114.135, 114.136 and 144.26 of the Wisconsin Statutes and amendments thereto. The Town of Poygan Board of Supervisors, Winnebago County, Wisconsin, do ordain as follows:

(2)    **PURPOSE.** The purpose of this Ordinance is to promote the health, safety, morals, beauty, aesthetics, and general welfare of the people of the Town of Poygan.

(3)    **INTENT.** The general intent of this Ordinance is to produce a uniform zoning format for areas of similar size and use within the Town of Poygan.

(4)    **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Ordinance to interfere with, abrogate, or annul any existing easements, covenants, or other agreements between parties. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance or rules, regulations or permit previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall control. Furthermore, the Shoreland/Flood Plain/Wetland and Airport Zoning provisions of the County Zoning Ordinance shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zoning ordinance. When Shoreland/Flood Plain/Wetland and Airport Zoning provisions conflict with applicable underlying zoning ordinance provisions, the more restrictive combinations of such regulations shall govern.

(5)    **INTERPRETATION.** The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, beauty, aesthetics and general welfare of the Town of Poygan, Winnebago County, Wisconsin, and shall be liberally construed in favor of the Ordinance and the Town of Poygan.

(6)    **SEVERABILITY AND NONLIABILITY.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

(7) REPEAL AND EFFECTIVE DATE.

(a) The existing Town of Poygan Zoning Ordinance is hereby repealed in its entirety upon adoption and publication of this Ordinance.

(b) Adoption of the comprehensive revision is by Town Board resolution. The Town Board by a single resolution, shall repeal the existing Town Zoning and reenact the comprehensive revision.

(c) "Comprehensive Revision" means the complete rewriting of the existing Town of Poygan Zoning Ordinance, as amended, effective June 19, 1980. It includes maps indicating the boundaries of all the districts established by this comprehensive revision which maps are hereby adopted and incorporated herein by reference.

(8) MAPS. Where any map is referred to in this ordinance and said map is a digital compilation within the Winnebago County Geographic Information System (WINGS), said digital map shall be the regulatory map for purposes of enforcement of this ordinance.

(9) TITLE. This Ordinance shall be known as, referred to, or cited as, the TOWN OF POYGAN ZONING ORDINANCE, WINNEBAGO COUNTY, WISCONSIN.

## TOWN OF POYGAN ZONING ORDINANCE 17.02

### 17.02 GENERAL PROVISIONS.

(1) JURISDICTION. The provisions of this Ordinance shall apply to all structures, land, water and air within unincorporated areas of the Town of Poygan, Winnebago County, Wisconsin.

(2) COMPLIANCE.

(a) Unless otherwise excepted in other sections of this Ordinance, no structure, land--except for farmland or for normal filling, grading, etc.--or water including manmade impoundments shall hereafter be developed and no structure or part thereof shall hereafter be located, erected, moved(\*), reconstructed, enlarged, extended, converted, or structurally altered without full compliance with the provisions of this Ordinance and all other applicable town, county, and state regulations. The Zoning Administrator, with the aid of the Town Building Inspector shall accept all applications, issue or deny all Zoning Permits, investigate all complaints, give notice of violations, and enforce the provisions of this Ordinance.

(\*). However, agricultural structures intended to be movable, e.g. portable coops, animal shelters, feeders, etc. shall not require permits for moving within the farm operation.

(b) However, where a Permit has been issued in accordance with law prior to the effective date of this Ordinance and provided that construction is begun within one (1) year of such effective date and diligently pursued to completion, said development may be completed in accordance with the approved plans on the basis of which the permit has been issued, and further may, upon completion, be occupied under a Certificate of Compliance by the use for which originally designated--subject thereafter to the provisions of Sec. 17.29 of this Ordinance. Any subsequent text or map amendment shall not affect previously issued valid permits.

(c) The Zoning Administrator and Town Building Inspector shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with this Ordinance. If, however, they are refused entry after presentation of their identification, they shall procure a special inspection warrant in accordance with requirements of the Wisconsin Statutes.



(d) The Town of Poygan, or any owner or owners of property within the district affected by a particular regulation may sue, pursuant to Sec. 59.97(11) of the Wisconsin Statutes, to enforce by injunctive order compliance with the Zoning Ordinance.

(3) ZONING PERMIT.

(a) Applications for a Zoning Permit shall be made to the Zoning Administrator on forms furnished by the Town Zoning Administrator and shall include the following where applicable:

(1) Names and addresses of the applicant, owner of the site, architect, professional engineer, or contractor. Signature of owner and applicant is required on all permit applications. Where an applicant has been designated, actions taken by the applicant shall be deemed to be done by the owner.

(2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds, references to the U.S. Public Land Survey.

(3) Address of the subject site.

(4) Type of structure.

(5) Existing and proposed operation or use of the structure or site.

(6) Number of employees.

(7) The zoning district within which the subject site lies.

(8) A legible plot plan no smaller than 8 ½ in. by 11 in. nor larger than 11 in. by 17 in. provided by the applicant showing the location, property boundaries, dimensions, uses and size of the following: subject sites; existing and proposed structures; existing and proposed sanitary facilities and well; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed yards; and finished grades; grades of adjacent structures; and a surface water drainage plan where required by Sec. 17.02(6).

(a) Proposed finish grade for the principal structure shall be 12" above the crown of the road at the center of said structure unless otherwise allowed by this section.

(b) Where the structure is to be located in a subdivision with an approved drainage plan, the proposed building elevation shall comply with said drainage plan.

(c) Where an alternate elevation would better suit the existing or proposed uses surrounding the site, the Town Board shall have authority to set an alternative finished grade elevation pending review of an alternate elevation plan and a surface water drainage plan as required in Sections

17.02(5)(b) and 17.02(5)(c). Said alternative grade shall be noted on the zoning permit by the Zoning Administrator.

- (d) Amended site plans will be accepted without penalty upon submittal for a time period of up to six (6) months from the date of original permit issuance. After the six month period, a modification shall require a new permit application and fee payment.

(b) A Zoning Permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of filing. However, where public sewer is not available, a Zoning Permit shall not be issued prior to approval of sanitary plans and issuance of a Sanitary Permit by the County Sanitary Inspector. Furthermore, no Zoning Permit shall be issued for any addition, reconstruction, enlargement or conversion of a principal structure where sanitary facilities are not provided in accordance with the Winnebago County Sanitary Ordinance and Chapter ILHR 83 of the Wisconsin Administrative Code.

(c) The Zoning Permit shall consist of a card that shall be posted continuously at the construction site during the period of construction. The permit shall be posted in a conspicuous manner, unobstructed from public view, and not more than ten (10) feet above grade.

NOTE: The Zoning Permit shall expire within one (1) year of issuance unless substantial work has commenced and has been diligently pursued. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

(d) Width and Frontage Requirement. Permits for residential structures (principal or accessory) and all other principal structures shall not be approved unless the lot is in compliance with the width and frontage requirements for the intended use and zoning designations provided herein.

(e) Permits issued as a result of a violation notice or citation may be conditionally approved by addressing time limits for construction as well as to address requirements dealing with the original complaint.

(f) A zoning permit issued as the result of a variance shall only be issued where the structure is either in conformance with the site plan submitted as part of the variance application, or as presented to the Board of Appeals at the Public Hearing.

(g) Application for a zoning permit shall, upon the issuance of the permit, grant permission for appropriate Town representative to enter upon the affected property for the purpose of conducting an inspection to determine compliance with the terms and conditions, if any, of the permit granted. The permission granted shall remain in force until a Certificate of Compliance has been issued.

(4) SITE RESTRICTIONS.

(a) No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board or the Town of Poygan Planning and Zoning Committee 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, and general welfare of the Town.

(b) The Town Board and/or the Town of Poygan Planning and Zoning Committee, in applying the provisions of this Ordinance, shall, in writing, itemize the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Town Board and/or the Town of Poygan Planning and Zoning Committee may affirm, modify, or withdrawn its determination of suitability.

(c) Requirements of all land use sites:

(1) All lots shall abut upon a public street, and each lot shall have the minimum frontage as prescribed for the particular zoning district in which the lot is located.

(2) All principal residential structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot.

(3) No Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width.

(4) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than seventy-five (75) feet from the district boundary line so as to equal the average of the street yards required in both districts.

(5) When there is a reasonable likelihood that unsewered lots will be sewerred within ten (10) years and that the required frontage thereafter will be one-hundred (100) feet or less, then, the Town Planning and Zoning Committee or subdivider may cause dotted lines to be drawn across the center of the lots applicable on plat and zoning maps so as to notify

prospective purchasers of that possibility.

(6) All street yards shall be measured by the greater of the distance from either the affected public or private street or from any road widths shown on a duly adopted street width map.

(7) New lot creations shall be sized according to the provisions contained herein as prescribed for the particular zoning district in which the lot is located.

#### (5) SURFACE WATER DRAINAGE.

(a) Purpose. The intent of this section is to protect property and structures from damage caused by increased surface water runoff due to commercial, industrial, and residential development of the land in the Town of Poygan.

(b) Increased Surface Water Runoff. Surface water runoff after development shall not be at a greater peak rate or flow nor flow at increased velocities which will cause property and structure damage. A 25-year storm for Winnebago County shall be used for pre-construction runoff calculations and a 50-year storm shall be used for post-construction runoff calculations.

(c) Residential, Commercial and Industrial Development. The developer shall submit a surface water drainage plan (drainage) plan for all new commercial, industrial, multi-family and residential developments, and for all additions to commercial, industrial, and multi-family developments. The applicant shall secure a stormwater erosion control permit from the Winnebago County Land and Water Conservation Department. The stormwater erosion control permit shall be obtained prior to issuance of a zoning permit.

(d) No surface water or clear water discharge from impermeable surface runoff, sump pumps etc. may be allowed, directed, redirected or made to flow in any manner such that said water enters, extends, crosses or infringes on a neighboring property. Water flowing in a designated Town or County road ditch or other designated flow area as presented in a subdivision drainage plan is exempted.

#### (6) SUBDIVISION OR JOINING OF PROPERTY

(a) No property shall be divided or no two properties, or portions thereof, shall be joined without the submittal and approval of a Certified Survey Map or subdivision plat presented by a Land Surveyor Registered in the State of Wisconsin.

- (b) All Certified Survey Maps depicting division or joining of parcels, or portions thereof, shall present all parcels involved in said division or joining including both the parcel to be created and the parent parcel(s) in their entirety

(7) USE RESTRICTIONS. The following restrictions and regulations shall apply:

- (a) Principal Uses. Only those principal uses specified for a district, their onsite services and the following uses and conditions specified below shall be permitted in that district, except small scale non-commercial gardening shall be a principal use in all districts.
- (b) Accessory Uses.
  - (1) Unless otherwise specified in other sections, 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 business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; servant's and owner's quarters not for rent; private swimming pools; and private emergency shelters. Accessory use residential quarters shall be contained within the principal structure. No living quarters shall be located within an accessory structure.
  - (2) The placement of tents, pop-up campers, RV's, boats, motor homes etc., on vacant property, other than a garage lot adjacent to, or across the street from, the residence is prohibited except for occasional use by the owner. Minor deviations may be administratively allowed on a case by case basis when granted in writing from the Town Chairman or other designated Town Official. At all other times the unit shall be removed from the property and in no event shall a camper, trailer etc. be left unattended overnight. No temporary or permanent utilities shall be provided to said unit until the principal structure is present or under construction.
  - (3) The placement of tents, pop-up campers, RV's, motor homes, etc. for use as daytime or overnight accommodations on parcels with a primary residence is limited to two (2) campsites for occasional use as defined herein.
- (c) Accessory Use Location.

(1) Unless otherwise specified in other sections, accessory uses and detached accessory structures are permitted within the buildable area or in the rear or side yard only; they shall not be closer than ten (10) feet to the principal structure; shall not exceed the maximum height allowed for the applicable zoning district; shall not exceed the maximum square footage allowed for accessory structures per zoning district, or in absence of a maximum square footage, shall not occupy more than fifteen (15) percent of the rear or side yard area of the particular site; shall not be located closer than the setback requirements for the applicable zoning district.

(2) Within the shoreyard setback area, the only allowed accessory structure is a boathouse. Other structures may be allowed only where the setback has been reduced by variance, or state statute.

(d) Conditional Uses.

(1) Conditional uses and their accessory uses are considered as special uses which require approval and a public hearing if there is approval, all in accordance with Sec. 17.25 of this Ordinance.

(2) In addition to those stated elsewhere in this Ordinance, the following shall be conditional uses in all zoning districts of this Ordinance.

(a) Utilities--and associated structures--provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

(b) Governmental and cultural uses. Except town halls, town offices and town fire stations shall be considered principal uses for all zoning districts.

(c) One-time disposal subject to receiving DNR permit.  
(According to Sec. 17.25-4.)

(3) A temporary batch plant for a specific road project and specific duration of time shall be allowed by conditional use without the need for a zoning change in all districts except residential.

(e) Unclassified or Unspecified Uses. According to Sec. 17.31-4(e).

(f) Temporary Uses. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board or Town Planning and

Zoning Committee. Other temporary uses, e.g. mobile homes, emergency housing needed due to natural disaster, etc., according to Sec. 17.31-4(f) of this Ordinance.

(g) Animal Restriction.

- (1) Unless otherwise specified, no premises in a Residential District shall be used to harbor more than four (4) dogs without the granting of a kennel license. Puppies whelped on any such premises as a result of fortuitous mating may be retained on the premises until they are six months old and shall not be taken account of in determining the number not in excess of four (4) dogs herein above permitted on such premises. No premises in a Residential District shall be used for breeding or rearing of dogs for sale or hire or for the boarding of dogs for pay.
- (2) In all cases no boarding is allowed, and a kennel (ownership) license is required from the Town Board where the number of dogs is requested to exceed four. Kennel license applications are reviewed based upon a case by case basis for approval or denial.
- (3) Residential District R-3 shall be limited to no more than two (2) dogs per unit.
- (4) Residential Districts R-4, R-5 and MH-1 shall be limited to no more than one (1) dog per unit.
- (5) All other types of animals shall be allowed per animal unit as prescribed on the table herein. Limitations on size and number of animals per zoning district are based upon information regarding animal units from the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection.
- (6) Where structures, driveways, well and septic systems, etc, or any combination thereof, are present on the property being calculated, one acre will be excluded for the total acreage allowed for animals.
- (7) Partial animal units shall be rounded up to the next full animal unit when the animal unit calculation equals or exceeds 75% of the required animal units for the animal in question.

Table 17.02-1

Animal Unit Standards by Zoning Designation

Zoning Classification	Lot Size	Animal Units allowed per acre
R-1	1.0 to 2.499 ac.	0.5
RR	2.5 to 8.0 ac.	1.0
A-2	up to 8.0 ac.	1.0
A-2	8.0 acres or more	1.0
R-2	All sizes	0.0
R-3	All sizes	0.0
R-4	All sizes	0.0
R-5	All sizes	0.0
MH-1	All sizes	0.0
C-1	All sizes	0.0
C-2	All Sizes	0.0
M-1	All Sizes	0.0
B-1	All Sizes	0.0
B-2	All Sizes	0.0
All other districts	All sizes	0.0

Animal Type	Equivalent Animal Units
Horses (i.e. draft), Bison	2.0
Horses, light riding (i.e. quarter)	1.0
Horses, pony, miniature	0.5
Milking, Dry cows and Bulls, Elk	1.4
Steers or Cows (400 lbs. to market)	1.0
Calves under 400 lbs., Deer (all kinds)	0.75
Pigs	0.5
Pigs (up to 55 lbs.)	0.1
Llama, Alpaca etc,	0.4
Ostrich, Emu etc,	0.1
Sheep and Goats	0.1
Turkeys	0.02
Chickens, Ducks, Guinea Hens	0.01
Pheasants and Rabbits	0.01

(h) Utilities. Telecommunications/Electronic switching equipment buildings no larger than 12' x 22' are permitted in all districts subject to aesthetic review under s. 17.02(4)(b).



(i) Ponds: ponds shall be considered an allowed use in all districts except that in any R-1 residential or other district with a lot size less than 2.5 acres, any pond or manmade impoundment greater than one hundred (100) square feet in area shall require a conditional use permit.

(8) SANITARY REGULATIONS. See Winnebago County Sanitary Ordinance; Chapters ILHR 83; H65 and NR112 of the Wisconsin Administrative Code.

(9) REDUCTION OR JOINT USE. 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 Ordinance. 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.

(10) VIOLATIONS.

(a) it shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance.

(b) In case 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 Ordinance. Every structure, fill or development placed or maintained on flood plains in violation of this Ordinance is a public nuisance; and the creation thereof may be enjoined and maintenance thereof may be abated by an action instituted by the Town or any citizen who lives in or within five hundred (500) feet of the floodland.

(c) If the Town Board or Town Planning and Zoning Committee Office shall determine at any time that the ordinance, laws, orders, plans and specifications are not being complied with, or where work is being done without a valid permit, a stop work order shall be posted at the site of the work. When such order has been posted, it shall have the effect of causing the original permit to be revoked and in all cases, it shall be unlawful for any further work to proceed until the permit is either issued or reinstated. It shall further be unlawful to remove such stop work order without the direct authorization of the Town Board, Town of Poygan Planning and Zoning Committee or the Town Building Inspector.

(11) PENALTIES.

(a) Any person, firm or corporation who fails to comply with the provisions of this ordinance, or any order of the Town Board, Town of Poygan Planning and Zoning Committee or Building Inspector issued in conjunction with this ordinance, or who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of, any of the provisions indicated below and if in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding sixty (60) days. Payment of forfeiture as listed does not relieve the person, firm, or corporation from the obligation to obtain all required permits, or comply with lawful enforcement orders. Each day a violation

exists or continues shall constitute a separate offense. In addition, the Town of Poygan has adopted, pursuant to Sec 66.0113, Wisconsin Statutes, the citation system of enforcement of this ordinance.

(1) Cost Pursuant to Issued Citation

- (a) Failure to obtain a permit as required  
\$200.00 + current court costs
- (b) All other violation of this ordinance  
\$250.00 + current court costs

(2) Cost Pursuant to Non-Citation Initiated Civil Complaint

- (a) Not less than \$200.00 nor more than \$1,000.00 plus  
current court costs and costs of prosecution

(12) FEES

(a) Fees for permits and hearing items shall be as established from time to time by the Town of Poygan Board of Supervisors. Upon adoption by the Town Board, the fee shall be maintained on a current fee schedule in the Town Office.

(b) Fees for all after the fact permit and hearing applications shall be doubled.



## **TOWN OF POYGAN ZONING ORDINANCE 17.03**

### **17.03 ZONING DISTRICTS.**

#### **(1) RESIDENTIAL DISTRICT INTERPRETATION.**

(a) Public or Onsite Services and Facilities. The residential zoning standards of this Ordinance have been subdivided into those suitable for homesites with public sewer and to those homesites dependent upon onsite sewage disposal systems.

(b) Homesite Categories.

(1) Scattered Homesites. Those homesites developed on a scattered basis, disassociated from any recorded subdivision or approved planned unit development shall conform to the lot size and associated standards of the appropriate residential district designated "nonsubdivided."

(2) Subdivided Homesites. The reduced lot size and associated standards which accompany residential districts designated as "subdivided" shall be utilized in determining optimum land use in the process of establishing a duly recorded subdivision. These lot sizes and standards shall not be applied to any unplatted lands or assessor's plats. Reduction of lot size in an existing plat of record may be by certified survey map or replat approved by the Town Board prior to approval by the County.

#### **(2) RESIDENTIAL CONDITIONAL USES.**

(a) Residential conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval--if there is approval--all in accordance with Sec. 17.25 of this Ordinance.

(b) In addition to those stated under Sec. 17.02-7(d), the following shall be conditional uses in residential districts of this Ordinance provided all other aspects of the district are met.

(1) Public, private and parochial elementary and secondary schools and all churches.

(2) Clubs, fraternities, lodges, and meeting places of a noncommercial nature.

(3) Home occupations and professional offices.

(4) Model homes and accessory sign according to Sec. 17.28-2.

(5) Community Living Arrangements greater than 8 persons as defined in Sec. 59.97(15), Statutes.

(6) Bed and Breakfasts.

(3) **RESIDENTIAL ACCESSORY USES.** In addition to those accessory uses specified under Sec. 17.02-7(b)(c) or under a special district, the following accessory standards shall apply in all residential districts:

(a) Fences.

(1) Fences will be permitted on the property line except that no fence shall be located closer than 2' to any right-of-way. On the side and rear yard, the height shall not exceed six (6) feet in height. In the street yard, fences shall be an open type (50% or less opaque) and shall not exceed four (4) feet in height. In those cases where the rear yard is a shore yard, fences located between the shore yard setback line and half the distance to the ordinary high water mark shall adhere to the rear yard standards. No fence shall be located closer than 35 feet to the Ordinary High Water Mark.

(2) Fences on the property line of a through lot abutting an access restricted right-of-way shall be allowed at the rear yard height and opacity standards.

(3) No fence in any residential district shall consist of, or contain, 8-18 gauge single strand wire commonly known as 'barbed wire', nor shall any fence be electrified. Farm fences adjacent to a residential district are exempt from this restriction.

(4) Fences in a R-5 District development may be allowed to exceed the side and rear yard height limits where specifically approved in the Conditional Use approval. Street and shore yard fence heights shall meet requirements of all other residential districts.

(5) Where residentially zoned property abuts Commercial or Industrial zoned property, a solid wood fence may be allowed in the side or rear yard at a maximum height of 10'. Administrative review and approval may address such things as visual impact on adjacent property, additional screening requirements, type of fence construction, etc..

(6) Fences on the property line of the a through lot abutting a divided highway consisting of four or more lanes shall be allowed at the rear yard opacity standards and shall be no more than six feet above the crown of the road in height.

(b) Outdoor Lighting. Outdoor lighting installations shall be permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(c) Parking. Parking is required according to Sec. 17.26.

(d) Signs. According to Sec. 17.28.

(e) Assessory Structures and Detached Garages. Assessory structures and detached garages in all residential districts, or on a lot where the principal use is residential, shall conform to the following:

- (1) No assessory structure or detached garage shall exceed a height of twenty two (22) feet.
- (2) No assessory structure or detached garage shall be utilized as living quarters.
- (3) No assessory structure or detached garage shall be connected to a private on-site waste water treatment system.
- (4) Two (2) or more accessory structures on any one (1) lot having a residential use shall have a minimum of ten (10) feet of yard area between them.

#### (4) HOME OCCUPATIONS

(a) Intent. The intent of this section is to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential district to a commercial district. Approval of an expansion of a 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; Restrictions. Home occupations, including professional home offices, meeting the requirements of this subsection are a permitted use in R-1, R-2 and RR residential districts and are subject to the requirements of the district in which the use is located, in addition to the following requirements:

- (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 structures located on the premises.
- (4) No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, 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 and shall not exceed four (4) square feet.

- (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (7) A permitted home occupation is restricted to a service-oriented business prohibiting the manufacture of items or products, or the sale of items or products on the premises. Examples of service-oriented businesses are, but are not limited to, computer programming, accounting, insurance agency, and computer-based consulting and clerical services.
- (8) A permitted home occupation shall not occupy more than thirty-five (35) percent of the gross living area of the dwelling.
- (9) Persons employed by a permitted home occupation shall be limited to resident family members and no more than two non-resident employees.
- (10) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation

(c) Conditional Use Home Occupations

- (1) The planning commission may approve home occupations in residential or agricultural districts, which do not meet the standards in subsection (b) of this section, as a conditional use. The standards in section 17.25 of this Ordinance shall be applicable.
- (2) The types and number of equipment or machinery used on the conditional use site may be restricted by the Planning Commission.
- (3) Sale or transfer of the property or expansion of the home occupation shall cause the conditional use permit to be null and void.

(5) BUSINESS DISTRICTS INTERPRETATION. The uses within each of these districts have been grouped according to the expected intensity of the commercial activity. Also, lot sizes have been adjusted according to service by public sewer or on-site sanitary system.

(6) BUSINESS CONDITIONAL USES.

(a) Business conditional uses and their accessory uses are considered as special uses which require review, public hearing and approval--if there is approval--all in accordance with Sec. 17.25 of this Ordinance.

(b) In addition to those stated under Sec. 17.02-7(d), the following shall be conditional uses in all business districts of this Ordinance:

- (1) Public passenger transportation terminals, such as heliports, bus and rail depots--except airports, airstrips and landing fields--provided all

principal structures and uses are not less than one (100) feet from any residential district boundary.

(2) Vehicle service, washing, repair stations; garages; taxi stands; public parking lots; and self-service and full-service gas stations.

(a) Group 3 Standards

(1) Gas Pump Yards All Minimum 30 feet.

(2) Canopy Yards Street Minimum 18 feet.

(3) Planned business district with minimum of four (4) acres in one ownership and with a minimum frontage of 200 feet subject to the Approval procedures for Permit provided under the R-5 "Planned Residential District."

(4) Gravel crushing, soil pulverizing, or similar operations when not part of an extraction site, whether using native, or imported, gravel, soil or other material.

(c) Adult Entertainment Overlay District in a B-3 Highway Business (HB) district.

(7) BUSINESS ACCESSORY USES. In addition to those accessory uses and standards specified under Sec. 17.02-7(b)(c) the following accessory standards shall apply in business districts:

(a) Fences.

(1) Security fences are permitted on the rear and side property lines, but shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or chain link fencing.

(2) Where commercially zoned property abuts public or residential property, a solid wood fence may be required and administratively approved in the side or rear yard at a maximum height of 8'. Administrative review and approval may address such things as visual impact on adjacent properties, security needs, additional screening requirements, type of fence construction, etc.

(b) Outdoor Lighting. Outdoor lighting installations are permitted in all yard areas, but no closer than ten (10) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(c) Residential Quarters. Residential quarters are permitted within the business structure providing the occupant is an owner, manager or caretaker of the business. Residential quarters must be less than fifty (50) percent of the square

footage of the business structure. Only one such residential quarters is allowed per business or group of business under one common ownership.

(d) Signs. Signs are permitted according to Sec. 17.28.

(e) Parking. Parking is required according to Sec. 17.26.

(f) Garages and Storage Buildings. Garages and storage buildings for storage of vehicles, supplies, equipment, etc. used in conjunction with the operation of the business.

(8) PUBLIC AND SEMI-PUBLIC DISTRICT INTERPRETATION. This district enables the identification of areas for use by institutional and recreational activities. It has been designed to provide standards which will insure their orderly development and operation whether privately or publicly owned.

(9) AGRICULTURAL DISTRICTS INTERPRETATION. The agricultural districts of this ordinance have been designed to preserve both prime agricultural lands and stabilize the economic base of farming as well as to allow for needed urban expansion.

(10) AGRICULTURAL CONDITIONAL USES.

(a) Agricultural conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval--if there is approval--all in accordance with Sec. 17.25 of the Ordinance.

(b) In addition to those stated under Sec. 17.02-7(d), and unless otherwise specified, the following shall be conditional uses in all agricultural districts of this Ordinance:

(1) Airports, Airstrips and Landing Fields—when agriculturally related. Compliance: All FAA Regulations.

(2) Cemeteries and crematories; hospitals; colleges and universities; sanitariums; religious, charitable, penal and correctional institutions.

(3) Condenseries, creameries, commercial butchering of animals, commercial boarding of stable animals, migratory laborer housing.

(4) Sludge disposal. Disposal shall be in accordance with the Town of Poygan Waste Disposal Ordinance and the Wisconsin Administrative Code pertaining to Municipal Sludge Management. Additional conditions may be specified spreading of sludge, site criteria or application rates based upon land restrictions, site restrictions and total accumulated application.

(5) Storage and maintenance of construction equipment vehicles and seasonal storage of recreational vehicles, boats, and other related items is permitted in existing structures incidental to the farm operation as a conditional use if the storage area for all such equipment and vehicles is at least six hundred (600) feet from residential, and public and semi-public



districts. Storage of these or other items is for the property owner and storage space may not be rented, leased or sublet to any other party.

(6) Mobile home(s) which shall be occupied as an accessory use to the farm operation, (the occupant must earn the majority of his/her livelihood from farm operations on the parcel) providing:

(a) The Town Board verifies--in writing-- said use of the proposed mobile home(s).

(b) The farm operator agrees--in writing-- that discontinuance of the mobile home occupancy as the specified accessory use will necessitate removal of the mobile home.

(c) The conditional use shall be renewed every two (2) years.

(7) Large-scale operations, e.g. duck, turkey, mink farms, which involve potential nuisance conditions, requiring special waste disposal and treatment facilities, e.g. lagoons and/or overhead irrigation disposal systems.

(8) Gravel crushing, soil pulverizing, or similar operations when not part of an extraction site, whether using native, or imported, gravel, soil, or other material.

(11) **AGRICULTURAL ACCESSORY USES.** In addition to those accessory uses specified under Sec. 17.02-7(b)(c), the following accessory standards shall apply in all agricultural district:

(a) Fences. Security fences are permitted on the property line, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or chain link fencing.

(b) Signs. Signs are permitted according to Sec. 17.28.

(c) Roadside Stands. One (1) roadside stand on any one (1) farm shall be permitted, providing it will be used only for the sale of farm products raised on said farm.

(d) Out Buildings.

(12) **INDUSTRIAL DISTRICTS INTERPRETATION.** The districts within this Section have been grouped according to activities which generally relate to the production, distribution and assembly of products or which provide large-scale facilities for offices, research or educational center. The location of the districts within this section should be considered carefully so as to maintain the proper balance between providing approximate location to an anticipated work force as well as allowing for accessibility to the transportation routes and supportive facilities necessary for successful marketing of products. Because of these factors, these districts should be zoned only according to a planned industrial development program, or in conjunction with the predetermined growth objectives of an individual company, activity or institution.

(13) INDUSTRIAL CONDITIONAL USES.

(a) Industrial conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval-if there is approval--all in accordance with Sec. 17.25 of this Ordinance.

(b) In addition to those stated under Sec. 17.02-7(d), the following shall be conditional uses in all industrial districts of this Ordinance:

(1) Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips, and landing fields, provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

(2) Animal hospitals provided all principal structures and uses are not less than one hundred (100) feet from any residential district or use.

(3) Gravel crushing, soil pulverizing, or similar operations when not part of an extraction site, whether using native, or imported, gravel, soil, or other material.

(14) INDUSTRIAL ACCESSORY USE. In addition to those accessory uses and standards specified under Sec. 17.02-7(b)(c), the following accessory standards shall apply in industrial districts:

(a) Fences.

(1) Security fences are permitted on the Property line, but shall not exceed ten (10) feet in height. Fences shall normally be of an open type similar to woven wire or chain link. Where opaque slats inserted into the fence will serve to prevent visual detriment to adjacent properties, the slats may be administratively allowed provided that vision clearances at driveways and/or intersection are maintained.

(2) Where industrially zoned property abuts public or residential property, a solid wood fence may be required and administratively approved in the side or rear yard at a maximum height of 10'. Administrative review and approval may address such things as visual impact on adjacent properties, security needs, additional screening requirements, type of fence construction, etc.

(b) Outdoor Lighting. Outdoor lighting installations are permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(c) Signs. Signs are permitted according to Sec 17.28

(d) Parking. Parking is required according to Sec 17.26

(e) Storage facilities, power supply buildings and other uses normally supportive of the Principal Use.

(15) FLOOD PLAIN-SHORELAND DISTRICTS. This District falls under the jurisdiction of the Winnebago County Planning and Zoning Department. The Town of Poygan shall defer authority for this district to the Winnebago County Planning and Zoning Department, however, should a section of this ordinance, or portion thereof, provide for a more restrictive measure, the more restrictive measure shall be applied.

(16) AIRPORT ZONING AREA. This District falls under the jurisdiction of the Winnebago County Planning and Zoning Department. The Town of Poygan shall defer authority for this district to the Winnebago County Planning and Zoning Department, however, should a section of this ordinance, or portion thereof, provide for a more restrictive measure, the more restrictive measure shall be applied.

## TOWN OF POYGAN ZONING ORDINANCE 17.04

### 17.04 R-1 RESIDENTIAL DISTRICT. (nonsubdivided)

(1) **STATEMENT OF INTENT.** The intent of this district is to provide a lot size and associated standards for homesites developed on a clustered or scattered basis. The criteria of this district are designed to provide reliable, single-family homesites in those areas where "neighborhood" and "community" facilities and services are of secondary significance to the location of the homesite itself.

- (2) **PRINCIPAL USES.**  
(a) One-family dwellings

One-family dwellings shall contain a minimum width of 20 feet, measured from narrowest part of structure, and a minimum area of 1000 sq. ft.

1. Ranch style house, 1,000 square feet on first floor
2. Split level or two story, 800 square feet on main floor and 200 feet minimum on second level.

All square footage requirements are exclusive of basement areas.

- (3) **BASIC DISTRICT STANDARDS.**

#### Lot (Unsewered)

Minimum Width	200 ft
Minimum Frontage	200 ft
Minimum Area	43,560 Sq. ft. (1 acre)
Maximum Area	108,899 Sq. ft. (2.499 acres)

#### Lot (Sewered and Transitional Rural area District)

Minimum Width	100 ft
Minimum Frontage	100 ft
Minimum Area	21,780 Sq. ft.

#### Building

Maximum Height	35 ft.
Minimum Width	20 ft.
Minimum Square Footage	1,000 Sq. ft.

#### Principal Structure Yard Setbacks

Street (Sewered)	50 ft.
Street (Unsewered)	50 ft.
Rear (Sewered)	25 ft.
Rear (Unsewered)	50 ft.
Side Lot	10 ft.

(4) CONDITIONAL USES.

The following uses provided that they shall be of a noncommercial nature:

- (a) Orchards and organic gardens.
- (b) Small volume/low impact home based businesses
- (c) Raising and keeping of smaller "hobby" animals such as rabbits, hares, fowl, gamebirds etc.--not to include those animals of such size or character as to normally be considered domestic livestock or big game, e.g. cattle, horses, deer, elk, bison etc. In addition, not to include fur-bearing animals, e.g. mink, chinchilla, etc. except rabbits.
- (d) The number of animals to be kept shall be established in the conditional use approval.

(5) ACCESSORY USES AND STRUCTURES.

- (a) Sheds
- (b) Detached garages
- (c) Gazebos
- (d) Non-commercial greenhouses.

Accessory Structure Standards. (Maximum of 2 accessory structures)

No accessory structure or use may be permitted without the presence of a primary structure on the same tax parcel as the accessory structure or use.

Accessory structure combined floor shall not exceed 1,200 Sq. ft. for the first acre plus 1% of additional acreage in excess of one acre

Building

Maximum Height	18 ft.
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Accessory Structure Yard Setbacks

Street	50 ft.
Rear	10 ft.
Side Lot	10 ft.

Confinement.

The permanent confinement of animals, the placement of pens, and location of structures for same, shall be a minimum of 75 ft. from any adjoining residence. (Said adjoining residence shall have the right to expand, remodel or reconstruct without regard for this minimum distance.) The responsibility and cost of construction and maintenance of the appropriate fence, pens or other animal confining structure shall be the responsibility of the animal owner.

## TOWN OF POYGAN ZONING ORDINANCE 17.05

### 17.05 R-R RURAL RESIDENTIAL DISTRICT. (nonsubdivided)

(1) STATEMENT OF INTENT. The intent of this district is to provide a lot size and associated standards for homesites developed on a scattered basis. The criteria of this district are designed to provide reliable, single-family homesites in those areas where "neighborhood" and "community" facilities and services are of secondary significance to the location of the homesite itself.

- 2 (2) PRINCIPAL USES.
- (a) One-family dwellings
  - (b) Hobby Farms with presence of primary residence
  - (c) Orchards and organic gardens

One-family dwellings shall contain a minimum width of 20 feet, measured from narrowest part of structure, and a minimum area of 1000 sq. ft.

- 1. Ranch style house, 1,000 square feet on first floor
- 2. Split level or two story, 800 square feet on main floor and 200 feet minimum on second level.

All square footage requirements are exclusive of basement areas.

### (3) BASIC DISTRICT STANDARDS.

Lot (sewered, Unsewered and Transitional Rural area District)

Minimum Width	300 ft
Minimum Frontage	300 ft
Minimum Area	108,900 Sq. ft. (2.5 acres)
Maximum Area	348,480 Sq. ft. (8.0 acres)

Building

Maximum Height	35 ft.
Minimum Width	20 ft.
Minimum Square Footage	1,000 Sq. ft.

Principal Structure Yard Setbacks

Street (Sewered)	50 ft.
Street (Unsewered)	50 ft.
Rear (Sewered)	25 ft.
Rear (Unsewered)	50 ft.
Side Lot	10 ft.

(4) CONDITIONAL USES.

The following uses provided that they shall be of a noncommercial nature:

- (a) All Conditional Uses listed in R-1 Zoning designation.
- (b) Raising and keeping of domestic livestock and big game animals.  
Number of animals allowed shall be based on animal unit standards per acre as contained herein and stipulated in the conditional use permit.
- (c) Wind Farms
- (d) Small Operation Sawmills.

(5) ACCESSORY USES AND STRUCTURES.

- (a) All Accessory uses allowed in the R-1 Zoning District
- (b) Hobby Businesses
- (c) Woodworking shops
- (d) Greenhouses
- (e) Vegetable Farms

Accessory Structure Standards. (Maximum of 3 accessory structures)

No accessory structure or use may be permitted without the presence of a primary structure on the same tax parcel as the accessory structure or use.

Accessory structure combined floor shall not exceed 1,200 Sq. ft. for the first acre plus 1% of additional acreage in excess of one acre.

Building	
Maximum Height	22 ft.

Accessory Structure Yard Setbacks

Street	50 ft.
Rear	10 ft.
Side Lot	10 ft.

Confinement.

The permanent confinement of animals, the placement of pens, and location of structures for same, shall be a minimum of 75 ft. from any adjoining residence. (Said adjoining residence shall have the right to expand, remodel or reconstruct without regard for this minimum distance.) The responsibility and cost of construction and

maintenance of the appropriate fence, pens or other animal confining structure shall be the responsibility of the animal owner.

Where the application is for the raising and keeping of stable animals, or domestic livestock or for the development of orchards or nurseries, the applicant must reserve sufficient area for the relocation of the residential structure's drainfield. Such reserved area must be verified as suitable by a Certified Soil Tester, or by detailed soil maps. Furthermore, the reserved area must be safe-guarded from heavy traffic and shall be located so as to comply with the setback standards of Chapter ILHR 83 of the Wisconsin Administrative Code and the Winnebago County Sanitary Ordinance--both for existing and future structures.



## TOWN OF POYGAN ZONING ORDINANCE 17.06

### 17.06 R-2 SUBURBAN RESIDENTIAL DISTRICT. (subdivided)

(1) STATEMENT OF INTENT. The intent of this district is to provide a lot size and associated standards for homesites in a duly recorded and legally maintained subdivision. The criteria of this district have been designed to provide reliable, single-family homesites in those developing areas which do not have public sanitary sewer, but which offer a "suburban" arrangement of amenities, services, facilities, etc. All subdivided lots must conform to the dimensional requirements and standards for the intended district.

#### (2) PRINCIPAL USES.

(a) One-family dwellings and Community Living Arrangements defined in 59.97(15), Statutes. on lots which have been developed and recorded according to Chapter 236 of the State of Wisconsin Statutes, the Winnebago County Subdivision Ordinance and Chapter H65 of the Wisconsin Administrative Code when not served by public sanitary sewer.

(b) One-family dwellings shall contain a minimum width of 20 feet, measured from narrowest part of structure, and a minimum area of 1000 sq. ft.

#### (3) BASIC DISTRICT STANDARDS.

For irregular shaped (pie) lots, the minimum lot width shall be measured at the street setback line, however, in no case shall the minimum lot width be reduced to less than 60 feet at the street right of way.

#### Lot (Unsewered)

Minimum Width	200 ft
Minimum Frontage	200 ft
Minimum Area	43,560 Sq. ft. (1 acre)
Maximum Area	108,899 Sq. ft. (2.499 acres)

#### Lot (Sewered and Transitional Rural area District)

Minimum Width	100 ft
Minimum Frontage	100 ft
Minimum Area	21,780 Sq. ft

#### Building

Maximum Height	35 ft.
Minimum Width	20 ft.
Minimum Square Footage	1,000 Sq. ft.

#### Principal Structure Yard Setbacks

Street	50 ft.
Rear	25 ft.
Side Lot	10 ft.

#### (4) CONDITIONAL USES. Same as R-1

\*Unless otherwise determined by soil conditions and/or percolation rates.

(5) ACCESSORY USES AND STRUCTURES.

- (a) Sheds
- (b) Detached garages
- (c) Gazebos

Accessory Structure Standards. (Maximum of 2 accessory structures)

No accessory structure or use may be permitted without the presence of a primary structure on the same tax parcel as the accessory structure or use.

Accessory structure combined floor shall not exceed 1,200 Sq. ft. for the first acre plus 1% of additional acreage in excess of one acre.

Building

Maximum Height	18 ft.
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Accessory Structure Yard Setbacks

Street	50 ft.
Rear	10 ft.
Side Lot	10 ft.

## TOWN OF POYGAN ZONING ORDINANCE 17.07

### 17.07 R-3 TWO-FAMILY RESIDENTIAL DISTRICT.

(1) **STATEMENT OF INTENT.** The intent of this district is to provide a lot size and associated standards for a homesite which will accommodate the use of a "duplex" housing type. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, duplex zoning--when desired--should be applied on a district basis, adjacent to, but not within the character of the single-family neighborhood in which it is to be located.

(2) **PRINCIPAL USES.** Two-family and single-family dwellings and Community Living Arrangements defined in 59.97(15), Statutes.

(a) Two-family dwellings shall contain a minimum width of 20 feet, both units included and measured from narrowest part of structure. Single level structures shall provide a minimum of 800 sq. ft. for each dwelling unit and a total minimum area of 1800 sq. ft. Bi-level structures shall provide a minimum of 600 sq. ft. for the first floor of each dwelling unit and a total minimum area of 1800 sq. ft.

(b) One-family dwellings shall contain a minimum width of 20 feet, measured from narrowest part of structure, and a minimum area of 1000 sq. ft.

(3) **BASIC DISTRICT STANDARDS.**

For irregular shaped (pie) lots, the minimum lot width shall be measured at the street setback line, however, in no case shall the minimum lot width be reduced to less than 60 feet at the street right of way.

#### Lot (Unsewered)

Minimum Width	200 ft
Minimum Area	43,560 Sq. ft. (1 acre)
Maximum Area	108,899 Sq. ft. (2.499 acres)

#### Lot (Sewered and Transitional Rural area District)

Minimum Width	100 ft
Minimum Area	21,780 Sq. ft

#### Building

Maximum Height	35 ft.
Minimum Width	20 ft.
Minimum Square Footage	1,000 Sq. ft.

#### Principal Structure Yard Setbacks

Street	50 ft.
Rear	25 ft.
Side Lot	10 ft.

(4) **CONDITIONAL USES.** Same as R-1

\*Unless otherwise determined by soil conditions and/or percolation rates.

(5) ACCESSORY USES AND STRUCTURES.

- (a) Sheds
- (b) Detached garages
- (c) Gazebos

Accessory Structure Standards. (Maximum of 2 accessory structures)

No accessory structure or use may be permitted without the presence of a primary structure on the same tax parcel as the accessory structure or use.

Accessory structure combined floor AREA shall not exceed 1,200 Sq. ft. for the first acre plus 1% of additional acreage in excess of one acre.

Single family homes in an R-3 District shall be limited to the R-2 (subdivision) or R-1 (metes and bounds/CSM) standards.

Building

Maximum Height	18 ft.
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Accessory Structure Yard Setbacks

Street	50 ft.
Rear	10 ft.
Side Lot	10 ft.

## TOWN OF POYGAN ZONING ORDINANCE 17.08

### 17.08 R-4 MULTIPLE-FAMILY RESIDENTIAL DISTRICT. (sewered)

(1) **STATEMENT OF INTENT.** The intent of this district is to provide residential development of "walk-up" type apartment buildings which provide rental housing to be built within the economies of scale, while retaining a relatively low density pattern. The use of this district should be applied to those locations in the "neighborhood" in which it will be compatible with surrounding uses; where the increased density would not create a service problem; and where the use will accommodate both the existing or anticipated character of the surrounding area and the needs of the multiple-family development itself.

(2) **PRINCIPAL USES.** Multiple-family dwellings and Community Living Arrangements defined in 59.97(15), Statutes, on lots served by public sanitary sewer.

#### (3) **BASIC DISTRICT STANDARDS.**

##### Lot (Sewered and Transitional Rural area District)

Minimum Width	100 ft
Minimum Area	21,780 Sq. ft

##### Building

Maximum Height	35 ft.
Minimum Width	20 ft.
Minimum Square Footage	1,000 Sq. ft.

##### Principal Structure Yard Setbacks

Street	50 ft.
Rear	25 ft.
Side Lot	10 ft.

#### (4) **CONDITIONAL USES.** (According to Sec. 17.25)

- (a) All uses specified under Sec. 17.25
- (b) All conditional uses specified under R-3 Two-Family Residential.

#### (5) **ASSESSORY USES AND STRUCTURES**

(a) Floor area ration for accessory structures in a multiple-family (R-4) district shall not exceed:

- (1) Three units, eight hundred and seventy (870) square feet.
- (2) Each additional unit, two hundred and sixty-five (265) square feet.
- (3) Increased floor area may be granted in a Conditional Use Permit.

## TOWN OF POYGAN ZONING ORDINANCE 17.09A

17.09A R-5A PLANNED RESIDENTIAL DISTRICT. Condominium (sewered) and Unconventional Planned Subdivided Development.

(1) STATEMENT OF INTENT. The intent of this district is to produce a total residential development area with standards designed to encourage creativity in the arrangement and placement of residential dwellings. To this end, the district allows a diversity of dwelling types, open spaces, and uses conceived and planned as comprehensive and cohesive projects. Furthermore, the application of this district should produce a more rational and economic use of land and public services while encouraging the preservation of open space.

(2) PRINCIPAL USES. Unconventional subdivided residential development, including Community Living Arrangements defined in 59.97(15), Statutes, which is serviced by a public sanitary sewer system. The specific type of residence, number, arrangement, and organization is to be determined by the procedure established under Section 17.09A(5) and Section 17.25. Development shall be either by plat or condominium.

(a) Attached single-family and clustered single-family dwellings shall contain a minimum width of 20 feet, measured from narrowest part of structure, and a minimum area of 1000 sq. ft.

(b) Two-family dwellings shall contain a minimum width of 20 ft., both units included and measured from narrowest part of structure, and a minimum area of 500 sq. ft. for each dwelling unit.

(3) BASIC DISTRICT STANDARDS.

For irregular shaped (pie) lots, the minimum lot width shall be measured at the street setback line, however, in no case shall the minimum lot width be reduced to less than 60 feet at the street right of way.

Lot (Sewered and Transitional Rural area District)

Minimum Width	100 ft
Minimum Area	21,780 Sq. ft

Building

- (a) Street—as specified by Conditional Use Permit
- (b) Rear--Minimum--None.
- (c) Side--Minimum--15 ft. between single- and two-family buildings.
- (d) Other--Minimum--30 ft. from exterior property lines of the development and between multiple-family and row house buildings.

(4) APPROVAL.

(a) Application.

(1) In addition to the requirements of Section 17.25, there shall be a preliminary plan provided with each application. The data on this plan shall conform to the standards of Section 18.21 to 18.25 of the Winnebago County Subdivision Ordinance and shall also show:

- (a) The overall plan for development; including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open spaces;
- (b) Total development area (square feet);
- (c) Total proposed number of living units;
- (d) Total proposed building area at ground level including garages, carports, and other community facilities;
- (e) Total open space area (square feet);
- (f) Total number of parking spaces.

(2) In the event the Planning & Zoning Committee approves the preliminary plan, or tentatively approves it with condition, the applicant shall submit a final plan for final approval within six (6) months. (After six (6) months the applicant must resubmit an original application in order to be eligible for further consideration.)

(b) Permit.

(1) Issuance of a Conditional Use Permit shall be based upon the following evaluation of the final plan:

- (a) That the final preliminary plan conforms to the conditions for approval of the preliminary plan;
- (b) That all basic district standards are satisfied;
- (c) That the overall density of the project is in compliance with the comprehensive plan, or where no such plan has been duly adopted, is, in the committee's judgment, compatible with the surrounding area and/or within the capacity of the community's public services;
- (d) That public sewer and adequate water is present;
- (e) That landscaping and grading will be done to assure compliance with Sec. 17.02-6;
- (f) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the

turning and effective use of snow plows, garbage and fire trucks, the loading and unloading of furniture, and other pickups and deliveries without blocking traffic;

(g) That there will be a minimum number of conflicts between pedestrian and vehicular traffic;

(h) That adequate lighting will be provided;

(i) That the final plans include the planting of adequate trees and shrubs where not already present;

(j) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood;

(k) That adequate surety bonds and/or scheduling dates are provided to guarantee the improvements shown on the plans;

(l) That deed restrictions are included to assure the proper preservation, care, and maintenance, by the original and all subsequent owners of the exterior design and layout of the development and of all common structures, facilities, utilities, accesses, open spaces, and park lands.

(m) That the final plan shall be platted and duly recorded according to the standards and procedures of the Winnebago County Subdivision Ordinance and Chapter 236 of the State Wisconsin Statutes.

(5) **CONDITIONAL USES.** (According to Sec. 17.25 and approval above.)

(a) Location, site, and operational plans for all structures and improvements which serve the principal use.

(b) All principal, conditional, and Sec. 17.25-4 approval uses of the B-1 and B-2 Business Districts and any other business uses which will compliment the density and setting of the residential development.

(c) Elevator apartments in excess of thirty-five (35) feet in height when distance between subject building and other structures and/or from property lines is increased at a rate of two (2) feet for each additional five (5) feet of height of the building over the first thirty-five (35) feet of height.

(d) All uses specified under Sec. 17.02-7(d).

(e) All uses specified under Sec. 17.03-2.

(f) All Conditional Uses specified under R-3 Two-Family Residential.

(f) Patio, or zero side yard houses.

(g) Single family, duplex, or multiple family dwellings as specified in the application.

(6) **ACCESSORY USES AND STRUCTURES**

Total floor area for accessory structures in a R-5 District shall be as approved in the Conditional Use approval.



## TOWN OF POYGAN ZONING ORDINANCE 17.09B

17.09B R-5B PLANNED RESIDENTIAL DISTRICT. Clustered (unsewered) and Planned Development.

(1) STATEMENT OF INTENT. The intent of this district is to produce a single family residential development area with standards designed to encourage creativity in the arrangement and placement of residential dwellings. To this end, the district allows a diversity of dwelling styles and open spaces conceived and planned as comprehensive and cohesive projects. Furthermore, the application of this district should produce a more rational and economic use of agricultural land and public services while encouraging the preservation of open space.

(2) PRINCIPAL USES. Clustered single family residential development, which is not serviced by a public sanitary sewer system. The specific type of residence, number, arrangement, and organization is to be determined by the procedure established under Section 17.08(5) and Section 17.25. Development shall be by plat.

- (a) One-family dwellings
- (b) Two-family dwellings

One-family dwellings shall contain a minimum width of 20 feet, measured from narrowest part of structure, and a minimum area of 1000 sq. ft.

Ranch style house, 1,000 square feet on first floor

Split level or two story, 800 square feet on main floor and 200 feet minimum on second level.

All square footage requirements are exclusive of basement areas.

(3) BASIC DISTRICT STANDARDS.

### Lot (Unsewered)

Minimum Width	200 ft
Minimum Frontage	200 ft
Minimum Area	43,560 Sq. ft. (1 acre)
Maximum Area	108,899 Sq. ft. (2.499 acres)

### Lot (Sewered and Transitional Rural area District)

Minimum Width	100 ft
Minimum Frontage	100 ft
Minimum Area	21,780 Sq. ft.

### Building

Maximum Height	35 ft.
Minimum Width	20 ft.
Minimum Square Footage	1,000 Sq. ft.

## Principal Structure Yard Setbacks

Street (Sewered)	50 ft.
Street (Unsewered)	50 ft.
Rear (Sewered)	25 ft.
Rear (Unsewered)	50 ft.
Side Lot	10 ft.

### (4) APPROVAL.

#### (a) Application.

(1) In addition to the requirements of Section 17.25, there shall be a preliminary plan provided with each application. The data on this plan shall conform to the standards of Section 18.21 to 18.25 of the Winnebago County Subdivision Ordinance and shall also show:

- (a) The overall plan for development; including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open spaces;
- (b) Total development area (square feet);
- (c) Total proposed number of living units;
- (d) Total proposed building area at ground level including garages, carports, and other community facilities;
- (e) Total open space area (square feet);
- (f) Total number of parking spaces.

(2) In the event the Planning & Zoning Committee approves the preliminary plan, or tentatively approves it with condition, the applicant shall submit a final plan for final approval within six (6) months. (After six (6) months the applicant must resubmit an original application in order to be eligible for further consideration.)

#### (b) Permit.

(1) Issuance of a Conditional Use Permit shall be based upon the following evaluation of the final plan:

- (a) That the final preliminary plan conforms to the conditions for approval of the preliminary plan;
- (b) That all basic district standards are satisfied;
- (c) That the overall density of the project is in compliance with the comprehensive plan, or where no such plan has been duly adopted, is, in the committee's judgment, compatible with

the surrounding area and/or within the capacity of the community's public services;

(d) That a POWTS (private onsite wastewater treatment system) can be installed at this location;

(e) That landscaping and grading will be done to assure compliance with Sec. 17.02-6;

(f) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snow plows, garbage and fire trucks, the loading and unloading of furniture, and other pickups and deliveries without blocking traffic;

(g) That there will be a minimum number of conflicts between pedestrian and vehicular traffic;

(h) That adequate lighting will be provided;

(i) That the final plans include the planting of adequate trees and shrubs where not already present;

(j) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood;

(k) That adequate surety bonds and/or scheduling dates are provided to guarantee the improvements shown on the plans;

(l) That deed restrictions are included to assure the proper preservation, care, and maintenance, by the original and all subsequent owners of the exterior design and layout of the development and of all common structures, facilities, utilities, accesses, open spaces, and park lands.

(m) That the final plan shall be platted and duly recorded according to the standards and procedures of the Winnebago County Subdivision Ordinance and Chapter 236 of the State Wisconsin Statutes.

(5) **CONDITIONAL USES.** (According to Sec. 17.25 and approval above.)

(a) Location, site, and operational plans for all structures and improvements which serve the principal use.

(b) All principal, conditional, and Sec. 17.04 approved uses which will compliment the density and setting of the residential development.

(c) All uses specified under Sec. 17.03-2.

(d) Single family dwellings as specified in the application.

(6) **ASSESSORY USES AND STRUCTURES**

Total floor area for accessory structures in a R-5 District shall be as approved in the Conditional Use approval.

## TOWN OF POYGAN ZONING ORDINANCE 17.10

### 17.10 MH-1 MOBILE HOME DISTRICT. (sewered or unsewered.)

(1) STATEMENT OF INTENT. The intent of this district is to provide a lot size and associated standards for mobile homes in a duly recorded and legally maintained subdivision. The criteria of this district have been designed to provide reliable homesites in those developing areas which do or do not have public sanitary sewer, and which offer a "suburban" arrangement of amenities, services, facilities, etc.

(2) PRINCIPAL USES. Mobile home dwelling and single family dwellings on lots which have been developed and recorded according to Chapter 236 of the State of Wisconsin Statutes, the Winnebago County Subdivision Ordinance, and when not served by public sanitary sewer, Chapter H65 of the Wisconsin Administrative Code. Platting (Chapter 236) requirements shall not apply to mobile home parks as defined in Sec. 66.058(1), Wisconsin Statutes. Mobile home parks shall be developed according to Conditional Use Standards. Provisions for minimum width and area shall not apply to this section.

(3) SPECIAL MOBILE HOME PROVISIONS. Mobile home placement (new and existing parks)--all mobile homes shall be placed to prevent the flotation, collapse, or lateral movement of the structure due to flooding, or displacement, or overturning due to winds. Such mobile homes shall be anchored according to the following specifications:

(a) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes more than fifty (50) feet long shall require one additional tie per side.

(b) Frame ties shall be provided at each corner of the mobile home, with the additional ties per side at intermediate locations and mobile homes more than fifty (50) feet long shall require one additional tie per side.

(c) All components of the anchoring system shall be capable of carrying four thousand eight hundred (4,800) pounds.

(d) Any additions to the mobile home shall be similarly anchored.

(4) Mobile home parks which shall provide as follows:

(1) Each mobile home lot shall contain a parking space upon which the mobile home shall be situated which parking space shall be gravel, or paved with concrete or bituminous material.

(2) There shall be a system of roadways with a minimum of thirty-six (36) feet widths, surfaced as required by items (b) above, providing access from each and every trailer and automobile parking space within such mobile home park to the public street or highway; provided that there

shall not be more than two (2) entrances from or exits to such street or highway from any one such park.

(3) Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces, or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs, or trees, which shall not be less than fifteen (15) feet wide, except that there need not be more than five (5) foot setback from an access driveway; provided, however, that such five (5) foot setback shall apply to the longest trailer to be accommodated within such park.

(4) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than fifteen (15) feet wide.

(5) Each mobile home park shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to County or Town officials for inspection.

(6) All mobile home parks shall meet the minimum State and local Requirements prior to moving a mobile home into said park.

## TOWN OF POYGAN ZONING ORDINANCE 17.11

### 17.11 B-1 LOCAL BUSINESS DISTRICT (SERVICE).

(1) STATEMENT OF INTENT. The intent of this district is to provide for an individual or a small grouping of retail and customer service establishments which will serve the daily needs of the local area residents. The physical location and arrangement of these facilities should be laid out so as to orient themselves to the local residential population to be served while remaining compatible in appearance and character with the area.

(2) PRINCIPAL USES. The following uses and similar stores and shops offering convenience goods and personal services provided that they shall be retail establishments, selling and storing only new merchandise provided there is no outside storage: (Provided the retail convenience or service facility does not exceed 2,500 sq. ft. of area for the principal structure.)

Low-traffic generating retail stores, Customer service establishments Business and professional offices and shops offering convenience goods and services,

- Antique shops
- Art Studios
- Bait Shops
- Bakeries
- Beauty shops
- Card shops
- Dance or other instructional schools
- Dry good stores
- Florists and Flower Shops
- Garden Supplies (indoor sales)
- Gift shops
- Mini-markets
- Music stores
- Nail salons
- Office buildings
- Pet shops (no outdoor pens)
- Radio/TV repair shops
- Taxidermists
- Trade & Variety stores
- Travel Bureaus

(3) BASIC DISTRICT STANDARDS.

Lot (Unsewered)

Minimum Width	200 ft
Minimum Area	43,560 Sq. ft. (1 acre)

Lot (Sewered and Transitional Rural area District)

Minimum Width	100 ft
Minimum Area	43,560 Sq. ft. (1 acre)

Building

Maximum Height	35 ft.
Minimum Width	20 ft.
Minimum Square Footage	1,000 Sq. ft.

Setbacks

Street	50 ft.
Rear	25 ft.
Side Lot	10 ft.

(4) CONDITIONAL USES. (According to Sec. 17.25.)

- (a) All uses specified under Sec. 17.25.
- (b) Any other specific low-intensity business use which does not easily identify with a principal use category.

## **TOWN OF POYGAN ZONING ORDINANCE 17.12**

### **17.12 B-2 COMMUNITY BUSINESS DISTRICT.**

(1) **STATEMENT OF INTENT.** The intent of this district is to provide for the orderly and appropriate grouping of retail stores, service establishments, non-highway oriented lodging and entertainment facilities. The size and location of such facilities should be based upon a justifiable community need, adequate customer potential and a relationship to traffic circulation which will assure servicing of several neighborhoods.

(2) **PRINCIPAL USES.** All principal uses permitted in the B-1 "Local Service District." Also, the following uses and similar stores and shops offering retail goods and services to surrounding neighborhoods provided there is no outside storage: (Provided the retail convenience or service facility does not exceed 5,000 sq. ft. of area for the principal structure.)

Appliance Stores.

Bicycle Sales, Rental & Repair.

Carpet Stores.

Catalog Stores.

Caterers.

Churches.

Electrical Supply.

Financial Institutions.

Furniture Stores & Upholstery Shops.

Hardware/Sporting Goods Stores.

Heating Supplies.

Hotels.

Junior Department Stores except Discount Department Stores and Discount Centers.

Laundry/Dry Cleaning Establishments employing not over seven (7) persons.

Leather Goods & Luggage Stores.

Liquor Stores.

Medical Appliances.

Night Clubs.

Office Supplies.

Photographic Supplies.

Places of Entertainment.

Plumbing & Heating Supplies.

Supermarkets

Taverns



(3) BASIC DISTRICT STANDARDS.

Lot (Unsewered)

Minimum Width	200 ft
Minimum Area	108,900 Sq. ft. (2.5 acres)

Lot (Sewered and Transitional Rural area District)

Minimum Width	200 ft
Minimum Area	108,900 Sq. ft. (2.5 acres)

Building

Maximum Height	35 ft.
Minimum Width	20 ft.
Minimum Square Footage	1,000 Sq. ft.

Setbacks

Street	50 ft.
Rear	25 ft.
Side Lot	10 ft.

(4) CONDITIONAL USES. All uses specified under Sec. 17.25.

(5) APPROVAL OF BUILDING, SITE AND OPERATIONAL PLANS. (According to Sec. 17.25.)

(a) Commercial recreational facilities, e.g.:

Arcades  
Bowling Alleys.  
Clubs.  
Dance Halls.  
Driving Ranges.  
Gymnasiums.  
Lodges.  
Miniature Golf.  
Physical Culture.  
Pool & Billiard Halls.  
Turkish Baths.  
Skating Rinks.  
Theaters.

(b) Funeral Homes.

(c) Water-oriented commercial uses when on lakes and streams, e.g. bait shops; bath houses; bathing and fishing areas; boat and marine sales; boat launching areas; boat liveries; boat storage, repair and service marinas; sales, service and repair; dance halls; fishing equipment sales; hotels; resorts; restaurants; and campgrounds.

## **TOWN OF POYGAN ZONING ORDINANCE 17.13**

### **17.13 B-3 GENERAL BUSINESS DISTRICT.**

(1) **STATEMENT OF INTENT.** The primary intent of this district is to provide for the special development needs of those wholesale and retail stores, shops and services and those professional offices, which by their nature, are dependent upon a county-wide trade area and/or employee base. The secondary intent of this district is to provide for certain commercial activities which are uniquely oriented towards the service of highway traffic. Therefore, whether for use as a county-wide retail district, or for use by highway businesses, this district should be utilized to produce a safe and orderly placement of facilities and activities along and/or with access to major traffic routes. Additionally, when applied as a county-wide business district, its size and location should be in relationship to the needs and economy of the entire county.

(2) **PRINCIPAL USES.** All principal uses permitted in the B-1 "Local Service District" and in the B-2 "Community Business District." Also the following uses and similar wholesale and retail stores, shops and services. Outside storage in conjunction with the principal use shall be allowed provided that the storage area is maintained in a neat and orderly manner, and where deemed appropriate at the time of permit application by virtue of proximity to a residential area or other potentially conflicting land use, required to fence or otherwise screen the storage area.

Auction Galleries.

Automotive Part & Supply Stores.

Auto, Truck & Heavy Equipment Sales, Service & Mechanical Repair.

Automotive Upholstery Shops.

Boat Sales, Rental & Repair.

Building Material & Product Sales.

Department Stores except Discount Department Stores & Discount Centers.

Exterminating Shops.

Feed & Seed Stores.

Food Lockers.

Monument Sales.

Motorcycle & Recreational Vehicle Sales, Repair & Service.

Newspaper Offices & Press Rooms.

Pawn Shops and Second Hand Shops.

Physical Culture & Health Studios.

Printing, Advertising, & Publishing Shops.

Private Clubs, Lodges & Indoor Court Facilities.

Radio Broadcasting Studios.

Recording Studios.

Trade & Contractors Offices.

Vending Machine Sales, Service & Repair.

Wholesale Establishments, except Vehicle Wholesale & Auction.

(3) BASIC DISTRICT STANDARDS.

Lot (Unsewered)

Minimum Width	200 ft
Minimum Area	108,900 Sq. ft. (2.5 acres)

Lot (Sewered and Transitional Rural area District)

Minimum Width	200 ft
Minimum Area	108,900 Sq. ft. (2.5 acres)

Building

Maximum Height	35 ft.
Minimum Width	20 ft.
Minimum Square Footage	1,000 Sq. ft.

Setbacks

Street	50 ft.
Rear	50 ft.
Side Lot	25 ft.

(4) CONDITIONAL USES. (According to Sec. 17.25.)

- (a) All uses specified under Sec. 17.25.
- (b) All conditional uses specified under the B-2 "Community Business District."
- (c) Vehicle Body Shops when accessory to sales, but not including the storage of junked or wrecked vehicles and parts.
- (d) Drive-in Theaters.
- (e) Commercial stables with a minimum of five (5) acres.
- (f) Model homes and garages.
- (g) Animal hospitals, kennels, and boarding with outdoor pens, providing all principal structures and uses--including pens--are at least one hundred (100) feet from any residential district.

(5) APPROVAL OF BUILDING SITE AND OPERATIONAL PLANS. (According to Sec. 17.25(4))

- (a) All uses requiring Sec. 17.25(4) review under the B-2 "Community Business District."
- (b) Highway Business Uses--(H.B.)--such as:
  - (1) Drive-in establishments serving food or beverages for consumption outside the structure.
  - (2) Motels; mini-warehouses.
  - (3) Tourist's homes provided such district is located on a State Trunk or U.S. numbered highway.

- (4) Highway-oriented recreation, e.g. driving ranges, miniature golf.
- (5) Discount Department Stores and Discount Centers.
- (6) Home Building Centers, including lumber yards.
- (7) Outdoor sales, e.g. garden centers, nurseries, and greenhouses.
- (8) Any B-3 Principal Use to be developed in an area mapped as B-3(H.B.).
- (9) Group 2 Standards:

- (a) Building.

- (1) Height--Maximum--35 ft.

- (b) Yards.

- (1) Street--Minimum--75 ft.
  - (2) Rear--Minimum--50 ft.
  - (3) Side--Minimum--25 ft.
  - (4) Shore--Minimum--75 ft.

- (d) Outdoor Display Areas when accessory to a principal use.

- (d) Landscape business

## TOWN OF POYGAN ZONING ORDINANCE 17.13-A

### 17.13-A B-4 BUSINESS PARK DISTRICT (SEWERED ONLY)

(1) **STATEMENT OF INTENT.** The intent of this district is to provide for the development of an attractive and aesthetically pleasing mixed grouping of both office /and/or light industrial uses and activities in a park-like setting. This district is further intended to promote the provision of ample off-street parking and loading areas, on-site open space, landscape plantings, and planting screens in areas adjacent to non-business or other incompatible land uses/zoning districts.

(2) **PRINCIPAL USES.** The following and similar uses shall be permitted subject to the same process of application, review and approval as set forth in Section 17.25 "Conditional Uses," except that a public hearing shall not be necessary. Upon written request by the Town Board of Supervisors, all site development plan review, approval, and enforcement within the B-4 district shall be done by the Town. When such review, approval and enforcement authority has been transferred to a Town, such authority shall remain with the Town for a period of not less than 12 months, after which time the Town may request the County take over this responsibility. When such authority is transferred back to the County, it shall remain so for a period of not less than 12 months. When a Town has assumed the review, approval, and enforcement authority, the plan review fee, if any, shall be as set forth by the Town.

- (a) All principal uses as set forth in Section 17.17(2);
- (b) Research and development;
- (c) Printing and publication;
- (d) Professional offices and services including, but not limited to, accounting, architectural, chiropractic, dental, medical, engineering and legal services;
- (e) Business offices and services including, but not necessarily limited to, advertising agency, management consulting, manufacturing representatives, public relations, stenographic, travel agency and duplicating services;
- (f) Financial, insurance and real estate offices and services including, but not necessarily limited to, financial institutions, security brokers, holding and investments, insurance agency, insurance carriers, governmental and public services.

(3) **ACCESSORY USES.** Section 17.03(6)(a)-(f) shall not apply in the B-4 zoning district. The following accessory uses shall be permitted:

- (a) Fences. Security fences are permitted on the side and rear property lines but no closer to the street yard property line than the principal structure. Security fences shall be of an open type (not more than 50% opacity) and shall not exceed 8 feet in height. Decorative and privacy fences (i.e. wooden, wrought iron, etc. vs chain link) not more than six (6) feet in height shall be permitted on the side

and rear lot lines but no closer to the street yard property line than the principal structure. Decorative fences four (4) feet in height or less shall be permitted with a ten (10) foot street yard setback.

(b) Outdoor Lighting. Outdoor lighting installation shall be regulated as follows:

- (1) No light fixture shall exceed twenty-five (25) feet in height.
- (2) All outdoor lighting fixtures shall be of a cut-off design (i.e. shall not emit light at an angle greater than 90 degrees from vertical).
- (3) All outdoor lighting fixtures shall be adequately shielded or directed so as to confine the area of light dispersion to the property and/or building area on which such fixture is located.
- (4) Use of wooden poles for outdoor lighting shall be prohibited.
- (5) The following types of lighting shall be prohibited except as otherwise approved by the Town Board:

(a) Festoon lighting, "string" lighting or any light source erected in such a manner as to be subject to noticeable periodic movement as a result of wind pressure or atmospheric conditions.

(b) Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather condition

(c) Display of intermittent lights or flashing, blinking, moving, beacon or search lights except as follows:

(1) Where such lights are required by State or Federal law.

(2) Where such lighting is of a temporary nature including but not limited to holiday displays and grand opening events.

(d) Exceptions to the aforesaid language may be granted by the Town Board for decorative lighting fixtures.

(c) Signs. Signs shall be permitted in accordance with Section 17.28 and the sign regulations of the Township within which the business park development is to be located, whichever is more restrictive with the following exceptions for free standing signs.

(1) Setback and clearance.

(a) Within 15 feet of street. A freestanding sign, any part which is closer than fifteen (15) feet to the right-of-way, shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the

right-of-way line or shall not be more than three (3) feet in height above the grade at the right-of-way line.

- (b) Intersections/ driveways. Any freestanding sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of the ten (10) feet or shall be not more than three (3) feet in height above grade.

- (2) Off-premises signs. Off-premises signs shall be allowed under the following conditions:

- (a) Parcels shall be contiguous or as a part of a joint development which is located on collection of parcels that are contiguous or adjacent.
- (b) One off-premises sign shall be allowed advertising the uses of the contiguous parcels or joint development.
- (c) Total area of this off-premises sign shall not exceed the total allowed area for each parcel combined but not to exceed in any circumstance 400 square feet.
- (d) The area of the off-premises sign shall subtracted from the area allowed for the freestanding signs for each parcel.
- (e) A comprehensive sign proposal shall be submitted addressing the plan for an off-premises sign and all other freestanding signs for contiguous parcels or joint development.

- (d) Parking. Parking requirements shall be in accordance with Section 17.26 except as follows:

- (1) No driveway or parking area shall be located closer than ten (10) feet to a side or rear lot line or twenty-five (25) feet to a street yard lot line. That portion of driveway required for roadway access shall not be subject to the aforesaid street yard setback requirement.

- (2) All parking and driveway areas shall be hard-surfaced (i.e. blacktop, concrete, etc...) within twelve months of receiving approval to occupy the principal structure.

- (e) Garages and Storage Buildings. Detached garages and storage buildings for storage of vehicles, supplies, equipment used in conjunction with the operation of the premises or for use by the resident occupant of the premises subject to the following conditions:

(1) No detached garage or storage building shall exceed 20 feet in height.

(2) No detached garage or storage building shall be situated closer than 10 feet to a side or rear lot line nor shall a detached garage or storage building be situated closer to the street yard lot line than the principal structure.

(f) Radio and Television Antennas. Radio and television antennas not attached to the principal structure may be permitted to the sides and rear of the principal structure provided they are setback from the die and rear property lines a distance equal to or greater than the height of the antenna. No radio or television antenna shall be situated closer to the street yard lot line than the principal structure.

(g) Satellite Dishes. Satellite dishes shall be permitted subject to the following conditions:

(1) Not more than one satellite earth station may be allowed per lot.

(2) Satellite earth stations shall be allowed in rear and side yards, however, satellite stations may not be any closer to the streetline than the established setback of the principal building or structure.

(3) Side and rear yard setbacks shall be equal to or greater than the required side and rear yard setbacks for the principal structure, but not less than the total vertical height of the satellite earth station.

(4) Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be permitted subject to engineering calculations being prepared by a registered professional engineer certifying that the proposed satellite earth station is structurally sound. A building mounted satellite earth station where visible from the front lot line will be permitted only when reception would not be possible from a less conspicuous location as verified by appropriate test data.

(5) The owner who proposes a building-mounted satellite earth station must also submit a plan for screening the satellite earth station from surrounding properties in a manner that is appropriate to the architecture of the building. Building mounted satellite earth stations shall not exceed the maximum height regulation of the zoning district in which they are located.

(6) Ground mounted satellite earth stations located where visible to adjacent streets or roadways or neighboring properties shall be of a dark color and effectively screened by the use of appropriate landscaping or a structure (i.e. 100% opaque screening).

(7) All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All installations shall meet a minimum wind load design velocity of 8 m.p.h.



(8) No form of advertising or identification is allowed on the dish or framework other than the customary manufacturer's identification plates.

(9) Portable or trailer mounted satellite earth stations are not allowed. Exception: Temporary installations for on-site testing and demonstration purposes may be allowed for periods not to exceed 48 hours with prior approval from the Town Building Inspector or his/her designee.

(10) Electrical installations in connection with earth satellite receiving stations including grounding of the systems shall be in accordance with National Electrical Code Standards.

(11) All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground.

(12) Satellite earth stations that cause any interference with radio and/or television broadcasting or reception on nearby properties shall be governed in accordance with Federal Communications Commission Standards.

(13) No satellite earth station shall be erected without first obtaining a building and zoning permit.

(4) CONDITIONAL USES. The following and similar uses shall be permitted subject to application, review and approval in accordance with Section 17.25.

(a) Health clubs, barber shops, beauty salons, florists (not including greenhouses) and studios for photography, painting, music, dance and other recognized fine arts where such uses are situated in the building of an approved principal use.

(b) Commercial child day care facilities.

(c) Restaurants (not including drive-in or drive-thru facilities), when located in the building of an approved principal use.

(d) One residential living quarter when located within the building of an approved principal use and provided occupancy thereof is restricted to an owner, manager, caretaker or employee of the principal business. Such living quarter shall not exceed 1000 square feet in floor space, or 1% of the total building floor space, whichever is less.

(e) Outside storage yards accessory to an approved principal use, provided such storage is adequately screened from the surrounding view.

(5) GENERAL REGULATIONS.

(a) No use which is offensive by reason of odor, smoke, fumes, dust, noise, vibrations, radioactive emissions, pollution, or which presents excessive danger for fire or explosion shall be permitted.

(b) Site access shall be oriented toward internal circulation drives with limited access points to existing roads.

(c) All business park developments shall be serviced by underground utilities and infrastructure.

(d) No transformer, electric, gas or other meter of any type shall be visible from the surrounding roadways or neighboring properties.

(e) Curb, gutter and storm sewer shall be required in all business park developments.

(f) All business, servicing, processing, or storage except for off-street loading and parking areas, shall be conducted within completely enclosed buildings unless otherwise permitted herein or specifically approved by the Planning and Zoning Committee and Town Board of Supervisors.

(g) To alleviate any potential off-site impacts due to increased storm water run-off attributable to the business park development, one or more storm water retention/detention areas may be required. If such retention/detention areas are required, it shall be the responsibility of the property owner or, if applicable, the Property Owners Association, to provide maintenance and upkeep thereof.

(6) BASIC DISTRICT STANDARDS.

(a) Lot Coverage/Open Space. Not more than 70 percent of the lot shall be covered by an impervious surface (i.e. buildings, structures, pavement, etc.). The open space configuration shall be an important element in the site plan review process.

(b) Building Size/Floor Area Ratio. The building(s) floor area ratio shall not exceed 40 percent. The floor area ratio shall be calculated as the gross floor area of all buildings on a site divided by the gross site area.

(c) Building Height.

(1) Principal structures. Principal structures shall not exceed 40 feet in height.

(d) Yards.

(1) Street. All structures shall be setback a minimum of 30 feet from any public, private, or officially mapped street/right-of-way if there is no parking or drive situated between the building and the street or a minimum of 60 feet if there is to be parking or drives situated between the building and the street except as otherwise specified in this section.

(2) Rear. All structures shall be setback a minimum of 25 feet from the rear property line except as otherwise specified in this section.

(3) Side. All structures shall be setback a minimum of 20 feet from the side property line except as otherwise specified in this section.

(4) Shore. All structures shall be setback a minimum of 75 feet.

\*The above yards shall apply except where any portion of the development is adjacent to a residentially zoned property, in which case the Planning and Zoning Committee and Town Board of Supervisors may require an increased setback of up to 50 feet if deemed necessary to prevent an adverse impact of the residential site.

(e) Loading Docks. Loading docks shall generally not face a dedicated or reserved public street. Sufficient on-site space shall be provided for each principal use as will enable the maneuvering of trucks to and from the loading docks without using public streets.

(f) Roof-Mounted Equipment. All roof-mounted equipment shall be located, screened and/or painted using colors and architectural materials compatible with the principal building in order to minimize its visibility from streets and neighboring properties.

(g) Outside Storage.

(1) All required setback yard areas shall be landscaped and kept clean and free from the accumulation of debris and/or refuse, and shall not be used for the storage or display of any equipment, materials, products, vehicles or supplies.

(2) All development sites shall provide a refuse storage area adequate in size to serve the business uses situated thereon. Refuse storage receptacles shall be entirely screened from the view of surrounding properties and streets and the screening shall be of a height not less than the height of the refuse receptacle.

(3) Refuse storage areas shall be permitted only to the rear of the principal structure. In no case shall a refuse storage area be situated closer than 20 feet to a side or rear property line.

(h) Landscaping. Within one year of receiving approval for building occupancy, all yard areas shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials. Landscaping shall relate to the paved and building areas of the site relative to massing, size, shape and color. At the time of planing, vegetation shall be of sufficient size as to noticeably enhance the site (i.e. whips are inappropriate as primary landscaping elements). Plant material shall be of hardy quality, preferably native to Wisconsin.

(i) Architectural Control.

(1) All exterior building walls shall be of the same color scheme and shall utilize the same architectural materials.

(2) (a) The exterior building walls may be of metal except the lower one-third or lower seven feet (whichever is less) shall be of masonry, stone, glass or architectural pre-cast concrete panels.

(b) The exterior walls of the entire building may be all metal only where screening covers the lower 1/3 or 7' (whichever is greater) of the building so as to screen the view of the building from view of all adjacent properties and public right-of-way. Screening shall consist of either a berm or a solid fence of sufficient height to meet the 1/3 or 7' requirement.

(3) Plain concrete blocks are prohibited on any exterior surface of a building.

(j) Sanitation. In the interest of maintaining compact development patterns which in turn promotes efficiency in the delivery of public services such as police and fire safety, transportation, etc. B-4 (Business Park) developments shall be required to utilize municipal sewage disposal systems. Private on-site sewage systems such as septic, mound and holding tanks are expressly prohibited in the B-4 district.

(7) BASIS FOR APPROVAL.

(a) To implement the intent of the B-4 district as set forth in Section 17.13-A(1), site development plan review shall take into consideration, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, drainage, sewerage and water systems, and proposed operation. The Planning and Zoning Committee or Town Board of Supervisors will approve said site plans only after determining that:

(1) The proposed use(s) conform(s) to the uses permitted in that zoning district.

(2) The dimensional arrangement of building and structures conform to the required area, yard, setback, and height restrictions of this section.

(3) The proposed use conforms to all use and design provisions and requirements (if any) as found in this section for the specified uses.

(4) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the projects in order to assure the safety and convenience of pedestrian and vehicular traffic.

(5) The proposed on-site buildings, structures, and entryways are situated and designated to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion control, grading, lighting, and parking, as specified by this section and any other codes or laws.

(6) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or

buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.

(7) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this section.

(8) Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped.

(9) The site plan is consistent with the intent and purpose of this section, which is to promote the public health, safety and general welfare, to encourage the use of lands, in accordance with their character and adaptability, to avoid overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, and to facilitate existing community development plans.

## TOWN OF POYGAN ZONING ORDINANCE 17.13-B

### 17.13-B B-5 PLANNED COMMERCIAL BUSINESS DISTRICT (SEWERED ONLY)

(1) **STATEMENT OF INTENT.** The intent of this district is to provide a planned attractive and aesthetically pleasing mixed grouping of offices and retail activities in a park-like setting. This district is further intended to promote the provision of ample off-street parking and loading areas, on-site open space, landscape plantings, and planting screens in areas adjacent to non-business or other compatible land uses/zoning districts.

(2) **PRINCIPAL USES.** The following and similar uses shall be permitted subject to the review process as set forth in Section 17.13-B(3):

- (a) General clerical and professional offices.
- (b) Research and testing laboratories, schools, and training centers.
- (c) Wholesalers and distributors.
- (d) Painting, printing, and publishing establishments.
- (e) Commercial bakeries, or trade and contractor's offices.
- (f) Research and development.
- (g) Publication.
- (h) Professional offices and services including, but not limited to: accounting, architectural, chiropractic, dental, medical, engineering and legal services.
- (i) Business offices and services including, but not limited to: advertising agencies, management consultants, manufacturing representatives, public relations, stenographic, travel agencies, and duplicating services.
- (j) Financial, insurance, real estate offices and services, including, but not limited to: financial institutions, security brokers, holding and investment firms, insurance agencies, insurance carriers or governmental and public services.
- (k) General retail.
- (l) Health clubs, barber shops, beauty salons, florists (not including greenhouses) and studios for photography, painting, music, dance and other recognized fine arts where such uses are situated in the building of an approved principal use.
- (m) Commercial child day care facilities.
- (n) Restaurants.
- (o) All P-1 Principal uses, P-1 Conditional Uses under 17.14(4)(b), all B-2 Principal Uses, and all Conditional Uses under 17.03(5).

(3) **APPLICATION.** Upon written request by the Town Board of Supervisors, all plan review, approval, and enforcement within the B-5 district shall be done by the Town. When such review, approval and enforcement authority has been transferred to a Town, such authority shall remain with the Town for a period of not less than 12 months, after which time the Town may request the County take over this responsibility. When such authority is transferred back to the County, it shall remain so for a period for not less than

12 months. When a Town has assumed the review, approval, and enforcement authority, the plan review fee, if any, shall be set forth by the Town. Application shall be made in duplicate to the governing body on forms furnished by the governing body and shall include the following:

(a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

(b) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(c) Additional information may be required, such as ground surface elevations, basement and first floor elevations, utility elevations, roads, contours, historic and probable future flood water elevations, areas subject to inundation by floodwaters, depths or foundation, flood proofing measures, soil types, slope, boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its effects on flood flows.

(4) ACCESSORY USES. Section 17.03(6)(a)-(c) shall not apply in the B-5 zoning district. The following accessory uses shall be permitted:

(a) One residential living quarter when located within the building of an approved principal use and provided occupancy thereof is restricted to an owner, manager, caretaker or employee of the principal business. Such living quarter shall not exceed 1000 square feet in floor space, or 1% of the total building floor space, whichever is less.

(b) Outside storage yards accessory to an approved principal use, provided such storage is adequately screened from the surrounding view.

(c) Fences. Security fences are permitted on the side and rear property lines but no closer to the street yard property line than the principal structure. Security fences shall not exceed 8 feet in height and shall not exceed 50% opacity. Decorative and private fences shall not be more than six (6) feet in height and shall be permitted on the side and rear lot lines but no closer to the street yard property line than the principal structure. Decorative fences four (4) feet in height or less shall be permitted with a ten (10) foot street yard setback.

(d) Outdoor Lighting. Outdoor lighting installation shall be regulated as follows:

(1) No light fixture shall exceed twenty-five (25) feet in height.

(2) All outdoor lighting fixtures shall be of a cut-off design (i.e. shall not emit light at an angle greater than 90 degrees from vertical).

(3) All outdoor lighting fixtures shall be adequately shielded or directed so as to confine the area of light dispersion to the property and/or building area on which such fixture is located.

(4) Use of wooden poles for outdoor lighting shall be prohibited.

(5) The following types of lighting shall be prohibited except as otherwise approved by the Town Board:

(a) Festoon lighting, "string" lighting or any light source erected in such a manner as to be subject to noticeable periodic movement as a result of wind pressure or atmospheric conditions.

(b) Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather conditions.

(c) Display of intermittent lights or flashing, blinking, moving, beacon or search lights except as follows:

(1) Where such lights are required by State or Federal law.

(2) Where such lighting is of a temporary nature including but not limited to holiday displays and grand opening events.

(d) Exceptions to the aforesaid language may be granted by the Town Board for decorative lighting fixtures.

(e) Signs. Signs shall be permitted in accordance with Section 17.28 and the sign regulations of the Township within which the planned commercial business district development is to be located, whichever is more restrictive with the following exceptions for free standing signs.

(1) Setbacks and Clearance

(a) *Within 15 feet of street.* A freestanding sign, any part of which is closer than fifteen (15) feet to the right-of-way, shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three (3) feet in height above the grade at the right-of-way line.

(b) *Intersection/ driveways.* Any freestanding sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of ten (10) feet or shall be not more than three (3) feet in height above grade.



- (2) Off-premises signs. Off-premises signs shall be allowed under the following conditions:
- (a) Parcels shall be contiguous or as part of a joint development which is located on collection of parcels that are contiguous or adjacent.
  - (b) One off-premises sign shall be allowed advertising the uses of the contiguous parcels or joint development.
  - (c) Total area of this off-premises sign shall not exceed the total allowed area for each parcel combined but not to exceed in any circumstance 400 square feet.
  - (d) The area of the off-premises sign shall be subtracted from the area allowed for the freestanding signs for each parcel.
  - (e) A comprehensive sign proposal shall be submitted addressing the plan for an off-premises sign and all other freestanding signs for contiguous parcels or joint development.

(f) Parking. Parking requirements shall be in accordance with Section 17.26 except as follows:

(1) No driveway or parking area shall be located closer than ten (10) feet to a side or rear lot line or twenty-five (25) feet to a street yard lot line. That portion of driveway required for roadway access shall not be subject to the aforesaid street yard setback requirement.

(2) All parking and driveway areas shall be hard-surfaced (i.e. blacktop, concrete, etc...) within twelve months of receiving approval to occupy the principal structure.

(g) Garages and Storage Buildings. Detached garages and storage buildings for storage of vehicles, supplies, equipment used in conjunction with the operation of the premises or for use by the resident occupant of the premises subject to the following conditions:

(1) No detached garage or storage building shall exceed 20 feet in height.

(2) No detached garage or storage building shall be situated closer than 10 feet to a side or rear lot line nor shall a detached garage or storage building be situated closer to the street yard lot line than the principal structure.

(h) Radio and Television Antennas. Radio and television antennas not attached to the principal structure may be permitted to the sides and rear of the

principal structure provided they are setback from the side and rear property lines a distance equal to or greater than the height of the antenna. No radio or television antenna shall be situated closer to the street yard lot line than the principal structure.

(i) Satellite Dishes. All satellite dishes 36" in diameter or smaller shall be considered radio and television antennas and shall meet the conditions as stated in (h) Radio and Television Antennas above. All satellite dishes larger than 36" in diameter shall be subject to the following conditions:

(1) Not more than one satellite earth station may be allowed per lot.

(2) Satellite earth stations shall be allowed in rear and side yards, however, satellite stations may not be any closer to the street line than the established setback of the principal building or structure.

(3) Side and rear yard setbacks shall be equal to or greater than the required side and rear yard setbacks for the principal structure, but not less than the total vertical height of the satellite earth station.

(4) Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be permitted subject to engineering calculations being prepared by a registered professional engineer certifying that the proposed satellite earth station is structurally sound. A building mounted satellite earth station where visible from the front lot line will be permitted only when reception would not be possible from a less conspicuous location as verified by appropriate test data.

(5) The owner who proposes a building-mounted satellite earth station must also submit a plan for screening the satellite earth station from surrounding properties in a manner that is appropriate to the architecture of the building. Building mounted satellite earth stations shall not exceed the maximum height regulation of the zoning district in which they are located.

(6) Ground mounted satellite earth stations located where visible to adjacent streets or roadways or neighboring properties shall be of a dark color and effectively screened by the use of appropriate landscaping or a structure (i.e. 100% opaque screening).

(7) All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All installations shall meet a minimum wind load design velocity of 8 m.p.h.

(8) No form of advertising or identification is allowed on the dish or framework other than the customary manufacturer's identification plates.

(9) Portable or trailer mounted satellite earth stations are not allowed. Exception: Temporary installations for on-site testing and demonstration purposes may be allowed for periods not to exceed 48 hours with prior approval from the Town Building Inspector or his/her designee.

(10) Electrical installations in connection with earth satellite receiving stations including grounding of the systems shall be in accordance with National Electrical Code Standards.

(11) All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground.

(12) Satellite earth stations that cause any interference with radio and/or television broadcasting or reception on nearby properties shall be governed in accordance with Federal Communications Commission Standards.

(13) No satellite earth station shall be erected without first obtaining a building and zoning permit.

(5) LANDSCAPING. A landscape plan shall be required. Landscaping requirements may be adopted by a Town which exceeds but is not less than County requirements.

(1) A landscape plan shall be submitted.

(2) All landscape plans, shall meet the requirements as specified by designated supervising authority.

(3) Verification of completed landscaping shall be filed with the Town.

(4) A two (2) year guarantee will be required on landscape plantings by the landscaper to ensure replacement if necessary.

(6) REVIEW AND APPROVAL. In reviewing the proposed conditional uses, the governing body shall be guided by the following standards and requirements:

(a) All uses must be in accordance with the purpose and intent of this ordinance and shall not be hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the County and its communities.

(b) A review of the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effect of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.

(c) Conditions, such as landscaping; architectural design; type of construction; construction commencement and completion dates; sureties; lighting; fencing; location, size, and number of signs; water supply and waste disposal systems; higher performance standards; street dedications; certified survey maps; flood proofing; ground cover; diversions; silting basins; terraces; stress bank protection; planting screens; operational control; hours of operation; improved traffic circulation; deed restrictions; highway access restrictions; increased yards; or additional parking may be required by the governing body upon its finding that these are necessary to fulfill the purpose and intent of this ordinance and the State Water Resources Act of 1965, and to meet the provisions of the State's Flood Plain and Shoreland Management Programs.

(d) Compliance with Sec. 17.02-6 and all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Section 17.31.

(7) EXPIRATION PLANS. Plans approved, shall expire within twelve (12) months unless substantial work has commenced pursuant to such grant.

(8) APPROVAL OF BUILDING, SITE AND OPERATIONAL PLANS. All plans including site plans, landscape plans, drainage plans, and all other plans as deemed necessary shall be approved by the governing body.

(9) GENERAL REGULATIONS.

(a) No use which is offensive by reason of odor, smoke, fumes, dust, noise, vibrations, radioactive emissions, pollution, or which presents excessive danger for fire or explosion shall be permitted.

(b) Site access shall be oriented toward internal circulation drives with limited access points to existing roads.

(c) All business park developments shall be serviced by underground utilities and infrastructure.

(d) No transformer, electric, gas or other meter of any type shall be visible from the surrounding roadways or neighboring properties.

(e) Curb, gutter and storm sewer shall be required in all business park developments.

(f) All business, servicing, processing, or storage except for off-street loading and parking areas, shall be conducted within completely enclosed buildings unless otherwise permitted herein or specifically approved by the Planning and Zoning Committee and Town Board of Supervisors.

(g) To alleviate any potential off-site impacts due to increased storm water run-off attributable to the planned commercial business district development, one or more storm water retention/detention areas may be required. If such retention/detention areas are required, it shall be the responsibility of the property owner or, if applicable, the Property Owners Association, to provide maintenance and upkeep thereof.

(10) BASIC DISTRICT STANDARDS.

(a) Lot Coverage/Open Space. Not more than 70 percent of the lot shall be covered by an impervious surface (i.e. buildings, structures, pavement, etc.). The open space configuration shall be an important element in the site plan review process.

(b) Building Size/Floor Area Ratio. The building(s) floor area ratio shall not exceed 40 percent. The floor area ratio shall be calculated as the gross floor area of all buildings on a site divided by the gross site area.

(c) Building Height.

(1) Principal structures. Principal structures shall not exceed 40 feet in height.

(d) Yards.

(1) Street. All structures shall be setback a minimum of 30 feet from any public, private, or officially mapped street/right-of-way if there is not parking or drive situated between the building and the street or a minimum of 60 feet if there is to be parking or drives situated between the building and the street except as otherwise specified in this section.

(2) Rear. All structures shall be setback a minimum of 25 feet from the rear property line except as otherwise specified in this section.

(3) Side. All structures shall be setback a minimum of 20 feet from the side property line except as otherwise specified in this section.

(4) Shore. All structures shall be setback a minimum of 75 feet.

\*The above yards shall apply except where any portion of the development is adjacent to a residentially zoned property, in which case the Planning and Zoning Committee and Town Board of Supervisors may require an increased setback of up to 50 feet if deemed necessary to prevent an adverse impact on the residential site.

(e) Loading Docks. Loading docks shall generally not face a dedicated or reserved public street. Sufficient on-site space shall be provided for each principal use as will enable the maneuvering of trucks to and from the loading docks without using public streets.

(f) Roof-Mounted Equipment. All roof-mounted equipment shall be located, screened and/or painted using colors and architectural materials compatible with the principal building in order to minimize its visibility from streets and neighboring properties.

(g) Outside Storage.

(1) All required setback yard areas shall be landscaped and kept clean and free from the accumulation of debris and/or refuse, and shall not be used for the storage or display of any equipment, materials, products, vehicles or supplies.

(2) All development sites shall provide a refuse storage area adequate in size to serve the business uses situated thereon. Refuse storage receptacles shall be entirely screened from the view of surrounding properties and streets and the screening shall be of a height not less than the height of the refuse receptacle.

(3) Refuse storage areas shall be permitted only to the rear of the principal structure. In no case shall a refuse storage area be situated closer than 20 feet to a side or rear property line.

(h) Landscaping. Within one year of receiving approval for building occupancy, all yard areas shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials. Landscaping shall relate to the paved and building areas of the site relative to massing, size, shape and color. At the time of planting, vegetation shall be of sufficient size as to noticeably enhance the site (i.e. whips are inappropriate as primary landscaping elements). Plant material shall be of hardy quality, preferably native to Wisconsin.

(i) Architectural Control.

(1) All exterior building walls shall be of the same color scheme and shall utilize the same architectural materials.

(2) (a) The exterior building walls may be of metal except the lower one-third or lower seven feet (whichever is less) shall be of masonry, stone, glass or architectural pre-cast concrete panels.

(b) The exterior walls of the entire building may be all metal only where screening covers the lower 1/3 or 7' (whichever is greater) of the building so as to screen the view of the building from view of all adjacent properties and public right-of-way. Screening shall consist of either a berm or a solid fence of sufficient height to meet 1/3 or 7' requirements.

(3) Plain concrete blocks are prohibited on any exterior surface of a building.

(j) Sanitation. In the interest of maintaining compact development patterns which in turn promotes efficiency in the delivery of public services such as police and fire safety, transportation, etc. B-5 (Planned Commercial Business District) developments shall be required to utilize municipal sewage disposal systems. Private on-site sewage systems such as septic, mound and holding tanks are expressly prohibited in the B-5 district.

(11) BASIS FOR APPROVAL.

(a) To implement the intent of the B-5 district as set forth in Section 17.13-B(1), site development plan review shall take into consideration, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, drainage, sewerage and water systems, and proposed operation. The Planning and Zoning Committee or Town Board of

Supervisors will approve said site plans only after determining that:

(1) The proposed use(s) to the uses permitted in that zoning district.

(2) The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of this section.

(3) The proposed use conforms to all use and design provisions and requirements (if any) as found in this section for the specified uses.

(4) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.

(5) The proposed on-site buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm-water drainage, erosion control, grading, lighting, and parking, as specified by this section and any other codes or laws.

(6) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes of where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.

(7) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this section.

(8) Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped.

(9) The site plan is consistent with the intent and purpose of this section, which is to promote the public health, safety and general welfare, to encourage the use of lands, in accordance with their character and adaptability, to avoid overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, and to facilitate existing community development plans.

## TOWN OF POYGAN ZONING ORDINANCE 17.14

### 17.14 P-1 INSTITUTIONAL & RECREATIONAL PARK DISTRICT.

(1) STATEMENT OF INTENT. The intent of this district is to provide an area for public and private institutional and recreational uses. The area utilized for such a district should be such that it is compatible with and is an asset to the surrounding land uses.

(2) PRINCIPAL USES. Public and private institutional uses, e.g.:

- (a) Arboretums.
- (b) Botanical Gardens.
- (c) Cemeteries.
- (d) Colleges & Universities.
- (e) Conservatories.
- (f) Crematories
- (g) Funeral Homes.
- (h) Gymnasiums.
- (i) Hospitals.
- (j) Parks, Playgrounds, etc.
- (k) Religious & Charitable Institutions.
- (l) Sanitariums.
- (m) Schools.
- (n) Town Halls,
- (o) Public & Private Wastewater Treatment Plants
- (p) Public and private landfills licensed by the State of Wisconsin.

(3) BASIC DISTRICT STANDARDS.

(a) Building.

(1) Height--Maximum--50 ft.

(b) Yards.

(1) Street--Minimum--50 ft.

(2) Rear--Minimum--50 ft.

(3) Side--Minimum--25 ft. ea.

(4) Shore--Minimum--75 ft.

(4) CONDITIONAL USES. (According to Sec. 17.25.)

(a) Airports, airstrips, and landing fields with a minimum area of 20 acres.



(b) Public and quasi-public cultural recreational facilities, e.g.:

- (1) Golf Courses.
- (2) Campground.
- (3) Driving Ranges.
- (4) Race Tracks.
- (5) Exposition & Fairgrounds.
- (6) Riding Academies & Stables.
- (7) Sport Fields.
- (8) Zoological and Botanical Gardens.
- (9) Archery and Firearm Ranges (outdoor).

(c) Penal Institutions.

(d) All Conditional Uses listed under Section 17.25.

(5) ACCESSORY USES.

(a) All accessory uses listed under Sec. 17.03-7.

(b) Clubs, taverns, nightclubs, restaurants, and convenience goods and services, etc. when supportive of the Principal Use.

(c) All equipment and improvements used in conjunction with the Principal Use.

## **TOWN OF POYGAN ZONING ORDINANCE 17.15**

### **17.15 A-1 FARMLAND PRESERVATION DISTRICT.**

The Town of Poygan does not participate in the A-1 Farmland Preservation Program. In no case shall the Zoning designation of a parcel located within the Town of Poygan be changed to A-1 Zoning Designation.

## TOWN OF POYGAN ZONING ORDINANCE 17.16

### 17.16 A-2 GENERAL FARMING DISTRICT.

(1) STATEMENT OF INTENT. The intent of this district is to allow the development of small-scale farming activities characterized by the mixed crop of the traditional "family farm" along with residential growth. The location of this district should encompass sufficient acreage where soil characteristics and/or existing operations will facilitate extensive production of crops; forest products; livestock, poultry and their products; and dairy products. In turn, the value of this land is to be maintained by protecting these areas from the intrusion of urban uses. This district can be located in those areas where the occurrence of scattered urban uses are likely to occur. However, the agricultural district is to be recognized as the dominant activity of the area. While the basic zoning district may remain A-2, the actual use of the property may be as a "farm", "hobby farm", or "residential agricultural".

(2) DETERMINATION OF INTENT. Allowable uses within the A-2 District shall be based upon the type of agricultural use existing and proposed for the property. This determination shall be based among other things, ON ONE OR MORE OF THE FOLLOWING: occupation(s) of the owner; gross farm income of the owner based upon such things as land rental, sale of crops or commodities, or sale of livestock where documentation of said income can be provided on an official signed statement by the owner clarifying that at least part of their gross income is from a filed Federal Schedule "F"; property size; past history of the use of the property; and intent of the owner.

#### (3) PRINCIPAL USES:

(a) Residential - one-family dwelling. Dwelling size according to R-1 or RR District standards.

#### (b) Agricultural

- (1) Farming.
- (2) Bee-keeping.
- (3) Dairy farming.
- (4) Fish Farms.
- (5) Floriculture.
- (6) Forestry.
- (7) Grazing.
- (8) Greenhouse.
- (9) Hay.
- (10) Livestock Raising.
- (11) Orchards.
- (12) Paddocks.
- (13) Pasturage.

- (14) Plant Nurseries.
- (15) Poultry Raising.
- (16) Stables.
- (17) Sod Farming.
- (18) Truck Farming.
- (19) Viticulture.
- (20) Wild Crop Harvesting.
- (21) Raising of:
  - (a) Cash Crops.
  - (b) Mint.
  - (c) Grass.
  - (d) Seed Crops.
  - (e) Silage.
  - (f) Nuts and Berries.
  - (g) Vegetables.

(4) BASIC DISTRICT STANDARDS.

- (a) Non-residential farm buildings.

Lot (sewered, Unsewered and Transitional Rural area District)

Minimum Width	300 ft
Minimum Area	348,480 Sq. ft. (8.0 acres)

Building

Maximum Height	35 ft.
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Principal Structure Yard Setbacks

Street	75 ft.
Rear	50 ft.
Side Lot	25 ft.
Shore	75 ft.

(b) Residential Dwellings and accessory buildings. Height, dimensional requirements and all setbacks according to the RR District standards.

(5) CONDITIONAL USES.

- (a) Town Halls and Town Offices
- (b) Fire Stations
- (c) Churches
- (d) Cemeteries
- (e) Schools
- (f) All conditional use items specified in the Residential (R-1 or R-R).

(6) ACCESSORY USES.

- (a) Barns
- (b) Machine Sheds
- (c) Livestock Structures
- (d) Stables
- (e) Silos
- (f) Grain Storage Bins
- (g) Grain Dryers
- (h) Manure Storage Facilities
- (i) Silage Storage Facilities

Not to exceed 15% of total parcel Area

No accessory structure or use may be permitted without the presence of a primary structure on the same tax parcel as the accessory structure or use.

## TOWN OF POYGAN ZONING ORDINANCE 17.17

### 17.17 M-1 LIGHT INDUSTRIAL AND OFFICE DISTRICT.

(1) **STATEMENT OF INTENT.** The intent of this district is to provide for the development of so-called "clean" industrial employment centers within the immediate vicinity of residential neighborhoods. As with any activity which draws users from beyond the immediate population which surrounds it, suitable traffic routes and parking facilities must be integral to the location and plot plan design of the district.

(2) **PRINCIPAL USES.** The following and similar uses are permitted subject to approval by the Planning and Zoning Committee as to location and operations (provided there is no outside storage of equipment or products):

- (a) General, clerical and professional offices.
- (b) Research and testing laboratories, schools and training centers.
- (c) Cleaning, pressing and dyeing establishments.
- (d) Commercial greenhouses.
- (e) Wholesalers and distributors.
- (f) Food locker plants, cold storage warehousing, etc.
- (g) Light industrial plants such as required for production of millwork, machine tools, paper containers, light metal fabrication, and similar small industries.
- (h) Manufacture, fabrication, packing, packaging, processing & assembly of confections, cosmetics, electrical appliances, electronic devices, foods (except garbage, fish and fish products, meat and meat products, and pea vineries), instruments, jewelry, pharmaceuticals, tobacco and toiletries.
- (i) Manufacturing and bottling of non-alcoholic beverages.
- (j) Painting, printing, publishing establishments.
- (k) Commercial bakeries and trade and contractor's offices.

### (3) BASIC DISTRICT STANDARDS.

- (a) Building.
  - (1) Height--Maximum--35 ft.
- (b) Accessory Building.
  - (1) Height--Maximum--30 ft.
- (c) Yards.
  - (1) Street--Minimum--50 ft.
  - (2) Rear--Minimum--50 ft.
  - (3) Side--Minimum--25 ft.
  - (4) Shore--Minimum--75 ft.

- \* The above yards apply except where any portion of the parcel is adjacent to a residential district. When adjacent to a residential district, a Building Site and Operational Plan (B.S.O.P.) must be submitted to and approved by the Planning and Zoning Committee. The B.S.O.P. is to indicate how the activities proposed on the parcel will be prevented from causing an adverse impact on adjacent residential parcels. Where the Committee determines that increased setbacks may be required, the affected setback shall not be more than the following: Street, side and rear -- 50 ft.

(4) APPROVAL OF BUILDING SITE AND OPERATIONAL PLANS. (According to Section 17.25-4.) All structures and substantial improvements for principal uses subject to the following:

(a) No merchandise shall be handled for sale or service rendered on the premises except such as are incidental or accessory to the principal permissible use of the premises, except for sales or service to industrial customers.

(b) All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings.

(c) No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any residential district.

(d) No toxic matter, noxious matter, smoke or gas, and no odorous or particulate matter detectable beyond the lot lines shall be emitted.

(e) No vibration shall be detectable beyond the lot lines.

(f) No glare or heat shall be detectable beyond the lot lines.

(g) The storage or use of chemicals either solid, liquid or gas, shall be subject to the following conditions:

(1) The storage, utilization or manufacturing of materials or products ranging from incombustible to moderate burning is permitted.

(2) The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted providing the following condition is met:

(a) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

(3) The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

(5) CONDITIONAL USES. (According to Sec. 17.25.)

(a) All uses specified under Sec. 17.03-13.

(b) Outside Storage Yards.



## TOWN OF POYGAN ZONING ORDINANCE 17.18

### 17.18 M-2 HEAVY INDUSTRIAL DISTRICT.

(1) **STATEMENT OF INTENT.** The intent of this district is to provide for industrial uses often considered offensive or unique by nature. Therefore, the location of this district often requires isolation from most of the community's population or placement within an industrial park.

(2) **PRINCIPAL USES.** The following uses and similar uses are permitted subject to approval by the Planning & Zoning Committee:

- (a) All principal uses of the B-3 "General Business District."
- (b) All principal uses of the M-1 "Light Industrial and Office District."
- (c) Freight yards, freight terminals and trans-shipment depots.
- (d) Inside storage warehouses.
- (e) Breweries.
- (f) Crematories.
- (g) All other manufacturing, assembling or processing not otherwise requiring Conditional Use Permit.
- (h) Vehicle body shops, vehicle wholesale and auction centers, but not including the storage of junked or wrecked vehicles.

### (3) **BASIC DISTRICT STANDARDS.**

- (a) Building.
  - (1) Height--Maximum—35 ft.
- (b) Yards.
  - (1) Street--Minimum--50 ft.
  - (2) Rear--Minimum--50 ft.
  - (3) Side--Minimum—25 ft
  - (4) Shore--Minimum--75 ft.

(4) **APPROVAL OF BUILDING SITE AND OPERATIONAL PLANS.** (According to Sec. 17.25-4).

- (a) All structures and substantial improvements for principal uses.
- (b) All such uses listed under the B-3 "General Business District."
- (c) All such uses listed under the M-1 "Light Industrial District", except (4)(b) and (4)(g)(3).

(5) CONDITIONAL USES. (According to Sec. 17.25.)

- (a) All uses specified under Sec. 17.03-12.
- (b) Airports, airstrips and landing fields, provided the site area is not less than twenty (20) acres provided they meet F.A.A. requirements.
- (c) The following and similar uses, provided such uses shall be at least six hundred (600) feet from any residential or public district:

(1) Manufacturing and/or processing of such items as:

- (a) Abrasives.
- (b) Acetylene.
- (c) Acid.
- (d) Alkalies.
- (e) Ammonia.
- (f) Asbestos.
- (g) Asphalt.
- (h) Batteries.
- (i) Bedding.
- (j) Bleach.
- (k) Bone.
- (l) Cabbage.
- (m) Candles.
- (n) Carpeting.
- (o) Celluloid.
- (p) Cement.
- (q) Cereals.
- (r) Charcoal.
- (s) Chemicals.
- (t) Chlorine.
- (u) Coal Tar.
- (v) Coffee.
- (w) Coke.
- (x) Concrete
- (y) Condenseries.
- (z) Cordage.
- (aa) Creameries.
- (ab) Creosote.
- (ac) Dextrine.
- (ad) Disinfectant.
- (ae) Dye.
- (af) Excelsior.
- (ag) Felt.
- (ah) Fish.
- (ai) Fuel.

- (aj) Furs.
- (ak) Gelatin.
- (al) Glucose.
- (am) Gypsum.
- (an) Hair Products.
- (ao) Ice.
- (ap) Ink.
- (aq) Insecticide.
- (ar) Lampblack.
- (as) Lime.
- (at) Lime Products.
- (au) Linoleum.
- (av) Matches.
- (aw) Meat.
- (ax) Mineral Extraction (nonmetallic mining, sand & gravel)
- (ay) Oil Cloth.
- (az) Paint.
- (ba) Paper.
- (bb) Peas.
- (bc) Perfume.
- (bd) Pickles.
- (be) Plaster.
- (bf) Plaster of Paris.
- (bg) Plastics.
- (bh) Poison.
- (bi) Polish.
- (bj) Potash.
- (bk) Pulp.
- (bl) Pyroxylin.
- (bm) Radium.
- (bn) Rope.
- (bo) Rubber.
- (bp) Sausage.
- (bq) Shoddy.
- (br) Shoe and Lampblackening.
- (bs) Size.
- (bt) Starch.
- (bu) Stove Polish.
- (bv) Textiles.
- (bw) Varnish.

(2) Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.\*

(3) Manufacturer and bottling of alcoholic beverages; bag cleaning; bleacheries; canneries; cold storage warehouses; electric and steam generating plants; electroplating; enameling; forages; foundries; garbage; incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving.

(4) Outside storage and manufacturing areas.

(5) Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from residential, public and semi-public districts.

(6) Commercial service facilities, such as restaurants and fueling stations, provided all such services are physically and saleswise oriented toward industrial district users and employees and other users are only incidental customers.

(h) All Conditional Uses under B-3 "General Business District."

\* The storage of flammables and gasoline in excess of 10,000 gallons, shall require diking and underlaying in accordance with applicable state requirements.

## TOWN OF POYGAN ZONING ORDINANCE 17.19

### 17.19 ME-1 MINERAL EXTRACTION – NON-METALLIC MINING OVERLAY

(1) STATEMENT OF INTENT. The intent of this district is to permit resource extraction operations as long term transitional uses. The intent of these regulations is to minimize potential adverse effects of these uses on adjacent lands while operations are active and to restore the site of operations to the maximum extent practicable after operations have been ceased.

Mineral extraction / non-metallic mining is only permissible where the property is zoned B-1, B-2, B-3, M-1 and M-2 and the parcel is a minimum of 20 acres in size.

(2) PERMITS. An "Extraction Permit" is required for all mineral extraction operations including those lawfully existing prior to the adoption of this section. New mineral extraction operations and expansions of lawfully existing operations shall adhere to conditional use procedures as described in 17.19(4) of this ordinance. As such, all mineral extraction operations including those lawfully existing prior to the adoption of this section shall adhere to the following permit requirements:

(a) The manufacture of asphalt or concrete is only permissible where property is zoned M-2 "Heavy Industrial District".

(b) No permit shall be issued without submittal of a plan of operation and a plan of reclamation in compliance with the standards and requirements of this section.

(c) Any mineral extraction operation or activity conducted without a permit after 180 days of the effective date of adoption of this section shall be deemed in violation of this ordinance.

(d) Permits shall be issued for a term of six years, renewable for terms of six years. Any activity conducted in compliance with a lawfully issued permit which subsequently becomes non-compliant during the term of the permit by reason of surrounding development may continue for the remainder of the term of the permit.

(e) Transfer of Permit. When an operator succeeds to the interest of another in an uncompleted site, the Town shall release the present operator of the responsibilities imposed by the permit only if:

1. Both operators are in compliance with the requirements and standards of this section and;
2. The new operator assumes the responsibility of the former operator's permit requirements.

(3) STANDARDS. The following standards shall apply to all mineral extraction operations, non-metallic mining (sand and Gravel) and activities including those operations and activities lawfully existing prior to the adoption of this section.

(a) Standards of Operations.

1. Provisions of Chapter NR 415.04 and 429, Wisconsin Administrative Code, regarding air quality emissions shall be administered by the Wisconsin Department of Natural Resources. Provisions of Chapter ILHR 7.60 et sq., Wisconsin Administrative Code, regarding blasting shall be administered by the Wisconsin Department of Industry, Labor and Human Relations.

2. Roads, machinery and equipment shall be located, constructed and used in such a manner as to minimize noise, dust and vibrations.

3. No operations or activities may be commenced before 6:00 a.m., Monday through Saturday or continue past 6:00 p.m., Monday through Friday or 2:00 p.m. on Saturday where any residence or commercial establishment open to the public is located within 500 feet of the exterior boundary of the site. The Planning and Zoning Committee may authorize specific activities past 6:00 p.m., Monday through Friday and past 2:00 p.m., on Saturday for limited or temporary periods taking into account the proximity and nature of adjoining uses and the extent of noise, dust and vibration associated with the activity. In no event shall any operation within 500 feet of a residence be authorized to conduct activities past 10:00 p.m., Monday through Friday or 7:00 p.m. on Saturdays.

(b) Setback Requirements.

1. No operations or activities, including berm construction, shall be conducted within 200 feet of any right of way line or within 200 feet of any exterior boundary of the site where a residence is located within 500 feet of the exterior boundary of the tract.

2. The Planning and Zoning Committee may authorize berm construction and related site preparation as a temporary activity, for a specific time period, to within 25 feet of any exterior boundary of the tract for sites lawfully existing before the effective date of this section. Exemptions may be authorized by the Planning and Zoning Committee for berms located closer than 25 feet from the exterior boundary of the tract for sites lawfully existing before the effective date of this ordinance.

3. The Planning and Zoning Committee may authorize continued vertical removal of materials to within 50 feet of the exterior boundary of the site for sites lawfully existing before the effective date of this section.

4. In no event shall any operations or activities, except berm construction and related site preparation activities, be conducted within 50 feet of any exterior boundary. In exercising their authority under this subsection, the Planning and Zoning Committee may attach reasonable conditions including but not limited to more stringent hours of operation, landscaping, and fencing.

5. The Planning & Zoning Committee may authorize a reduction in the 200' or 50', setback requirement where the extraction will not go below either the grade of the adjacent road, or the adjoining property line, and where no blasting is required. In applying the provisions of this section, the Committee may reduce the setbacks as deemed appropriate, and may apply other operational requirements necessary to offset any effect of the reduced setback.

6. Two adjacent extraction sites may have a zero foot setback on the common lot line, or line between sites, provided both operators agree in writing.

(4) **CONDITIONAL USES.** New mineral extraction operations, expansions of lawfully existing operations, and bio-remediation or other similar sites shall be a conditional use in all zoning districts except in the R-1, R-2, R-3, R-4, R-5, and MH-1 districts where a contiguous parcel . Conditional use procedures, as described in s. 17.25 of this ordinance, shall be adhered to as well as to the requirements of this section.

(5) **PLAN OF OPERATION.** All mineral extraction operations including those operations and activities which lawfully existed prior to adoption of this section shall prepare a plan of operation for the site which shall include the following information:

(a) Statement of ownership of the parcel and control of the operations.

(b) A site plan, drawn to scale, showing the lateral extent of existing and proposed excavations; the location and width of all easements and right of way on or abutting the site; existing water bodies, water courses and drainageways and proposed modifications; estimated direction of flow or groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all existing and proposed storage and stockpiling areas.

(c) Cross sections of the site, drawn to scale, showing the vertical extent of existing and proposed excavations.

(6) **RECLAMATION PERMIT.** A copy of the approved reclamation permit required by NR 135 shall either accompany all applications, or be required prior to a conditional use permit becoming issued and effective.

(7) **DEFINITIONS.**

(a) Expansions of Lawfully Existing Operation(s) - progression of mineral extraction operations onto a contiguous parcel or parcels of land purchased, owned or leased after the effective date of this section.

(b) Lawfully Existing Mineral Extraction Operation - a mineral extraction operation existing before the effective date of this section, including any contiguous parcels purchased, owned or leased by the same operator before the effective date of this section and said operation and contiguous parcels are devoid of any present County permit violations at the time of adoption of this section.

(c) Mineral Extraction Operation - Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates. Mineral aggregates shall include, but are not limited to, rock, stone, sand and gravel and other nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc. Also constituting mineral extraction operations are such related operations and activities as excavation, grading or dredging, if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals, and related processes such as crushing, screening, scalping, dewatering and blending. Additionally, storage and stockpiling of materials produced on site only, shall constitute mineral extraction operation. The definition for Mineral Extraction Operation shall not apply to the following activities:

1. Operations affecting less than 5 acres and for the exclusive use of the property owner, provided no material is removed from the property(s).
2. Premining activities such as site surveying, coring, mapping and other functions necessary solely for proper preparation of the permit.
3. Excavation in conjunction with utility installation, which is to be backfilled.
4. Excavation in conjunction with road construction, within the limits of the right-of-way, when construction plans have been approved by the Wisconsin Department of Transportation and/or other governmental bodies.
5. Excavation which by nature is of limited duration such as graves, septic tanks, and swimming pools.



6. Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.

7. Excavation for structures, parking areas, and stripping of up to 1 1/2 feet of topsoil for the development of subdivisions, following subdivision approval.

8. Regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.

9. Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers and/or other governmental bodies.

10. Ponds developed for wildlife purposes in conjunction with the Soil Conservation Service or Land and Water Conservation Department.

11. Excavation related to sod farming.

12. Any mining operation, the reclamation of which is required in a permit obtained under Sections 144.80 to 144.94, Wis. Stats., pertaining to metallic mining.

13. Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate, or close a solid waste disposal facility under ss. 144.435 to 144.445, Wis. Stats., or a hazardous waste disposal facility under ss. 144.60 to 144.74, Wis. Stats., for the exception of mineral extraction operations conducted for the purpose of lining, capping, or covering of said disposal sites.

14. Any other uses determined to be exempt by the Planning and Zoning Committee.

(d) New Mineral Extraction Operation - A mineral extraction activity on one or more parcels that are separated by a public road or are not contiguous to a lawfully existing mineral extraction operation, including land purchased, owned or leased before the effective date of this ordinance without prior extraction activity.

(e) Operator - any person who is engaged in a mineral extraction operation or who applies for or holds a mineral extraction permit issued under this section whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

## **TOWN OF POYGAN ZONING ORDINANCE 17.20**

### 17.20 SHORELAND DISTRICT (Overlay)

This District falls under the Jurisdiction of the Winnebago County Planning and Zoning Department. The Town of Poygan shall defer authority for this district to the Winnebago County Planning and Zoning Department, however, should a section of this ordinance, an alternate ordinance, or portion thereof, provide for a more restrictive measure, the more restrictive measure shall be applied.

## **TOWN OF POYGAN ZONING ORDINANCE 17.21**

### **17.21 F.P. FLOODPLAIN ZONING DISTRICT.**

This District falls under the jurisdiction of the Winnebago County Planning and Zoning Department. The Town of Poygan shall defer authority for this district to the Winnebago County Planning and Zoning Department, however, should a section of this ordinance, an alternate ordinance, or portion thereof, provide for a more restrictive measure, the more restrictive measure shall be applied.

## **TOWN OF POYGAN ZONING ORDINANCE 17.22**

### 17.22 WETLAND DISTRICT (Overlay)

This District falls under the jurisdiction of the Winnebago County Planning and Zoning Department. The Town of Poygan shall defer authority for this district to the Winnebago County Planning and Zoning Department, however, should a section of this ordinance, an alternate ordinance, or portion thereof, provide for a more restrictive measure, the more restrictive measure shall be applied.

## **TOWN OF POYGAN ZONING ORDINANCE 17.23**

### **17.23 SURFACE WATER DRAINAGEWAY DISTRICT**

This District falls under the jurisdiction of the Winnebago County Planning and Zoning Department. The Town of Poygan shall defer authority for this district to the Winnebago County Planning and Zoning Department, however, should a section of this ordinance, an alternate ordinance, or portion thereof, provide for a more restrictive measure, the more restrictive measure shall be applied.

## **TOWN OF POYGAN ZONING ORDINANCE 17.24**

### 17.24 AIRPORT ZONING DISTRICT AREA (AIR). (Overlay)

This District falls under the jurisdiction of the Winnebago County Planning and Zoning Department. The Town of Poygan shall defer authority for this district to the Winnebago County Planning and Zoning Department, however, should a section of this ordinance, an alternate ordinance, or portion thereof, provide for a more restrictive measure, the more restrictive measure shall be applied.

## **TOWN OF POYGAN ZONING ORDINANCE 17.25**

### **17.25           CONDITIONAL USES.**

(1)    **APPLICATION AND NOTICE OF HEARING.** Application for conditional use permits shall be made in duplicate to the County Planning and Zoning Commission on forms furnished by the Zoning Administrator and shall include the following:

(a)    Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

(b)    Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(c)    Additional information may be required, such as ground surface elevations, basement and first floor elevations, utility elevations, roads, contours, historic and probable future flood water elevations, areas subject to inundation by floodwaters, depths of foundation, floodproofing measures, soil types, slope, boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its effects on flood flows.

(d)    Public hearing shall follow an application for a conditional use permit. The Town Planning & Zoning Commission shall fix a reasonable time and place for a public hearing, and shall give due notice by a Class 2 Notice according to Chapter 985 of the Wisconsin Statutes, and shall give due notice to all property owners within 300 feet of the subject site. Owners within 300 feet shall be notified by first class mail with a Certificate of Mailing at least 10 days prior to the hearing. A copy of such notice shall be mailed by certified mail to the Town Clerk of the affected Town at least ten (10) days prior to the hearing.

(e)    A fee shall be submitted to the Town Clerk or Treasurer in an amount as established by the Town Board.

### **(2)    REVIEW AND APPROVAL.**

(a)    Town Action.

(1)    The Town of Poygan Planning and Zoning Commission should schedule a public hearing and indicate its position with regard to granting, denying, granting in part or conditionally approve the application.

(2) The Town of Poygan Planning and Zoning Commission shall communicate its position by any representative it may select, either orally or in writing to the Town Board. If the Town Board shall, at the subsequent Town Board meeting, request an extension of time within which to determine its position, such extension shall automatically be granted for a period of (1) month or for such longer period as the Town Board shall consider to be reasonable after taking into account these factors:

- (a) the complexity and importance of the matter;
- (b) the diligence shown by the applicant in submitting the application;
- (c) the need of the applicant and the area for a prompt decision.

(3) All Town actions for approval or denial shall be accompanied by appropriate findings of fact. Written findings of fact shall, at a minimum, address duly adopted Comprehensive Plans, or plan elements, adopted ordinances if any, compatibility or non-compatibility with adjacent uses, specific substantiated objections (if any), plus any other specific finding deemed appropriate for the matter at hand. All Town findings shall be based upon the evidence within the record in support thereof.

(4) In those cases where this Ordinance requires the Town Board or the Town Planning and Zoning Commission to request a recommendation of a State agency or other planning agency prior to taking final action, the time within which the Town Board may act on such a proposed conditional use shall be extended until the meeting at which the State or other Planning Agency finally acts on the application, or seven (7) days thereafter, if the Town Board so requests at such a meeting.

(b) Standards in Reviewing Conditional Uses—In reviewing the proposed conditional uses, the Town Planning and Zoning Commission shall be guided by the following standards and requirements:

(1) All conditional uses must be in accordance with the purpose and intent of this Ordinance and shall not be hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town.

(2) A review of the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effect of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.

(3) Conditions, such as landscaping; architectural design; type of construction; construction commencement and completion dates; sureties;



lighting; fencing; location, size, and number of signs; water supply and waste disposal systems; higher performance standards; street dedication; certified survey maps; floodproofing; ground cover; diversions; silting basins; terraces, stream bank protection; planting screens; operational control; hours of operation; improved traffic circulation; deed restrictions; highway access restrictions; increased yards; or additional parking may be required by the Town Planning and Zoning Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance and the State Water Resources Act of 1965, and to meet the provisions of the State's Flood Plain and Shoreland Management Programs.

(4) Compliance with Sec. 17.02-6 and all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Section 17.31.

(5) With respect to conditional uses within shore-lands, the standards set forth in Sec. 144.26(5)(a) of the Wisconsin Statutes, in particular as they relate to the avoidance or control of pollution, shall be followed.

(3) DECISION AND EXPIRATION OF USE.\*

(a) The Town Planning and Zoning Commission shall make a recommendation to the Town Board to deny, approve or give conditional approval on all applications within forty (40) days of the public hearing. In those cases where conditional approval has been granted, the Town Board shall finalize action within ninety (90) days of the public hearing. The Town Board shall transmit a signed copy of its decision to the applicant immediately after its forty (40) day decision and immediately after its ninety (90) day decision, if applicable.

(b) Conditional uses or temporary uses, shall expire within twelve (12) months unless substantial work has commenced pursuant to approval of said conditional/temporary use.

(c) Conditional and Temporary use permits previously granted may be revoked for non-compliance in accordance with procedures established in this section.

(4) APPROVAL OF BUILDING, SITE AND OPERATIONAL PLANS.\*

(a) Where Required--\*\*In the case of certain uses, the character of which could have substantial adverse effect upon the surrounding environment and general character of the Town by reason of the appearance of the structures, arrangement or use of the land; such uses may be required, as a qualifying condition to their permissibility, to submit for approval of the Planning and Zoning Commission, building, site and operational plans.

(b) Principal Use not Infringed--Such required approval shall be limited solely to reasonable compliance with design, location and operational requirements

and shall not involve the basic permissibility of the use.

(c) Criteria--\*\*In determining the acceptability of the building, site or operational plans, the Planning and Zoning Commission shall take into consideration the following factors as well as any others they deem appropriate:

(1) The same process of application review and approval shall be followed as in Section 17.25 "Conditional Uses," except that a public hearing shall not be necessary. However, if the Planning and Zoning Commission finds that such application requires public review for adequate evaluation, all procedures under Section 17.25 shall be followed.

(2) The time for the Planning and Zoning Commission review and approval shall be determined on an individual basis by the Commission.

\*Where uses are classified as conditional uses according to Sec. 17.25; and where uses are also classified as requiring approval of building, site and operational plans (according to Sec. 17.25-4); and where said uses under the approval of building, site and operational plans provision require plan and/or permit submittal in conjunction with an agency such as the Department of Natural Resources, or SWCD; the procedures of Sec. 17.25-4 shall control.

\*\*Except under Shoreland, Flood Plain and Conservancy Districts where projects have plans and/or permits approved by the Department of Natural Resources, Army Corps of Engineers, Soil and Water Conservation District, or State District Forester, approvals may be administratively processed by the Zoning Administrator, without Planning and Zoning Commission review--based upon the criteria required by permit and/or plan for any of the aforementioned agencies.

#### (5) REVOCATION OF PERMIT

2 (a) A Conditional Use Permit issued under this section may be revoked by the Town Board upon recommendation from the Town of Poygan Planning & Zoning Commission by using the following procedure. The permit may only be revoked for non-compliance with the terms and conditions, if any, by which the original permit was issued.

(b) A request to revoke a Conditional Use Permit previously granted may be made by staff, by any interested person, or by the Planning & Zoning Commission on its own motion.

(1) A request by an interested person shall be made in writing specifying the nature of the complaint, and the factual basis for the request to revoke the permit.

(c) Procedure.

(1) Where the request has been made by an interested person or Town of Poygan Planning and Zoning Commission member, an initial determination shall be made by said member and presented to the Commission for their consideration. The determination shall specify the terms and/or conditions which are non-compliant, administrative actions taken to attempt compliance, and other factors which may have a bearing on this issue at hand.

(2) The Commission shall review the Issue at hand, shall validate the complaint, determine infraction, if any, and shall make a recommendation to the Town Board for action. The Town Board shall then either take appropriate action or advise the holder of the Conditional Use Permit that the Town Board intends to take action unless the holder of the permit requests a public hearing or requests to be placed on the agenda of the next regularly scheduled Town Board meeting regarding the matter within thirty (30) days of the date of notice herein specified.

(a) A request for hearing under this section must be:

- (1) within the time specified,
- (2) be on the appropriate application form,
- (3) be accompanied by the appropriate fee as specified for appeals,
- (4) be accompanied by relevant written documentation to support non-revocation of the permit.

(b) If no request for hearing has been made as specified, the Town may proceed to act on the matter. In this instance, no additional testimony shall be allowed.

3 (3) When a public hearing is scheduled, the same hearing procedures shall be followed as those required for an initial application for permit.

(4) Revocation of the permit shall be solely at the discretion of the Town of Poygan Planning & Zoning Commission.

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## Additional Conditional Uses per Zoning District

### R-1, R-5a and R-5b

- a. Artificial ponds and lakes for residential purposes
- b. Colleges, universities, schools, hospitals, sanitariums, medical and health clinics, churches, mosques, synagogues and other religious institutions.
- c. Greenhouses (non-commercial), horticulture, gardening, and orchards, including truck farming.
- d. Outdoor/ indoor kennels.
- e. Outdoor wood heat stoves for all permitted and approved conditional uses.
- f. Solar collectors.
- g. Towers (not to exceed 35 feet)

### RR (all conditional uses listed in R-1)

- a. Adult day care facility, as defined herein.
- b. Artificial ponds and lakes for residential purposes.
- c. Assisted living center, as defined herein.
- d. Campground.
- e. Colleges, universities, schools, hospitals, sanitariums, medical and health clinics, churches, mosques, synagogues and other religious institutions.
- f. Community living arrangements noted in ss60.63 Wis Stats, or its successor provisions including a community living arrangement, foster homes, a treatment foster home, and adult family home with no more than 4 residential units.
- g. Convalescent home, as defined herein.
- h. Greenhouses, horticulture, gardening and orchards, including truck farming
- i. Group home, as defined herein.
- j. Mobil Home/manufactured home/module home parks.
- k. Multiple-family residential dwelling, with or without basements.
- l. Non-profit clubs and lodge facilities. (Non-residential).
- m. Nursing home, as defined herein.
- n. Outdoor/indoor kennels.
- o. Outdoor solid fuel burning stoves and boilers.
- p. Public, association, religious or commercial cemeteries, funeral parlors, mortuaries, crematoriums.
- q. Solar collectors
- r. Towers
- s. Windmills (non-commercial).

### R-3, R-4

- a. Condominium development.
- b. Apartment Units
- c. Boarding Houses
- d. Fraternity/Sorority Houses

A-2

- a. Airfields, airstrips and heliports.
- b. Agricultural service related businesses, which do not include merchandise or retail sales and are not detrimental in the enjoyment of adjoining property.
- c. Artificial lakes or ponds for residential purposes.
- d. Animal waste storage pits, including manure pits.
- e. Cheese plants, dairies, milk processing facilities.
- f. Churches, mosques, synagogues and other religious facilities.
- g. Commercial feed lots
- h. Commercial egg producing facility
- i. Cemeteries.
- j. Dams and flowages (private).
- k. Electric or natural gas power plants
- l. Farm machinery repair and sales
- m. Feed, seed and fertilizer sales, with without milling
- n. Food processing facilities
- o. Game preserves with Special Permit issued by the Town Board
- p. Hatcheries or fur farm
- q. Hiking, biking, ATV trails, snowmobile trails and bridle paths
- r. Large confinement livestock or fowl operations
- s. Livestock sales and auction facilities
- t. Livestock transfer and temporary storage facilities
- u. Livestock facility subject to ss93.90 Wis Stats, or its successor provision, and ATCP 51, or its successor provision, which has been issued a permit or license by the Town to operate such facility
- v. Outdoor solid fuel burning stoves and boilers
- w. Outdoor/indoor kennels with Special Permit issued by the Town Board
- x. Permanent and portable sawmills
- y. Rendering plants
- z. Slaughterhouse and food processing.
- aa. Small scale metal fabrication shop
- bb. Solar collectors
- cc. Stockyards
- dd. Tax Incremental Finance Districts
- ee. Towers
- ff. Veterinary clinic/animal hospital
- gg. Wholesale fruit sales facilities (e.g. truck farms)
- hh. Wildlife sanctuaries with Special Permit issued by the Town Board.
- ii. Wind electric facilities
- jj. Woodworking and wood manufacturing

M-1, M-2

- a. Asphalt mixing
- b. Aggregate or ready mix plant
- c. Boot and shoe manufacturing
- d. Brick and clay product manufacturing
- e. Building manufacturing
- f. Carpet manufacturing
- g. Cloth products manufacturing
- h. Cosmetics production
- i. Dairy production products
- j. Electric and natural gas power plants and wind electric facilities
- k. Electro plating
- l. Electronic and technology production
- m. Explosive manufacturing or sales
- n. Fertilizer manufacturing
- o. Fuel production and refining plants
- p. Glass production
- q. Graphite storage and processing
- r. Light machinery production
- s. Lumber yards/lumber mills
- t. Mail order houses
- u. Manufacturing of cement or concrete
- v. Manufacturing of lime, gypsum or plaster
- w. Medical appliance manufacturing
- x. Metal stamping
- y. Musical instrument manufacturing
- z. Railroad depots
- aa. Rendering, slaughtering and food processing plants
- bb. Rope, cord and twine manufacturing
- cc. Rubber processing
- dd. Salvage yards and junkyards
- ee. Solid waste disposal, treatment and storage facilities, hazardous waste storage, disposal and treatment facilities, demolition site, recyclable material facilities and waste transfer stations
- ff. Tax Incremental Finance Districts
- gg. Washing of rock, slate, gravel, sand, or minerals
- hh. Woodworking and wood manufacturing

P-1

- a. County, State or other municipal (non-Town) facilities
- b. Electric and natural gas power plants
- c. Federal facilities
- d. Historic and archaeological sites
- e. Hospital/medical and health clinics
- f. Outdoor music and festival grounds
- g. Public airports, public airfields and public heliports
- h. Public association or religious cemeteries
- i. Public auditoriums and stadiums
- j. Public botanical gardens
- k. Public campgrounds, public playgrounds, public sports fields and public waysides
- l. Public conservatories
- m. Public dams and flowages
- n. Public emergency shelters
- o. Public fairgrounds
- p. Public golf courses and ranges
- q. Public hatcheries/nurseries
- r. Public hiking, biking, ATV and snowmobile trails
- s. Public historic and archaeological sites
- t. Public housing
- u. Public marinas
- v. Public museums
- w. Public pools
- x. Public radio, television and relay stations
- y. Public and private schools, including K-12, colleges and universities
- z. Public sewer treatment facilities
- aa. Public skating rinks/curling rinks
- bb. Public ski, sledding and tobogganing site
- cc. Public solid waste transfer site/recyclable material centers
- dd. Public tennis court
- ee. Public towers
- ff. Public water storage facilities
- gg. Public wildlife preserves
- hh. Public zoos
- ii. Religious, charitable, penal treatment and correctional facilities
- jj. Sanitary district facilities
- kk. Tax Incremental Finance Districts

### B-1

- a. Conditional Uses listed in R5a, R5b, and RR
- b. Animal hospital, veterinary services and recuperative outdoor/indoor kennels
- c. Bakeries
- d. Eating and drinking establishments primarily engaged in drive-in and carryout service.
- e. Massage parlors/sauna parlors/tanning parlors/tattoo parlors
- f. Tax Incremental Finance Districts

### B-2

- a. Conditional Uses listed in R5a, R5b, and RR
- b. Amusement establishments – Indoor archery ranges, shooting ranges, bowling alleys, rinks, curling rinks and other similar facilities.
- c. Automotive repair shops
- d. Automotive sale rental and leasing
- e. Automotive services
- f. Building material products sales
- g. Cartage facilities
- h. Contractor shops and yards.
- i. Farm machinery and equipment sales
- j. Feed Mill
- g. Fuel Storage and Distribution Stations
- h. Freight terminals
- i. Gambling facilities
- j. Indoor firearm and archery ranges and facilities
- k. Laboratories
- l. Labor organization offices
- m. Laundries
- n. Lithography
- o. Machine shops
- p. Mail order facilities
- q. Metal fabrication
- r. Outdoor/indoor kennel
- s. Small engine sales
- t. Tax Incremental Finance Districts.
- u. Truck transfer stations and overweight truck parking and storage
- v. Welding shops

### B-3

- a. Conditional Uses listed in R5a, R5b, and RR
- b. Adult entertainment establishment/theatres (indoor and outdoor).
- c. Bus, taxi and truck depots
- d. Car wash
- e. Dry cleaning establishments
- f. Gambling facilities



- g. Greenhouses, commercial
- h. Hotels, motels
- i. Large scale auction sale facilities
- j. Mail and department stores
- k. Manufactured home and modular homes sales and parks
- l. Motion picture facilities
- m. Parking garages or structures and parking lots for the storage of private passenger automobiles only
- n. Public parking lots and garages
- o. Race tracks
- p. Recreational and utility trailer dealers
- q. Tax Incremental Finance Districts
- r. Truck stops and convenience stores

## TOWN/COUNTY ZONING ORDINANCE 17.26

### 17.26 TRAFFIC AND PARKING REGULATIONS.

#### (1) TRAFFIC VISIBILITY.

(a) No obstructions, such as structures, parking, or vegetation shall be permitted in any district between the heights of two and one-half (2 1/2) feet and ten (10) feet within the vision triangle formed by any two existing or proposed intersecting street or road right-of-way lines for a minimum of thirty (30) feet from their intersection.

(b) In the case of arterial roads intersecting with other arterial roads or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

(2) **LOADING REQUIREMENTS.** In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways so that all vehicles need not back onto any public way.

(3) **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) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one- and two-family dwellings and a minimum of twenty-four (24) feet for all other uses.

(b) Each parking space shall be not less than nine (9) feet in width and not less than one hundred eighty (180) feet in area exclusive of the space required for ingress and egress.

(c) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveway except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.

(d) All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained.

(4) **NUMBER OF PARKING SPACES REQUIRED.** (Except in single- and two-family residential districts, curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.)

- (a) Single-Family Dwelling and Mobile Homes--2 stalls for each dwelling unit.
- (b) Two-Family and Multi-Family Dwellings--2 stalls for each dwelling unit.
- (c) Hotels/Motels--1 stall for each guest room, plus 1 stall for each 3 employees.

- (d) Hospitals, Clubs, Lodges, Sororities, Dormitories, Lodging and Boarding Houses--1 stall for each 2 beds, plus 1 stall for each 3 employees.
- (e) Sanitariums, Institutions, Rest and Nursing Homes--1 stall for each 5 beds, plus 1 stall for each 3 employees.
- (f) Medical and Dental Clinics--3 stalls for each doctor, plus 1 stall for each employee.
- (g) Churches, Theaters, Auditoriums, Community Centers, Vocational and Night Schools, and other places of Public Assembly--1 stall for each 5 seats.
- (h) Colleges, Secondary and Elementary Schools--1 stall for each 2 employees, plus a reasonable number of stalls for student and other parking.
- (i) Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores--1 stall for each 150 square feet of floor area.
- (j) Manufacturing and Processing Plants, Laboratories, and Warehouses--1 stall for each 2 employees during any 12 hour period.
- (k) Financial Institutions; Business, Governmental and Professional Offices--1 stall for each 300 sq. ft. of floor area.
- (l) Funeral Homes--1 stall for each 150 sq. ft. of chapel floor area.
- (m) Bowling Alleys--5 stalls for each alley.
- (n) In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- (o) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.

(5) DRIVEWAYS. No direct access shall be permitted to the existing or proposed right-of-way of:

- (a) Expressways, freeways, or interstate highways.
- (b) Any other road, street or highway without permission of the authority maintaining the facility.
- (c) Vehicle entrances and exits to drive-in theaters, banks and restaurants.
- (d) Motels; funeral homes; vehicular sales, service, washing and repair stations.
- (e) Public garages or public parking lots shall be not less than (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.

## TOWN OF POYGAN ZONING ORDINANCE 17.27

### 17.27 MODIFICATIONS.

(1) HEIGHTS.\* The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:

(a) Architectural Projections--such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance provided they may not be considered a living space.

(b) Special Structures—including but not limited to: elevator penthouses, gas tanks, grain elevators, silos, scenery lofts, radio and television receiving antennas, privately owned power or light poles, wind generator towers, windmills, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks shall not exceed in height the equivalent of the distance from said structural base to the nearest lot line.

(c) Essential Services--utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.

(d) Communication Structures--such as radio and television transmission, cellular and relay towers, short wave and television antennae and aerials, and observation towers, shall not exceed in height the equivalent of the distance from said structural base to the nearest lot line.

(e) Public or Semi-Public Facilities--such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

(2) YARDS. The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

(a) Uncovered stairs, landings, loading docks, and fire escapes may project into any yard but not to exceed five (5) feet and not closer than five (5) feet to any lot line.

(a) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard; but such projection shall not exceed two (2) feet.

(b) Accessory uses according to Section 17.02-3(e), and detached accessory structures are permitted in the rear yard, and buildable area only.

(c) Off-street parking is permitted in all yards of the business districts, but shall not be closer than thirty (30) feet to any public right-of-way in residential districts.

(d) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

(f) Landscaping and vegetation are generally exempt from the yard requirements of this Ordinance except that for trees which normally or are expected to reach or exceed a height of thirty (30) feet shall be placed no closer than ten (10) feet to any lot line. Shrubs planted in rows on or within proximity to a lot line which take on the characteristics of a fence or barrier may not exceed the allowable fence requirements contained herein.

(g) Yard areas which are not readily identifiable due to irregular lot shape, unique lot location, etc. shall be designated by the Zoning Administrator and all applicable basic district standards shall apply.

(h) Entrances for physically disabled persons shall be allowed to utilize a substandard setback where necessitated by unique circumstances of the lot, structure, or individual. Every effort shall be made to conform to the required setbacks as much as practicable.

Approval of the reduced setback shall be by administrative review/approval of the Zoning Administrator. Discontinuance of the use as an entranceway shall necessitate removal of the entranceway. No conversion to living area shall be made without a variance granted by the Board of Adjustment.

(3) 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.

(4) AVERAGE STREET AND SHORE YARDS. The required street or shore yards may be decreased in any residential or business district to the average of the existing street or shore yards of the like structures of the two abutting parcels on each side, but in no case less than fifteen (15) feet in any residential district and five (5) feet in any business district for street yards and no less than fifty (50) feet for shore yards.

(5) NOISE. Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this Ordinance.

## TOWN OF POYGAN ZONING ORDINANCE 17.28

### 17.28 SIGNS.

(1) PURPOSE. The purpose of this chapter is to protect the public health, safety and general welfare by:

- (a) promoting well maintained and attractive signage within the Town;
- (b) providing for adequate business identification, advertising, and communication; and
- (c) protecting the safety and efficiency of the Town's transportation network by reducing confusion or distractions to motorists and enhancing motorists' ability to use pedestrians, obstacles, other vehicles and official traffic signs, signals, or devices by minimizing a proliferation of messages for the motorist.

(2) PERMIT REQUIRED. No projecting, wall or free-standing sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit except those signs excepted in Sec. 17.28-3, and without being in conformity with the provisions of this Ordinance. Unless otherwise specified, the basic district standards shall apply for setback and height standards.

(3) SIGNS EXCEPTED. All signs are prohibited in all residential, agricultural, and public and semi-public districts except as follows:

(a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration, only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

(b) Real estate signs which advertise the sale, rental or lease of the premises, and political campaign signs when they are temporarily located.

(c) Name, occupation and warning signs not to exceed two (2) square feet located on the premises.

(d) Bulletin boards and identification signs for public, charitable or religious institutions, apartments, planned residential developments and subdivisions and model homes, in residential districts, provided they:

- (1) do not exceed 32 sq. ft. in area except model homes not to exceed 16 sq. ft. in area.
- (2) are located a minimum of 10 ft. from the right-of-way.
- (3) conform to the other yard requirements of the basic district.
- (4) do not exceed in height ten (10) feet above the crown of the road.
- (5) meet distance requirements of free standing business signs.
- (6) are limited to the number of signs specified for on-premise business signs.

(e) Memorial signs, tablets, names of buildings, and date of erection when cut into masonry surface or when constructed affixed flat against a structure.

(f) Official signs (Municipal), such as traffic control, parking restrictions, information and notices.

(g) Temporary signs or banners for a planned event when authorized by the Zoning Administrator or Building Inspector and displayed not more than 30 days prior to an event and removed within 10 days following the event.

(h) Murals visible to the public shall be pre-approved by the Town Planning and Zoning Committee prior to painting.

(i) Farm names and identification signs in all agricultural districts.

(j) Signs in existence before the adoption of this ordinance which have been damaged or destroyed by vandalism or other malicious acts.

#### (4) BUSINESS SIGNS PERMITTED (ON-PREMISES.)

(a) Business signs are permitted in all business, industrial and public and semi-public districts provided that the sign complies with the sign standards specified herein.

(b) Temporary and mobile mounted signs are permitted in the B-2 & B-3 Business Districts and all industrial districts provided that the sign complies with all other sign standards specified herein.

(c) Business sign size and clearance standards:

(1) Projecting signs shall not be less than ten (10) feet above the grade nor fifteen (15) feet above a driveway or an alley. Signs shall not exceed 16 square feet per side.

(2) Free-standing signs.

(a) Signs shall not exceed 32 square feet in total area per side.

(b) Only one free standing sign allowed per parcel

(c) Signs extending above a walkway or driving area shall not be less than ten (10) feet above a walkway nor less than fifteen (15) feet above a driveway or an alley.

(d) Signs located within 100 feet centerline of the intersection of two streets: the bottom of the sign shall not be less than ten (10) feet above existing grade or grade of existing structure at the time of permit approval.

(e) Located within 30' of a driveway centerline and road right-of-way the bottom of the sign shall not be less than ten (10) feet above existing grade or grade of existing structure at the time of permit approval.

(f) Signs shall not exceed 20 feet in height above the crown of the road.

- (1) Wall Signs
  - (a) Wall sign(s) shall not exceed 100 square feet in total area.
  - (b) No part of a wall sign shall be located at a height greater than 20 feet above the grade of the structure or the grade of the structure at the time of sign approval.
- (2) Roof signs are prohibited.

(d) Business Sign Setback Standards.

- (1) Street--Minimum--10 ft. Unless otherwise specified in Conditional Use Approval.
- (1) All Other District Yards--Minimum--Same as basic district, unless otherwise specified in Conditional Use Approval.
- (2) Height--Maximum--20 ft. above crown of road.

(5) OFF-PREMISES SIGNS.

(a) ADVERTISING SIGNS PERMITTED. Advertising signs are permitted in the Agricultural, Business Districts and all Industrial districts subject to the following:

(1) Standards.

- (a) Street -- Minimum -- 10 ft. from road right of way, unless otherwise specified in Conditional Use Approval.
- (b) All other District Yards--Minimum--Same as basic district, unless otherwise specified in Conditional Use Approval.
- (c) Size--Area--Maximum--32 sq. ft. per side, including all faces combined.
- (d) Height--Maximum--20 ft. above existing grade or grade of existing structure at the time of permit approval.
- (e) Off premises signs shall advertise for only those businesses located within the Township of Poygan and for those Businesses located within five (5) miles of the border of the Township.

(b) DIRECTIONAL SIGNS PERMITTED. Directional signs are permitted in B-1 and B-2 Business Districts subject to the following:

(1) Standards.

- (a) Size--Area--Maximum--16 sq. ft. per side, total signage.
- (b) Height--Maximum--4 ft. above existing grade of existing structure at the time of permit approval.



(c) Yards.

- (1) Street--Minimum--3 ft.
- (2) Side--Minimum--3 ft.
- (3) Number--no more than four (4) for any single business or organization.

(c) Vehicle Signage. Vehicles, including semi-trailers, campers, buses, automobiles, and other like vehicles, shall not be parked on private property or a public right-of-way so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertising of products or directing people to a business activity located on or off-premises except for the following.

- (1) Delivery vehicles may be temporarily parked in view of the public right-of-way while delivering products to a business.
- (2) Business vehicles may be temporarily parked in view of the right-of-way while the owner/operator of the vehicle is patronizing the business.
- (3) Vehicles owned by the business may be parked in view of the right-of-way provided that said vehicle is currently licensed with the Department of Motor Vehicles and is utilized on a regular basis for the operation of the business where it is located.

(6) NON-CONFORMING SIGNS. Signs existing at the time of adoption of this ordinance which do not conform to the provisions of this ordinance shall become nonconforming. As such, these signs shall adhere to the nonconforming provisions of Sec. 17.29 and Sec. 17.20 of this ordinance and to the following:

(a) Two or more signs located closer than the distance standards indicated in this ordinance shall become nonconforming for the purposes of this section, regardless of which sign was erected first and regardless of whether the nearest sign measured from is located within or outside of County zoning jurisdiction.

(7) INFORMATIONAL SIGNS. Informational signs are allowed without permit as an accessory use to all parking areas, and in all business, industrial, and public district subject to the following:

(a) Standards

- (1) Size-Area-Maximum--4 sq. ft.
- (2) Number--Maximum--1 sign per each entrance and exit. Additional signs may be placed on the property as needed for the operation of the business.

- (3) Yard--All-Minimum--projection must be within property lines.
- (4) Height--Maximum--7 ft. above crown of road.

(8) FACING. No business, advertising or directional sign, except those permitted in Sec. 17.27-3 shall be permitted to face a residential or public and semi-public district within fifty (50) ft. of such district boundary.

(9) SHAPE AND ILLUMINATION. Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, driveway, or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility. Externally illuminated signs shall be lighted by white light only, no sign shall flash, oscillate, digitally or electronically change copy, pulse, or rotate, except public service time and temperature signs. However, in all cases externally illuminated signs shall be shaded, shielded, or directed from surrounding properties and vehicular traffic.

(10) DILAPITATED, UNMAINTAINED AND ABANDONED SIGNS.

(a) Dilapidated and Unmaintained Signs. Signs allowed by this ordinance shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance of the sign. Signs that are determined by the Town to be dilapidated, unmaintained and/or unsafe shall be subject to the razing provisions of Section 66.05, Wis. Stats.

(b) Abandoned Signs shall be removed by the owner or lessee of the premises, when, for a business sign, the business it advertises is no longer conducted; and for an advertising or directional sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the Town shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice, the Town may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

(11) DISTANCE STANDARDS.

(a) No advertising or directional sign shall be located closer than 1,320' to any other advertising or directional sign regardless of municipal boundaries, street classification, topography, etc.

(b) Business signs shall be allowed at a distance of one business sign per lot of record, except that where a multiple frontage lot occurs, each frontage shall be allowed one business sign.

## TOWN OF POYGAN ZONING ORDINANCE 17.29

### 17.29 NONCONFORMING USES, STRUCTURES AND LOTS (NON-SHORELAND AREAS)

(1) EXISTING NONCONFORMING USES AND STRUCTURES. A lawful nonconforming structure or use shall begin as of the time it was made nonconforming by the terms of a preceding ordinance, this ordinance, or an amendment to this ordinance. The lawful nonconforming use of a structure, land, or water, or a lawful nonconforming structure existing at the time of adoption or amendment of this ordinance may be continued although the structure or use does not conform with the provisions of this ordinance.

(a) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

(b) Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of either the current equalized value or square footage unless the structure is permanently changed to conform to the ordinance.

(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.

(d) Alterations or additions which change the exterior dimensions of the structure, and which do not conform to this ordinance but which do not increase the dimensional non-conformity beyond that which existed before the work commenced, are allowed provided they do not exceed the fifty (50) percent requirement. Once the square footage or value method has been chosen it must be followed for the rest of the life of the structure.

#### (2) ABOLISHMENT OR REPLACEMENT.

(a) If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.\*

(b) A current file of all nonconforming uses shall be maintained by the Zoning Administrator listing the following:

- (1) Owner's name and address.
- (2) Use of the structure, land or water.
- (3) Assessed value at the time of its becoming a nonconforming use.

(3) 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.

\*Assessed value shall be brought to 100% valuation in determining the 50% dollar value.

## **TOWNOF POYGAN ZONING ORDINANCE 17.30**

### **17.30 WINNEBAGO COUNTY CONSTRUCTION SITE EROSION CONTROL AND STORMWATER MANAGEMENT ORDINANCE**

This Section falls under the Jurisdiction of the Winnebago County Planning and Zoning Department or the Winnebago County Land and Water Conservation Department. The Town of Poygan shall defer authority for this district to Winnebago County, however, should a section of this ordinance, or portion thereof, provide for a more restrictive measure, the more restrictive measure shall be applied.

## TOWN OF POGAN ZONING ORDINANCE 17.31

### 17.31        BOARD OF APPEALS.

(1)    ESTABLISHMENT. There is hereby established a Board of Appeals of The Town of Poygan for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance in harmony with the purpose and intent of the Zoning Ordinance.

(2)    MEMBERSHIP.        The membership of the Board of Appeals shall consist of the following:

(a)    The Board of Appeals shall consist of five (5) citizen members and one (1) alternate member. All members of the Board of Appeals shall be permanent residents of the Town of Poygan. All members shall have a term of three (3) years with staggered terms such that the terms of not more than two members of the Board of Appeals shall expire annually. The term of the alternate member shall be for a period of one (1) year from the date of appointment. All members of the Board of Appeals shall be appointed by the Town Chairman. The Board of Appeals shall designate one of the non-alternate members as Chairperson. Not more than one Town Board member may serve on the Board of Appeals. Not more than one Planning and Zoning Commission member may serve on the Board of Appeals. All decisions of the Board of Appeals shall be by roll call vote and a minimum of four out of five shall be required for granting a decision contrary to this or any other Ordinance. The Board shall function as the Board of Appeals with such duties as are outlined in Wisconsin Statutes, Section 59.99.

(b)    Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(3)    ORGANIZATION.        The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

(a)    Meetings shall be held at the call of the Chairman and shall be open to the public.

(b)    Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination and its finding of facts. These records shall be immediately filed in the office of the Town Board and shall be a public record.

(c)    A 4 out of 5 majority vote of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

(4) POWERS. The Board of Appeals shall have the following powers:

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

(b) Variances

(1) To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured.

(2) No variance shall be granted on the basis of usage. No variance shall be approved where the variance would allow an improvement greater than 50% of the nonconforming value of the structure as defined in Section 17.29(1)(b) or Section 17.21 6.1(2)(d).

(c) Interpretations--To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Planning and Zoning Commission has made a review and recommendation.

(d) Substitutions--To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Planning and Zoning 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 Town Planning and Zoning Commission has made a review and recommendation.

(f) Temporary Uses\*

(1). 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, are compatible with the neighboring uses and the affected Town Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Boar of Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

(2). A temporary use which has been approved by the Board of Appeals for a short term specific event such as an annual convention may be administratively approved in consecutive following years. Administrative approval, following application and fee payment, is limited to those cases

where the application is a repeat of the previous year's application. Conditions of approval may be attached to the administrative approval.

(3). Extensions. A temporary use may be extended one time by the Board of Adjustment following a finding that extenuating circumstances prevented the completion of the use or removal of the use within the original one year period. The extension may be for no longer than a one year period.

(g) Permits--The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

(h) Assistance--The Board may request assistance from other Town officers, departments, commissions and boards.

(i) Oaths--The Chairman may administer oaths and compel the attendance of witnesses.

(j) Conditional Use Appeals – to hear and decide appeals regarding the issuance or denial of a Conditional Use Permit application made by the Planning & Zoning Commission. The standard of review of Planning & Zoning Commission decisions shall be strictly substantive. In such cases, the appellant shall not be entitled to a de novo review of the decision of the Planning & Zoning Committee. Where the appeal is based upon the action by a Town Board, the same standard of substantive review shall be used.

(5) **APPEALS AND APPLICATIONS.** Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this ordinance or Planning & Zoning Commission may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the secretary within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator or the Planning & Zoning Commission. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals shall be made on a form specified by the Zoning Office, and shall include:

(a) All of the following:

1. A complete written record of all Town meetings pertaining to the matter at hand, including copies of all meeting minutes, a copy of the tape for all applicable tape recorded meetings. All such written material shall be requested, obtained, and supplied at the appellants expense, and shall accompany the appeal application when initially made.
2. A complete copy of all material (written or other form) presented to, or considered by, the Town as part of the decision process.

(b) Site plan showing the location, boundaries, dimensions, elevations, uses, and size of the following:

1. Subject site.



2. Existing and proposed easements, streets and other public ways.
3. Existing and proposed street, side and rear yards.
4. Existing and proposed structures.
5. Off-street parking, loading areas and driveways.
6. Existing highway access restrictions.
7. In addition, the site plan shall show the location and use of any abutting and opposite lands and their structures within seventy-five (75) feet of the subject site.

(c) Additional information required by the Town Planning and Zoning Commission, Board of Appeals, or Zoning Administrator.

(d) Fee receipt from the Town Clerk or Town Treasurer in an amount as set forth by the Town Board by resolution.

- (e) 1. Application shall allow appropriate Town staff to enter upon the property for the purpose viewing the property prior to hearing, and conducting an inspection to determine compliance with the terms and conditions, if any, of the permit or variance granted.

(6) HEARINGS. The Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior, and shall give due notice to the parties in interest by a Class 2 Notice according to Chapter 985 of the Wisconsin Statutes, and shall give due notice to all property owners within 300 feet of the subject site. At the hearing the appellant or applicant may appear in person, by agent or by attorney.

(7) FINDINGS. No variance to the provisions of this or any other ordinance shall be granted by the Board unless it finds, beyond a reasonable doubt, that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

(a) Exceptional Circumstances--There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, are not self created, are not for financial gain and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

(b) Preservation of Property Rights--That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(c) Absence of Detriment--That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

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

(a) Conditions may be placed upon any permit ordered or authorized by this Board.

(b) Variances, Substitutions, or Use Permits granted by the Board shall expire within twelve (12) months unless substantial work has commenced pursuant to such grant.

(9) REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of records 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 thirty (30) days after the filing of the decision in the Town Board and Town County Planning and Zoning Commission.

\*A public hearing is not required under this paragraph (Temporary Uses).

## TOWN OF POYGAN ZONING ORDINANCE 17.32

### 17.32 CHANGES AND AMENDMENTS.

#### (1) AUTHORITY

(a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto.

(b) Such change or amendment shall be subject to the review and recommendation of the Town Planning and Zoning Commission.

(2) INITIATION. A petition for amendment of any Town Zoning Ordinance may be made by any property owner in the area to be affected by the amendment, by any member of the Town Board or by the Town Planning and Zoning Commission.

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

(a) Plot plan drawn to a scale not less than 1 inch to 400 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 300 feet of the area proposed to be rezoned.

(b) Owners' names and addresses of all properties lying within 300 feet of the area proposed to be rezoned.

(c) Additional information required by the Town Planning and Zoning Committee.

(d) Fee receipt from the Town Clerk in an amount set by Resolution of the Town Board.

(e) (1) Application shall allow appropriate Town staff to enter upon the property for the purpose of placement and removal of a "notice of hearing" sign upon the property, viewing the property prior to hearing, and conducting an inspection to determine compliance with the terms and conditions, if any, of the permit or variance granted.

(2) For the purposes of this section, the location, and timing of placement and removal of the sign shall be determined by the Town of Poygan. The sign shall not be moved or removed by anyone other than Town staff.

(4) PROCEDURES.

(a) The Town Planning and Zoning Committee shall review all proposed changes and amendments within its jurisdiction. Such petition shall be filed with the Town Clerk who shall immediately refer it to the Town Planning and Zoning Commission Secretary. A reporting of all petitions referred under this paragraph shall be made to the Town Board at its next succeeding meeting.

(b) At such meeting of the Town Board the petition shall be referred directly to the Planning and Zoning Committee for its consideration, report and recommendation.

(5) HEARINGS. Upon receipt of such petition by the Planning and Zoning Committee, it shall call a public hearing thereon. Notice of the time and place of such hearing shall be given by publication in the Town of a Class 2 notice, under Ch. 985. All property owners within 300 ft. of the subject site shall be notified by first class mail with a Certificate of Mailing at least 10 days prior to the date of such hearing.

(6) RECOMMENDATIONS.

(a) As soon as possible after such public hearing, the Planning and Zoning Commission shall act on such petition either approving, modifying and approving, or disapproving the same. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the Town Board with its recommendations. If the Planning and Zoning Committee, after its public hearing, shall recommend denial of the petition, it shall report its recommendation directly to the Town Board with its reasons for such action. Proof of publication of the notice of the public hearing held by the Planning and Zoning Commission and proof of the giving of notice to the Town Clerk of such hearing shall be attached to either such report. Notification of Town Board resolutions filed under Sec. 17.32-6 shall be attached to either such report.

(b) Upon receipt of such report, the Town Board may adopt the ordinance as drafted by the Planning and Zoning Commission or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the Planning and Zoning Commission, in which case it shall refer the petition to the Planning and Zoning Commission with directions to draft an ordinance to effectuate the petition and report the same back to the Town Board which may then adopt or reject such ordinance.

(7) PROTEST.

(a) In case a protest against a proposed amendment is filed with the Town Clerk at least 24 hours prior to the date of the meeting of the Town Board at which the report of the Town Planning and Zoning Commission is to be considered, duly signed and acknowledged by owners of 50% or more the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the Town Planning and Zoning Commission has had a reasonable opportunity to ascertain and report to the Town Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of all the lands owned by him.

(b) If such statements are found to be true, such ordinance shall not be adopted except by the unanimous vote members of the Town Board of Supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

(8) ENACTMENT.

(a) If any such amendatory ordinance makes only the change sought in the petition, and if the petition was not disapproved at or within 60 days after the public hearing by the Town, it shall become effective on passage.

(b) The Town Clerk shall record in his/her office the date on which such ordinance becomes effective and shall notify the Town Planning and Zoning Commission Clerk of such effective date and also insert such effective date in the proceedings of the Town Board.

(c) Any such ordinance relating to the location of boundaries of districts shall within 30 days after adoption by the Town Board be transmitted by the Town Clerk to the Town Planning and Zoning Commission Clerk and shall become effective 30 days after the adoption of the ordinance by the Town Board or upon publication, whichever is first.

## TOWN OF POYGAN ZONING ORDINANCE 17.33

### 17.33 WIRELESS COMMUNICATIONS FACILITIES.

(1) STATEMENT OF INTENT. the purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The intent of this ordinance is to:

- (a) encourage the location of towers in non-residential areas and to minimize the total number of towers throughout the Township.
- (b) encourage co-location of new and existing tower sites.
- (c) encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal.
- (d) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
- (e) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(2) DEFINITIONS. As used in this section, the following terms shall have the meanings indicated:

(a) **"Alternative tower structure"** shall mean man-made towers, water towers, buildings, bell steeples, light poles, electric transmission and distribution structures, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(b) **"Antenna"** shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies and wireless telecommunications signals, including but not limited to directional antennas, such as panel(s), microwave and satellite dishes, and omni-directional antennas, such as whip antennas.

(c) **"Co-location"** shall mean the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

(d) **"FAA"** shall mean the Federal Aviation Administration.

(e) **"FCC"** shall mean the Federal Communications Commission.

(f) **"Governing authority"** shall mean the governing authority of the Town (Town Board, Planning & Zoning Commission, Zoning Administrator).

(g) **"Height"** shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

(h) **"Personal Communications Service (PCS)"** shall mean a provider of personal wireless service facilities as now defined in Section 704 of the

Telecommunications Act of 1996, 47 U.S.C. par 332, and as the same may be amended from time to time.

(i) **"Personal Wireless Facilities"** shall mean transmitters, antenna structures and other types of installations used to provide personal wireless services.

(j) **"Preexisting towers and antennas"** shall have the meaning set forth in Section 3(d) of this ordinance.

(k) **"Tower for Communications"** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or mono-pole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

(l) **"Tower Site"** shall mean the area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with said tower.

(3) APPLICABILITY. No permit is required for the following uses provided that the tower, antennae, etc meets the minimum setback requirements .

(a) Installing an antenna or tower on any existing structure (such as a tower, building, sign, light pole, water tower, electric transmission and distribution structure, or other free-standing nonresidential structure), and provided the additional antenna or tower adds no more than (20) feet to the height of said existing structure.

(b) **Public Property.** Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the Governing authority.

(c) **Amateur Radio and Receive-Only Antennas.** This ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.

(d) **Pre-existing Towers and Antennas.** Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Section 4.c. Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas".

(4) GENERAL PROVISIONS.

(a) **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to

setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) **Aesthetics; Lighting.**

(1) Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a light gray or other neutral color, or as specified by local town requirements, so as to reduce visual obtrusiveness and blend into the natural setting and built environment.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(c) **Federal Requirements.** All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal Government with the authority to regulate towers and antennas.

(5) PERMITTED USES.

(a) **Permit.** An administratively approved permit is required from the Town for the following permitted uses:

(1) **Antennas.** Locating an antenna that adds more than 20 feet to the height of an alternative tower structure, including placement of additional buildings or other supporting equipment used in connection with said antenna, shall be a permitted use in all zoning districts.

(2) **Towers.** Locating a tower, including placement of additional buildings or other supporting equipment used in connection with said tower, shall be a permitted use in the B-3, B-4, B-5, M-1 & M-2 zoning districts. Construction of new towers are prohibited in residential zoning districts.

(3) **Buildings.** Buildings used for the exclusive use of housing antenna and tower equipment shall be no larger than 150 square feet per antenna.



(b) **Prohibited areas.** Locating a tower in a residentially zoned area is prohibited.

(6) **CONDITIONAL USES.** Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with said tower, in zoning districts other than the permitted use zones, shall require a conditional use permit.

(7) **PERMITTING REQUIREMENTS.** Applications for permitted or conditional use permits shall adhere to the following requirements:

(a) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

(b) **Information Required.** Each applicant requesting a permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and scaled by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

(c) **Factors Considered in Granting Permits.** The governing authority shall consider the following factors in determining whether to issue a permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority, concludes that the intent of this ordinance are better served thereby:

- (1) Height of the proposed tower.
- (2) Proximity of the tower to residential structures and residential district boundaries.
- (3) Nature of uses on adjacent and nearby properties.
- (4) Surrounding topography.
- (5) Surrounding tree coverage and foliage.
- (6) Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users and reducing or eliminating visual obtrusiveness; and
- (7) Proposed ingress and egress; and
- (8) Availability of suitable existing towers and other structures as discussed in Section 7.d. of this ordinance.

(d) **Availability of Suitable Existing Towers or Other Structures.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to

demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

(2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(4) the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(e) **Accommodation of other users (Co-location).**

(1) Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least two additional users, including mono-poles which shall be of sufficient height to allow co-location of at least two additional users. Lattice and guyed towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

(2) The holder of a permit for a tower shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit for that tower shall become null and void.

(f) **Setbacks and Separation.** The following setbacks and separation requirements shall apply to all towers and antennas for which a special permit is required, provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the intent of this ordinance would be better served thereby.

(1) Towers shall be set back a distance equal to the height of the tower from any property line or residential structure.

(2) Towers, guy wires, and accessory facilities must satisfy the minimum zoning district setback requirements.

(3) In zoning districts other than B-3, B-4, B-5, M-1, M-2 zoning districts, towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.

(g) **Security Fencing.** Tower sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.

(h) **Landscaping.** The following requirements shall govern the landscaping surrounding towers, however, the governing authority may waive such requirements if the intent of this ordinance would be better served thereby. Tower sites located in the B-4 and B-5 zoning districts shall meet the requirements detailed in those sections.

(1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing.

(2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

(3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(4) All landscaping requirements detailed her shall be properly maintained in perpetuity.

(8) **Removal of Abandoned Antennas and towers.** In such circumstances, the following shall apply:

(a) Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove said antenna and or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal to the satisfaction of the governing authority does not occur within said ninety (90) days, the governing authority may remove and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(b) **Financial Security for Removal.** A minimum \$10,000 bond, letter of credit, or other similarly approved financial guarantee shall be filed with the Town at the time of permit application and shall be maintained until the tower and tower site

is removed or at a time that is mutually agreed to by the applicant or owner and the Town.

(c) The applicant for a permit under this ordinance shall submit a copy of a signed agreement between the property owner and owner of the tower, antenna(s) and supporting equipment and building(s) detailing requirements for abandonment and subsequent removal based on the provisions of 8(a) and 8(b). Said agreement shall also identify that said agreement shall be binding on future property owner(s) and future owner(s) of a tower, antenna, and all supporting equipment and building(s).

## **TOWN OF POYGAN ZONING ORDINANCE 17.34**

17.34 **DEFINITIONS.** For the purpose of this Ordinance, the following definitions shall be used. 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 directory. Also, Shoreland definitions not found in this section shall be as defined in Chapter NR 115 of the Wisconsin Administrative Code.

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

**ADDITION.** New construction performed on an existing structure which increases the outside dimensions of the structure.

**ADMINISTERING AUTHORITY.** The governmental employees or their designees empowered under S. 59.693, Wisconsin Statutes to administer this ordinance. For the purpose of this ordinance the administering authority is the Planning and Zoning Department under guidance from the Planning and Zoning Commission.

**ADVERTISING SIGN.** A sign, including a billboard, which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located, e.g. poster panels and painted bulletins.

**AGRICULTURAL ACTIVITY.** Planting, growing, cultivating and harvesting of crops for human or livestock consumption, the pasturing or yarding of livestock, sod farms and tree nurseries. For the purposes of Section A, Erosion Control, the term also includes tiling, and construction or expansion of facilities related to normal activities performed as part of a farming operation, i.e., only those facilities for which erosion control is addressed by Chapter 13, County Code.

**AIRPORT/AIRSTRIP/HELIPORT.** Aircraft hanger or storage, runways (paved or unpaved), accessory buildings, rental and lease facilities, etc. including the use for take off or landing of airplanes, ultralight aircraft or any other flying machine.

**AIRPORT HAZARD.** Any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

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

**ALTERATION.** A change or modification other than an addition or minor repair to a structure or systems located within a structure.

**ANIMAL GROOMING.** Where not involving any kennel uses, shall be the equivalent of a barbershop, or beauty salon for animals.

**ANIMAL UNIT STANDARD.** Assignment of units per animal based upon approximately 1,000 pounds of animal weight per unit.

**BASEMENT.** Any enclosed area of a building having its floor sub-grade ( i.e. below ground level) on two or more sides.

**BEST MANAGEMENT PRACTICE or "BMP".** A practice, technique or measure which is determined to be an effective means by the Planning & Zoning Department of preventing or reducing runoff pollutants to waters of the state, to a level compatible with the performance standards in S. 15 and the pollution control requirements in S. 10(2) of this ordinance.

**BOARDING HOUSE.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

**BOATHOUSE.** Any structure designed for the purpose of protecting or storing boats and without provision for human habitation.

**BUILDABLE AREA.** The space remaining on a lot after the minimum open-space requirements and yard setbacks have been met.

**BUILDING.** Any structure having a roof supported by columns or walls used or intended to be used for shelter or enclosure of persons, animals, equipment, machinery or materials.

**BUILDING AREA.** (synonymous with floor area). The total living area bounded by the exterior walls of a building at each floor level, but not including basement, garages, porches, breezeways, and unfinished attics.

**BUILDING HEIGHT.** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat, gable, gambrel, hip, mansard and all other pitched roofs.

**BUILDING INSPECTOR.** A housing or health inspector, public works employee, or any other Town employee authorized by the Town Board to perform inspections.

**BULKHEAD LINE.** A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Section 30.11 of the Wisconsin Statutes. Filling and development is only permitted on the landward side of such bulkhead line.

**BUSINESS DAY.** a normal work week day excluding weekends and holidays.

**BUSINESS SIGN.** A sign pertaining to goods sold or manufactured or services rendered on the premises upon which the sign is located. Decorative/ landscape features such as wingwalls, etc., shall be considered part of the sign, but shall not be included in the sign area computation provided the decorative feature contains neither alphabetic or numeric features (other than one address number) nor any corporate logo or similar design.

**BY-PASS CHANNEL.** A channel formed in the topography of the earth's surface to carry stormwater runoff through a specific area.

**CAMPGROUNDS.** Three or more temporary or permanent campsites as defined herein.

**CAMPSITE.** An area of property designed or used for daytime or overnight placement of a camper, motor home etc. or not more than 2 tents with or without electrical or water connections. (maximum of 6 people allowed per campsite)

**CEASE AND DESIST ORDER.** A court-issued order to halt land development and land redevelopment activity that is being conducted without the required permit.

**CERTIFICATE OF COMPLIANCE.** A certification issued by the zoning administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

**CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

**CLINIC--MEDICAL OR DENTAL.** A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

**CLOTHING STORES.** Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.

**COMMISSION.** Means the Town of Poygan Planning & Zoning Committee unless the context clearly means otherwise.

**COMMON PLAN OF DEVELOPMENT OR SALE.** An area where multiple separate and distinct land developing activities may be taking place at different times on different schedules but under one plan.

**CONDITIONAL USES.** Use of a special nature as to make impractical their predetermination as a principal use in a district.

**CONDOMINIUM.** A structure having two (2) or more dwelling units, each assigned to individual ownership, but located on a lot having common ownership and use arrangement.

**CONSERVATION STANDARDS.** Guidelines and specifications for land and water conservation practices and management enumerated in the Technical Guide prepared by the U.S. Department of Agriculture, Land Conservation Service, for the County, adopted by the County Land and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which the land owner selects that alternative which best meets his needs in developing his land and water conservation plan.

**CONSTRUCTION SITE.** An area upon which one or more land-disturbing construction activities are occurring, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land-disturbing construction activities may be taking place at different times on different schedules but under one plan.

**CONVERSION.** Changing the original purpose of a building to a different use.

**CORRIDORS--ENVIRONMENTAL.** Those contiguous lands which contain a significant grouping of sensitive lands, such as wood lots; streams; wildlife areas such as wetlands, marshes, bogs, native vegetation, etc. which form an elongated pattern that tie these lands together into broad corridors having outstanding quality for the enhancement of the scenic and natural environment of the county.

**CRAWL SPACE.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

**DESIGN STORM.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total rainfall depth.

**DETENTION POND.** A depression in the land surface designed to temporarily detain or hold back storm water and release the water at a specified flow rate or rates. A detention pond may also be designed to reduce non-point source pollution.

**DEVELOPMENT.** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to building, structures or accessory structures; the placement of buildings or structure; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

**DE-WATERING.** Any process, including pumping or ditching, by which excess water is removed from a site as part of the construction process.

**DIGITAL COMPILATION.** An electronic method of mapping and storing map and text data in a raster, vector, text, or similar format within a computerized records system.



**DIRECTIONAL SIGN.** A sign for the purpose of directing patrons or attendants to a business establishment, club, church, or other such organization, off the main traveled highway (without advertising).

**DISCHARGE VOLUME.** The quantity of runoff discharged from the land surface as the result of a rainfall event.

**DITCHING.** The creation or maintenance of a channel-like land area designed or used for carrying surface water runoff, including snow melt, from one location to another. Ditching does not include municipal work within public right-of-way, nor such things as vegetation removal or planting.

**DRAINAGE.** A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied herein to surface water.

**DRYLAND ACCESS.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

**DWELLING UNIT.** A structure having provisions for living, sanitary and sleeping facilities, arranged for the use of one (1) or more individuals of the same family.

**DWELLING--SINGLE (ONE) FAMILY.\*** A permanent structure--placed on a permanent foundation, having one (1) or more rooms with provisions for living, sanitary and sleeping facilities arranged for the use of one (1) or more individuals of the same family. The structure shall be located on a private lot and surrounded on all sides by a private yard. These dwellings shall include site built, manufactured, and modular homes.

**DWELLING--TWO FAMILY (DUPLEX).\*** A permanent structure having two (2) dwelling units combined into one structure. The structure shall be located on one (1) private lot and surrounded on all sides by a private yard. These dwellings shall include site built, manufactured and modular homes.

**DWELLING--MULTI-FAMILY (APARTMENT).** A permanent structure having three (3) or more dwelling units--combined into one structure--for occupancy by three (3) or more families.

**EFFICIENCY.** A dwelling unit consisting of one (1) principal room with no separate sleeping room.

**ENCROACHMENT.** Any fill, structure, building, use or development in the floodway.

**EROSION.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

**EROSION AND SEDIMENT CONTROL PLAN.** A comprehensive plan developed to address pollution caused by soil erosion and sedimentation during construction.

**ESSENTIAL SERVICES.** (Onsite or Public) 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 pumps, lift stations, and hydrants; but not including buildings used or intended to be used for human habitation.

**EXCAVATION.** Any act by which organic matter, earth, sand, gravel, rock or any other material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

**EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

**EXTENT PRACTICAL.** A level of implementing best management practices in order to achieve a performance standard, which takes into account the best available technology, cost effectiveness and the degree, or extent to which best management practices can be implemented. Extent practical allows flexibility in the means to meet the performance standards and will vary based upon the performance standard and site conditions.

**EXTRA-TERRITORIAL.** The unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1½ miles of a fourth class city or village.

**FAMILY.** Any number of persons living together and cooking on the premises as a single housekeeping unit where all parties are related by blood, marriage, extended family or life partners..

**FARM.** A parcel or parcels of land, of at least 5 acres, upon which an individual, family or corporation conducts farm operations as an occupation. Classification as a "farm" shall be based upon criteria cited in determination of intent, section 17.16(2). The mere use of the land as pasture, enrollment in a Federal or State "set-aside" type program, planting of trees, etc., does not automatically qualify the property as a farm other than for the original enrollee, or subsequent buyer determined to qualify as a farm.

**FARM OPERATION.** The planting and cultivating of the soil and the growth of farm products substantially all of which have been planted, produced, or raised on the property.

**FARM PRODUCTS.** Agricultural, horticultural and arboricultural crops. Animals considered within the definition of agricultural include livestock, stable animals, bees, poultry, fur-bearing animals, and wildlife or aquatic life.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

**FENCE.** Any artificially constructed barrier of any materials or combination of materials erected to enclose or to screen areas of land.

**FILL/FILLING.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

**FINAL STABILIZATION.** The completion of all land disturbing construction activities at a construction site and that a perennial vegetative cover has been established with a density of 70% of the cover for the unpaved areas and areas not covered by permanent structures. If a perennial vegetative cover has not been used, an equivalent permanent stabilization measure must have been approved for use by the administering authority and installed as required.

**FINANCIAL GUARANTEE.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted by the permit holder to the administering authority, in an amount and format approved by the administering authority, to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

**FLOATING (unmapped) ZONE.** A zoning district whose requirements are fully described in the text of the ordinance, but which is unmapped. It is "anchored" to the land in response to an application for a zoning permit when the standards of the floating district are met. It then overlays the previous zoning designation.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by:

- (a) The overflow or rise of inland waters;
- (b) The rapid accumulation or runoff of surface waters from any source;
- (c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and
- (d) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

**FLOOD FREQUENCY.** The probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

**FLOODFRINGE.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with sanding water rather than flowing water.

**FLOODPLAIN.** That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

**FLOODPLAIN ISLAND.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

**FLOODPLAIN MANAGEMENT.** The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

**FLOOD PROFILE.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

**FLOODPROOFING.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

**FLOOD PROTECTION ELEVATION.** An elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. (also see: FREEBOARD).

**FLOODWAY.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge. The floodway also includes the areas mapped as a Shallow Depth Long Duration Floodway.

**FLOOD STORAGE.** Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

**FOOTPRINT.** The exterior dimensions of the structure at ground level.

**FREEBOARD.** A flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams,

debris accumulations, wave actions, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.

**FRONTAGE.** The smallest dimension of a lot abutting a public street measured along the street lines.

**GRADE/GRADING.** The alteration of the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.

**GRADE (House).** The final ground surface elevation, after construction, at the point where the exterior walls of the structure either meet, or emerge from the ground except where floodplain requirements apply. Sloping sites will have more than one grade as appropriate. This point shall normally be the highest elevation of the building site.

**GARAGE (Private).** A structure primarily intended and used for the enclosed storage or shelter of the private motor vehicles, recreational vehicles, boats, yard equipment, etc., of the families resident upon the premises. Carports shall be considered garages within this definition.

**GARAGE (Public or Commercial).** Any garage not falling within the definition of "private garage" as herein established; and used for storage, repair, rental or servicing of motor vehicles.

**GARAGE (Attached).** A garage sharing a common wall with the principal structure, or being attached to the principal structure with a fully enclosed breezeway of at least ten (10) feet in length.

**HABITABLE BUILDINGS.** Any building, or portion thereof, used for human habitation.

**HABITABLE ROOM.** All rooms within a dwelling except closets, foyers, storage areas, utility rooms, bathrooms and unfinished basements.

**HEARING NOTICE.** Publication or posting meeting the requirements of Ch. 985, Stats. Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinance and amendments including map amendments; Published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or by laws may require additional notice, exceeding these minimums.

**HIGH FLOOD DAMAGE POTENTIAL.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

**HOBBIY FARM.** A parcel of land 5 acres or larger upon which an individual or family conducts farm operations but their primary use of the property is not related to farm operations on the parcel. Classification as a hobby farm shall be based upon criteria cited in determination of intent, Section 17.16(2).

**HOUSEHOLD 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 twenty-five (25%) percent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as babysitting, beauty salon millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods. However, stock in trade other than that made on the premises may be kept and sold, when approved under the Conditional Use Application, when such is in keeping with the concept of the basic household occupation definition and when the necessary parking provisions, street access, property location, etc. are arranged so as to be compatible with the sales activity and the residential character of the area.

**HISTORICAL STRUCTURES.** A structure or site that (a) has been designated as historic and placed on a Register of Historic Places, or, (b) a structure, unique natural feature, site, or similar occurrence. Designation as a historic structure for the purposes of this ordinance, in either case, shall be by the Town of Poygan Planning & Zoning Commission (hereinafter Committee), provided that the designation shall not be made for structures moved into the Town from outside the Town unless clear and convincing evidence can be presented documenting the structures origin within the Town of Poygan.

**HUMAN HABITATION.** A human residence or dwelling.

**IMPERVIOUS SURFACE.** A land cover that releases as runoff all or a large portion of the precipitation that falls on it. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious.

**INFILTRATION.** The process by which rainfall or surface runoff passes into or through the underlying soil.

**INFORMATION SIGNS.** Onsite signs necessary for traffic flow and/or operation such as directional arrows, parking designation areas, entrance/ exit identification, etc..

**INOPERABLE VEHICLE.** Any unregistered vehicle or any vehicle unable to move under its own power or unable to be used legally on any public street.

**KENNEL, COMMERCIAL AND ANIMAL HOSPITALS.** An establishment where animal pets not part of the actual household on the lot on which the facility is located are raised, bred or boarded and/or medically treated.

**LAND DEVELOPMENT ACTIVITY.** The act or process of changing land through the construction of buildings, parking lots, roads, landscaping, etc. which causes a change in the amount, rate, or quality of storm water runoff from the land.

**LAND DISTURBING CONSTRUCTION ACTIVITY.** Any man-made disturbance of the land surface resulting in a change in the topography, existing vegetative and non-vegetative soil cover or the existing soil topography which may result in storm water runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land-disturbing construction activity includes, but is not limited to clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, but does not include agricultural or silviculture activities. Specific applicability is noted at S.10(1).

**LANDOWNER.** Any person holding title to land.

**LANDSCAPE BUSINESS:** A business characterized by office facilities, indoor or outdoor storage of landscaping material and/or earthmoving equipment, with or without retail sales.

**LAND USE.** Any nonstructural use made of unimproved or improved real estate. (also see: DEVELOPMENT)

**LAND USER.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

**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.

**MAINTENANCE AGREEMENT.** A legal document that is filed with the County Register of Deeds as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

**MANUFACTURED HOME.** A structure substantially constructed off-site meeting minimum provisions for dwellings and meets all of the following criteria:

- a. transportable in one or more sections.
- b. built on a permanent chasis.
- c. placed on a permanent foundation.
- d. connected to utilities (plumbing, heating, gas, electrical)
- 7 e. constructed on or after June 15, 1976 in accordance with U.S. Housing and Urban Development standards and identified with a H.U.D. seal of approval.

**MINOR STRUCTURES.** Any small, movable accessory erection or construction such as tool houses; and arbors under six (6) feet ten (10) inches in height with no more than one hundred (100) sq. ft. of building area.

MOBILE HOME or MANUFACTURED HOME. A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. For the purpose of this ordinance, it does not include recreational vehicles or travel trailers.

MOBILE-MOUNTED SIGN. A temporary sign which is mounted or designed for mounting on wheels or a temporary platform.

MODEL HOME, GARAGE. A building which is constructed, or located and used as an example of other such buildings which are offered for sale. The model itself is customarily not for sale and may in some instances be only temporarily positioned on the site. The model differs from a "spec" building which is one that is permanently positioned on a site and available for immediate sale.

MODULAR HOME. A structure substantially constructed off-site meeting minimum provisions for dwellings and meets all of the following criteria:

- a. transportable in one or more sections.
- b. built on a permanent chassis.
- c. placed on a permanent foundation.
- d. connected to utilities (plumbing, heating, gas, electrical)
- 8 e. constructed in accordance with Wisconsin Uniform Dwelling Code and identified with a Wisconsin Insignia.

MUNICIPAL STORM SEWERAGE FACILITY. Catch basins, storm sewer pipes, pumps, and lift stations.

MUNICIPALITY or MUNICIPAL. A town, county, village, or city. Reference to municipality shall mean The Town of Poygan and shall include any agency, department or committee thereof.

NAVIGABLE WATERS. Means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other water which are navigable under the laws of this state. Under section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Section 59.971, Wisconsin Statutes, and Chapter NR115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

- a. Such lands are not adjacent to a natural navigable stream or river.
- b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- c. Such lands are maintained in nonstructural agricultural use.

NONCONFORMING USES OR STRUCTURES: Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or



amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

**NON-DOMESTIC AGRICULTURAL STRUCTURE.** A building or impervious surface designed to store machinery and/or harvested crops in any form, including machine sheds, grain bins, and silage pads. This definition does not include vertical silos, dairy barns, or any other building categorized as an “animal lot” as defined in the Livestock Waste Management Ordinance, Chapter 13, Winnebago County General Code.

**NON-STORM DISCHARGE.** A discharge to the storm sewer system created by some process other than storm water runoff.

**NON-STRUCTURAL MEASURE.** A practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in storm water that does not require the design or installation of fixed storm water management facilities.

**OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by batching or collecting debris carried by such water.

**OBSTRUCTION TO FLOW.** Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

**OCCASIONAL USE.** Temporary use for a period of time limited to 1-3 continuous days (i.e. weekends, holidays) or one week for vacation purposes. Limited to one week or two weekends per month.

**OFFICIAL FLOODPLAIN ZONING MAP.** That map, adopted and made part of this ordinance, as described in ss. 1.7, which has been approved by the Department of Natural Resources and FEMA.

**OFF-SITE.** Located outside the property boundary described in the permit application for land development or land redevelopment activity.

**ON-SITE.** Located within the property boundary described in the permit application for the land development or land redevelopment activity including the entire area of the tax parcel wherein the activity will occur.

**OPEN SPACE.** An unoccupied space open to the sky on the same lot as the principal structure or development which is in addition to other required yard areas and which is not used for parking or driveway purposes.

**OPEN SPACE USE.** Those uses having a relatively low flood damage potential and not involving structures.

**ORDINARY HIGH WATER MARK.** The water level of a pond, stream, lake, flowage, or wetland referred to on an established datum plan where the presence of the water is so continuous as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristics.

**OTHER THAN RESIDENTIAL DEVELOPMENT.** Development that is not one or two family residential. This includes the following land uses: multi-family residential (more than 2 dwelling units on a single property) commercial, industrial, government and institutional, recreation, transportation, communication, and utilities, and the construction or expansion of facilities related to normal activities performed as part of a farming operation including but not limited to buildings, paved areas, etc.

**OUTDOOR SOLID FUEL BURNING STOVE OR BOILER.** A unit designed for the combustion of solid fuel for the purpose of generating hot water for distribution to an adjacent structure for heat.

**OUTDOOR STORAGE.** The keeping of material, equipment, product(s) or their components, outside of a structure. Customary accessory storage such as waste receptacles, or business vehicle parking shall not be considered outside storage provided the principal structure is present and said storage is directly associated with the principal use.

**OVERLAY ZONE.** Zoning requirements that are described in the ordinance text, mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones of the more restrictive of the two.

**PARKING LOT.** A structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.

**PARKING SPACE.** A graded and surfaced area of not less than one-hundred eighty (180) sq. ft. 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 one-hundred (300) feet, and all property owners of opposite frontages.

**PEAK FLOW DISCHARGE RATE.** The maximum unit volume of storm water discharged during a specified unit of time.

**PERFORMANCE STANDARD.** A measurable number or measurable narrative for a pollution source specifying the acceptable outcome for a facility or practice.

**PERMIT.** A written authorization made by the administering authority to the applicant to conduct land development or land redevelopment activities.

**PERMIT ADMINISTRATION FEE,** A sum of money paid to the administering authority by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit, including but not limited to application review, issuance where appropriate, and inspections.

**PERSON.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

**PERVIOUS SURFACE.** A surface that infiltrates rainfall. Lawns, fields and woodlands are examples of pervious surfaces.

**PIERHEAD LINE.** A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Section 30.13 of the Wisconsin Statutes. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to Section 30.12(2) of the Wisconsin Statutes.

**POST CONSTRUCTION STORM WATER DISCHARGE.** Any storm water discharged from a site following the completion of land disturbing construction activity and final site stabilization.

**POST DEVELOPMENT CONDITION.** The extent and distribution of land cover types anticipated to occur under conditions of full development, which will influence storm water runoff and infiltration.

**PRE-DEVELOPMENT CONDITION.** The extent and distribution of land cover types present before the initiation of land development or land redevelopment activity.

**PRINCIPAL STRUCTURE.** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

**PRINCIPAL USE.** The main use of land or structures as distinguished from a secondary or accessory use.

**PRIVATE OR QUASI-PUBLIC CLUB.** An association of persons organized for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

**PRIVATE SEWAGE SYSTEM.** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Industry, Labor and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

**PROFESSIONAL HOME OFFICES.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one (1) floor of the residence and only two (2) nonresident persons are employed.

**PUBLIC UTILITIES.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

**RAZE.** To remove or demolish a structure, to reduce a structure to grade level.

**REAR YARD.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard. A corner lot shall have a rear yard opposite one of the street yards.

**RECREATIONAL VEHICLE.** As defined in Wisconsin Administrative Code Chapter HSS178.

**REDEVELOPMENT.** New development that is replacing older development. Redevelopment in this ordinance only applies when the activity will increase the impervious area.

**REGIONAL FLOOD.** A flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river or stream once in every 100 years.

**RETENTION BASIN.** A pond-type facility which provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

**RUNOFF.** The rainfall, snowmelt, or irrigation water flowing over the ground surface. That portion of precipitation on the land which reaches the drainage system.

**RUNWAY.** A level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

**SETBACK LINES.** The interior limits of the minimum required yard areas of a lot.

**SHORE YARD.** A yard extending across the full width or depth of a lot the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the high water elevation of a pond, stream, lake, or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

**SHORELANDS.** Lands within the following distance from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of a floodplain, whichever distance is greater.

**SIDE YARD.** A yard extending from the street yard setback line to the rear yard or street yard of a through lot setback line 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. A corner lot shall have a side yard opposite one of the street yards.

**SIGNS.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway but not including:

- a. Usual board notices in or about church property or any educational or public institutions;
- b. Legal notices required to be posted by municipal, state or federal law; or
- c. Highway or traffic signs authorized to be erected by municipal, state or federal law.

**SINGLE LOT ACTIVITY.** A storm-water plan for a land development activity on a single lot where a lesser degree of detail may be required for review. The plan will normally not require engineering data. Also known commonly as a single lot drainage plan.

**SITE.** The entire area included in the legal description of the land upon which the land-disturbing construction activity is proposed in the permit application and further includes the entire tax parcel and deed area affected.

**SITE RESTRICTION.** Any physical characteristic, which limits the use of a storm water best management practice or management measure.

**SITE BUILT HOME.** A permanent structure substantially constructed on-site meeting minimum provisions for dwellings and built on a permanent foundation with connections to utilities (plumbing, heating, gas, electrical) and constructed in accordance with Wisconsin Uniform Dwelling Code standards. Also known as a "conventional home" or "stick built home."

**SMOKE UNIT.** The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

**STABLE.** A building in which domestic animals are sheltered and fed, including animals not owned by the farm owner, or parents or children of the farm owner, up to a maximum of 50% of the animals therein.

**STABLE, COMMERCIAL.** A building in which the majority of domestic animals located, sheltered, or fed therein, are not part of the farm operation.

**STOP WORK ORDER.** An order issued by the administering authority that requires that all construction activity on the site be stopped.

**STORAGE CAPACITY.** The volume of space available above a given cross-section of a flood plain for the temporary storage of floodwater. The storage capacity will vary with stage.

**STORM WATER MANAGEMENT PLAN.** A document that identifies what actions must be taken to reduce storm water quantity and pollutant loads from land development and land redevelopment activity to levels that meet the purpose and intent of this ordinance.

**STORM WATER MANAGEMENT SYSTEM PLAN.** A comprehensive plan developed to address storm water drainage and nonpoint source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this ordinance.

**STORM WATER RUNOFF.** That portion of the precipitation falling during a rainfall event, or that portion of snowmelt, that runs off the surface of the land and into the natural or artificial conveyance or drainage network.

**STORM WATER SYSTEM.** A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains which is designed for collecting water or conveying storm water.

**STREET (Public).** The term public street includes the right-of-way of any street, road, highway, lane, etc., dedicated to the public which generally provides access to abutting properties.

**STREET (Private).** The term private street includes the right-of-way of any private road, highway, lane, street, access easement, etc., where the defined street or easement area provides access to more than one parcel or principal structure.

**STREET YARD.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between an existing or proposed public or private

street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

**STRUCTURE.** As used in the context of construction or building, means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground which includes but is not limited to such objects as roofed and/or walled buildings, non-domestic agricultural structures, storage tanks, bridges, culverts, etc. and may include such things as fences or signs. The term also includes fill or filling which is the act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting there from.

**STRUCTURAL ALTERATIONS.** Any change which would increase the floor area or height of a building.

**STRUCTURAL MEASURE.** Any physical practice or conveyance measures and end-of-pipe treatment that are designed to control storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

**SUBSTANDARD LOT.** Any lot, with or without structures, having lesser dimension and/or area than required by the districts of this ordinance.

**SUBSTANTIAL IMPROVEMENT.** Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (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: (a) 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 (b) 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. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

**SURFACE WATER RUNOFF.** Water that results from precipitation which is not absorbed by the soil or plant material.

**TEMPORARY SIGN.** Any business sign that is not permanently attached to a structure or the ground and which is displayed for a maximum of ninety (90) days in one calendar year.

**TEMPORARY STRUCTURE.** A movable structure not designed for human occupancy nor for the protection of goods or chattels, not forming an enclosure and not located in one place for more than 180 days.

**TREE.** Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes, or plants which do not grow to a height of more than five feet.

**TOWER.** Any structure with a height to width ratio equal to or greater than 10 to 1.

**UNNECESSARY HARDSHIP.** That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

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

**VARIANCE.** An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance.

**VEGETATIVE BUFFER OR VEGETATIVE BUFFER ZONE:** an area of undisturbed or restored native vegetation that provides natural shoreline features and functions for fish and wildlife habitat, water quality protection, and natural scenic beauty.

**VISION TRIANGLE.** Area formed by any two existing or proposed intersecting street or road right-of-way lines for a minimum of 30 feet from the intersection.

**WATERS OF THE STATE.** Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within Wisconsin or its jurisdiction.

**WATERCOURSE.** A natural or artificial channel through which water flows and is identified on the official Winnebago County watercourse map, dated January 1, 2002 or subsequent revisions thereto and new channels that are created as part of a development that may not be on the existing map. The term watercourse includes waters of the state as herein defined. Additions or deletions to the map must be field verified by the administering authority. Additionally, when a watercourse is moved, any requirements related to the watercourse move with the water. The watercourse map is on file and maintained by Winnebago County Geographic Information System (WINGS).



**WATERSHED.** An area bounded by a divide in which water drains to a specific point on the land. The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

**WELL.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

**WETLANDS.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include but are not limited to natural, mitigated, and restored wetlands.

**WETLAND DISTRICT.** The zoning district created as a part of this Zoning Ordinance, comprised of wetlands on the official zoning maps which have been adopted and made a part of this Ordinance.

**WIND MILL.** A mechanical device or equipment designed to be turned by the wind for purposes other than to generate electricity.

**WIND FARM.** Two or more wind turbines on the same parcel.

**WIND TOWER.** A tower designed specifically to support a wind turbine or similarly associated equipment.

**WIND TURBINE.** A mechanical device or equipment designed to be turned by the wind to generate electricity.

**WPDES STORM WATER PERMIT.** A permit issued by the Wisconsin Department of Natural Resources under S. 283.33 Wisconsin Statutes that authorizes the point source discharge of storm water to waters of the state.

**YARD.** An open space on the same lot with the structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

**ZONING ADMINISTRATOR.** A person designated by the Town Chairman to administer and enforce this Ordinance. Reference to the Zoning Administrator shall be construed to include duly appointed assistants responsible for enforcing and administering all requirements of this Zoning Ordinance.

**ZONING PERMIT.** An official finding that a proposed use of a property, as indicated by an application, complies with the requirements of the zoning ordinance or meets special conditions of a variance or conditional use permit; the ordinance will specify the building activities that need to have such a permit.