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The Town Board of the Town of Spring Valley do ordain as follows:

That the following Ordinance be created as a comprehensive revision of land use zoning policy for the Town of Spring Valley:

## **SECTION 1.0 INTRODUCTION**

### **1.1 Authority**

Whereas the Town Board of the Town of Spring Valley, Wisconsin, was directed on March 1, 1994, at the special town meeting of the qualified electors to exercise all powers relating to and conferred upon villages, and whereas the Town therefore has the authority to adopt these regulations under the authority granted by Sections 60.10(2)(C), 60.22(3), 60.62, 61.35 and 62.23 of the Wisconsin Statutes.

### **1.2 Purpose**

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community. Furthermore, the purpose of this Ordinance is to implement the land use goals, objectives, policies, and map resulting from the Town's comprehensive planning process in preparing the previously adopted General Development Guide Smart Growth Comprehensive Plan for Spring Valley Township.

### **1.3 Intent**

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

### **1.4 Abrogation and Greater Restrictions**

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

**1.5 Interpretation**

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

**1.6 Severability**

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

**1.7 Repeal**

The Town Board hereby repeals without limitation all other ordinances or parts of ordinances inconsistent or conflicting with this Ordinance, to the extent to the inconsistency only, including without limitation a certain zoning ordinance and/or amendments dated April 6, 1957; May 30, 1974; and April 21, 1977; March 29, 1995; and any amendments to the Zoning Ordinance preceding the adoption of this comprehensive revision of the Zoning Ordinance of the Town of Spring Valley.

**1.8 Title**

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, TOWN OF SPRING VALLEY, WISCONSIN."

**1.9 Effective Date**

This Ordinance shall be effective after a public hearing adoption by the Town Board and other requirements of law. Changes or amendments to the text of this ordinance or the "Official Zoning Map" shall be effective after the provisions of Section 11 have been complied with and the Change or Amendment has been published or posted as provided by law.

## **SECTION 2.0 GENERAL PROVISIONS**

### **2.1 Jurisdiction**

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

### **2.2 Compliance**

No land or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. The duty of the Building Inspector shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Building Inspector may enter, at any reasonable time, onto any public or private lands or waters to make inspections. If the Building Inspector is refused entry, a special inspection warrant shall be issued for said premises pursuant to SS. 66.122 and 66.123 66.0119, Wis. Stats. The Building Inspector may set time limits and conditions for the correction of the violations.

### **2.3 Use Restrictions**

The following use restrictions and regulations shall apply:

- (1) Permitted Uses. Only those principal uses specified for a district, their essential services, and uses listed in Items 2-5 (below), shall be allowed in this district.
- (2) Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Accessory Uses include incidental repairs; storage; parking facilities; gardening; servants' quarters; itinerant agricultural laborers and watchman's quarters not for rent; private swimming pools, and private emergency shelters. Residential accessory uses shall not involve the conduct of any business, trade, or industry, unless a conditional use is authorized under the Ordinance.
- (3) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board and issuance of a conditional use permit in accordance with Section 5 of this Ordinance.
- (4) Unclassified or Unspecified Uses may be permitted by the Planning & Zoning Committee provided that such uses are similar in character to the principal uses permitted in the district.

- (5) Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the planning & Zoning Committee for a period not to exceed one year.
- (6) Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.
- (7) Soil Restrictions. Certain soil types in the Township, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the U.S. Soil Conservation Service is hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, and intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a soil scientist from the Soil Conservation Service by either the township or the applicant.
- (8) Mobile Homes and Manufactured Homes. Unless allowed as a conditional use, no mobile homes or manufactured homes, other than nonconforming structures shall be permitted to be used as current residences within the Town unless they are located in a manufactured home park.
- (9) Reduction or Joint Use. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as to not meet the provisions of the ordinance. No part of any lot, yard, parking area, or other space required for the structure or use shall be used for any other structure or use.

## **2.4 Penalties**

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to a fine of not more than five hundred dollars (\$500) nor less than fifty dollars (\$50), or imprisonment for a period not exceeding thirty (30) days, or both. Each day a violation exists or continues shall constitute a separate offense.

## **2.5 Violations**

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Building Inspector,



the Town Planning & Zoning Committee, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

## **2.6 Civil Enforcement**

Appropriate actions and proceedings may be taken by Law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy, of a building structure or premises, and these remedies shall be in addition to the Penalties described above.

## **SECTION 3.0 ADMINISTRATION**

### **3.1 Town Planning & Zoning Committee**

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

### **3.2 How Constituted**

The Town Planning & Zoning Committee shall consist of five (5) members. One member may be a Town Board member and the Town Chairman shall appoint the Committee's presiding officer. The Town Board shall appoint four (4) citizen members who upon creation of the Committee shall be appointed pursuant to Section 3.3. The Building Inspector shall be an ex-officio member and shall attend all Planning & Zoning meetings but shall not be a voting member.

### **3.3 Terms of Office**

The four citizen members shall initially serve for terms of one, two and three years, respectively from the succeeding 1st day of May, and thereafter annually during April one or more of the members shall be appointed for a term of three ( 3) years. The term of the Town Board member shall be one year.

### **3.4 Qualifications**

All citizen members shall be persons with recognized experience and qualifications and shall hold office until their respective successors are selected and qualified.

### **3.5 Building Inspector**

There is herewith created the office of Building inspector which office may be a full-time or part-time position, as the Town Board in its discretion shall determine; the Building Inspector shall be appointed by the Town Board and shall hold office until replaced by the Town Board. His duties shall be to administer, supervise, and literally enforce the provisions of the Town Zoning Ordinance. His compensation shall be determined by the Town Board.

The Building Inspector shall make a monthly report of his activities to the Town Board. The Building Inspector shall prepare building permit forms, assist the applicant in preparing his application, advise the applicant as to the provisions of the Town Zoning Ordinance; inspect each project for which a permit has been applied or granted; report violations; and provide this information to the Planning & Zoning Committee. The Building Inspector may issue building permits which are within strict compliance with the requirements of this ordinance when delegated such authority by the Planning & Zoning Committee. Whenever there is a question other than the literal requirements of this ordinance, it is to be brought directly to the Planning & Zoning Committee Chairman.

### **3.6 Vacancies**

Whenever a vacancy shall occur, the Town Board shall elect or appoint the appropriate member to complete the unexpired term.

### **3.7 Matters Referred to the Planning & Zoning Committee**

- (1) Town Board or other public body having authority thereon, shall refer to the Planning & Zoning Committee, for its consideration and report before final action is taken by the Town Board or public body, the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land,, for or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether public or privately owned; all plats of land in the township; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the abandonment or repeal of any ordinance adopted pursuant to planning and zoning. Unless such report is made within 45 days or such longer period as may be stipulated by the town board, the board or other public body may take final action without it.

(2) The Planning & Zoning Committee shall have the following powers:

- (A) To issue building permits and to review and to recommend to the Town Board the approval or denial of conditional use permits. Conditions of approval may be attached to approval.
- (B) To review and recommend to the Town Board the approval or denial of preliminary and final subdivisions. Conditions of approval may be attached to preliminary or final approval.
- (C) Substitutions. To review and recommend approval, conditional approval, or denial of amendment to the text or official zoning map of this Ordinance.
- (D) Substitutions. 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.
- (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.
- (F) Temporary Uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Planning & Zoning Committee and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

### **3.8 Meetings**

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

### **3.9 Minutes**

The minutes shall be kept by the secretary.

### **3.10 Quorum**

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

### **3.11 Organization**

The presiding officer shall name the secretary. The committee may also formulate any lawful rules for its operation and procedures.

### **3.12 Compensation**

The members shall be compensated as determined by the Town Board.

### **3.13 Town Board**

The Town Board is the public body having authority thereon to change or amend this Ordinance. The Town Board may also direct by majority vote that Building Permits be issued when in compliance with Section 3.7(1) of this Ordinance.

## **SECTION 4.0 ZONING DISTRICTS**

### **4.1 Establishment**

For the purpose of this ordinance the Town of Spring Valley is hereby divided into the following Zoning Districts:

- Agricultural District One (A-1)
- Agricultural District Two (A-2)
- Agricultural District Three (A-3)
- Local Business District One (B-1)
- Commercial Highway Interchange District (CHI)
- Lowland Conservation Overlay District One (C-1)
- Highland Conservation District Two (C-2)
- Rural Residential District (R-R)
- Residential District One (R-1)
- Planned Unit Development Overlay District (PUD)
- Manufactured Home Parks District (MHP)
- Special Purpose District (SP)
- Light Industrial District One (M-1)
- Natural Resource Open Space District (NROS)

## **4.2 Zoning Map and District Boundaries**

The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Spring Valley, Wisconsin", dated April 21, 1977, as amended, which accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines, U.S. Public Land Survey Lines; lot or property lines; soil mapping Unit lines; topographic lines; centerlines of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and a copy attached hereto is correct only as of the day of passage of this Ordinance. The Town Clerk shall keep a revised version of said map reflecting any and all changes of zoning boundaries and shall forward all map amendments approved by the Town Board to the Rock County Planning and Development Agency for inclusion on the official Zoning Map.

## **4.3 General District Regulations**

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

- (1) **Erection of More than one Principal Structure on a Lot.** In any district no more than one structure housing permitted or conditional use may be erected on a single lot except in the B-1, A-1 and A-2 districts where the requirements of those districts shall be met for each structure as though it were on an individual lot. Mobile homes only when in a mobile home park.
- (2) **Exceptions to Height Regulations.** The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (3) **Structures to Have Access.** Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- (4) **Parking and Storage of Certain Vehicles.** Automotive vehicles or trailers or buses of any kind or type without current license plates shall not be parked or stored on any property other than in completely enclosed buildings. Camping type trailers cannot be occupied. Mobile homes require a Conditional Use Permit to be stored under this section.

- (5) A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing at the date of enactment of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Planning & Zoning Committee and shall not require a special exception or variance.
- (6) In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.
- (7) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record before May 30, 1974 or amendment of this Ordinance that renders said parcel substandard, such lot may be occupied by one (1) family except as otherwise provided by Section 10.5 of the Ordinance.
- (8) Vacation of Public Streets, Alleys and Right-of-Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (9) Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. The criterion used in reviewing this situation shall consider which land use has existed for the longest period of time, and what land use existed at the time the adjacent land use was created.
- (10) Utility lines which will serve individual lots to include electric lines under 12,000 volts, cable T.V., telephone, natural gas, etc. shall be installed underground within the utility easements shown on the map required by the Building Permit.
- (11) No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.

- (12) Community living arrangements as provided in Section 60.63 of the Wisconsin Statutes shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed twenty-five people or 1% of the Town's population, whichever is greater.
- (13) No community living arrangement may be established after March 27, 1978 which is located within 2,500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Planning and Zoning Committee and if both comprise essential components of a single program.
- (14) Residential building minimums. Every residential building hereafter erected shall have a minimum width of 24 feet and a minimum floor area of 1,000 square feet except where greater minimums are otherwise provided for in this Ordinance.

#### **4.4 AGRICULTURAL DISTRICT ONE (A-1)**

##### **(1) Purpose and Intent of Agricultural District One (A-1)**

The purpose of the A-1 District is to: preserve and protect high quality agricultural soils and interwoven historically farmed soils, to prevent overcrowding of structures on agricultural land, to prevent undue concentration of population in agricultural areas, and to provide a method of obtaining the agricultural goals and objectives in the Town Comprehensive Plan. This district also specifies minimum requirements designating certain lands for exclusive agriculture use and to be eligible for the state of Wisconsin Farmland Preservation Program under Chapter 91 of the Wisconsin Statutes.

The intent of this district is to preserve and protect the high quality agricultural soils and interwoven historically farmed soils indicated as Agricultural areas on the Comprehensive Plan Map. These soils are significant natural, economic, and open space resources to the Community. Agricultural uses and uses compatible with agriculture are predominant in this district. Development in this district is to be sparse and only for agricultural purposes or uses associated with agriculture in order to help: maintain the Community's agricultural economic base, maintain agricultural property values, keep agricultural property taxes to a minimum, and improve farm profitability and resource preservation.

##### **(2) Permitted Uses.**

The following uses apply in the A-1 District:

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

1. Keeping Livestock, dairying, egg production, poultry raising, and other similar agricultural enterprises under 200 animal units or 2 animal units per acre (which ever is less) in accordance with 91.01(2) of the Wisconsin Statutes.
2. Beekeeping, floriculture, forest management, nurseries, raising of grain; grass, mint and seed crops; raising of fruits, nuts, berries; and vegetables in accordance with 91.01(2) of the Wisconsin Statutes.
3. Enrolling land in a federal agricultural commodity program or a federal or state agricultural land conservation program.



(B) Accessory Use. The following agricultural accessory uses on a farm shall be permitted:

1. A building, structure or improvement that is an integral part of or is incidental to an agricultural use including, but not limited to, the following structures:
  - a. A facility used to keep livestock on the farm.
  - b. A facility used to store or process inputs primarily for agricultural uses on the farm.
  - c. A facility used to keep or service vehicles or equipment primarily employed for agricultural uses on the farm.
  - d. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm so long as said wind turbine or solar energy facility complies with all height restrictions.
  
2. One (1) single family farm residence:
  - a. The single family farm residence location shall not:
    - i. Significantly impair or limit the current or future agricultural use of other protected farmland, and
    - ii. Convert prime farmland from agricultural use or convert land previously used as cropland, other than woodland, from agricultural use if on the farm there is a reasonable alternative location.
  
3. Transportation, utility, communication, or other uses required or authorized under state or federal law to be located in a specific place and which preempts the requirement of a conditional use permit in accordance with S. 91.44 (1) (f) Wis. Stats.
  
4. Pre-existing residences, whose initial construction began before May 14, 1992 are hereby continued as a permitted residential use and are exempt from the limitations imposed and authorized under Section 10, Nonconforming Uses of this Ordinance.

### (3) Conditional Uses

A conditional use in this District is required to permit the following uses only after a review of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in this Ordinance. Then make a recommendation to the Town Board.

Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period. The Board shall conduct an annual review of the Conditional Use Permits. A Conditional Use Permit herein may only be granted after the Committee determines all of the following:

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

(A) Agricultural-Related Uses. The following land uses and improvements are conditional uses in this district:

1. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
2. Supportive agri-business activities to include grain elevators seed federalize and farm

chemical sales, commercial feedlots, feed mills and similar agricultural activities.

3. Veterinary services primarily serving live stock, commercial or wholesale greenhouses, holding pens, confinement operations and other similar agricultural enterprises
4. Application of lagoon wastewater or other liquid by-products of animal waste by the use of Center Pivot Waste Distribution Systems.
5. The spreading, disposal or reduction of sludge, whey, or food processing by products. "Sludge" means any solid, semi solid, or liquid from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, and provided that adequate provision for protection of town roads is made pursuant to subsection 5.4(B) of this ordinance.

(B) Governmental, institutional, religious, or nonprofit community use are allowed if the following are meet:

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

(C) A transportation, communications, pipeline, electric transmission, utility, or drainage use and not requiring authorization under SS. 196.491 Wis. Stats., provided they are enclosed by an eight-foot or more protective fence must meet the following:

1. The use and its location in the zoning district are consistent with the purposes of the zoning district.

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

(D) Livestock farming exceeding 200 animal units or 2 animal units per acre (which ever is less).

1. Livestock Facilities will follow the guidelines and file all necessary applications materials as defined in WI ADMIN CODE ATCP 51. The Rock County Land Conservation Department will verify that all necessary applications materials meet the intent of the ATCP 51 and will report findings of fact to the board.
2. With draw of approval granted only if a livestock operator fails to perform either of the following within two (2) years after local approval is granted:
  - a. Begins populating the approved livestock facility.
  - b. Begins construction on every new or expanded livestock housing structure and every new or expanded waste storage structure proposed in the application for approval.

(E) A second (2) family farm residence may be allowed as a conditional use, provided the location of the second farm residence shall not:

1. Significantly impair or limit the current or future agricultural use of other protected farmland, and
2. Convert prime farmland from agricultural use or convert land previously used as cropland, other than woodland, from agricultural use if on the farm there is a reasonable alternative location.

And that

3. The second (2nd) residence is intended for a parent or child of the owner of the parcel who currently conducts or who previously conducted the majority of the farm operations on the parcel
4. The second (2nd) residence is intended for a person who, or is a family member of at least one adult member of which, earns the majority of his or her gross income from conducting farm operations on the parcel.

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

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

(G) Riding schools, and shooting preserves that require no structures or meet the definition of accessory use under s. 91.01(1), Stats.

(H) Storage of non-agricultural items, of persons other than a person owning or residing on the parcel, in existing buildings that are or have been incidental to an agricultural use, provided that the storage of such items does not result in the employment of more than 4 full-time employees, and does not impair or limit the agricultural use of protected farmland.

(I) Airstrips not open to the public.

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may affect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

- a. Upon consideration of these factors and the standards in Section 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
- b. A public hearing on the application shall be held by the Town Board.
- c. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Section 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
- d. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

### 3. Livestock Facility Conditional Use Permit Application

A livestock operator must complete the application form and worksheets prescribed by WI ADMIN ATCP 51, including any authorized local modification. The application form and worksheets demonstrate compliance with standards in WI ADMIN ATCP 51 and this Ordinance.

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

- a. Pursuant to WI ADMIN ATCP 51.30(5), within 45 days after receiving an application, the Town shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
- b. Pursuant to WI ADMIN ATCP 51.30(6), within 14 days after the Town notifies an applicant that the application is complete, the Town shall notify

adjacent landowners of the application. The Town shall use the approved notice form in WI ADMIN ATCP 51, and mail by first class mail a written notice to each adjacent landowner.

- c. Upon determination of completeness, the Town Clerk shall give notice of a Public Hearing to receive information from the applicant and receive public input on the application. Public Notice shall be a Class 2 Notice, the last of which is at least a week before the date of the Public Hearing. The Public Hearing may be continued, but final decision shall be made within the time limits described in the next paragraph.
- d. Pursuant to WI ADMIN ATCP 51.32, the Town shall grant or deny an application within 90 days after the Town gives notice that the application is complete under paragraph 2 above. The Town may extend this time limit for good cause, including any of the following:
  - i. The Town needs additional information to act on the application.
  - ii. The applicant materially modifies the application or agrees to an extension.
  - iii. The Town shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town will act on the application.
- e. The Town Board of the Town of Spring Valley hereby finds after public hearing that the standards (4)(K) of this Ordinance, which are more stringent than those comparable standards of DATCP are based upon reasonable and scientifically defensible findings of fact as documented by board findings dated November 12, 2007 and adopted by the Board. Further, the more stringent standards in (4)(K) of this Ordinance are necessary to protect public health and safety.





the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

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

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

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

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

4. **Water Quality and Related Setbacks.**
  - a. **Navigable Waters and Wetlands.** A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.
  - b. **Floodplain.** A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statutes.
  - c. **Wells.** All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the WI ADMIN CODE. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on

May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

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

(K) All new livestock facilities housing one hundred and ninety nine (199) or two (2) animal units per acre or less must meet the agricultural performance standards and prohibitions prior to populating the site with animals as identified in sections NR 151.05 through 151.08 of the Wisconsin Administrative Code, pursuant to requirements of section 281.16 of the Wisconsin Statutes.

All expanding livestock facilities, when the expansion is greater than 20% of the existing animal units present on October 14, 1997 and will remain with a composite of one hundred and ninety nine (199) or two (2) animal units per acre or less, must at a minimum meet the agricultural performance standards and prohibitions prior to populating the site with animals as identified in sections NR 151.05 through NR 151.08 of the Wisconsin Administrative Code, pursuant to requirements of section 281.16 of the Wisconsin Statutes. Note: the NR 151 requirements only apply to the proposed expansion component, not the existing facility as of October 14, 1997.

The Rock County Land Conservation Department will review all documents submitted to the town for review and verify that all performance standards and prohibitions are met and will provide a findings of fact report to the town board.

#### (4) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.

#### (5) Rezoning Land in the Farmland Preservation Zoning District

(A) The Town of Spring Valley may rezone land out of the farmland preservation zoning district if it meets the following in writing, in addition to following the requirements of Section 7:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

2. The rezoning is consistent with any applicable comprehensive plan.
  3. The rezoning is substantially consistent with the County certified farmland preservation plan.
  4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (B) The Town shall by March 1st of each year provide to the DATCP and the County a report of the number of acres that the political subdivision has rezoned out of an Agricultural Zoning District during the previous year and a map that clearly shows the location of those acres.
- (C) Farm dwellings prior to 1974 and related farm structures may be separated from the farm plot with up to five (5) acres. The remaining portion of the original parcel shall conform to the standards of the A-1 district, and the new parcel with the existing farm dwelling shall be zoned A-3 and conform to the standards of the A-3 district.

## 4.5 AGRICULTURAL DISTRICT TWO (A-2)

### (1) Purpose and Intent of the Agricultural District Two (A-2).

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Town Comprehensive Plan. This district is designed to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units. This district also specifies minimum requirements designating certain lands for exclusive agriculture use and to be eligible for the state of Wisconsin Farmland Preservation Program under Chapter 91 of the Wisconsin Statutes.

### (2) Agricultural Uses

The following uses apply in the A-2 District  
Agricultural Uses: The following agricultural activities conducted for the purpose of producing an income or livelihood shall be permitted in this District:

#### (A)

1. Keeping livestock, hatcheries, and other similar agricultural enterprises, animals per acre, one large farm animal, twelve (12) fowl or twelve (12) rabbits per acre in accordance with 91.01(2) of the Wisconsin Statutes.
2. Forest management, Crop or forage production, grazing, nurseries, and orchards in accordance with 91.01(2) of the Wisconsin Statutes.
3. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

#### (B) Accessory use: The following agricultural accessory uses on a Farm shall be permitted:

1. A building, structure or improvement that is an integral part of or is incidental to any of the following facilities accessory to agricultural uses.
  - a. A facility used to keep livestock on the farm.
  - b. A facility used to store or process inputs primarily for agricultural uses on the farm.

- c. A facility used to keep or service vehicles or equipment primarily employed for agricultural uses on the farm.
- d. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm so long as said wind turbine or solar energy facility complies with all height restrictions.

2. One (1) single family farm residence:

- e. The single family farm residence location shall not:
  - i. Significantly impair or limit the current or future agricultural use of other protected farmland, and
  - ii. Convert prime farmland from agricultural use or convert land previously used as cropland, other than woodland, from agricultural use if on the farm there is a reasonable alternative location.

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

4. Pre-existing residences, whose initial construction began before May 14, 1992 area hereby continued as a permitted residential use and are exempt from the limitations imposed and authorized under Section 10, Nonconforming Uses of the Ordinance.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after review and recommendation of the Planning and Zoning Committee and after public hearing and approval by the Town Board. The Committee and the Board will review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is

expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period. The Board shall conduct an annual review of the Conditional Use Permits.

(A) Agriculture-related use means any of the following:

- a. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
- b. Supportive agri-business activities to include grain elevators seed federalize and farm chemical sales, commercial feedlots, feed mills and similar agricultural activities provided they are adjacent to a Class A or B Highway as defined by the Ordinance (Section 9).
- c. Veterinary services primarily serving live stock, commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural related uses that may cause additional traffic, noxious odors, or noise.
- d. Creameries, milk condenseries, cheese factories, and pea vineries, which shall be located or operated over 500 feet to any dwelling.

(B) Keeping livestock over 1 animal unit per acre.

- a. Livestock Facilities will follow the guidelines and file all necessary applications materials as defined in WI ADMIN CODE ATCP 51. The Rock County Land Conservation Department will verify that all necessary applications materials meet the intent of the ATCP 51 and will report findings of fact to the board.
- b. Withdraw of approval granted only if a livestock operator fails to perform either of the following within two (2) years after local approval is granted:
  - i. Begins populating the approved livestock facility.
  - ii. Begins construction on every new or expanded livestock housing structure and every new or expanded waste storage structure proposed in the application for approval.

(C) Riding schools, and shooting preserves that require no structures or meet the definition of accessory use under s. 91.01(1), Stats.

(D) Governmental, institutional, religious, or nonprofit community use and must meet the following:

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

(E) A transportation, communications, pipeline, electric transmission, utility, or drainage use and not requiring authorization under SS. 196.491 Wis. Stats., provided they are enclosed by an eight-foot or more protective fence must meet the following:

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

(F) Storage of non-agricultural items, of persons other than a person owning or residing on the parcel, in existing buildings that are or have been incidental to an agricultural use,

provided that the storage of such items does not result in the employment of more than 4 full-time employees, and does not impair or limit the agricultural use of protected farmland.

(G) Land application of municipal waste disposal sludge. The spreading, disposal or reduction of sludge, whey, or food processing by products. "Sludge" means any solid, semi solid, or liquid from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, and provided that adequate provision for protection of town roads is made pursuant to subsection 5.4(B) of this ordinance.

(H) A second (2) family farm residence may be allowed as a conditional use, if the location of the second farm residence shall not:

1. Significantly impair or limit the current or future agricultural use of other protected farmland, and
2. Convert prime farmland from agricultural use or convert land previously used as cropland, other than woodland, from agricultural use if on the farm there is a reasonable alternative location.

And that

3. The second (2nd) residence is intended for a parent or child of the owner of the parcel who currently conducts or who previously conducted the majority of the farm operations on the parcel
4. The second (2nd) residence is intended for a person who, or is a family member of at least one adult member of which, earns the majority of his or her gross income from conducting farm operations on the parcel.

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

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

(J) Application of lagoon wastewater or other liquid by-products of animal waste by the use of Center Pivot Waste Distribution Systems.



(K) Airstrips not open to the public.

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may affect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
  - a. Upon consideration of these factors and the standards in Section 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
  - b. A public hearing on the application shall be held by the Town Board.
  - c. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Section 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
  - d. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.
3. Livestock facility Conditional Use Permit Application

A livestock operator must complete the application form and worksheets prescribed by WI ADMIN ATCP 51, including any authorized local modification. The application form and worksheets demonstrate compliance with standards in WI ADMIN ATCP 51 and this Ordinance.

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

- a. Pursuant to WI ADMIN ATCP 51.30(5), within 45 days after receiving an application, the Town shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town shall notify the applicant that the

application is complete. This notice does not constitute an approval of the proposed livestock facility.

- b. Pursuant to WI ADMIN ATCP 51.30(6), within 14 days after the Town notifies an applicant that the application is complete, the Town shall notify adjacent landowners of the application. The Town shall use the approved notice form in WI ADMIN ATCP 51, and mail by first class mail a written notice to each adjacent landowner.
- c. Upon determination of completeness, the Town Clerk shall give notice of a Public Hearing to receive information from the applicant and receive public input on the application. Public Notice shall be a Class 2 Notice, the last of which is at least a week before the date of the Public Hearing. The Public Hearing may be continued, but final decision shall be made within the time limits described in the next paragraph.
- d. Pursuant to WI ADMIN ATCP 51.32, the Town shall grant or deny an application within 90 days after the Town gives notice that the application is complete under paragraph 2 above. The Town may extend this time limit for good cause, including any of the following:
  - i. The Town needs additional information to act on the application.
  - ii. The applicant materially modifies the application or agrees to an extension.
  - iii. The Town shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town will act on the application.
- e. The Town Board of the Town of Spring Valley hereby finds after public hearing that the standards (4)(K) of this Ordinance, which are more stringent than those comparable standards of DATCP are based upon reasonable and scientifically defensible findings of fact as documented by board findings dated November 12th 2007 and adopted by the Board. Further, the more stringent standards in (4)(K) of this Ordinance are necessary to protect public health and safety.

(4) Requirements For Permitted and Conditional Uses.  
Within the A-2 District the following standards shall apply:

- |                             |                               |
|-----------------------------|-------------------------------|
| (A) Minimum Lot Size        | 10 Acres                      |
| Maximum Lot Size            | Not to exceed 34.99 Acres     |
| (B) Maximum Building Height | 35 ft. Residential structures |

No maximum on other structures.

- (C) Minimum Front Yard Setback 50 feet
- (D) Minimum Front Yard Setback (arterials) 100 feet from right-of-way
- (E) Minimum Rear Yard Setback 50 feet
- (F) Minimum Side Yard Setback:
  - a. Principle Building 20 feet
  - b. Accessory Buildings 10 feet
- (G) Minimum Lot Width 100 feet
- (H) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County Roads.
- (I) Agricultural use shall be calculated using contiguous parcels.
- (J) Setbacks Relating to Livestock Facilities
  1. Property Lines. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.
  2. Public Road Right-of-Way. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.
  3. Waste Storage Structures. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

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

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

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

4. Water Quality and Related Setbacks.

- a. Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.
- b. Floodplain. A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statutes.
- c. Wells. All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the WI ADMIN CODE. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.
- d. Single-Family Residence. No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

(K) All new livestock facilities housing one hundred and ninety nine (199) or one (1) animal unit per acre or less must meet the agricultural performance standards and prohibitions prior to populating the site with animals as identified in sections NR 151.05 through

151.08 of the Wisconsin Administrative Code, pursuant to requirements of section 281.16 of the Wisconsin Statutes.

All expanding livestock facilities, when the expansion is greater than 20% of the existing animal units present on October 14, 1997 will remain with a composite of one hundred and ninety nine (199) or one (1) animal unit per acre or less, must at a minimum meet the agricultural performance standards and prohibitions prior to populating the site with animals as identified in sections NR 151.05 through NR 151.08 of the Wisconsin Administrative Code, pursuant to requirements of section 281.16 of the Wisconsin Statutes. Note: the NR 151 requirements only apply to the proposed expansion component, not the existing facility as of October 14, 1997.

The Rock County Land Conservation Department will review all documents submitted to the town for review and verify that all performance standards and prohibitions are met and will provide a findings of fact report to the town board.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district

(6) Rezoning Land in the Farmland Preservation Zoning District

(A) The Town of Spring Valley may rezone land out of the farmland preservation zoning district if it meets the following in writing, in addition to following the requirements of Section 7:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
2. The rezoning is consistent with any applicable comprehensive plan.
3. The rezoning is substantially consistent with the County certified farmland preservation plan.
4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

(B) The Town shall by March 1 of each year provide to the DATCP and the County a report of the number of acres that the political subdivision has rezoned out of a Agricultural Zoning District during the previous year and a map that clearly shows the location of those acres.

- (C) Farm dwellings prior to \_\_\_\_\_ and related farm structures may be separated from the farm plot with up to five (5) acres. The remaining portion of the original parcel shall conform to the standards of the A-1 or A-2, and the new parcel with the dwelling shall be zoned A-3 and conform to the standards of the A-3 district.

#### **4.6 AGRICULTURAL DISTRICT THREE (A-3)**

- (1) Purpose and Intent of Agricultural District Three (A-3).

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Town Comprehensive Plan for smaller scale agricultural operations. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural area for combined rural residential/agricultural use. The A-3 District is intended to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District consists of soils which do not have on-site sewer limitations and are not prime agricultural soils.

- (2) Permitted Uses

The following uses are permitted in this district:

- (A) Single family dwellings but not to include a major subdivision as defined in this ordinance. Mobile Homes or Manufactured Homes only when located in a manufactured home park. One private garage for each residential parcel.
- (B) General farming including livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such greenhouses or buildings containing such livestock or poultry. No barbwire fences forward of the front yard setback or building line whichever is greater.
- (C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.

- (D) Fur farms, kennels, insect breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise.
- (E) Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, bees or fur bearing animals, including rabbits, except as otherwise herein provided.
- (F) Governmental buildings, except sewerage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (G) Public parks, playgrounds, recreational and community center buildings and grounds.
- (H) Graded schools, churches and their affiliated uses.
- (I) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- (J) Water storage facilities and their accessory structures.
- (K) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit. There shall be no more than two (2) accessory buildings per lot.
- (L) Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- (M) Pre-existing residences, whose initial construction began before April 1, 1994 and which were conforming structures as of that date, are hereby continued as a permitted residential use and are exempt from the limitations imposed and authorized under Section 10, Nonconforming Uses of this Ordinance.

(3) Conditional Uses.

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

- (1) A Conditional Use Permit Application is submitted to the Town Clerk.
- (2) The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may

effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

(3) Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.

(4) A public hearing on the application shall be held by the Town Board.

(5) Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.

(6) Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

(C) The following land use and improvements are conditional uses in this district:

1. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.

2. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.

3. Mobile homes or manufactured homes provided that only one mobile home or manufactured home will be permitted in conjunction with an established



farmstead and that the head of the occupant household of such mobile home or manufactured home is employed in connection with the farm operation.

(4) Requirements for Permitted and Conditional Uses

(A) Minimum Front Yard Setback 50 ft

(B) Minimum Front Yard Setback (arterials) 100 ft. from right-of way

(C) Side Yard Setback

1. Principal Buildings 20 ft. on each side

2. Accessory Buildings 10 ft. on each side

(D) Minimum Rear Yard Setback 50 ft.

(E) Minimum Lot Area 1 acre

- 5. Maximum lot coverage not to exceed 12.5% of total lot.
- 6. Animals per acre one large farm animal, twelve (12) fowl or twelve (12) rabbits per acre shall be permitted. Additional animals per acre will require a permit from the Town Board. This provision does not apply to household pets.
- 7. All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County Roads.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.

## **4.7 LOCAL BUSINESS DISTRICT ONE (B-1)**

### **(1) Purpose and Intent of Local Business District One B-1**

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

### **(2) Permitted Uses**

- (A) Stores and shops in which items are sold directly to the public for consumption elsewhere than on the premises to include: grocery; hardware; clothing and apparel stores; drug and beverage stores; bakeries; magazine and tobacco stores; coffee shops; laundry and dry cleaners; gift shops; parking areas and the similar retail establishments normally found in the neighborhood shopping centers.
- (B) Professional Offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional services in which services are offered to the general public on the premises.
- (C) Personal services to include barbershops, beauty salons, tailor shops, and coin operated laundromats.
- (D) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, taverns, parks, and playgrounds.

### **(3) Conditional Uses.**

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

3. Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
4. A public hearing on the application shall be held by the Town Board.
5. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
6. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

(C) The following land uses and improvements are conditional uses in this district:

1. Single family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
2. Lodges and fraternal buildings, nursing and retirement homes, nursery and day care centers, restaurants and taverns.
3. All public utility facilities, sewage treatment facilities.
4. Animal hospitals and clinics, excluding open kennels and exercise yards.

(4) Requirements for Permitted and Conditional Uses.

(A) Maximum Building Height	35 ft.
(B) Minimum Frontage on Public Road	50 ft.
(C) Minimum Floor Area	3,000 sq. ft.
(D) Parking Requirements	One 300 sq. ft. parking space for each 300 sq. ft. building.
(E) Minimum Lot Area (Sewered)	7,500 sq. ft.
Setbacks	
Front Yard	30 ft.
Rear Yard	12 ft.
Side Yard	10 ft.
Width at Building Line	75 ft.
(F) Minimum Lot Area (Unsewered)	40,000 sq. ft.*
Setbacks	
Front Yard	50 ft.
Rear Yard	25 ft.
Side Yard	15 ft.
Width at Building Line	100 ft.
(G) Accessory Building Setback	5 ft.
(H) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County roads.	

\* Soil type may require a larger lot size as to Rock County Sanitary Code.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.

## **4.8 COMMERCIAL HIGHWAY INTERCHANGE DISTRICT (CHI)**

### **(1) Purpose and Intent of Commercial Highway Interchange District (CHI)**

The purpose of the CHI District is to provide a means of obtaining the commercial and transportation goals and objectives of the Town Comprehensive Plan. The CHI District is to provide facilities to serve the traveling public at locations along federal and state highway routes. This district is intended to provide and protect sites that are suited to highway service development from haphazard development that could destroy the best use of such sites for their unique business functions.

### **(2) Permitted Uses**

(A) The following uses are permitted uses in this district.

(B) Gasoline service stations; provided further that all gasoline pumps, storage tanks, and accessory equipment must be located at least 100 feet from any existing or officially proposed street line.

(C) Automobile repair shops, including shops for general mechanical repairs, and repair of tires, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not including establishments for painting automobiles on major automobile body or engine repair.

(D) Leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.

(E) Establishments engaged in the daily or extended term rental or leasing of house trailers, mobile homes, or campers.

(F) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.

(G) Restaurants, taverns, lunch rooms and other eating places, including drive-in type establishments.

(H) Commercial parking lots, parking garages, parking structures.

(I) Tourist-oriented retail shops, including souvenir shops, gift shops, and flea markets.

(J) Residential use only when an integral part of the commercial building.

(3) Conditional Uses.

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
3. Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
4. A public hearing on the application shall be held by the Town Board.
5. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
6. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

(C) The following land uses and improvements are conditional uses in this district:

1. Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but not other types of products or merchandise.
2. Wholesale merchandise establishments.
3. Warehouses.
4. Motor carrier facilities.
5. Travel Trailer Parks, specifically, parcels of land in which two or more spaces are occupied, or intended for occupancy, by travel trailers or "campers", and for transient dwelling purposes only. This provision shall include by reference the definitions of "Travel Trailer Park" and "Travel Trailer" set forth in Section 14 of this Ordinance.

(4) Requirements for Permitted and Conditional Uses.

- |   |  |
|---|--|
| (A) Maximum Building Height                                 | 35 ft.   |
| (B) Minimum Front Yard Setback                              | 50 ft.   |
| (C) Minimum Rear Yard Setback                               | 50 ft.   |
| (D) Minimum Lot Width at Building Line                      | 100 ft.  |
| (E) Minimum Lot Frontage on Public Road                     | 50 ft.   |
| (F) Minimum Lot Area  | 3 Acres  |
| (G) Minimum Side Yard Setback                               | 15 ft.   |
| (H) Truck Unloading Area                                    | Sufficient space so that no streets or alleys need be blocked.       |
| (I) Off-Street Parking, Public Gathering                    | 1 space per 3 seats if applicable or 1 space per 300 sq. ft.         |
| (J) Maximum Lot Coverage Ratio of All Buildings to Lot Size | 5 (lot) to 1 (Building).   |
| (K) Site Design   | using the information in Section 7 of this Ordinance as a guideline. |

- (L) Natural Features such as drainage areas, wet soils, and steep slopes shall be designed into the site plan.
- (M) Not less than twenty (20) percent of the area of each parcel as it existed when first covered by this ordinance shall be permanently reserved for grass, flowers, shrubs, cover plants, trees, or equivalent esthetic treatment (green area) within the area between the front of the principle building and the front yard line. Driveways or parking lots shall not qualify for such a green area but ponds or fountains shall qualify as a green area.
- (N) Access or Frontage Roads. As a prerequisite to issuing a Building Permit, any area which comes under the Commercial Highway Interchange District shall have an Interior Road Network dedicated to the public which will provide adequate access for future lots to be public road system.
- (O) There shall be no access permits located within 1,000 feet of the most remote end of taper or any existing or proposed entrance or exit ramp of an interchange, or at intervals of less than 600 feet thereafter. Access points along opposite sides of intersection highways shall be located either directly opposite each other, or directly opposite a median strip crossover, or separated by at least 300 feet of lateral distance along the highway centerline.
- (P) Truck parking areas shall be separated from automobile parking areas. Road network design should address truck traffic and automobile traffic and separate but integrate activities.
- (Q) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County roads.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.



## 4.9 LOWLAND CONSERVATION OVERLAY DISTRICT ONE (C-1)

### (1) Purpose and Intent Lowland Conservation Overlay District One (C-1)

The purpose of the C-1 District is to provide a means of obtaining the goals and objectives of the Town Comprehensive Plan. The C-1 District is designed to protect public health, safety and general welfare of the citizens of the community; private and public property from the hazards of flood water inundation or high ground water; and to protect the community from costs which are incurred when the development occurs in lowland areas. The intent of this district is to conserve areas which are subject to flood hazard for open land uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings in lowland areas. All permitted and conditional uses identified in the C-1 district shall be allowed only if similar permitted or conditional uses are allowed in the underlying zoning district. This district exists as delineated on the zoning map and includes alluvial or wet soils as follows:

Ad	EoA	Me
Aw	Ha	Mf
AzA	Ho	Na
BmA	KaA	Ot
Br	LkA	Pa
Co	Ma	Rs
Da	Mb	Se
EIA	Mc	Wb
EmA	Md	WcA

### (2) Permitted Uses

The following uses of land are permitted in this district.

- (A) Agricultural uses to include crop and pasture land when conducted in accordance with the S.C.S. standards, not including the erection of buildings or structures.
- (B) Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (C) Forestry and the management of forests.
- (D) Wildlife preserves.

- (E) The management of wildlife, including waterfowl, fish, and other similar lowland animals, and non residential buildings used solely in conjunction with such activities.
- (F) Hunting, fishing, trapping, piers, docks, and boathouses.
- (G) Public and private parks, picnic areas, and similar uses.
- (H) Hiking trails and bridle paths.
- (I) Preservation of areas of scenic, historic, or scientific value.
- (J) Watershed conservation areas.
- (K) Open storage uses such as parking areas (This use is not permitted in the A-1 and A-2 districts).
- (L) Uses similar and customarily incident to any of the above uses.

(3) Conditional Uses.

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
3. Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
4. A public hearing on the application shall be held by the Town Board.
5. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.

6. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

(C) The following land uses and improvements are conditional uses in this district:

1. Dams, reservoirs, ponds, water storage and primary facilities.
2. Commercial outdoor recreation to include miniature golf amusement parks, drive-in theaters and race tracks (Must meet the requirement of s. 91.01(1) if located in A-1 or A-2 district).
3. Power plants deriving their power from the flow of water and transmission lines and other facilities accessory thereto (Must meet the requirement of s. 91.46(4) if located in A-1 or A-2 district).
4. Utilities such as, but not restricted to telephone, telegraph, power, or other transmission lines (Must meet the requirement of s. 91.46(4) if located in A-1 or A-2 district).
5. Relocation of any watercourse.
6. Filling, drainage or dredging of wetlands, provided that this shall conform to any Shoreland Zoning Ordinance enacted by Rock County pursuant to Section 59.971 of the Wisconsin Statutes, "Zoning of Shorelands on Navigable Waters".
7. Removal of topsoil or peat.
8. Camping grounds open to the public (Must meet the requirement of s. 91.01(1) if located in A-1 or A-2 district).

9. Golf courses public and private (Only public meet the requirement of s. 91.46(5) if located in A-1 or A-2 district).
10. Hunting and fishing clubs for permitted and approved conditional uses provided that the area will not be adversely affected (Must meet the requirement of s. 91.01(1) or contain no buildings or structures if located in A-1 or A-2 district).
11. Sewage disposal plants (Must meet the requirement of s. 91.46(4) if located in A-1 or A-2 district).

(4) Requirements for Permitted and Conditional Uses

(A) Maximum Building Height	35 ft.
(B) Minimum Front Yard Setback	50 ft.
(C) Minimum Rear Yard Setback	75 ft.
(D) Lot Frontage on Public Road	50 ft.
(E) Minimum Lot Area	2 acres
(F) Lot Width at Building Line	100 ft.
(G) Minimum Side Yard Setback	15 ft.
(H) Off-street Parking, Public Gathering	1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.

All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County roads.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.

#### 4.10 HIGHLAND CONSERVATION DISTRICT TWO (C-2)

##### (1) Purpose and Intent of Highland Conservation District Two (C-2)

The purpose of the C-2 District is to provide a means of obtaining the natural resource and the recreation goals and objectives of the Town Comprehensive Plan. The C-2 District is to provide for the preservation, protection, enhancement, and restoration of significant woodlands, scenic areas, submarginal farm land and areas that have slopes in excess of 20%, limit erosion and sedimentation; to promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality. This district exists as delineated on the zoning map and includes the following soil types.

DuC2	GrA	OsA	WfB2	SaA
DuB2	FlB	OgB	WfC2	SaB
DuA	FlA	OgA	WnA	SaC2
KeA	PmB	KeC2	WnB2	SbA
KdC2	PmA	KeB2	WnC2	SbB
KdB	PlC2	TrA	WoA	SbC2
JuA	PlB	WaA	ZuA	SkA
JaB	PlA	WaB	ZuB	SkB
JaA	PeC2	WaC2	RnB2	SkC2
HeA	PeB2	WeA	RnC2	ZuC2
GrD2	PeA	WeB	RpB	PnA
GrC2	OsC2	WeC2	RpC2	PnB
GrB2	OsB	WfA	RpD2	

##### (2) Permitted Uses

The following uses are permitted uses in this District:

- (A) Forest and woodland crop management.
- (B) Farming and related agricultural uses when conducted in accordance with Soil Conservation Service Standards.
- (C) Installation of soil and water conservation structures.
- (D) Parks and recreational areas, arboretums, and botanical gardens.

(E) Forest preservation, wildlife reservations, and conservation projects.

(F) Other recreation activities that do not require a structure or earth movement.

(G) Pre-existing residences, whose initial construction began before April 1, 1994 and which were conforming structures as of that date, are hereby continued as a permitted residential use and are exempt from the limitations imposed and authorized under Section 10, Nonconforming Uses of this Ordinance.

(3) Conditional Use

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
3. Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
4. A public hearing on the application shall be held by the Town Board.
5. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
6. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period

of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

(C) The following land uses and improvements are conditional uses in this district:

1. Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways,
2. Telephone, telegraph and electric transmission lines, buildings or structures and similar public utility facilities.

(4) Requirements for Permitted and Conditional Uses.

(A) Maximum Building Height	35 ft.
(B) Minimum Front Yard Setback	75 ft.
(C) Minimum Rear Yard Setback	25 ft.
(D) Minimum Lot Width at Building Line	100 ft.
(E) Minimum Lot Frontage on Public Road	50 ft.
(F) Minimum Lot Area	10 Acres
(G) Minimum Side Yard Setback	15 ft.

(H) Off-Street Parking, Public Gathering 1 space per 5 seats, if applicable, 1 space per 200 sq. ft. of building, or 1 space per 5 anticipated users at maximum usage of facility. All front yard setbacks are to also refer to Section 9.1 of this ordinance for setbacks on Federal, State and County roads.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.

## 4.11 RURAL RESIDENTIAL DISTRICT (R-R)

### (1) Purpose and Intent of R-R District.

The purpose of the R-R District is to provide a means of obtaining the residential goals and objectives of the Town Comprehensive Plan. The R-R District is to provide a quiet pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the R-R District is to provide for rural residential development on soils that are compatible for on-site disposal of sewage effluent, will substantially support a residential structure, and will not infringe on primary agricultural soils.

The following described soil types have been determined to have severe limitations due to high water table, slow permeability, lateral seepage, liquefies easy, floatation of pipes, subject to frost heave, bedrock, low bearing capacity, or frequent overflow and therefore no residential development shall take place thereon:

#### ON-SITE LIMITATIONS

Ad	EdE	KaK	Ot	Sob
Aw	ElA	KdD	Pa	SoC2
AzA	EmA	KeD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	RrF	W1A
Da	GpC2	Mc	Rs	W1B2
DrD2	GrD2	Md	RtD	WiC2
EdB2	Ha	Me	RuE	W1D2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
OoD2	SbC2	WoA		

### (2) Permitted Uses

The following uses are permitted uses in this District:

- (A) Single and two family dwellings, mobile homes or manufactured homes only when located in a manufactured home park as provided in the conditional use section of this district. One private garage for each residential lot.



(B) Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, bees or fur bearing animals, including rabbits, and no barbwire fence.

(C) Governmental buildings, except sewerage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

(D) Public parks, playgrounds, recreational and community center buildings and grounds.

(E) Graded schools, churches and their affiliated uses.

(F) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.

(G) Water-storage facilities and their accessory structures.

(H) Accessory Buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit. There shall be no more than two (2) accessory building per lot.

(I) Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

### (3) Conditional Use

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may effect the community, enjoining parcels, occupants of adjoining parcels, and/or the physical environment.
3. Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.

4. A public hearing on the application shall be held by the Town Board.
5. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
6. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

(C) The following land uses and improvements are conditional uses in this district:

1. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
2. Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.
3. Public buildings such as colleges and universities including private music, dancing, business schools, vocational schools, but not to include sewerage plants, garbage incinerators, warehouses, garages, or storage areas.
4. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
5. Telephone, telegraph and electric transmission lines, buildings or structures.

6. Nursing homes and hospitals.

(4) Requirements for Permitted and Conditional Uses.

(A) Maximum Building Height	35 ft.
(B) Minimum Front Yard Setback	50 ft.
(C) Minimum Rear Yard Setback	25 ft.
(D) Accessory Buildings Setback	5 ft.
(E) Minimum Lot Width at Building Line	100 ft.
(F) Accessory Buildings Setback	70 ft.
(G) Minimum Lot Width at Building Line	100 ft.
(H) Minimum Lot Frontage on Public Road	70 ft.
(I) Minimum Lot Area	40,000 sq. ft.
(J) Minimum Lot Area Per Two Family Dwelling	55,000 sq. ft.
(K) Minimum Side Yard Setback	15 ft.
(L) Minimum Floor Area Per Family	1,500 sq. ft.
(M) Off Street Parking, Residential	2 spaces per family
(N) Off Street Parking, Public Gathering	1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.
(O) Maximum Lot Coverage Ratio of All Buildings	not to exceed 12.5% of total lot.
(P) Two Family Dwelling Ratio	Not more than one (1) two family per four (4) single family dwellings, or not more than one (1) two family dwelling per four (4) acres of land under a single ownership within the district.

(Q) Maximum Accessory Building Height 35 ft. or not to exceed the height of the principal building.

All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County roads.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.

#### 4.12 RESIDENTIAL DISTRICT ONE (R-1)

##### (1) Purpose and Intent of Residential District One (R-1)

The purpose of the R-1 District is to provide a means of obtaining the residential goals and objectives of the Town Comprehensive Plan. The R-1 District is to provide sufficient space in the appropriate locations for residential development to meet the housing needs of the community's present and expected future population, with due allowance for the need for a choice of sites. The intent of this district is to provide a suitable open character for single-and two-family detached dwellings at low densities which are serviced by public sewer and other basic community services.

The following soil types have been determined to have severe engineering limitations because of their characteristics that include a high shrink-swell potential, low bearing capacity, high moisture content, bedrock at or near the surface, liquefaction potential, or floatation of pipes and therefore no residential development shall take place thereon:

Ad	EvD	Md	RrF
Aw	EvE	Me	Rs
Br	GoD	Mf	RuE
CaE	Ho	Na	RuF
Co	JuA	Ot	Se
EdC2	KeE	Pa	SoD
EdD2	Ma	Ro	SoF
EdE	Mb	RpD2	W1D2
EoA	Mc	RrE	WoA

##### (2) Permitted Uses

The following uses are permitted in this District:

- (A) Single and two family dwellings.
- (B) Churches and all affiliated uses, all graded schools, libraries and hospitals, water storage facilities and related structures.
- (C) Municipal buildings: except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
- (D) Public parks, playgrounds, recreational and community center buildings and grounds.

(E) One private garage and one (1) accessory building.

(F) Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

(3) Conditional Use

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
3. Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
4. A public hearing on the application shall be held by the Town Board.
5. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
6. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not

actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

(C) The following land uses and improvements are conditional uses in this district:

1. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
2. Public buildings such as colleges and universities including private music, dancing, business schools, vocational schools, but not to include sewerage plants, garbage incinerators, warehouses, garages, or storage areas.
3. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those who principal activity is a service customarily carried on as a business, and except also riding clubs.
4. Telephone, telegraph and electric transmission lines, buildings or structures.
5. Nursing homes and hospitals when located on collector streets.

(4) Requirements for Permitted and Conditional Uses.

(A) Maximum Building Height	35 ft.
(B) Minimum Front Setback	25 ft.
(C) Minimum Rear Yard Setback	25 ft.
(D) Accessory Buildings Setback	3 ft.
(E) Minimum Lot Width at Building Line	70 ft.
(F) Minimum Lot Frontage on Public Road	70 ft.
(G) Minimum Lot Area	8,000 sq. ft.
(H) Minimum Lot Area Per Two Family Dwelling	8,000 sq. ft.

(I) Minimum Side Yard Setback 8 ft. min. Total of 20 ft on both sides

(J) Minimum Floor Area for Single Family 1,200 sq. ft.

(K) Minimum Floor Area per Family for Two Family 1,000 sq. ft.

(L) Off-Street Parking, Residential 2 spaces per family

(M) Off-Street Parking, Public Gathering 1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.

(N) Maximum Lot Coverage Ratio of All Buildings not to exceed 12.5% of total lot.

(O) Two Family Dwelling Ratio not more than one (1) two family dwelling per four (4) single family dwellings, or not more than one (1) two family dwellings per one 10 acre of land under a single ownership within the district.

All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County roads.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.



#### **4.13 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)**

(1) Purpose and Intent of Planned Unit Development Overlay District (PUD).

The Planned Unit Development (PUD) is established herein to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the Zoning Ordinance and the Town Comprehensive Plan for community development. The intent is to allow diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public services, and to encourage and facilitate preservation of open land.

The PUD is an area with a minimum contiguous acreage of 5 acres or more to be developed as a single entity according to a plan, containing one or more residential clusters, limited commercial clusters, or planned residential developments, and or more public, quasi-public, agricultural and/or conservation areas. The basic principle of the PUD is that property rights usually include private area or lot and access to commonly owned property which is usually owned by a property owners association, or covered by easements which provide common use amongst property owners. Land must be rezoned according before development takes place.

(2) Lot Area, Lot Width, Height, Floor Area Ratio, Yard and Usable Open Space Requirements.

(A) In the PUD the requirements of the respective zoning district may be relaxed to the discretion of the Planning & Zoning Committee but in no case shall the maximum number of units per square foot in relation to the total development be exceeded for the respective zoning district.

(B) A minimum of five (5) acres of land shall be developed as a unit.

(3) Off-Street Parking.

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

(4) Criteria for Approval.

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

(A) Character and Intensity of Land Use. In a PUD, the uses proposed and their intensity and arrangement on the site shall be a visual and operational character which:

1. Are compatible with the physical nature of the site with Particular concern for preservation of natural features tree growth and open space.
2. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
3. Would not adversely affect the anticipated provision for school or other municipal services.
4. Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.

(B) Economic Feasibility and Impact. The proponents of a PUD and application shall provide evidence satisfactory to the Planning & Zoning Committee of its economic feasibility, of available adequate financing and that it would not adversely affect the economic prosperity of the community or the values of surrounding properties.

(C) Engineering Design Standards. The width of street right-of way and location of street or other paving outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided., however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Planning & Zoning Committee.

(D) Preservation and Maintenance of Open Space. In a PUD area, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication of private land.

1. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the public as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for limited commercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of the Town Board following approval of building site and operational plans by the Planning & Zoning Committee.
2. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement and shall be included in the title to each property.
3. Ownership and tax liability of private open space reservation shall be established and made a part of the conditions of the plan approval.

(E) Implementation Schedule. The proponents of a PUD shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Planning & Zoning Committee including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

(5) Procedure. The procedure for obtaining a PUD shall be as required for any other conditional use under this Ordinance, except that in addition thereto, the conditional use may only be considered in conjunction with the development plan, and shall be subject to the following additional requirements:

(A) General Development Plan. The applicant shall file with Town Planning & Zoning Committee a General Development Plan which shall include the following information:

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

3. A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in 6.3 of this section.
  - a. The pattern of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character.
  - b. The pattern of public and private streets.
  - c. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
  - d. A utility feasibility study.
4. Appropriate statistical data on the size of the development, ratio of various land uses, percentages of multifamily units by number of bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by the community under the criteria of this section.
5. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

(6) Referral and Hearing.

- (A) Within sixty (60) days after completion of the filing of the petition for approval of a preliminary proposal, the Planning & Zoning Committee shall schedule the required public hearing.
- (B) Approval of the conditional use and related preliminary proposal shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a Specific Implementation Plan, and shall not make permissible any of the uses as proposed until a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan.

(7) Specific Implementation Plan.

A specific and detailed plan for implementation of all or a part of a proposed PUD must be submitted to the Planning and Zoning Committee within one (1) year after receiving preliminary approval from the Town Board. If a Final Plan has not been submitted within said time, which the Planning & Zoning Committee determines to be a reasonable phase of the total plan, the area shall revert back to the original zoning district without PUD classification. The Specific Implementation Plan shall be submitted to the Planning & Zoning Committee and shall include the following detailed construction and engineering plans and related detailed documents and schedules.

- (A) An accurate map of the area (at a scale of 1" = 100 ft) covered by the plan including the relationship to the total General Development Plan.
- (B) The pattern of public and private roads, driveways, walkways and parking facilities.
- (C) Detailed lot layout and subdivision plat where required.
- (D) The arrangement of building groups, other than single family residences, and their architectural character.
- (E) Sanitary sewer and water mains.
- (F) Grading plan and storm drainage system.
- (G) The location and treatment of open space areas and recreational or other special amenities.
- (H) The location and description of any areas to be dedicated to the public.
- (I) General landscape treatment.
- (J) Proof of financing capability.
- (K) Analysis of economic impact upon the community.
- (L) A development schedule indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate date when the development of each

of the stages will be completed; and (5) the area and location of common open space that will be provided at each stage.

(M) Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, common open areas or other facilities.

(N) Any other plans, documents or schedules requested by the community.

(8) Approval of the Specific Implementation Plan.

(A) Following a review of the Specific Implementation Plan, the Planning & Zoning Committee shall recommend to the Town Board that it be approved as submitted, approved with modification or disapproved.

(B) Upon receipt of the Planning & Zoning Committee's recommendation, the Board may approve the plan and authorize the development to proceed accordingly, or disapprove the plan and send it back to the Planning & Zoning Committee for further negotiation with the developer.

(C) In the event of approval of the Specific Implementation Plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time. This shall be accomplished prior to the issuance of any building permit.

(D) Any subsequent change or addition to the plans or use shall first be submitted for approval to the Planning & Zoning and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, the procedure provided in (6) above, and in this subsection shall be required.

## 4.14 MANUFACTURED HOME PARKS DISTRICT (MHP)

### (1) Procedures and Applications

(A) Approvals Required. No person shall construct, expand, or operate a manufactured home park or travel trailer camp within the Town unless he holds a valid license issued annually by the Town Clerk.

Any person owning or controlling or manufactured home court in existence on the effective date of this ordinance may apply for and receive an annual license for his existing court or camp by complying with (d) thereof.

The Town Clerk shall issue an initial license only after the following actions have taken place:

1. The land has been zoned manufactured home park by the Town Board.
2. The applicant completes application form and submits it to the Town Clerk together with the required license fee.
3. The Town Board approves the license.

(B) Fees and Expiration Date (per Wisconsin Statutes Section 66-05866.0435).

#### 1. Fee Schedule

- a. Initial manufactured home court license fee \$75-00 or \$2.00 per lot whichever is greater
  - b. Annual manufactured home court license fee \$100.00 or \$2.00 per lot whichever is greater
  - c. Manufactured home court license transfer fee \$10.00
2. Expiration. All such licenses are to expire on the 30th day of June of each year and shall be renewed annually. There shall be no pro-ration of fees.

(C) Initial License Application

1. Application for an initial license shall be made to the Town Clerk on an initial license application form. Such application form shall be for, a conditional use permit and the initial license. Fees as provided in (1)(b)(1) above are required prior to taking action on each of the approval steps listed herein.
2. Preliminary Plat. The applicant shall apply for preliminary plat approval to the Planning and Zoning Committee. Such applicant shall submit six (6) copies of the preliminary plan. Such preliminary plan shall be drawn on a topographic map with a scale of at least one inch equals 200 feet showing two foot contours, the area, location and proposed layout of lots, roadways, and park areas. Approval by the Planning and Zoning Committee shall be in concept only which will enable the applicant to prepare a final plan.
3. Final Plan. Upon approval by the Planning & Zoning Committee of the preliminary plan, the applicant shall submit to the Planning and Zoning Committee a \$25.00 review fee and six (6) copies of the general development plan which shall include:
  - a. Three (3) prints of a certified survey map or subdivision plat of the property showing existing features of the property.
  - b. A complete plan of the court or camp drawn to a scale of not less than 100 feet per inch.
  - c. The number, location and dimensions of all mobile home or manufactured home or travel trailer lots.
  - d. The location and width of roadways, walkways, easements setback lines, planting strips and recreation areas.
  - e. The location of automobile parking areas and service buildings, if provided.
  - f. The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.
  - g. Plans and specifications of all buildings and other improvements constructed or to be constructed within the court or camp, including a detailed sketch of a typical mobile home or manufactured home or travel trailer lot.



4. Upon submission of the final plan to the Planning & Zoning Committee, the Committee shall set a public hearing on the final plan and after hearing any interested party, any staff report, recommendation or information, the Committee shall make a recommendation and report to the Town Board concerning such plan after determining the following:
  - a. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the intended court or camp.
  - b. That adequate utilities, access, roads, drainage and other necessary site improvements have been or are being provided.
  - c. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public street.
  - d. Approval by Town Board. After receiving the final plan and the recommendation and report from the Planning, & Zoning Committee, the Town Board may grant a permit for a conditional use after a public hearing and thereafter grant the initial license.

Such permit shall not be issued until the requirements of this section have been fulfilled. After the conditional use permit is issued, the Town Clerk is authorized to issue an initial license upon payment of the required fee.

- e. Procedure After Permit Granted. Upon approval of a conditional use permit, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin a certified survey map or plat (Chapter 236 of Wisconsin Statutes) of the gross land area including the final approved plans and the deeding to the Town those lands and easements called for in the plans submitted to the Planning & Zoning Committee and Town Board and containing a statement that the land is to be developed pursuant to the approved conditional use permit. Upon the submission of proof of such recording to the Town Clerk, said Clerk shall issue the initial license allowing said owners or their successors to develop the land according to the conditional use permit and recorded plans. Construction pursuant to such permit must commence within one (1) year of the date of the license issuance or the license shall become null and void.

- (D) License Application. Annual License. The applicant shall apply to the Town each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a fee of \$2.00 for each lot or space in the existing or proposed park, but not less than \$100.00.
- (E) Transfer of License. A transfer of license application shall be applied for and may be approved by the Town Board in the same manner as an application for a renewal license. The fee for such transfer license is \$10.00.

(2) Administration

- (A) Building Inspector. It shall be the responsibility, of the Building Inspector to enforce the provisions of this ordinance by authorizing and directing inspections to be made of all manufactured home courts and travel trailer camps.
- (B) Violations. Whenever the Building Inspector determines violations of pertinent regulations exist, he shall notify the licensee or, permittee of such alleged violations. The notice shall:
1. Be in writing.
  2. Include a statement of the violations enumerated.
  3. Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed 90 days.
- (C) Revocation of License. Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such court or camp is subject to revocation by the Town Board as provided in Sections 66.058(2)(d) and 66.0435(2)(d) of the Wisconsin Statutes unless the alleged violation is corrected within the period specified by Town Board.
- (D) Emergency Order. Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety and/or welfare, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the license. Said order shall be in writing, shall be notwithstanding any other provisions of this ordinance, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to the revocation of the manufactured home park license.

(E) Duty of License Holder.

1. It shall be the duty of the license holder to file with the Town Clerk a monthly report containing the following information on a form sheet:
  - a. Name of manufactured home court, name and address of owner, agent, or operator.
  - b. A tabulation of manufactured home court occupancy listing lot designation, occupants names, monthly tax and date of departure or arrival.
2. Within five days of the arrival of each new manufactured home occupant, the owner shall submit in duplicate the Town Assessor form 130-2 of the Wisconsin Department of Revenue Mobile or Manufactured Home.

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

(3) General Provisions

(A) Applicability. Every manufactured home court and every travel trailer camp built or added to after, the effective date of this ordinance shall conform to and be governed by the provisions of this ordinance. No manufactured home court shall be allowed in any zoning district except specified, Residential District. Every manufactured home court or travel trailer camp developed and governed by this ordinance shall first have an approved conditional use permit prior to being licensed. No travel trailer camp shall be allowed in any zoning district except when specified in the Conditional Use Section of the Zoning District.

(B) Classification shall be of two types

1. Manufactured home courts.
2. Travel trailer camps.

It shall be unlawful to permit a mobile home or manufactured home or travel trailer to be located in a court or camp unless it is placed in a designated stand in a licensed court or camp.

(C) Parking of Manufactured Homes and travel trailers

1. Only one mobile home or manufactured home or travel trailer shall be placed on a lot except that an unoccupied travel trailer may be parked behind the setback line of the owner's yard to the rear of the principal building unless otherwise approved in the final plans.
2. Each mobile home or manufactured home and travel trailer lot shall abut upon a roadway within an approved court or camp.

(D) Non-Residential Uses. No part of any court or camp shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of court or camp residents and for the management and maintenance of the court or camp as approved by the Town Board.

(E) Signing. No signs shall be permitted except the following:

1. One non-flashing identification ground mounted sign or a wall sign stating only the name or court may be permitted provided the sign does not project into the public way.
2. One ground or on-premise wall sign per street frontage may be permitted for travel trailer camps in accordance with the sign overlay requirements.
3. Any necessary regulatory signs such as street name signs, and entrance and exit signs, etc.

Signs and their installation shall comply with all other applicable codes and regulations.

(4) Standards

(A) Court and Camp Size	Min. Acreage	Max. Density of Court
1. Manufactured home courts	8	7.0 units per gross land acre
2. Travel trailer camps	6	7.0 units per gross land acre

(B) Minimum Number of Lots. There shall be a minimum of (25) twenty-five mobile home or manufactured home lots completed and ready for occupancy before first occupancy is permitted.

(C) Length of Residential Occupancy. No lot shall be rented for residential use of a mobile home or manufactured home in any such manufactured home court except for periods of thirty (30) days or more.

(D) Compliance with Code Standards. No mobile home or manufactured home shall be admitted in any manufactured home park unless it can be demonstrated that it meets the requirements of U.S. Department of Housing and Urban Development's Manufactured Home Construction Standards.

(E) Minimum Lot Width and Setback Standards

1. Setback Standards	Travel		
	Mobile home or manufactured home courts		
Trailers	Mobile Home	Accessory Structures	
(a) Front setback	10 ft.	10 ft.	5 ft.
(b) Side setback	8 ft.	5 ft.	5 ft.
(c) Rear setback	8 ft.	5 ft.	5 ft.
(d) Corner street side yard	8 ft.	8 ft.	5 ft.
(e) Yard abutting open areas		8 ft.	8 ft.
(f) From any public street		25 ft.	25 ft.
2. Minimum lot width except irregular shaped lots may be approved with lesser frontage where necessary	50 ft.		30 ft.
3. Minimum Lot Area	6,000 sq. ft.		6, 000 sq. ft.

(F) Parking. At least two (2) off-street hard surfaced parking spaces shall be provided for each mobile home or manufactured home lot. The size of each space must be at least 9 ft. by 20 ft.

At least one (1) off-street parking space shall be provided on or for each travel trailer lot. The size of each space must be at least 9 ft. by 20 ft.

Street parking on both sides of the street shall be permitted if the roadway width is at least 36 feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least 30 feet wide.

(G) Screening. There shall be provided a screening buffer, strip along the boundary of the manufactured home court or travel trailer camp where it abuts a residence district. Such screening shall be at least five (5) feet in width and five (5) feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a breeze to pass.

(H) Recreation Requirements. Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele the court is designed to serve. Not less than ten percent (10%) of the total gross court area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.

(I) Tenant Storage. One storage building accessory to a manufactured home will be permitted on a mobile home or manufactured home lot provided that the storage building does not exceed 400 cubic feet and does not exceed eight (8) feet in height. Such storage building shall be fully enclosed and located on the mobile home or manufactured home lot. All storage buildings in the manufactured home court shall be uniform in size.

(J) Fuel Supply. All fuel shall be distributed to individual lots by an underground distribution system from a common underground fuel storage facility installed in conformity with the rules and regulations of the Department of Industry, Labor and Human Relations of Wisconsin.

(K) Additions and Alterations

1. Permit Required. A permit issued by the Building Inspector shall be required before any construction on a mobile home or manufactured home lot or any structural addition or alteration to the exterior of a mobile home or manufactured home. No permit is required for addition of steps, awnings, skirting, windows, doors, or tenant storage structures as defined below.
2. Size of Expansion. No addition to a mobile home or manufactured home shall be greater than the area in square feet of the existing mobile home or manufactured

home. No addition or alteration to the mobile home or manufactured home shall exceed in the height of the existing mobile home or manufactured home, and all such alterations or additions shall be factory built.

3. Conform to setbacks. Any addition to a mobile home or manufactured home shall be deemed a part of the mobile home or manufactured home and shall have the same setbacks as the existing mobile home or manufactured home.
4. Skirting Required. Vented skirting of non-flammable material for mobile home or manufactured homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that insulation be provided inside the skirting to prevent the freezing of pipes.

(L) Utilities. Utilities shall be installed underground and shall meet County and State of Wisconsin Statutes and Codes.

1. Electrical Requirements.
  - a. Each mobile home or manufactured home and travel trailer lot shall be connected to the court or camp electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment. The minimum service per each manufactured home lot shall be 12-240 volts AC, 100 amperes.
  - b. Adequate lights shall be provided in manufactured home courts and travel trailer camps to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one foot candle shall be provided for safe pedestrian and vehicle movement.
2. Sewer Service. All mobile home or manufactured home parks shall be served by a common sewer. Each mobile home or manufactured home lot shall be equipped with at least a three (3) inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage.

Travel trailer courts shall provide facilities for the disposal of sanitary wastes as set forth in the State of Wisconsin Administrative Standards.

3. Water. Public water shall be provided by separate lateral at each mobile home or manufactured home lot.

Travel trailers shall be served by the Common water system where possible. Provisions shall be made to supply water within fifty (50) feet of each travel trailer lot.

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

(M) Manufactured Home Stand, Patio, and Tie Downs

1. A manufactured home stand shall be continuous 4" concrete single slab or an approved alternate to support the mobile home or manufactured home.
2. The manufactured home stand shall be provided with six anchors and tie-downs such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors or other devices securing the mobile home or manufactured home. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

(N) Roadways

1. All roadways created by a manufactured home court shall be hard surfaced according to standards established by the County Highway Department.
2. The minimum pavement width of roadways shall be 30 feet. The minimum pavement diameter of cul-de-sacs shall be 40 feet.
3. The alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control of surface water and ground water.
4. The names of roadways within the court shall not duplicate the names of streets within Rock County.

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

(P) Fences and Hedges. Fences and hedges may be permitted in a manufactured home court or travel trailer camp provided they do not exceed a height of three (3) feet in the front yard or corner side yard and six (6) feet in height in all other yards.



(Q) Garbage and Rubbish Storage Areas. Garbage and rubbish shall be store in fly tight, water approved containers stored within a completely enclosed building or may be permitted outside the building provided that such storage area is effectively screened from view.

(R) Service Building for Travel Trailer Camps. There shall be at least on ravel trailer camp to provide sanitation and laundry facilities.

1. Location, Construction and Maintenance. Service buildings, easily accessible to all travel trailer lots shall be made of permanent construction in accordance with Rock County and State of Wisconsin Codes. The service building shall maintain a minimum temperature of 60° F. whenever the camp is open for business.

2. Plumbing and Electrical Facilities. Plumbing and electrical facilities in service buildings shall be as set forth in State of Wisconsin Administrative Standards.

(S) The Town Board may require that a bond be executed by the Manufactured Home Developer to insure that all required improvement will be made.

#### (5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.

#### **4.15 SPECIAL PURPOSE DISTRICT (SP)**

(1) Purpose and Intent of Special Purpose District (SP)

The purpose of this district is to provide a means of obtaining the goals and objectives of the Town Comprehensive Plan. The SP District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; those for which it is desirable to have a limited number of a given land use within the community.

(2) Permitted Uses: None

(3) Conditional Uses

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
3. Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
4. A public hearing on the application shall be held by the Town Board.
5. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
6. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

(C) The following land uses and improvements are conditional uses in this district:

1. Refuse disposal sites, dumping grounds sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
2. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.
3. Airports open to the public, hangars, or accessory structures.
4. Cemeterial when they comply with the provisions of Section 157.07 of the Statutes.
5. Race tracks, sewerage treatment facilities.
6. Accessory structures required by the principle use.
7. Junkyards and automobile salvage yards.

(4) Requirements for Conditional Uses

(A) Minimum Lot Area	5 acres
(B) Minimum Front Yard Setback	50 feet
(C) Minimum Side Yard Setback	20 feet
(D) Minimum Rear Yard Setback	25 feet
(E) Maximum Slope Ratio	3:1

(F) Off Street Parking

1 space per 5 seats, or  
1 space per 5 anticipated  
uses at maximum usage of facility.

(G) Abandonment Procedures-Mining Operations:

Slope

3:1

Cover

5" Top Soil, fast growing  
grass, or other suitable  
vegetation. Erosion control  
as needed.

(H) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on  
Federal, State and Country roads.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted  
Use or Conditional Use in this district.

#### 4.16 LIGHT INDUSTRIAL DISTRICT ONE (M-1)

(1) Purpose and Intent of Light Industrial District One (M-1).

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the Town Comprehensive Plan. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and public utilities that are required by industry, as land assembly is needed. This district is to facilitate the establishment of light industrial areas which are consistent with the community's Development Plan which considers the economic production and distribution of goods manufactured in the community as in relation to regional and national competitions.

The uses allowed in this District, either Permitted or Conditional Use, shall only provide for discharge of domestic waste unless connected to a public sewer. Any uses producing other than domestic waste shall be permitted only when public sewer is available. Some conditional uses may require further investigation as to the disposal of other wastes.

The following soil types have severe engineering limitations because of compressibility, high water table, shrink-swell potential, low shear strength, excessive potential, low shear strength, excessive slope, low bearing capacity, are subject to liquification and piping, frost heave, development shall take place thereon:

Ad	EdE	LoD	Pa	SaD
Aw	EoA	Ma	Ro	Se
Aza	GoD	Mb	RpC2	SoC2
Br	GpC2	Mc	RpD2	SoD
CaD2	GrD2	Md	RrE	SoF
CaE	Ho	Me	RrF	TrA
Co	JuA	Mf	Rs	WhC2
DrD2	KdD	Na	RtD	W1C2
EdC2	KeD2	OoD2	RuE	W1D2
EdD2	KeE	Ot	RuF	WoA

(2) Permitted Uses.

The following uses are permitted in this district:

(A) Public or private offices or office buildings.

(B) Truck bus, or rail terminals.

(C) Warehousing, or wholesaling of manufactured goods, except that live animals, explosives, or flammable gases or liquids or toxic materials shall require a conditional use permit issued by the Planning & Zoning Committee.

(D) Public utility facilities.

(E) Police, fire and postal stations.

(F) Automotive upholstery and body repair shops, laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.

(G) Commercial bakeries, greenhouses, printing and publishing.

(H) Distributors and food locker plants.

(I) Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.

(J) Radio, television, and communication transmitting or relay towers and facilities.

(K) Railroad switching yards.

(L) Accessory buildings, uses, and activities customarily incidental to the permitted uses. Accessory use may include a septic tank and field system, when approved by the County Planning & Zoning Committee which shall not exceed 5,000 gallons per day flow, serving an individual building or use. The provisions of Wisconsin Administrative Code NR214 shall be complied with at all times.

(3) Conditional Uses

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

3. Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
4. Public hearing on the application shall be held by the Town Board.
5. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
6. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

(C) The following land uses and improvements are conditional uses in this district:

1. Living quarters for watchman or caretaker.
2. Farm machinery plants and machine shops.
3. Manufacture, fabrication, packing, packaging, and assembly of products utilizing as a primary resource furs, glass, metal, paper, leather, plaster, plastics, textiles, and wood.
4. Research laboratories, and facilities.
5. Manufacturing or processing of explosives.
6. Terminal facilities for flammable gases or liquids.

7. Warehousing, storage, or wholesaling of live animals, explosives, or flammable gases or liquids.
8. Manufacture and bottling of non alcoholic beverages.
9. Storage and sale of machinery and equipment.
10. Manufacture, fabrication, processing, packing, and packaging of confections, cosmetics, electrical appliances, electronic devices; instruments; jewelry, pharmaceuticals, tobacco; toiletries; and food, except cabbage, fish, and fish products, meat and meat products, and pea vining.
11. Building contractors storage yard.
12. Commercial service facility, sewerage disposal plants, and public utilities.

(4) Requirements for Conditional and Permitted Uses.

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

- |  |   |
|--|---|
| (A) Maximum Building Height  | 35 feet   |
| (B) Minimum Building Area  | 40,000 sq. ft.  |
| (C) Minimum Front Yard Setback<br>(yard.)  | 50 ft. (75 feet if parking is permitted in front yard.) |
| (D) Minimum Rear Yard Setback<br>(area.)   | 40 feet (50 feet when abutting a residential area.)     |
| (E) Minimum Side Yard Setback<br>(area.)   | 20 feet (50 feet when abutting a residential area.)     |
| (F) Minimum Average Lot Width  | 100 feet  |
| (G) Minimum Parking Provided   | 1 space per 2 employees                                 |
| (H) Every structure or building containing at least 5,000 square feet of gross floor area shall provide off-street loading space measuring not less than ten feet by forty feet and having a height, clear of all obstructions, of fourteen feet, according to the following schedule: |   |



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

(I) Not more than forty per cent of the lot containing any use permitted in this district may be used for open storage of raw material, or any other material.

(J) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County roads.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or Conditional Use in this district.

#### 4.17 NATURAL RESOURCE OPEN SPACE DISTRICT (NROS)

(1) Purpose and intent of Natural Resource Open Space District (NROS).

The purpose of the Natural Resource Open Space District (NROS) zoning district is to provide a means of achieving the natural resource, open space, and outdoor recreation goals, objectives, and policies of the Town Comprehensive Plan or similar document. The intent of the NROS zoning district is to provide for lands that maintain and enhance ecosystem health and/or offer passive and active outdoor recreation opportunities.

(2) **Permitted uses.** The following uses are permitted in the Natural Resource Open Space District:

- (A) Parks and recreational areas, arboretums, and botanical gardens.
- (B) Public athletic fields and facilities including but not limited to soccer fields, baseball softball diamonds, basketball courts, volleyball courts, swimming beaches, horseshoe pits, ice skating areas, golf course, driving ranges, disk golf courses, tennis sledding area.
- (C) Forestry, management of forest, forest preservation, wildlife reservations, wildlife preserves, and conservation projects.
- (D) Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (E) The management of wildlife, including waterfowl, fish, and other similar lowland animals.
- (F) Hunting.
- (G) Public water recreation facilities including but not limited to boat launches, fishing piers and courtesy docks.
- (H) Public and private parks, picnic areas, and similar uses.
- (I) Hiking trails and bridle paths.
- (J) Preservation of areas of scenic, historic, or scientific value.
- (K) Watershed conservation areas.
- (L) Uses similar and customarily incident to any of the above uses.

(3) **Conditional uses.**

The following uses require a Conditional Use Permit be approved by the Committee or Town Board prior to the use being established. The Committee or Town Board shall hold a public

hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section X of this Ordinance prior to taking action on the application.

- (A) Dams, reservoirs, ponds, water storage and primary facilities or any stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
  - (B) Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
  - (C) Utilities such as, but not restricted to telephone, internet, power, or other transmission lines.
  - (D) Relocation of any watercourse.
  - (E) Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted by Rock County pursuant to Section 59.692 of the Wisconsin Statutes, "Zoning of Shorelands on Navigable Waters".
  - (F) Sewage disposal plants.
  - (G) Golf courses both public and private.
  - (H) Horse stables, riding clubs, and fairgrounds.
  - (I) Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located at least 200 feet from the boundaries of the property involved.
  - (J) Residences for a park supervisor.
  - (K) Animal hospitals, shelters and kennels.
  - (L) Any building or structure used in conjunction with a permitted or conditional use. This may include but not limited to removable shelters, clubhouses, nature centers, maintenance buildings and restroom facilities.
- (4) Requirements for Permitted and Conditional Uses
- (A) Maximum Building Height 35 ft.
  - (B) Minimum Front Yard Setback 50 ft.
  - (C) Minimum Setback from Ordinary High Water Mark 75 ft.
  - (D) Minimum Rear Yard Setback 50 ft.



## **SECTION 5.0 CONDITIONAL USE PERMITS**

### **5.1 General Provisions**

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

### **5.2 Required Information**

Applications for Condition Use Permits Shall Include the Following:

Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of records.

Description of the Subject Site by lot, block and recorded subdivision or by metes and bounds; address of the subject site, type of structure, proposed operation or use of the structure or site, number of employees, and the zoning district within which the subject site is located.

Site Plan showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the site plan shall show the location, elevation, and use of any abutting lands and their structures within forty (40) of the subject site.

### **5.3 Procedure**

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

1. A Conditional Use Permit Application is submitted to the Town Clerk.
2. The Conditional Use Permit Application shall be reviewed by the Planning and Zoning Committee (hereafter called the Committee), as to potential problems that

may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

3. Upon consideration of these factors and the standards in Chapter 5 of this Ordinance, the Committee shall recommend to the Town Board approval or denial of the Conditional Use Permit along with conditions of approval, if any.
4. A public hearing on the application shall be held by the Town Board.
5. Upon consideration of the information obtained at the public hearing, the recommendation of the Committee and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.
6. Upon approval the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the official Zoning Map and enter the record into the Town's Conditional Use Data Base.

(B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval. In the event the Conditional Use Permit is not actively utilized for a period of two years after the date of issuance it shall be automatically revoked at the end of said two year period.

#### **5.4 Standards Applicable to All Conditional Uses**

In passing upon a Conditional Use Permit application, the Planning & Zoning Committee (hereafter called the Committee) and Town Board shall consider the following factors:

- (1) The location, nature, and size of the proposed use.
- (2) The size of the site in relation to it.
- (3) The location of the site with respect to existing or future roads giving access to it.
- (4) Its compatibility with existing uses on land adjacent thereto.

- (5) Its harmony with the future development of the district.
- (6) Existing topography, drainage, soils types, and vegetative cover.
- (7) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

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

## **5.5 Standards Applicable to Conditional Uses with the A-1 and A-2 District**

(A) In passing upon a Conditional Use Permit application in the A-1 and A-2 District, the Planning and Zoning Committee and Town Board shall also consider the following factors:

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

## **5.6 Conditions Attached to Conditional Use Permit**

Upon consideration of the factors listed above, the Town Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

## **5.7 Notice and Public Hearing**

Before making a determination as to the issuance of a Conditional Use Permit, the Town Board shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Committee shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin State Statutes.

## **5.8 Conditional Use Permit Fee**

The applicant, upon filing of his application, shall pay a fee to the Town Clerk in accordance with the following schedule:

- (1) Conditional Use Fee Per fee schedule as established by Town Board on file with the Town Clerk



## **SECTION 6.0 BUILDING PERMITS**

6.1 A Building Permit is required to be obtained from the Building Inspector as part of the requirements of this Ordinance.

### **(A) Cases Where Building Permit Is Required**

- (1) Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
- (2) Where any land use is substantially altered.
- (3) Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.
- (4) Where, in any other case, it has not been otherwise expressly provided in this Ordinance that a Building Permit is not required.

### **(B) Cases Where a Building Permit Is Not Required**

- (1) For any accessory building costing \$2,000.00 or less, provided such building conforms to all the setback, yard and open space requirements of this Ordinance.
- (2) For any improvements or alterations to an existing building in the amount of \$2,000.00 or less which shall not effect a structural change in use or encroach upon any yard or open space.
- (3) For any maintenance repairs regardless of cost.

## **6.3 Application for Building Permit.**

An application for a Building Permit shall be made to the Building Inspector upon forms furnished and shall be made to the Building Inspector upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (A) An accurate map of the property, in duplicate, and properly dimensioned showing:
  - (1) The boundaries of the property involved.

- (2) The location of the centerline of any abutting streets or highways.
  - (3) The location on the lot of any existing buildings, proposed additions or proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline of any abutting streets or highways to the nearest portion of any such building.
  - (4) The high water line of any stream or lake on which the property abuts.
- (B) Where the use involves human occupancy, a plan of the proposed water system and sewage system, which, if not connected to an approved municipal water system or municipal sewage system shall conform to the requirements set forth in H 62.20COMM 83 of the Wisconsin Administrative Code which are hereby made by reference a part of this Ordinance. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots.
- (C) A Building Permit shall remain effective for a period of one year following the date of its issuance.

#### **6.4 Building Permit Fee**

The applicant, upon filing of the Building Permit with the Building Inspector, shall pay a fee to the Building Inspector in accordance with the following schedule:

- (A) Building Permit (A-C) Per fee schedule as established by the Town Board on file with the Town Clerk
- (B) Building Permit for Improvement or Alteration which does not effect a structural change
- (C) Accessory Building Permit

## **SECTION 7.0 STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES**

The following information may be used by the Planning and Zoning Committee, Town Board or Board of Zoning Appeals prior to or during proceedings where conditional use permits, zoning district changes or variances are being considered. Conditions of approval can be attached by the Planning and Zoning Committee, Town Board or Board of Zoning Appeals to address problems which are not direct conflicts of the interest of this ordinance. The following guidelines are not all inclusive.

### **7.1 Site Design and Physical Characteristics**

- (1) Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- (2) Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
- (3) Where public sewers are not available, the percolation characteristics of the soil.
- (4) Adequacy of the proposed internal circulation system, including safety consideration.
- (5) Access to sites from the internal circulation system.
- (6) The costs of providing various public services.
- (7) Appearance---how the area will look?

### **7.2 Site Location Relative to the Public Road Network**

- (1) Convenient access to a public road network--safety of access points.
- (2) Visibility from the proposed road and the need for visibility.
- (3) Location to provide access primarily by right-hand turning movements.

### **7.3 Land Use.**

- (1) Compatibility with existing or proposed uses in the area.
- (2) Relation to any existing land use plan.
- (3) Relation to existing or proposed development at nearby interchanges.

### **7.4 Traffic Generation**

- (1) Amount of daily and peak-hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.
- (2) Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
- (3) Expected composition of site-generated traffic by vehicle types.
- (4) Effect of site-generated traffic on the operation of the area.
- (5) Safety and convenience to future users.

### **7.5 Community Effects**

- (1) Immediate and long-range tax base.
- (2) Access to market or service area.
- (3) Relation to scenic or recreation values.
- (4) Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.
- (5) Compliance with the Development Plan's Goals and Objectives.

### **7.6 Other Relevant Factors**

- (1) See Performance Standards in Section 12 of this Ordinance.

(2) Additional impacts.

## **SECTION 8.0 BOARD OF ZONING APPEALS**

### **8.1 Establish**

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

### **8.2 Membership**

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

- (1) Terms shall be for staggered three-year periods.
- (2) Chairman shall be designated by the Town Chairman.
- (3) Conflict of Interest. Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.
- (4) An alternate Member may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- (5) No member shall be a Town Board member, Planning and Zoning Committee member or the Building Inspector.
- (6) Secretary shall be the Town Clerk.
- (7) Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.
- (8) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- (9) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

- (10) Compensation shall be as determined by the Town Board.

### **8.3 Organization**

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

- (1) Meetings shall be held at the call of the Chairman and shall be open to the public.
- (2) 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, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its finding of facts. The secretary shall keep records of the Board's examination and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.
- (3) The Concurring Vote of three (3) members of the Board shall be necessary to exercise the powers enumerated in 8.4(1), (2),(3) and (4) If a quorum is present, the Board may exercise the powers enumerated in 8.4 by a majority vote of the members present.

### **8.4 Powers**

The Board of Zoning Appeals shall have the following powers;

- (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning & Zoning Committee or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.
- (2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances and self-imposed hardships shall not be granted.
- (3) Interpretations. To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Planning and Zoning Committee has made a review and recommendations.
- (4) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issue of a permit.

- (5) Substitutions. To hear and grant applications for a substitution of a more restrictive nonconforming use for an existing nonconforming use provided no structural alternations are to be made and the Planning and Zoning Committee has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- (6) Assistance. The Board may request assistance from other town and country officials, departments, commissions, and boards.
- (7) Oaths. The Chairman shall administer oaths and may compel the attendance of witnesses.

## **8.5 Appeals and Application**

Appeals from the decision of the Building Inspector concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, committee, board, or bureau of the Town. Such appeals shall be filed with the secretary within sixty (60) days after the date of written notice of the decision or order of the Building Inspector.

Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- (1) Names and Addresses of the appellant or applicant and all abutting and opposite property owners of record, and owners within one thousand (1,000) feet.
- (2) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 6.3 for a Building Permit.
- (3) Additional Information required by the Town Planning & Zoning Committee, Board of Zoning Appeals, or Building Inspector.
- (4) Fee Receipt from the Town Treasurer per fee schedule established by the Town Board on file with the Town Clerk.

## **8.6 Hearings**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days of receiving written application for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Building Inspector, and the Town Planning and



Zoning Committee. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

### **8.7 Findings**

No variance to the provisions of this 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.

- (1) 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 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.
- (2) 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 of and spirit of this Ordinance or the public interest.
- (3) Conclusions of Law. That the findings of the Board of Zoning Appeals is based on a legal foundation and consistent with appropriate codes, ordinances, and state statutes.
- (4) Findings of Fact. The decision of the Board shall be accompanied by findings of fact and conclusions of law.

### **8.8 Decision**

The Board of Zoning Appeals shall decide all appeals and application within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector and Town Planning & Zoning Committee.

- (1) Conditions may be placed upon any Building Permit ordered or authorized by the Board.
- (2) Variances granted or building permits directed by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

### **8.9 Review by Court of Record**

Any person or person aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and

specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Town Clerk.

## **SECTION 9.0 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS**

### **9.1 Classification and Setbacks**

For the purpose of determining the distance buildings and other structures shall be set back from the streets and highways of the Township, the highways are divided into the following classes:

#### (1) Class A Highways

- (A) All State and Federal highways are hereby designed as Class A highways.
- (B) The setback line for Class A highways shall be 150 feet from the centerline of the highway or 100 feet from the right-of-way line whichever is greater.
- (C) Service roads to Class A highways shall be considered as Class C highways for the purpose of determining the setback along said service roads.

#### (2) Class B Highways

- (A) All county trunks are hereby designated as Class B highways. For the purpose of this Ordinance any road will be considered as a county trunk after it has been placed on the county trunk system by the Rock County Board of Supervisors.
- (B) The setback for Class B highways shall be 115 feet from the centerline of such highway or 75 feet from the right-of-way line, whichever is greater.

#### (3) Class C Highways

- (A) All town roads, streets and highways not otherwise classified, here hereby designated Class C highways.
- (B) For all Class C highways setback lines are hereby established parallel to and a distant area of 85 feet from the centerline of such highway or 50 feet from the right-of-way, whichever is greater.

(4) Lesser Setbacks

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

**9.2 Vision Clearance at Intersections**

In each quadrant of every public street, road or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road centerlines and a line connecting points on said centerlines at a specified distance from their point of intersection, in the manner illustrated on the following page and designed basic illustration of clear vision triangles.

The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.

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

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

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

<u>Classification</u>	<u>Triangle Side Distance</u>
Class A	300 ft.
Class B	200 ft.
Class C	150 ft.

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

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

### **9.3 Objects Permitted Within Setback Lines and Vision Triangles**

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

**9.4 Access Control.** The Planning & Zoning Committee may require that common access roads be provided for access from the sub-division to the existing public road network. Access points shall not be within four hundred seventy (470) feet of each other (measured from center to center of each access point).

## **SECTION 10.0 NONCONFORMING USES, STRUCTURES, AND LOTS**

### **10.1 Existing Nonconforming Uses**

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

- (1) Only That Portion of the land or water in actual use may be so continued and the structure may not be extended enlarged, reconstructed, substituted, moved or structurally altered, subject to subpart (5), except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- (2) Total Lifetime Structural Repairs or alterations, subject to subpart (5), shall not exceed fifty (50) percent of the current equalized assessed value of the structure, unless it is permanently changed to conform to the use provisions of this Ordinance.
- (3) 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.
- (4) Licenses. This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this Ordinance.
- (5) Restoration of Certain Nonconforming Structures. The restrictions contained in this Ordinance applicable to damaged or destroyed nonconforming structures, do not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to subpart b. 1., location and use that it had immediately before the damage or destruction occurred, nor shall the limitations of this Ordinance concerning the costs of repair, reconstruction or improvement, pertain to such structure if all of the following apply:
  - a. The nonconforming structure was damaged or destroyed on or after March 2, 2006;
  - b. The damage or destruction was caused by a violent wind, vandalism, fire, flood, ice, snow, mold or infestation.

1. The size of the structure to which this subpart applies, may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

## **10.2 Abolishment or Replacement**

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 fair market value, subject to section 10.1(5), it shall not be restored except so as to comply with the use provisions of this Ordinance.

## **10.3 Existing Nonconforming Structures**

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered, subject to section 10.1(5), except when required to do so by law or order or as to comply with the provisions of this Ordinance.

## **10.4 Changed and Substitutions**

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

## **10.5 Substandard Parcels**

Except in the A-1 and A-2 Districts, where any non-farm residence built on a substandard parcel must be issued a conditional use permit in accordance with s. 91.46 (2) Wis. Stats., or re-zoned out of these districts in accordance with s. 91.48 Wis. Stats., in any other district a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds' office before May 30, 1974 or amendment of this Ordinance

that renders said parcel substandard, only in conformity with the provisions of subsections (1) - (3).

- (1) Such Parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard parcel are owned by the same owner, the substandard parcel shall not be sold or used without full compliance with the provisions of this ordinance. For purposes of this Ordinance, ownership of abutting lands by a spouse shall not constitute separate ownership. If in separate ownership, all of the district requirements shall be complied with insofar as practical. In any residential district, the requirements shall not be less than the following:

Parcel Width Minimum 50 ft. Area Minimum 7,500 sq. ft (except in shoreland areas)

Yards:

Street Minimum 35 ft.; the second street yard on corner lots shall be not less than 10 ft.

Rear Minimum 20 ft.

Side Minimum 16 percent of the frontage, but not less than 5 ft.

- (2) Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a building permit.
- (3) If two or more parcels, one or more of which are substandard, are abutting and have the same ownership as of the effective date of this Ordinance, the parcels involved shall be considered an individual parcel for the purposes of this Ordinance.



## **SECTION 11.0 CHANGES AND AMENDMENTS**

### **11.1 Authority**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance when the amendment is consistent with an adopted development plan.

Such Change or Amendment shall require the review and recommendation of the Planning & Zoning Committee.

### **11.2 Initiation**

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

### **11.3 Petitions**

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

- (1) Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning district, and the location and existing use of all properties within one thousand (1000) feet of the area proposed to be rezoned.
- (2) Owners' Names and Addresses of all properties lying within one thousand (1000) feet of the area proposed to be rezoned.
- (3) Additional Information required by the Planning & Zoning Committee, or Town Board.
- (4) Fee Receipt from the Town Treasurer per the fee schedule established by the Town Board on file with the Town Clerk.

#### **11.4 Recommendations**

The Planning and Zoning Committee shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as required, modified, or denied. The recommendation shall be made not later than the meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board.

#### **11.5 Hearings**

The Town Clerk shall notify all property owners within one thousand (1000) feet of the land in question and after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, the Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

#### **11.6 Town Board's Action**

Following such hearing and after careful consideration of the Town Planning & Zoning Committee recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

#### **11.7 Protest to Proposed Change**

In the event of protest against a proposed district change or amendment to ordinance, duly signed and acknowledged by the owners of 20 percent or more of the frontage proposed to be altered, or by the owners of at least 20 percent of the frontage immediately in the rear thereof, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the full Town Board of Supervisors membership.

#### **11.8 Zoning Change for Amendment Petition Fee**

When a zoning change or amendment is initiated by petition under Subsection 11.2, the Petitioner, upon the filing of its petition, shall pay a fee to the Town Clerk in the sum of \$250.00 or the cost of public notice and associated fees, whichever is greater.

## **SECTION 12.0 PERFORMANCE STANDARDS**

### **12.1 COMPLIANCE**

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

### **12.2 Air Pollution**

No activity shall emit any fly ash, dust, fumes vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible described in the United States Bureau of Mine's Information Circular 7718.

### **12.3 Fire and Explosive Hazards**

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

Closed Cup Flash Point	Gallons
Over 187E F.	400,000
105E F. to 187E F.	200,000
Below 105E F.	100,000

## 12.4 Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises except activities in the M-2 Heavy Industrial District which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

## \*12.5 Liquid or Solid Wastes

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

## \*12.6 Noise

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

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

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

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

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

**\*12.7 Odors**

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter 13, Air Pollution Abatement Manual 1960, prepared by the Manufacturing Chemists' Association, Inc., Washington, D.C. Agriculture odors associated with normal agricultural activities are exempted from this section.

\*Does not apply in Agricultural Districts

**12.8 Radioactivity and Electrical Disturbances**

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

**12.9 Vibration**

No activity in any district except the M-2 Heavy Industrial District shall emit vibrations which are discernible without instruments outside its premises. No activity in an M-2 Heavy Industrial District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

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

**12.10 Water Quality Protection**

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

toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code for all navigable waters.

## **SECTION 13.0 SIGNS**

### **13.1 Permit Required**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except those signs permitted under Section 13.2, and without being in conformity with the provisions of this Ordinance, Section 84.30 of the Wisconsin Statutes and Chapter HY 19TRANS 291 of the Wisconsin Administrative Code. The sign shall also meet all the structural requirements of local and state building codes.

### **13.2 Signs Permitted in All Districts Without A Zoning Permit**

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

- (1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed eight (8) square feet in display area on all sides for any one farm.
- (3) Real Estate Signs not to exceed eight (8) square feet in display area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (4) Name, Occupation, and Warning Signs not to exceed two (2) square feet in area located on the premises, and not closer than fifty (50) feet between signs.
- (5) Bulletin Boards of public, charitable, or religious institutions not to exceed eight (8) square feet in display area located on the premises.
- (6) Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official Signs, such as traffic control, parking restrictions, information, and notices.
- (8) Temporary Signs or banners when authorized by the Planning and Zoning Committee.

### **13.3 Signs Permitted In All Business And Industrial Districts**

The following signs are permitted in the Business and Industrial Districts with a permit and are subject to the following regulations:

- (1) Wall Signs placed against the exterior walls of buildings shall not extend more than eighteen (18) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in display area for any one premises, and shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (2) Projecting Signs fastened to, suspended from, or supported by structure, shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more than six (6) feet in any required yard; shall not be less than ten (10) feet from all lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a side-walk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.
- (3) On-Premise Ground Signs limited to one sign for each individual business which advertises the business names, services offered, or products sold on the premise, and shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one premises.
- (4) Off-Premises Ground Signs shall require a conditional use permit Zoning Committee and not be located (50) feet of the existing or proposed right-of-way of any state or county trunk highway or any town road measured horizontally along a line normal or perpendicular to the center of the highway; and shall not be located within one thousand (1,000) feet of any other off-premise ground sign, located on the same side of the road shall not exceed thirty (30) feet in height; and shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides.
- (5) Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
- (6) Combinations of any of the above signs shall meet all the requirements for the individual sign.



### **13.4 Facing**

No sign except those permitted in Section 13.2 shall be permitted to face a Residential District within one Hundred (100) feet of such district boundary.

### **13.5 Traffic**

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

### **13.6 Existing Signs**

Signs lawfully existing, at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 10.0 shall apply.

### **13.7 Bonds**

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

### **13.8 Moveable or Temporary Signs.**

No moveable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to the real estate.

### **13.9 Lighting of Signs.**

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

## SECTION 14.0 SECTION DEFINITIONS

### 14.1 Usage

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."
- (3) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (4) Any words not defined herein shall be presumed to have their customary dictionary definitions as provided by the most recent edition of Webster's Collegiate Dictionary or by Wisconsin State Statute.

### 14.2 Words and Terms Defined

Accessory Building. Any building except the principal building on a lot. IN the case of a house and detached garage on a lot, the accessory building is the garage.

Accessory Structure. A structure constructed on a manufactured home lot apart from the basic manufactured home unit, including awnings, cabanas, storage cabinets (or sheds), carports, windbreaks, attached porches and garages.

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

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

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

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

Applicant. The owner of the land or his representative. Consent shall be required in writing from the legal owner of the premises.

Arterial Street. A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

Automobile Vehicle. A vehicle that is self propelled except a snowmobile unless specifically referred to as a motor vehicle herein.

Basement. A story partly underground.

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

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

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

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

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

Committee. The Planning and Zoning Committee.

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

Common ownership. Collective ownership of a property by two or more persons.

Community Living Arrangement. Means any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: Child

Welfare agencies under ' 48.60, group foster homes for children under '48.02(7) and community based residential facilities under '50.01 of Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

Conditional Use. A use of land which, while appropriate for inclusion within a given district, possess a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions fore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

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

Dependant Manufactured Home A manufactured home which does not have complete bathroom facilities.

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

Developer. The owner of land proposed for subdivision or his representative. Consent shall be required from the legal owner of the premises.

Development Guide. The Town's Development Plan (segment of the County's Development Plan SS. 59.97) or the incorporated municipality's Master Plan (SS. 52.23) Smart Growth Comprehensive Plan. The Town's Development Plan (SS.66.1001).

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

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

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

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

Earthwork. The moving of more than 2 cubic yards of any type of soils.

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

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

Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water sanitary sewerage, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, policy call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

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

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

Family Farm Business. A family business focused on agricultural activities or business operation that is an integral part of, or incidental to, an agricultural use.

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

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

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

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

Farm Owner or Operator. A farm owner or operator is a person who earns at least \$6,000/year in farm income.

Floodplain. the land adjacent to a body of water which is subject to periodic overflow therefrom.

Floodway. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

Floor Area. The area within the exterior walls of a building which is usable as living quarters.

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

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

Garage, Private. Any accessory building or space for the storage only of not more than three (3) motor vehicles per dwelling unit.

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

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

High density. Those residential zoning districts in which the density of less than one dwelling unit per 8,500 square feet.

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

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

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

Household Unit. The body of persons who live together in one dwelling unit as single housekeeping unit.

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

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

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

Large Farm Animal. Any horse, head of cattle, pony, sheep, goat, or hog.

License. A written license issued by the municipality allowing a person to operate and maintain a manufactured home park under the provisions of this Ordinance and regulations issued hereunder.

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

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

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

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

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

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

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

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

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

Lot Width. The width of a parcel of land measured at the rear of the specified street yard.

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

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

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

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

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



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

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

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

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

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

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

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

Non-dependant Manufactured Home. A manufactured home which has complete bathroom facilities.

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

Owner. Any person, group or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

Park Management. The person who owns or has charge, care or control of manufactured home park or travel trailer park.

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

Permit. A written building permit or certification issued by the Planning and Zoning Committee permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.

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

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

Principal Building. The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.

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

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

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

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

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

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

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

Story. that portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there be no floor above it. A basement

or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

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

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

Structure. Anything constructed or erected having location on the ground.

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

Subdivision, Major. All subdivisions not classified as minor subdivisions, including but not limiting to subdivision of five (5) or more lots, or any subdivision requiring any new street or extension of local governmental facilities, or the creation of any public improvements.

Subdivision, Minor. Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, development plan, official map, zoning ordinance, or these regulations.

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

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

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

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

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

Travel Trailer. A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form: (a) a unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding 32 feet; (b) a unit designed to be mounted on a truck chassis; (c) a unit constructed as an integral part of a self-propelled vehicle; or (d) a canvas, folding unit mounted on wheels.

Travel Trailer Park. A parcel of land in which two or more spaces are occupied, or intended of occupancy, by travel trailers for transient dwelling purposes.

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

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

Variance. Is authority granted to the owner to use his property in a manner which is prohibited by the zoning ordinance. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses. (a) Area Variance: Is one which does not involve a use which is prohibited by the zoning ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot-size restrictions, density, density regulations, and yard requirements. (b)

Use Variance: Is one which permits a use of land other than which is prescribed by the zoning ordinance. It is primarily a grant to erect, other than that prescribed by the ordinances.

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

Waterline. The shortest straight line at the water front end of a stream lot that lies wholly within the lot, provided that not less than 75 per cent of the length of such water line shall be on, or on the landward side of, the normal high water mark of such stream.

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

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

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

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