

## Chapter 19 - ZONING

### Town of Turtle Zoning Ordinance

#### SECTION 19.01 INTRODUCTION

(a) **Authority** The Town Board of Turtle, Wisconsin, has heretofore been directed, at an annual town meeting of qualified electors to exercise all powers relating to and conferred upon villages, and these regulations are adopted under the authority granted by Sections 60.62, 61.35, and 62.23 of the Wisconsin State Statutes.

(b) **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 Town of Turtle Land Use Plan.

(c) **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, number of stories and size of buildings and other structures, 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 land use 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.

(d) **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, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

(e) **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.

(f) **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 not be applicable to any other structure, land or water not specifically included in said judgment.

(g) **Repeal** The Town Board repeals without limitation all other ordinances, maps, or parts of ordinances of the Town inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, including without limitation, a certain zoning ordinance originally dated September 20, 1982, the Official Zoning (District) Map, and any amendments to said zoning ordinance and zoning map that is a part of that ordinance originally dated April 12, 1978.

(h) **Title** This Ordinance shall be known as, referred to, or cited as the Town of Turtle Zoning Ordinance.

(i) **Effective Date** This Ordinance shall be effective after a public hearing, adoption by the Town Board, and posting as provided by law. Changes or Amendments to the text of this ordinance or the "Official Zoning Map" shall be effective after the provisions of Section 8 have complied with and the Change or Amendment has been posed as provided by law.

## **SECTION 19.02 GENERAL PROVISIONS**

(a) **Jurisdiction** The jurisdiction of this Ordinance shall include all lands and waters within the Town.

(b) **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.

(c) **Use Restrictions** The following use restrictions and regulations shall apply:

(1) **Permitted Uses** are permitted as of right in any district.

(2) **Accessory Uses** and structures are permitted in any district but not until the principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry unless a conditional use is authorized under this ordinance.

(3) **Conditional Uses** and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Planning Commission and issuance of a conditional use.

(4) Unclassified or Unspecified Uses may be considered and utilized as a permitted or conditional use as determined by the Planning Commission provided that such uses are similar in character and impact to the principal uses permitted in the district.

(5) Temporary Uses, may be permitted by the Town Board for a period of time to be determined by the Town Board.

(6) Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.

(d) **Penalties** Any person, firm or corporation who fails to comply with, or violates, the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$250 nor more than \$5000 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

(e) **Violations** It shall be lawful 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 Zoning Administrator, the Town Planning Commission, 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.

(f) **Civil Enforcement** Appropriate actions and proceedings may be taken at 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 in subsection (d).

(g) **Modifications**

(1) Authority, application.

(i) Wherein the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper.

(ii) Application for any such modification or waiver shall be made in writing, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data that may aid the Town in the analysis of the requested modification or waiver.

(2) Conditions for granting. The Town Board shall not grant modifications or waivers to this ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

(i) The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.

(ii) The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property.

(iii) A particular hardship to the owner would result if the strict letter of the ordinance were carried out.

(iv) Such modification is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.

(3) Granting by Town Board.

(i) The Town Board, if it approves of the modification to this ordinance, shall do so by motion or resolution and shall instruct the Town Clerk to notify the petitioner.

(ii) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the Town consistent with the Town Comprehensive Plan.

(iii) Any modification granted can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.

### **SECTION 19.03 ZONING DISTRICTS**

(a) **Establishment** For the purpose of this ordinance the Town of Turtle is hereby divided into the following Zoning Districts:

- Rural Residential District (R-R)
- Residential One District (R-1)
- Cluster Overlay District (COD)
- Mobile Home District (MHP)
- Exclusive Agricultural (A-E)
- General Agricultural (A-G)
- Commercial Highway Interchange District (CHI)
- Local Commercial District (B-1)
- Lowland Conservancy Overlay District (C-1)
- Highland Conservation District Two (C-2)
- Special Purpose District (SP)
- Light Industrial District (M-1)

(b) **Zoning Map and District Boundaries**

(1) The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Turtle, Wisconsin", dated October 28, 1998 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; land parcel lines; road right-of-way lines, centerline of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. One copy of said map shall be kept on file in the office of the Town Clerk and a copy correct only as of the day of passage of this Ordinance shall be attached to this Ordinance. The Town Clerk or Town Board designee shall forward all map amendments approved by the Town Board to the Rock County Planning and Development Agency. Amendments shall be included on the Official Zoning Map as soon as possible. The original Official Zoning Map shall be kept in the Rock County Planning and Development Agency Office and the Town Clerk shall receive an updated copy as revised current version of said map reflecting current zoning boundary locations. The Clerk shall save at least one copy of all updated Official Zoning Map editions.

(2) Overlay districts, as presented in this section, are created for the purpose of imposing special regulations in given designated areas of the County to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

(3) Any person finding an error in the Official Zoning Map may report the error to the Town of Turtle Planning Commission. The Planning Commission will investigate and if it determines there is an error, the Planning Commission will report the error to the Town Board. The Town Board will consider the matter and if it agrees there is an error in the Official Zoning Map, it will report the error to the Rock County Planning and Development Agency and request a correction in the Official Zoning Map.

(c) **General District Regulations** The following regulations set forth requirements that may not apply universally throughout the town, but rather cover issues that are applicable to one or more districts.

(1) **Right to Farm.** The Town, in establishing exclusive agricultural districts, effectively has decided that agricultural uses of land are appropriate in those districts. An exclusive agricultural district also protects owners of farmland against lawsuits alleging that agricultural practices constitute a public nuisance. According to section 823.08 of the Wisconsin Statutes, the court cannot substantially restrict agricultural practices in an exclusive agricultural use district, except when necessary to protect the public health or safety.

(2) **Exceptions to Height Regulations.** The height limitations contained in the requirements for permitted and conditional uses do not apply to grain elevators, silos,

barns, 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.** Motor vehicles without current license plates shall not be parked or stored on any land parcel in the Town of Turtle unless they are in completely enclosed buildings.

(5) A setback less than the setback required by this Ordinance may be permitted where there are at least two (2) existing main buildings existing at the date of enactment of this Ordinance within 200 feet on both sides of the proposed site that are built to less than the required setback. In such case, the setback shall be on 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 Commission 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 parcel has an area less than the minimum number of square feet required for the district in which it is located, and was off record as such at the time of the passage of this ordinance, such lot may be occupied by a one (1) family structure if the zoning district setback requirements, septic system, and water well requirements are met.

(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) In any district no more than one principal structure shall be allowed as a permitted or a conditional use on a single parcel lot except for condominium units and manufactured homes when in a mobile home park.

(10) All new land parcels shall be served with electric and telephone lines with electric lines being less 12,400 volts. Cable television and natural gas shall be installed underground within the parcels utility easements when the utility line is adjacent to the land division or available to an adjoining parcel. Utility easements and lines shall be required to be on the Building Permit map. Provisions shall be made to assure that installation of utilities take place prior to final land division approval. The only exception

will be on an immediately adjacent parcel where existing overhead or underground lines can provide direct service to a structure.

(11) No overhead electric power or telephone 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 25 people or one percent (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 Commission and if both comprise essential components of a single program.

(14) Habitation of a recreational vehicle, tent, or camper shall not take place on a parcel located in the Town for more than a total of fourteen days within a 12 month period.

(15) Storage of a recreational vehicle, mobile home, manufactured home, camper, pull trailer, 5th wheel, snowmobile, all-terrain vehicle, or boat without a current registration/license issued by the State of Wisconsin shall not be parked or placed on any land parcel located in the Town unless within a completely enclosed building. Exception: Pop-up campers and pull trailers under 3,000 pounds are exempt because they do not require Wisconsin registration or licenses.

(16) No new land parcel shall be created that is not in compliance with the minimum land parcel requirements of this ordinance.

(17) All land parcels existing as of the date of approval of this ordinance, that are smaller than the minimum square footage requirement of the assigned zoning district, shall be entitled to the permitted and conditional uses provided in the district when the front, side, and rear yard setbacks, sewer and water requirements can be met.

(18) Semi-Trailers shall not be parked on a parcel of land for more than seven days unless located in a commercial or industrial district. In Agricultural Districts, the use of semi-trailers as a storage facility requires a conditional use permit authorized by the Commission.

(19) **Animal Permit for 4-H and FFA Members.** A youth who is a member of 4-H or FFA may obtain an annual permit to raise chickens, rabbits, pigs, goats, steers, and sheep in any zoning district in the Town of Turtle for any 4-H or FFA project, subject to the following a. – e..

- a. There shall be no fee charged by the Town for this permit.
- b. All permit applications must be filed with the Town Clerk by December 1, and shall be approved by the Town Board, after review and approval of the Planning Commission. Applications must be turned in to the Town on or before the Wednesday before the Planning Commission meetings in March and September.
- c. All applicants must be able to prove membership either in 4-H or FFA.
- d. After a permit has been issued, the applicant is under a continuing duty to prove membership either in 4-H or FFA if required by the Town.
- e. Applicants must contact their neighbors before turning in a permit application to advise the neighbors about the type and number of animals they want to raise and the location where the animals will be kept.
- f. The youth must have a land area that is large enough for the animals.

(20) An owner of record, on November 11, 2015, of any parcel(s) formerly zoned A-1, A-2 or A-3 and rezoned, as part of the Town's comprehensive zoning ordinance revision [adopted November 11, 2015] to a zoning district that disallows an animal use previously allowed, shall retain the previous animal use on said parcel(s) in accordance with the animal allowance as defined herein, until such time said parcel(s) is sold or otherwise legally transferred to another entity. Once said parcel(s) is sold or otherwise legally transferred to another entity, said parcel(s) is then subject to the animal requirements outlined in Section 19.03(19) herein.

(d) **RURAL RESIDENTIAL DISTRICT (R-R)**

(1) **Purpose and Intent of R-R District.** The purpose of the Rural Residential (R-R) District is to provide a method of obtaining the residential goals, objectives, and policies of the Land Use Plan. The intent of the R-R District is to provide for rural residential development on sites served by private sewer systems. The areas zoned R-R should be in and around existing residential development areas indicated on the Land Use Plan Map. These areas should be designed to be quiet, pleasant and relatively spacious living areas projected from traffic hazards and the intrusion of incompatible land uses.

(2) **Permitted Uses.** The following uses are permitted uses in this District:

- a. One single family or one-two family structure. One private garage for each residential unit, not to exceed 90% of the total square footage of the residential structure. If said structure is to be located on lands re-zoned out of the Exclusive



Agriculture (A-E) District, and not planned for future rural residential use on the Town's land use plan map, or similarly named map, as contained in the Town's Comprehensive Plan, said structure and the lot on which it is located shall be subject to the following:

1. The residential lot does not contain soil types of Class 1, 2, or 3, Agricultural Capacity Units as indicated in the Soils Survey of Rock County, Wisconsin published by the U.S. Soil Conservation Service.
2. The number of residential lots including the farmland owner, and any son, daughter, or parent lots and any non-agricultural/residential lots cannot exceed one (1) residential lot for each one-quarter (1/4), of one-quarter (1/4), section of land (approximately 40 acres) contained in the lot originally purchased by the current landowner.
3. All residential lots shall adjoin any existing residential lots that are not located on Class 1, 2, or 3 Agricultural Capability Unit Soils, or in residential clusters not located on Class 1, 2, or 3 Agricultural capability unit soils.
4. Each residential lot shall be part of a residential cluster designed to maximize the number of lot (determined by using the one (1) lot to forty (40) acre ratio), with an internal public road or joint driveways located on future road right-of-way connecting to the public road network.

b. One accessory structure of up to 800 square feet, for the first 40,000 square feet of the land parcel with an additional 100 square feet being able to be added to the accessory structure size for each 10,000 square feet of the parcel above 40,000 square feet but, not to exceed 90% of the total square footage of the residential structure.

c. Government buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

d. Publicly owned parks, playgrounds, recreational and community center buildings and grounds.

e. Pre-schools, K-12 schools, churches and their affiliated uses.

f. Home offices.

(3) **Conditional Use.** The following uses require a Conditional Use Permit be approved by the Commission prior to being established.

a. Educational buildings, colleges, universities, including private music and dancing schools.

b. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums, professional organizations, and fraternities, except those which provide goods and services similar to a business.

c. Telephone and electric transmission buildings or structures.

d. Community living arrangement which has a capacity for 8 or fewer persons being served by the program provided it is located at least 2,500 feet from any other such facility.

e. Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.

f. Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent the appearance of an institution.

g. Home Occupations.

(4) **Requirements for Permitted and Conditional Uses.**

a. Maximum Building Height.....35 ft. for residential structures

b. Minimum Building Front Yard Setback on Local Road.....50 ft.  
(All front yard setbacks are to also refer to Section 19.06 of this Ordinance for setbacks on arterial, collector, and local roads.)

c. Minimum Front Yard Setback on Corner Lot.....50 ft. on each Road

d. Minimum Building Rear Yard Setback.....20 ft.

e. Minimum Building Side Yard Setback.....15 ft.

f. Maximum Lot Size Less than 3 acres

f. Minimum Lot Width.....100 ft.

- g. Minimum Lot Frontage on Public Road.....100 ft.
- h. Minimum Lot Frontage on Cul-du-Sac  
Road Bulb.....50 ft.
- i. Minimum Lot Area Single Family.....40,000 sq. ft.
- j. Minimum Lot Area Per Two Family  
Dwelling.....55,000 sq. ft.
- k. Accessory Buildings Minimum Side Yard  
Setback.....5 ft.
- l. Accessory Buildings Minimum Rear Yard  
Setback ..... 10 ft.
- m. Minimum Floor Area Per Family.....1,200 sq. ft.
- n. Minimum Building Width.....24 ft.
- o. Maximum Accessory Building Height.....35 feet or not to  
exceed the height of the principal building

(5) **Prohibited Uses.**

- a. No structure or improvement may be built, or land used in this district unless it is a Permitted Use or an approved Conditional Use in this district.
- b. Sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- c. Semi-tractors and trailers shall not be parked or stored in this district for periods of more than seven (7) days at a time.

(e) **RESIDENTIAL ONE DISTRICT - (R-1)**

(1) **Purpose and Intent of R-1 District.** The purpose of the Residential (R-1) District is to provide a method of obtaining the residential goals, objectives, and policies of the Land Use Plan and Map. The intent of the R-1 District is to provide for residential development that has been or will be provided with public sewer in the future. The areas zoned R-1 should be in and around existing urban residential indicated on the Land Use Plan Map. These areas should be designed to be quiet, pleasant and relatively spacious living areas protected from traffic hazards and the intrusion of incompatible land uses.

(2) **Permitted Uses.** The following uses are permitted uses in this District:

- a. One single family or one-two family structure. One private garage not to exceed 90% of the total square footage of the residential structure.
- b. One accessory structure of up to 720 square feet, for the first 8,900 square feet of the land parcel with an additional 100 square feet being able to be added to the accessory structure size for each 4,000 square feet the parcel is above 8,900 square feet but, not to exceed 90% of the total square footage of the residential structure.
- c. Government buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- d. Publicly owned parks, playgrounds, recreational and community center buildings and grounds.
- e. Pre-schools, K-12 schools, churches and their affiliated uses.
- f. Home offices.

(3) **Conditional Use.** The following uses require a Conditional Use Permit be approved by the Commission prior to being established.

- a. Educational buildings, colleges, universities, including private music and dancing schools.
- b. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums, professional organizations, and fraternities, except those which provide goods and services similar to a business.
- c. Telephone and electric transmission buildings or structures.
- d. Community living arrangement which has a capacity for 8 or fewer persons being served by the program provided it is located at least 2,500 feet from any other such facility.
- e. Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.
- f. Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that

it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent the appearance of an institution.

g. Home Occupations.

(4) **Requirements for Permitted and Conditional Uses.**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback.....50 ft.  
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Front Yard Setback on  
Corner Lot .....50 ft. on each road
- d. Minimum Building Rear Yard Setback.....20 ft.
- e. Minimum Principal Building Side Yard Setback.....8 ft.
- f. Minimum Lot Width .....80 ft.
- g. Minimum Lot Frontage on Public Road.....80 ft.
- h. Minimum Lot Frontage on  
Cul-du-Sac Road Bulb.....50 ft.
- i. Minimum Lot Area Single Family.....8,900 sq. ft.
- j. Minimum Lot Area Per Two Family  
Dwelling.....12,000 sq. ft.
- k. Accessory Buildings Minimum Side Yard  
Setback.....3 ft.
- l. Accessory Buildings Minimum Rear Yard  
Setback .....10 ft.
- m. Minimum Floor Area Per Family  
Structure.....1,200 sq. ft.
- n. Minimum Residential Building Width.....24 ft.
- o. Maximum Accessory Building Height .....35 feet or  
not to exceed the height of the principal building

(5) **Prohibited Uses.**

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

b. Sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

c. Semi-tractors and trailers shall not be parked or stored in this district for periods of more than seven (7) days at a time.

(f) **Cluster Overlay District (COD)**

(1) **Purpose and Intent of Cluster Overlay (COD) District.**

a. The purpose of the Cluster Overlay District (COD) is to provide a method to obtain compact development designs in to obtaining the goals, objectives, and policies of the Land Use Plan. The COD is intended to provide for the possible relaxation of certain development standards to the underlying standard zoning district. CODs are designed to promote the aesthetic quality of an area in conjunction with improvements for condominium ownership and planned unit developments.

By controlling the site design, appearance, and intensity with concert with the sites physical features, development standards can become more flexible for land uses, setbacks, public improvements, density, height, landscaping, and parking requirements. This district is designed to overlay the standard zoning districts.

b. **Flexible Development Standards for Cluster Overlay Development District.**

1. Permitted Location: CODs shall be a minimum of ten (10) acres located in area indicated for residential or commercial development on the Land Use Plan. CODs shall be permitted with the approval of a Cluster Overlay Development Zoning District as provided in this Ordinance.

2. Flexible Development Standards: The following exemptions to the development standards of the underlying standard zoning district may be provided with the approval of a Cluster Overlay District:

(i) Land Use Requirements: All land uses listed as permitted uses in the underlying zoning district may be permitted within a COD.

(ii) Density and Intensity Requirements: The maximum number of lots or units in a COD is determined by dividing the number of square feet in the land parcel(s) by the minimum lot size of the underlying zoning district.

(iii) Bulk Requirements: All bulk requirements (setback and height) may be waived within a COD.

(iv) Landscaping Requirements: A landscaping plan is required as part of the application.

(v) Roads, Parking and Loading Requirements: A road and parking plan is required as part of the application.

c. **Requirements to Depict All Aspects of the Development:** Only development which is explicitly depicted on the required site plan approved by the Town Board as part of the COD, shall be permitted, even if such development (including all aspects of land use, density and intensity bulk, landscaping, parking and loading), is otherwise listed as permitted. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Commission and approved explicitly by the Town Board.

d. **Applications for a Cluster Overlay District:** Applications for approval of a COD shall be:

1. by the owner(s) of the subject property to the Town for designation of a COD zoning district;

2. by the owner(s) of the subject property to the County Planning and Development Agency for a land division;

3. recommended by the Commission to the Town Board, to assign the COD zoning district to the subject land parcel;

4. recommended by the Commission to the County Planning and Development Commission for Preliminary Approval and Final Approval of a COD Land Division; or

5. approved by action of the Town Board.

e. **Application Requirements:** All applications for a proposed COD shall be reviewed and approved as a complete application by the Zoning Administrator prior to forward copies of said complete application to the Commission.

**(1) COD Process Step 1: Pre-Application Conference - Sketch Plan.**

a. The Applicant shall contact the Zoning Administrator to place an informal discussion item for the COD on the Commission agenda. The Applicant shall also contact the County Planning and Development Agency for an informal meeting pertaining to a COD land division.

1. Information required for the agenda include the name of the Applicant and the identification of the COD discussion item on the agenda.
2. At the Commission meeting, the Applicant shall engage in an informal discussion with the Commission regarding the potential COD. Appropriate topics for discussion may include the location of the COD, general project themes and images, type of land uses being considered, approximate residential densities and non-residential intensities, open space concepts, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Master Plan.
3. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step.
4. The Applicant shall provide the Zoning Administrator with a Proposed COD Sketch Plan Submittal Packet for the Zoning Administrator's determination of completeness prior to placing the proposed COD on the Commission agenda for Sketch Plan review. This submittal packet shall contain all the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Commission agenda for Concept Plan review.
  - b. A Sketch Plan Map of the subject property and its vicinity at a minimum scale of one inch equals five hundred feet. The Sketch Plan Map shall indicate the proposed land uses and depict a conceptual design layout. The Sketch plan shall also provide the parcel layout, roads, and land uses on the adjacent 250 feet of all adjoining land parcels. The Sketch Plan shall include the proposed land uses as indicated on the Land Use Plan Map.
    1. A general written description of proposed COD including:
      - (i) General project themes and images;
      - (ii) The general mix of dwelling unit types and/or land uses;
      - (iii) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
      - (iv) The general treatment of natural features;
      - (v) The general relationship to nearby properties and public streets;
      - (vi) The general relationship of the project to the land Use Plan;
      - (vii) An initial draft list of zoning standards which will not be met by the proposed COD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed COD and



location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and,

2. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

- (i) Land Use Exemptions;
- (ii) Density and Intensity Exemptions;
- (iii) Bulk Exemptions;
- (iv) Landscaping Exceptions;
- (v) Parking and Loading Requirement Exemptions;

3. A conceptual plan drawing at a scale of one inch equals one hundred feet of the general land use layout and the general location of major public streets and/or private drives.

(i) Within ten working days of receiving the draft COD Concept Plan Submittal Packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed COD Concept Plan shall be placed on the Commission agenda.

(ii) At the Commission meeting, the Applicant shall engage in an informal discussion with the Commission regarding the conceptual COD. Appropriate topics for discussion may include any of the information provided in the COD Concept Plan Submittal Packet, or other items as determined by the Commission.

(iii) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for the Commission to review the sketch plan more than once prior to introduction of the formal petition.

## **(2) COD Process Step 2 - Preliminary Plan Application**

a. The Applicant shall provide the Zoning Administrator with a Preliminary Plan Application of the COD Submittal Packet, for a determination of completeness prior to placing the proposed Application on the Commission agenda for COD review. This

submittal packet shall contain all the following items: which are to be reviewed and certified as a complete Preliminary Plan Application by the Zoning Administrator, prior to the Applications acceptance and placement as an item on a Commission agenda for COD review:

1. A location map of the subject property and its vicinity at scale of one inch equals five hundred feet.
2. A map of the subject property showing all lands for which the COD is proposed, and all other lands within 250 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Real Property Description Office of Rock County. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 500 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
3. A general written description of proposed COD including:
  - (i) General project themes and images;
  - (ii) The general mix of dwelling unit types and/or land uses;
  - (iii) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
  - (iv) The general treatment of natural features;
  - (v) The general relationship to nearby properties and public streets;
  - (vi) The general relationship of the project to the Master Plan;
  - (vii) A Statement of Rationale as to why COD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed COD zoning.
  - (viii) A complete list of zoning standards which will not be met by the proposed COD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed COD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Commission with information

necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

(ix) A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

- [1] Land Use Exemptions;
- [2] Density and Intensity Exemptions;
- [3] Bulk Exemptions;
- [4] Landscaping Exceptions;
- [5] Parking and Loading Requirements Exceptions.

b. A Preliminary Plan Map shall be submitted at a minimum scale of one inch equals one hundred feet (on 24" x 36" paper) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A Preliminary Plan Map of the general land use layout and the general location of major public streets and/or private drives;
2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Commission or Town Board;
4. A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this chapter and use of extra landscaping and sideyards.
5. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles) which are proposed to vary from standard or common practices.
6. Written justification for the proposed COD.

c. The process and fees for review and approval of the COD shall be determined by the Town Board. In addition, the Applicant shall pay reimbursement of municipal consultant cost. The approval of a COD shall establish a COD overlay that is depicted as such on the official zoning map. The underlying use zoning, however, shall control development within the area until all or a portion of the area is approved as a COD.

d. Prior to Commission recommendation to the Town Board for approval, approval with modification, or denial, a public hearing shall be held to consider the proposed COD. All property owners within 1000 feet of the subject property shall be notified by First Class Mail no later than 7 days prior to the public hearing.

e. All portions of an approved COD not fully developed within three years of final Town Board approval shall expire, and no additional COD-based development shall be permitted. The Town Board may extend this three year period by up to five additional years via a majority vote following a public hearing.

### **(3) COD Process Step 3 - Final Plan**

a. After the effective date of the rezoning to COD, the Applicant may file an application for a proposed Final Plan with the Commission. This submittal packet shall contain all the following items: prior to its acceptance by the Zoning Administrator and placement of the item on a Commission agenda for COD review:

1. A location map of the subject property and its vicinity at one inch equals five hundred feet.

2. A location map of the subject property showing all lands for which the COD is proposed, and all other lands within 250 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Real Property Lister Office of Rock County. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier.

3. A general written description of proposed PIP including:

(i) Specific project themes and images;

(ii) The specific mix of dwelling unit types and/or land uses;

(iii) Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;

(iv) The specific treatment of natural features;

(v) The specific relationship to nearby properties and public streets;

(vi) A Statement of Rationale as to why COD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed COD zoning.

(vii) A complete list of zoning standards which will not be met by the proposed COD which and location(s) in which they apply and a complete list of zoning standard which will be more than met by the proposed COD and the location(s) in which they apply shall be identified. The purpose of this listing shall be to provide the Commission with information necessary to determine the relative regard to the mitigation of potential adverse impacts created by design flexibility. List items shall be provided in the following order:

- [1] Land Use Exemptions;
- [2] Density and Intensity Exemptions;
- [3] Bulk Exemptions;
- [4] Landscaping Exceptions;
- [5] Parking and Loading Requirements Exceptions.

b. A Precise Implementation Plan (PIP) Drawing at a minimum scale of one inch equals one hundred feet (on 24" x 36" paper) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A COD site plan conforming to any and all the requirements of this chapter. If the proposed COD is group development, a proposed preliminary plat or conceptual plat shall be provided in addition to the required site plan;
  2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
  3. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by Commission or Town Board; and
  4. Notations relating the written information provided above to specific areas on the COD Final Plan Map.
- c. A landscaping plan for subject property specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart that provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
- d. A series of building elevations for the entire exterior of all buildings in the COD, including detailed notes as to the materials and colors proposed.
- e. A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces

and/or poles), and signage themes which are proposed to vary from Town standards or common practices.

f. A general outline of the intended organizational structures for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.

g. A written description which demonstrates the full consistency of the proposed COD with the Preliminary Plan approval.

h. Any and all variations between the requirements of the applicable COD zoning district and the proposed COD development; and

i. The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

j. The area included in a Precise Implementation Plan (PIP) may be only a portion of the area included in a previously approved General Implementation Plan.

k. The PIP submission may include site plan and design information, allowing the Commission to combine design review of the PIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.

l. The Commission may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.

m. The process and fees for review and approval of the COD shall be determined by the Town Board. In addition, the Applicant shall pay reimbursement of municipal consultant cost. The approval of a COD shall formally establish the COD overlay zoning district and any such land uses and site plans included in the approved PIPs.

n. All portions of an approved COD not fully developed within five years of final Town Board approval shall expire, and no additional COD-based development shall be permitted. The Town Board may extend this period by up to five additional years via a majority vote following a public hearing.

o. Approved COD Districts that have not been established as a subdivision or condominium plat within a three year time limit shall revert to the pre-existing zoning designation.

#### **(4) Cluster Development Implementation**

Upon recommendation of the Commission, approval of the COD Zoning District by the Town Board of the Final Plan, preliminary approval of the subdivision/condominium plat by the County Planning and Development Agency, and construction of proposed roads, the

Applicant may apply for building permits from the Zoning Administrator. Upon granting of the necessary permits, the Applicant may proceed with construction as provided in the Precise Implementation Plan.

(g) **MOBILE HOME PARK OVERLAY DISTRICT MHP** The purpose of the Mobile Home Park Overlay (MHP) District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The intent of the MHP District is to provide for the location of mobile home parks and establish regulations governing their construction and use for the health and well-being of residents of the community.

(1) **Procedures and Applications**

a. **Approvals Required.** No person shall construct, expand, or operate a Mobile Home Park within the Town unless he/she holds a valid license.

1. Any person owning or controlling a Mobile Home Park in existence on the effective date of this ordinance may apply for and receive an annual license for his/her existing park or camp by following subsection (3)(d) of this Section.

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

(i) The land has been zoned as a Mobile Home Park Overlay District over residential base district by the Town Board.

(ii) The applicant completes an application form and submits it to the Town Clerk together with the required license fee.

(iii) The Town Board approves the license.

b. **Fees and Expiration Date**

1. **Fee Schedule**

(i) Initial Mobile Home Park License Fee  
.....To Be Determined by Town Board.

(ii) Annual Mobile Home Park License Fee  
.....To Be Determined by Town Board.

(iii) Mobile Home Park License Transfer Fee  
.....To be Determined by Town Board.

(iv) **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. Fees as provided in Subsection (1)(b)(i) above are required prior to taking action on each of the approval steps listed herein.

2. **Preliminary Plan** The applicant shall apply for preliminary plan approval to the Planning Commission. 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 100 feet showing two foot contours, the area, location and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Commission shall be in concept only which will enable the applicant to prepare final plan.

3. **Final Plan** Upon approval by the Commission of the preliminary plan, the applicant shall submit to the Commission a review fee which shall be determined by the Town Board and six (6) copies of the general development plan which shall include:

(i) Three (3) prints of a Certified Survey Map, subdivision plat, or plat of survey of the property showing existing features of the mobile home park.

(ii) A complete plan of the park or camp drawn to a scale of not less than 100 feet per inch.

(iii) The number, location and dimensions of all Mobile home lots.

(iv) The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.

(v) The location of auto parking areas and service buildings, if provided.

(vi) The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.

(vii) Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home lot.

4. Upon submission of the final plan to the Commission, the Commission shall set a public hearing on the final plan and after hearing any interested party, any staff report, recommendation or information, the Commission shall make a recommendation and report to the Town Board concerning such plan after determining the following:



(i) 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 park.

(ii) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

(iii) 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.

(iv) Approval by Town Board. After receiving the final plan and the recommendation and report from the Commission, and holding a public hearing the Town Board may grant approval of the MHP Overlay District and thereafter grant the initial license.

(v) 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.

(vi) Procedure After Permit Granted Upon approval of a MHP, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin, a certified survey map or Subdivision Plat (pursuant to Chapter 236 of the 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 Commission 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 six months of the date of the license issuance or the license shall become null and void.

5. **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 current County

Health Department License, a current State of Wisconsin License, and a fee as provided in (1)(B)(i) above.

6. **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 provided in subsection (2)(a) above.

b. **Administration**

1. **Zoning Administrator** It shall be the responsibility of the Zoning Administrator to enforce the provisions of this ordinance by authorizing and directing inspections to be made of all model home parks.

2. **Violations** Whenever the Zoning Administrator determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violations. Such notice shall:

(i) Be in writing.

(ii) Include a statement of the violations enumerated.

(iii) 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 park or camp is subject to revocation by the Town Board as provided in Section 66.058(2)(d) of the Wisconsin Statutes unless the alleged violation is corrected within the period specified by Town Board.

d. **Emergency Order** Whenever the Zoning Administrator 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 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 mobile 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:

(i) Name of mobile home park, name and address of owner, agent, or operator.

(ii) A tabulation of mobile home park occupancy listing lot designation, occupants names, monthly tax and date of departure or arrival.

2. Within five days of the arrival of each new mobile home occupant, the owner shall submit in duplicate to the Town Assessor Form 130-2 of the Wisconsin Department of Revenue for a Mobile Home.

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

(2) **General Provisions**

a. **Applicability** All additions to MHP District added to after the effective date of this ordinance shall conform to and be governed by the provisions of this ordinance. No area shall be rezoned to Mobile Home Park District unless it is planned for residential use on the Development Plan Map. Every mobile home park developed and governed by this ordinance shall first have an approved conditional use permit prior to being licensed.

b. It shall be unlawful to permit a mobile home to be located in a park or camp unless it is placed in a designated stand, on an improved lot, in a licensed park.

c. **Parking of Mobile Homes**

1. Only one mobile home 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.

2. Each mobile home shall abut upon a roadway within an approved park.

d. **Non-Residential Uses** No part of any park shall be used for non-residential purposes except for the management and maintenance of the park or camp as approved by the Town Board.

e. **Signs** No signs shall be permitted except as provided in Section 13 of this Ordinance.

(3) **Standards**

a. **Minimum Park Size** There shall be a minimum of 10 acres of land developed as a MHP in the initial development.

b. **Minimum Number of Lots** There shall be a minimum of (10) ten mobile 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 in any such MHP except for periods of thirty (30) days or more.

d. **Compliance with Code Standards** No mobile home shall be admitted in any mobile home park unless it can be demonstrated that it meets all the requirements of U.S. Department of Housing and Urban Developments' Manufactured Home Construction Standards.

e. **Minimum Lot Width and Setback Standards**

1. Building Setback Standards

(i) Front Yard Setback

Rural Residential.....50 ft.

Urban Residential.....35 ft.

(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)

(ii) Side Yard Setback

Rural Residential.....15 ft.

Urban Residential.....8 ft.

(iii) Rear Yard Setback

Rural Residential.....35 ft.

Urban Residential.....20 ft.

(iv) Corner Lot Side Yard Setback on Road

Rural Residential.....50 ft. on each street

Urban Residential.....35 ft. on each street

2. Minimum lot width

Rural Residential.....100 ft.  
Urban Residential.....80 ft.

3. Minimum Lot Area

Rural Residential.....40,000 sq. ft.  
Urban Residential.....8,900 sq. ft.

4. Minimum Accessory Side Yard Setback

Rural Residential.....5 ft.  
Urban Residential.....3 ft.

f. **Parking** At least two (2) off-street hard surfaced parking spaces shall be provided on each mobile home lot. The size of each space must be at least 10 feet by 20 feet. 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 mobile home park where it abuts any other residence district. Such screening shall be at least five (5) feet in width and ten (10) 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 persons the park is designed to serve. Not less than ten percent (10%) of the total gross park 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 mobile home will be permitted on a mobile 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 lot.

j. **Fuel Supply** All fuel shall be distributed in conformity with the rules and regulations of the Department of Commerce.

k. **Additions and Alterations**

1. **Permit Required.** A permit issued by the Zoning Administrator shall be required before any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile 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 shall be greater than the area in square feet of the existing mobile home. No addition or alteration

to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.

3. Conform to Setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall have the same setbacks as the existing mobile home.

4. Skirting Required. Vented skirting of non-flammable material for mobile 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.

1. Utilities shall be installed underground and shall meet State of Wisconsin Statutes and Administrative Codes.

1. Electrical Requirements.

(i) Each mobile home and travel trailer lot shall be connected to the park electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment. The minimum service per each mobile home lot shall be 12-240 volts AC, 100 amperes.

(ii) Adequate lights shall be provided in mobile home parks to illuminate streets, driveway, 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. On-site or Public Sewer Service. All mobile homes shall be served by common sewer. Each mobile 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.

3. Water. Common water shall be provided by separate lateral at each mobile home lot.

m. **Mobile Home Stand, Patio, and Tie Downs**

1. A mobile home stand shall be a continuous 4 inch concrete single slab equal to the size of the trailer with tie downs every ten feet.

2. The mobile 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. Anchors

and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

n. **Roadways**

1. All roadways constructed in a MHP shall be hard surfaced built according to Town Road Standards.

2. The minimum pavement width of roadways shall be 22 feet. The minimum pavement diameter of cul-de-sacs shall be 140 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 park shall not duplicate the names of streets within Rock County.

o. **Lot Markers** The limits of each MHP lot shall be clearly marked on the ground by permanent flush stakes, markers and have a unique number and street name that is not duplicated within Rock County.

p. **Fences and Hedges** Fences and hedges may be permitted provided they do not exceed a height of three feet in the front yard or corner side yard and six feet in height in all other yards.

q. **Garbage and Rubbish Storage Areas** Garbage and rubbish shall be stored in fly-tight, water-tight, 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 one (1) service building in any travel 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 degrees 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. **Community Centers** Each mobile home park shall have a community center which shall be easily accessible to all park residents for their exclusive use. Such centers shall include: kitchen facilities; rest room facilities for men and women;

meeting room space of at least 1,000 square feet; a basement which shall be built to a size which will provide adequate protection to all park residents in the event of severe weather.

t. The Town Board may require that a letter of credit or cash deposit be executed by the mobile home park developer to insure that all required improvements will be made.

(h) **EXCLUSIVE AGRICULTURAL DISTRICT ONE (A-E)**

(1) **Purpose and Intent**

a. The purpose of the Exclusive Agricultural (A-E) zoning district is to provide a means of achieving the agricultural goals, objectives, and policies of the Comprehensive Plan or similar document, and to ensure that qualifying landowners in the A-E district are eligible for the State of Wisconsin Farmland Preservation Tax Credit , through certification of the A-E zoning district by the Wisconsin Department of Agriculture, Trade & Consumer Protection (hereafter "DATCP") as a "farmland preservation zoning district", with areas within this district so identified in the *Rock County Agriculture Plan* or similar plan or document, in accordance with Chapter 91, Wisconsin Statutes. The intent of the A-E district is to provide large acreage lots for agricultural uses or uses compatible with agricultural uses.

b. All structures and improvements in this district shall be "consistent with agricultural use" as defined in the definitions section of this ordinance.

(2) **Permitted Uses** The following uses, a. – e., are allowable as permitted uses in the A-E district (Citations for permitted uses are identified in (1) of this Sec.):

a. Farming <sup>1</sup>:

1. Beekeeping;
2. Floriculture;
3. Enrolling land in a federal agricultural commodity payment program or federal or state agricultural land conservation payment program;
4. Forestry;
5. General: Crop/forage production, animal/livestock rearing etc.;
6. Nursery;
7. Orchard;

b. Commercial, Civic, or Governmental:

1. Agriculture: Roadside and non-roadside sales <sup>2</sup>:



2. Recreation: Conservation (Hunting, fishing, hiking, etc.)<sup>3 4.</sup>
  3. Open space;
- c. Industrial, Manufacturing, or Other:
1. Outdoor furnace<sup>5</sup>;
  2. Wood processing: Agriculture (Product directly from farms);
- d. Residential:
1. Farm residence: Single or two-family<sup>6</sup>;
  2. Home office<sup>3</sup>;
- e. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use;
- f. Any use not identified in a. – e. and proposed in the A-E district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural or agricultural accessory use consistent with the intent and purpose of the A-E district, and most closely resembles another permitted use identified in a. – e.;

(3) **Conditional Uses** The following uses, a. – e., are allowable as conditional uses in the A-E district, requiring a conditional use permit (hereafter “CUP”) in accordance with Sec. 19.04 of this Ordinance prior to establishment of said use. The Town may issue a CUP if the following uses a. – e. cannot be reasonably accommodated in an alternative location, with said use meeting all applicable conditions identified in this Ordinance. The Town shall determine in writing that the following uses a. – d. meet said conditions prior to issuance of any CUP. The Town may also require additional conditions which it deems necessary to ensure consistency with the intent and purpose of this Ordinance.

The Town shall follow the procedures identified in Sec. 19.04 of this Ordinance when reviewing, approving, or denying any CUP application, or issuing a CUP (Citations for conditional uses are identified at the end of this section.):

- a. Farming<sup>1</sup>;
1. Aquaculture;
  2. Fur farm;

3. Livestock facility<sup>7</sup>;
  4. Semi-trailers, trailers, or portable pre-manufactured structures<sup>8</sup>;
- b. Commercial, Civic, or Governmental:
1. Agriculture: Feed, seeds, chemicals, and fertilizer research/sales;
  2. Agriculture: Implement and equipment sales/rental and repair/maintenance;
  3. Airport or airstrip: Agriculture<sup>3</sup>;
  4. Animal: Kennel<sup>3</sup>;
  5. Equestrian stable or riding school<sup>3</sup>;
  6. Greenhouse and landscaping<sup>3</sup>;
  7. Hunting club/game farm<sup>3</sup>;
  8. Lodging: Bed and breakfast<sup>3</sup>;
  9. Museum and/or cultural center<sup>9</sup>;
  10. Recreation: Archery shooting range<sup>3 10</sup>;
  11. Recreation: Gun shooting range<sup>3 10</sup>;
  12. Road building, maintenance, or machinery facility<sup>9</sup>;
  13. Veterinary<sup>3</sup>;
- c. Industrial, Manufacturing, or Other:
1. Communication transmission line, tower, or facility<sup>11</sup>;
  2. Dairy processing: Cheese, milk, cream, etc.<sup>12</sup>;
  3. Food processing: Raw agricultural commodities;
  4. Fuel production: Agriculture (Ethanol, bio-diesel, pellet, etc.);
  5. Manure digester;
  6. Meat slaughterhouse;
  7. Mining: Non-metallic (Sand and gravel)<sup>13</sup>;
  8. Power transmission line or tower<sup>11</sup>;
  9. Power generating facility: Solar<sup>11 14</sup>;
  10. Power generating facility: Wind turbine<sup>11 14 15</sup>;
  11. Pipeline: Oil, natural gas, petroleum, etc.<sup>11</sup>;
  12. Rail: Line or freight facility<sup>11</sup>;
  13. Road/Street<sup>11</sup>;
  14. Sludge spreading, disposal, and reduction<sup>16</sup>;
  15. Storage: Raw agricultural commodities (Grain silos, etc.);
- d. Residential:
1. Home occupation<sup>3</sup>;

- e. Any use not identified in a. – d. and proposed in the A-E district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural, agricultural accessory, or agriculture-related use consistent with the intent and purpose of the A-E district, and most closely resembles another conditional use identified in a. – d.;

(4) **Prohibited Uses** Any use other than those identified in (2) and (3) of this Sec. shall be prohibited in the A-E district.

(5) **Standards For Permitted and Conditional Uses** Within the A-E district the following standards a. – d. shall apply:

a. **Lot:**

- 1. Minimum size: 35 acres;
- 2. Maximum size: None;
- 3. Minimum width:
  - (i) Public road frontage: 100 feet;
  - (ii) Building line: 100 feet;

b. **Building:**

- 1. Minimum size:
  - (i) Residence: Floor area per family: 1,200 square feet;
  - (ii) Any building other than a residence: None;
- 2. Maximum size: None;
- 3. Maximum height:
  - (i) Residence: 35 feet;
  - (ii) Any building other than a residence: None;
- 4. Minimum width:
  - (i) Residence: 24 feet;

(ii) Any building other than a residence: None;

5. Maximum number per lot:

(i) Residence (Single or two-family): 1 (See citation #<sup>6</sup>);

(ii) Any building other than a residence: None;

6. Maximum lot cover:

(i) Lots greater than 3 acres: None;

(ii) Lots 3 acres and less: 20%;

**c. Building setback:**

1. Front-yard: See Sec. 19.06 of this Ordinance (The front yard building setback shall be 50 feet from each road for any corner lot.);

2. Rear-yard: 50 feet;

3. Side-yard:

(i) Principal building: 20 feet;

(ii) Accessory building: 10 feet;

**d. Animals:**

1. Lots less than 35 acres:

(i) Subject to the “animal allowance” as defined in Sec. 19.11 of this Ordinance;

2. Lots 35 acres and greater:

(i) Not subject to any “animal allowance”;

(ii) Five hundred (500) or greater livestock animal units (livestock facility) on a farm shall require a livestock facility CUP in accordance with Sec. 19.04 of this Ordinance and Sec. ATCP 51 of the Wisconsin Administrative Code, prior to populating the site with livestock animal units.

The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and provide findings of fact to the Town identifying if all ATCP 51 performance standards and prohibitions have or will be met;

(k) **GENERAL AGRICULTURAL DISTRICT (A-G)**

(1) **Purpose and Intent** The purpose of the General Agricultural (A-G) zoning district is to provide a means of achieving the agricultural goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the A-G zoning district is to provide smaller acreage lots for agricultural uses or uses compatible with agricultural uses.

(2) **Permitted Uses** The following uses, a. – e., are allowable as permitted uses in the A-G zoning district (Citations for permitted uses are identified at the end of this section.):

a. Farming <sup>1</sup>:

1. Beekeeping;
2. Floriculture;
3. Forestry;
4. General: Crop/forage production, animal/livestock rearing etc.;
5. Nursery;
6. Orchard;

b. Commercial, Civic, or Governmental:

1. Agriculture: Roadside and non-roadside sales <sup>2</sup>;
2. Recreation: Conservation (Hunting, fishing, hiking, etc.) <sup>3 4</sup>;
3. Open space;

b. Industrial, Manufacturing, or Other:

1. Outdoor furnace <sup>5</sup>;
2. Wood processing: Agriculture (Product directly from farms);

d. Residential:

1. Farm residence: Single or two-family <sup>6</sup>;

2. Home office;

- e. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use;
- f. Any use not identified in a. – e. and proposed in the A-G zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural or agricultural accessory use consistent with the intent and purpose of the A-G zoning district, and most closely resembles another permitted use identified in a. – e.;

(3) **Conditional Uses** The following uses, a. – e., are allowable as conditional uses in the A-G zoning district, requiring a conditional use permit (hereafter “CUP”) in accordance with Sec. 19.04 of this Ordinance prior to establishment of said use. The Town may issue a CUP if the following uses a. – e. cannot be reasonably accommodated in an alternative location, with said use meeting all applicable conditions identified in this Ordinance. The Town shall determine in writing that the following uses a. – e. meet said conditions prior to issuance of any CUP. The Town may also require additional conditions which it deems necessary to ensure consistency with the intent and purpose of this Ordinance.

The Town shall follow the procedures identified in Sec. 19.04 of this Ordinance when reviewing, approving, or denying any CUP application, or issuing a CUP (Citations for conditional uses are identified at the end of this section.):

a. Farming <sup>1</sup>;

- 1. Aquaculture;
- 2. Fur farm;
- 3. Livestock facility <sup>7</sup>;
- 4. Semi-trailers, trailers, or portable pre-manufactured structures <sup>8</sup>;

b. Commercial, Civic, or Governmental:

- 1. Agriculture: Feed, seeds, chemicals, and fertilizer research/sales;
- 2. Agriculture: Implement and equipment sales/rental and repair/maintenance;
- 3. Airport or airstrip: Agriculture;
- 4. Animal: Kennel ;

5. Church or place of worship;
6. Community and/or recreation center;
7. Education: Secondary and post-secondary (K-12, academy, professional, technical, college, and university);
8. Equestrian stable or riding school ;
9. Greenhouse and landscaping ;
10. Hunting club/game farm ;
11. Lodging: Bed and breakfast;
12. Museum and/or cultural center;
13. Recreation: Archery shooting range <sup>10</sup>;
14. Recreation: Gun shooting range <sup>10</sup>;
15. Road building, maintenance, or machinery facility;
16. Service club, fraternal organization, and business/professional association;
17. Veterinary<sup>3</sup>;

c. Industrial, Manufacturing, or Other:

1. Communication transmission line, tower, or facility;
2. Dairy processing: Cheese, milk, cream, etc. <sup>12</sup>;
3. Food processing: Raw agricultural commodities;
4. Fuel production: Agriculture (Ethanol, bio-diesel, pellet, etc.);
5. Manure digester;
6. Meat slaughterhouse;
7. Mining: Non-metallic (Sand and gravel) <sup>13</sup>;
8. Power transmission line or tower;
9. Power generating facility: Solar <sup>14</sup>;
10. Power generating facility: Wind turbine <sup>14 15</sup>;
11. Pipeline: Oil, natural gas, petroleum, etc.;
12. Rail: Line or freight facility;
13. Road/Street;
14. Sludge spreading, disposal, and reduction <sup>16</sup>;
15. Storage: Individual units;
16. Storage: Raw agricultural commodities (Grain silos, etc.);

d. Residential:

1. Home occupation;

- e. Any use not identified in a. – d. and proposed in the A-G zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural, agricultural accessory, or agriculture-related use

consistent with the intent and purpose of the A-G zoning district, and most closely resembles another conditional use identified in a. – c.;

(4) **Prohibited Uses** Any use other than those identified in (2) and (3) of this Sec. shall be prohibited in the A-G zoning district.

(5) **Standards For Permitted and Conditional Uses** Within the A-G District the following standards a. – d. shall apply:

a. **Lot:**

1. Minimum size: 3 acres;
2. Maximum size: Less than 35 acres;
3. Minimum width:
  - (i) Public road frontage: 100 feet;
  - (ii) Building line: 100 feet;

b. **Building:**

1. Minimum size:
  - (i) Residence: Floor area per family: 1,200 square feet;
  - (ii) Any building other than a residence: None;
2. Maximum size: None;
3. Maximum height:
  - (i) Residence: 35 feet;
  - (ii) Any building other than a residence: None;
2. Minimum width:
  - (i) Residence: 24 feet;
  - (ii) Any building other than a residence: None;
3. Maximum number per lot:



(i) Residence: Single or two-family: 1 (See citation #<sup>6</sup>)

(ii) Any building other than a residence: None;

4. Maximum lot cover:

(i) Lots greater than 3 acres: None;

(ii) Lots 3 acres and less: 20%;

**c. Building setback:**

1. Front-yard: See Sec. 19.06 of this Ordinance (The front yard building setback shall be 50 feet from each road for any corner lot.);

2. Rear-yard: 50 feet;

3. Side-yard:

(i) Principal building: 20 feet;

(ii) Accessory building: 10 feet;

**d. Animals:**

1. Lots less than 35 acres:

(i) Subject to the “animal allowance” as defined in Sec. 19.11 of this Ordinance;

2. Lots 35 acres and greater:

(i) Not subject to any “animal allowance”;

(ii) Five hundred (500) or greater livestock animal units (livestock facility) on a farm shall require a livestock facility CUP in accordance with Sec. 19.04 of this Ordinance and Sec. ATCP 51 of the Wisconsin Administrative Code, prior to populating the site with livestock animal units. The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and provide findings of fact to the Town identifying if all ATCP 51 performance standards and prohibitions have or will be met;

**(I) A-E and A-G PERMITTED AND CONDITIONAL USE CITATIONS**

- <sup>1</sup> All uses must be for the purpose of earning an income or livelihood.

Any building or other structure housing animal or livestock animal units shall not be located within one hundred feet (100) of any lot in the R-R, R-1, COD, MHP, CHI, or B-1 zoning districts, unless said lot and the lot on which the building or other structure is located are under the common ownership.

- <sup>2</sup> Products for sale must be produced on the premises and not require outside processing before they are offered for sale. Two (2) unlighted signs not larger than thirty two (32) square feet each, advertising such sale, are allowed.

- <sup>3</sup> Allowed if meeting the definition of *agricultural accessory use* as defined in Sec. 19.11 of this Ordinance.

- <sup>4</sup> Structures and improvements are allowed on an easement or parcel that is part of the Ice Age Trail, under Sections 23.17 and 23.293, Wisconsin Statutes, if said structures and improvements are incidental to trail use and meeting the requirements of Ch. 91, Wisconsin Statutes.

- <sup>5</sup> Construction, installation, use, or maintenance of an outdoor furnace shall require a building permit. Construction, installation, use, or maintenance of the furnace shall be in compliance with manufacturer specifications and comply with all applicable state, federal and local laws, and all of the following, (1) – (3):

(1) Located a minimum of (40) feet from the building or other structure which the furnace services and a minimum of (400) feet from any residence on any lot other than a lot on which the outdoor furnace is located;

(2) Use wood, wood pellets, corn fuel, or bio-fuel only;

(3) Prohibited from burning any of the following, a. – g.:

- a. Rubbish or garbage, including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes;
- b. Waste oil or other oily wastes;
- c. Asphalt and products containing asphalt;
- d. Treated or painted wood, including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives;

- e. Any plastic material, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers;
  - f. Rubber, including tires and synthetic rubber-like products;
  - g. Newspaper, corrugated cardboard, container board, officer paper, and other materials that must be recycled in accordance with *Chapter 17.01, Code of Ordinance, Town of Turtle* and Sec. 287.07, Wisconsin Statutes;
- <sup>6</sup> One (1) manufactured home, in addition to a farm residence, is allowed on an operating farm if one of the family members occupying the manufactured home is engaged in the farm operation.
- <sup>7</sup> (1) A livestock facility existing prior to May 1, 2006, or a facility that has already been approved by the Town, does not require a CUP except if the facility is to be subject to expansion, with the number of livestock animal units kept at the facility to exceed all of the following, a. and b., in which case a CUP shall be required:
- a. The applicable size threshold for a conditional use permit established in the zoning district where the facility is located;
  - b. The maximum number previously approved or, if no maximum number was previously approved, a number that is twenty percent (20%) higher than the number kept on (May 1, 2006 or on the effective date of the permit requirement, whichever date is later);
- (2) Building setbacks for a livestock facility shall be as stated in the following. a. – f.:
- a. Livestock structure:
    - (i) Fewer than one thousand (1,000) livestock animal units: One hundred (100) feet from a property line and any public road right of way;
    - (ii) Greater than one thousand (1,000) livestock animal units: Two hundred (200) feet from a property line and one hundred fifty (150) feet from any public road right of way;
  - b. Building setbacks as identified in (A) shall not prevent the use or expansion of a livestock structure that was located within the setback area prior to May 1, 2006, except that a structure may not be expanded closer to the property line.
  - c. Waste storage structure: Three hundred fifty (350) feet from a property line and any public road right of way. A single new waste storage structure may be constructed closer to a property line or public road right of way if said structure meets all of the following (i) – (iv):

- (i) Located on the same lot as a waste storage structure in existence before May 1, 2006;
  - (ii) No larger than the existing structure;
  - (iii) No further than fifty (50) feet from the existing structure;
  - (iv) No closer to a property line or public road right of way than the existing structure;
- d. Building setbacks identified in (C) shall not apply to existing waste storage structures, except that an existing structure within three hundred fifty (350) of a property line or public road right of way may not expand toward said property line or road right of way.
  - e. Shoreland, wetlands, and floodplain: In accordance with *Chapter 4 – Subchapter 1 – Part 2 and 4, Zoning, Code of Ordinances, Rock County*;
  - g. Wells. All wells located within in a livestock facility shall comply with Sec. NR 811 and 812, Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Sec. NR 811 and 812 regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.
  - h. Any transfer of ownership of a livestock facility shall require the new owner of said facility to provide to the Town pertinent information, including but not limited to name, address, and date of ownership transfer, within sixty (60) days of said transfer, as recorded with the Rock County Register of Deeds.
- <sup>8</sup> The use shall be allowed only to store non-flammable agricultural items, excluding animals, provided the wheels, axles, signs, names, and labels are all removed and said trailer or structure is painted to blend in with the dominant colors of associated farm buildings.
- <sup>9</sup> Allowed in accordance with Sec. 91.46 (5), Wisconsin Statutes.
- <sup>10</sup> Buildings are not allowed.
- <sup>11</sup> Allowed in accordance with Sec. 91.46 (4), Wisconsin Statutes.
- <sup>12</sup> Not to be located within five hundred (500) feet of any residence.
- <sup>13</sup> The following, (1) – (5), are standards and requirements applicable to all non-metallic mining uses:

- (1) Chain link or similar fencing no less than six (6) feet high shall be placed around the entire perimeter of any non-metallic mining site within one-half mile (1/2) of any lot in the R-R, R-1, COD, or MHP zoning districts;
- (2) No dumping of waste products or by-products shall be allowed anywhere on the non-metallic mining site;
- (3) A Restoration Plan shall be developed by the mining operator or agent and submitted to and approved by the Commission;
- (4) Any non-metallic mining operation shall be in compliance with Sub-chapter 1, Sec. 295, Wisconsin Statutes, and *Chapter 4 – Subchapter 2 – Part 10 – Non-Metallic Mining Reclamation, Code of Ordinances, Rock County*,
- (5) All standards and requirements identified in Sec. 19.04 (h) (1) of this Ordinance.

<sup>14</sup> Allowed in accordance with Sec. 236.292, 700.41, and 844.22, Wisconsin Statutes.

<sup>15</sup> A lot one (1) acre or larger in size shall be required to locate a wind turbine. A wind turbine over sixty (60) feet in height and meeting all applicable provisions of this Ordinance may be prohibited upon a finding by the Town that the turbine height is wholly out of proportion with prevailing heights of adjacent and proximate buildings and other structures, and said turbine would consequently be seriously disruptive of immediate, adjacent, or proximate aesthetic and character.

A wind turbine shall be setback from all roads, lot lines, and other applicable boundaries or infrastructure in accordance with Public Service Commission (PSC) regulations enacted pursuant to Sec. 196.378, Wisconsin Statutes;

<sup>16</sup> To include only the spreading of the residual, semi-solid material left from industrial wastewater, or sewage treatment processes (sludge), in accordance with Wisconsin Department of Natural Resources requirements, and all other applicable ordinance, statutes, rules, and regulations.

(m) **COMMERCIAL HIGHWAY INTERCHANGE DISTRICT (CHI).**

(1) **Purpose and Intent** The purpose of the CHI District is to provide a means of obtaining the commercial and transportation goals and objectives of the Master 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** The following uses are permitted uses in this district:

- a. 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 right-of-way line.
- b. 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 or major automobile body or engine repair.
- c. Leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.
- d. Leasing of mobile homes, campers, or recreational vehicles.
- e. Hotels and motels.
- f. Restaurants, taverns, lunch rooms and other eating places, including drive-in type establishments.
- g. Commercial parking lots, parking garages, parking structures.
- h. Tourist-oriented retail shops, including souvenir shops, and gift shops.
- i. Residential use only when an integral part of the commercial building.
- j. Sales offices, administrative offices, warehousing of finished goods, construction equipment storage areas when enclosed by a solid eight (8) foot high fence, and truck terminals which do not rebuild drive line components or do body work.
- k. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) **Conditional Use** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but no other types of products or merchandise.
- b. Wholesale merchandise establishments.

- c. Recreational vehicle parks, areas in which two or more spaces are occupied, or intended for occupancy by recreational vehicles, travel trailers, or campers for transient dwelling purposes only.
- d. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.
- e. Flea Markets.

(4) **Requirements**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback on Local Road.....50 ft.  
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Rear Yard Setbacks.....50 ft.
- d. Minimum Lot Width at Building Line.....100 ft.
- e. Minimum Lot Frontage on Public Road.....100 ft.
- f. Minimum Lot Area.....3 acres
- g. Minimum Side Yard Setback.....20 ft.
- h. Truck Unloading Area - Sufficient space so that no streets or alley need be blocked.
- i. Off-Street Parking, Public Gathering - 1 space per 3 seats if applicable or 1 space per 300 sq. ft. of building.
- j. Maximum Lot Coverage of Buildings to Lot Size....20%
- k. Natural Features such as drainage areas, wet soils, and steep slopes shall be maintained as natural areas.
- l. A minimum of twenty (20%) percent of the area of each parcel shall be permanently reserved as open space with grass, flowers, shrubs, cover plants, trees, or similar treatment within the area from the front of the principal structure and the front yard line. Driveways or parking lots shall not qualify for such green area but ponds or fountains may qualify.

m. Site Plan. Prior to issuing any building permit, a site plan showing the location of access or frontage roads, driveways, land parcels, truck parking, automobile parking, principal structure, accessory structures, petroleum pumps, and other proposed features shall be prepared, reviewed and approved by the Commission after review and recommendation by the Commission. Areas in the CHI District shall have an interior road network dedicated to the public which will provide adequate access for future lots to the public road system. The site plan shall use the design standards of this section as minimum requirements.

n. No permits shall be granted for access points located within 1,000 feet of the most remote end of taper of 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 intersecting 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.

o. Truck parking areas shall be separated from automobile parking areas. The road network shall be designed to separate automobile traffic and truck traffic while integrating activities.

(n) **LOCAL COMMERCIAL DISTRICT (B-1)**

(1) **Purpose and Intent of Local Commercial District B-1** The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Development 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 are compatible with residential uses.

(2) **Permitted Uses**

a. Stores and shops in which items are sold directly to the public to include grocery, hardware, clothing and apparel stores, drug and beverage stores, bakeries, magazine and tobacco stores, coffee shops, gift shops, parking areas and similar retail establishments normally found in 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 public facilities such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds.
- e. Banks, office buildings, and restaurants.
- f. Sales and retail of new and used automobiles, trucks, trailers, construction equipment, and agricultural equipment.
- g. Gasoline/Convenience stores which do not provide mechanical services.
- h. Model homes for sales promotion, lumber yards, building services and building supplies.
- i. Mini-warehousing and general warehousing of merchandise in enclosed buildings.
- j. Television, video, radio, and electrical equipment sales, service, and rental.
- k. Plumbing, heating, and air-conditioning sales and repair shops.
- l. Technical schools, and training centers.
- m. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) **Conditional Uses** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. 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.
- b. Lodges and fraternal buildings, nursing and retirement homes, nursery and day care centers.
- c. All public utility facilities, sewage treatment facilities.

- d. Animal hospitals and clinics, excluding open kennels and exercise yards.
- e. Maintenance and repair of equipment and vehicles.
- f. Construction contractor offices, equipment storage yards, and maintenance facilities.
- g. Fabrication, assembly, processing, and/or packaging of plastics products, electrical equipment, jewelry, and pottery.
- h. Automotive upholstery shops and automotive body repair shops.
- i. Feed and grain dealers, grain storage.
- j. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) **Requirements for Permitted and Conditional Uses**

- a. Maximum Building Height.....35 ft.
- b. Minimum Frontage on Local Road.....50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Parking Requirements.....One 200 sq. ft. parking space for each 200 sq. ft. of building.
- d. Minimum Lot Area.....40,000 sq. ft.

**Other Setbacks**

- Rear Yard.....25 ft.
- Side Yard.....15 ft.
- Width at Building Line.....100 ft.

- e. Accessory Building Side Yard Setback.....10 ft.

(5) **Prohibited Uses** No structure or improvement may be built, or land used in this district unless it is a Permitted Use or an approved Conditional Use in this district.

(o) **LOWLAND CONSERVANCY OVERLAY DISTRICT (C-1)**

(1) **Purpose and Intent Lowland Conservancy Overlay District One (C-1)** The purpose of the C-1 Overlay District is to provide a method of obtaining the goals and objectives of the Land Use Plan. The C-1 District is designed to: protect public health and safety, property values, general welfare of the community; protect property from the hazards of flood water, inundation of ground water; and protect the community from costs which are incurred when development occurs in lowland areas. The intent of this district is to conserve areas which have physical limitations for development because of being in areas with potential for flooding, soils with low bearing capacity, soils that are wet, and other environmental considerations that indicates that this land should be used for open land uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings.

(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 Soil Conservation Service standards, but 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 nonresidential buildings used solely in conjunction with such activities.
- f. Hunting, fishing, trapping, piers, docks, and boat houses.
- 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. Parking 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 Commission prior to the use being established.

- a. Dams, reservoirs, ponds, and primary water storage facilities.
- b. Commercial outdoor recreation facilities but not to include amusement parks, drive-in theaters and race tracks.
- c. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
- d. Public utilities lines and facilities including pipelines, telephone, telegraph, electric power, and other transmission lines.
- e. Relocation of any watercourse.
- f. Filling, drainage or dredging of wetlands, provided that this shall conform to the Shoreland Zoning Ordinance enacted by Rock County pursuant to Section 59.692 of the Wisconsin Statutes.
- g. Removal of topsoil, peat, and sod.
- h. Camping grounds open to the public.
- i. Golf courses both public and private, miniature golf facilities and driving ranges.
- j. Hunting and fishing clubs provided that the adjoining areas will not be adversely affected.
- k. Sewage disposal treatment plants.
- l. Agricultural accessory structures when they conform with Soil Conservation Service Standards and guidelines.

(4) **Requirements for Permitted and Conditional Uses**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback.....50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Setback from High Water Mark.....75 ft.
- d. Minimum Rear Yard Setback.....50 ft.
- e. Minimum Lot Size.....No Minimum Lot Size

- f. Minimum District Width.....30 ft.
- g. Minimum Side Yard Setback.....20 ft.
- h. Off-street Parking, Public Gathering..1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.

(5) **Prohibited Uses**

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

(p) **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 method of obtaining the open space, natural resource, and the recreation goals and objectives of the land use plan. The C-2 District is intended to provide for the preservation, protection, enhancement, and restoration of woodlands, scenic areas, marginal farm land, and areas with slopes in excess of 12%. It is also intended to help limit erosion and sedimentation; promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural areas, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality.

(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. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) **Conditional Use** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges, rifle ranges, fish ponds, gun clubs, hunting reserves, and other similar activities when located 100 feet from the boundaries of the property involved.
- b. Horse stables, riding clubs, and fairgrounds.
- c. Private and public golf courses and accessory uses.
- d. Earth movements involving site disturbing in excess of two acres not related to farming activity.
- e. Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
- f. One single family dwelling.
- g. Ski hills, ski trails, hunting and fishing clubs.
- h. Recreation camps and tactical war games.
- i. Public or private campgrounds.
- j. Animal hospitals, shelters and kennels.
- k. Radio, television, communication transmitters, or relay towers and facilities.
- l. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) **Requirements for Permitted and Conditional Uses**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback.....50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Rear Yard Setback.....25 ft.
- d. Minimum Lot Width.....100 ft.

- e. Minimum Lot Frontage on Public Road.....100 ft.
- f. Minimum Lot Area.....10 Acres
- g. Minimum Side Yard Setback.....20 ft.
- h. Minimum Accessory Building Setback.....10 ft.
- i. Minimum Residential Building Size.....1,200 sq. ft.
- j. Minimum Building Width.....24 ft.
- k. Off-Street Parking, Public Gathering.....1 space per 200 sq. ft. of building or 1 space per 5 anticipated users at maximum usage of facilities.

(5) **Prohibited Uses**

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

(q) **SPECIAL PURPOSE DISTRICT (SP)**

(1) **Purpose and Intent of Special Purpose Districts (SP)** The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. The S-P 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** The following uses are permitted in this district:

- a. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) **Conditional Uses** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. 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.

- b. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.
- c. Airports open to the public, hangars, or accessory structures.
- d. Cemeteries.
- e. Race tracks, sewerage treatment facilities.
- f. Accessory structures required by the principal use as part of the original application.
- g. Junkyard and automobile salvage yards.
- h. Sand and gravel quarry and process operations. If on-site mining or processing operations are not carried out continuously for one year at any location, the same shall be considered to have been abandoned, and, prior to any further excavation or processing, a new conditional use permit shall be required.
- i. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) **Requirements For Conditional Uses**

- a. Minimum Lot Area.....5 Acres
- b. Minimum Front Yard Setback from Public Road...50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Side Yard Setback.....50 feet
- d. Minimum Rear Yard Setback.....50 feet
- e. Off Street Parking.....1 Space Per 5 Seats, or 1 Space Per 5 Anticipated Uses At Maximum Usage of Facility.
- f. Sand and Gravel Operations
  - 1. Minimum Lot Area.....5 Acres



2. Setback From Existing Street or Highway.....100 Feet
3. Setback from Right-of-Way Public Utility.....50 Feet
4. Setback from Boundary of Zoning District.....100 Feet
5. Fencing and Screening.....any mining operation within one-half mile of any residential district shall have a chain link or similar fencing no less than six (6) feet high around the entire mining site.
6. No dumping of waste products or by-products shall be allowed anywhere on the site.
7. Restoration Plan to be developed approved by the Commission.
8. Minimum Accessory Side Yard Setback.....50 ft.

(5) **Prohibited Uses** No structure or improvement may be built, or land used in this district unless it is a Permitted use or an approved Conditional Use in this district.

(r) **LIGHT INDUSTRIAL DISTRICT (M-1)**

(1) **Purpose and Intent of Light Industrial District (M-1)** The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the Land Use Plan. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for light industry. The uses allowed in this district, either permitted or conditional use, shall only provide for discharge of domestic waste unless connected to 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.

(2) **Permitted Uses** The following uses are permitted in this district:

- a. Repair and maintenance of agricultural equipment and the sale of equipment.
- b. Public or private offices with sewage discharge limited to domestic effluent.

- c. Building material sales.
- d. Storage or wholesaling of manufactured goods.
- e. Warehousing, including mini-warehouses, but they shall not have floor drains to prevent groundwater contamination.
- f. Public utility facilities.
- g. Police, fire & postal stations.
- h. Repair & maintenance of automotive upholstery.
- i. Commercial bakeries.
- j. Greenhouses.
- k. Dry printing & publishing.
- l. Distributors of food products.
- m. Contractor's offices, including plumbing, heating, air conditioning and electrical.
- n. Parking lots.
- o. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) **Conditional Uses** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. Assembly of goods.
- b. Truck and bus terminals, pipeline terminals, bulk tank facilities for petroleum, gas and chemical products for wholesale or retail sales.
- c. Welding, sheet metal and blacksmith fabrication.
- d. Garages for repair and servicing of motor vehicles including body repair, painting or motor rebuilding.
- e. Laboratories and facilities for research, development and testing.

- f. Contractors storage yards and sale of machinery and equipment.
- g. Packing and packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, tobacco, toiletries and food.
- h. Storage facilities for flammable gases.
- i. Animal hospitals, animal clinics or veterinary services.
- j. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) **Parking and Loading Requirements**

- a. All light industrial establishments shall provide one 200 square foot parking space per two employees.
- b. 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 10 feet by 55 feet and having a height clear of all obstructions, of 14 feet, according to the following schedule:

<u>GROSS FLOOR AREA</u>	<u>LOADING SPACES</u>
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. one additional loading space is required. The Commission may permit the required loading spaces to remain undeveloped until they are needed.

(5) **Screening** All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial use or districts either:

- a. By a solid wall or fence not less than six feet nor more than eight feet in height; or
- b. By a densely planted hedge or shrubbery at least six feet in height which effectively causes a visual barrier; or
- c. By a permanent evergreen planting, the individual trees to be of such a number and kind so arranged that they will effectively cause a visual barrier at least six feet in height.

(6) **Requirements**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback from Public Road.....50 ft.  
If parking is permitted in front yard.....75 ft.  
(All front yard setbacks are to also refer to Section 9.1 off this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Rear Yard Setback.....50 ft.
- d. Minimum Side Yard Setback.....20 ft.  
When abutting a residential area.....35 ft.
- e. Corner Lot Side Yard Setback.....50 ft.
- f. Minimum Lot Size.....2.5 acres
- g. Minimum Lot Width.....100 ft.
- h. Minimum Employee Parking....1 space per 2 employees
- i. Minimum Accessory Side Yard Setback.....10 ft.
- j. No permitted or conditional use shall produce any effluent or waste products other than domestic effluent which is the only

thing that shall be disposed of in the parcels on-site sewage disposal system

(7) **Prohibited Uses**

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

**SECTION 19.04 CONDITIONAL USE PERMITS**

(a) **General Provisions** Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application in to the Town Clerk and issuance of a Conditional Use Permit by the Commission. A Conditional Use Permit shall be issued only upon satisfaction of the 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.

(b) **Required Information** In order to secure evidence upon which to base its determination, the Commission may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of the Ordinance.

(c) **General Procedure**

(1) The general procedure for obtaining a Conditional Use Permit, not to include a livestock facility Conditional Use Permit, is as follows:

- a. A Conditional Use Permit Application is submitted to the Town Clerk.
- b. The Town Clerk or designee shall notify all property owners within 1,000 feet of the parcel in question and publish a Class 2 Legal Notice listing the time and place of the public hearing, conditional use being proposed, and the location of the proposed Conditional Use.
- c. A public hearing shall be held by the Commission.

d. The application and information obtained at the public hearing is reviewed by the Commission at a public meeting as to potential problems that may affect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

e. Upon consideration of all of the relevant factors, Commission may approve, approve with conditions, or deny the Conditional Use Application.

f. Upon approval, the Chair of the Commission shall forward a copy of the approved conditional use application and any conditions of approval to the Town Clerk and to the County Planning and Development Agency.

g. If a permit is denied, the Commission shall provide its decision in written form to the applicant, listing the reasons for denial and explaining the applicant's appeal rights to circuit court.

(2) 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 Commission if the: conditional use is not actively utilized for a period of six months, conditions of approval are not being met, or the conditional use is expanded without Commission approval. The Commission at its discretion and without going through the full conditional use process, may make changes that are less than substantial changes to a Conditional Use Permit and its conditions.

(3) The owner of a parcel of land upon which a conditional use permit has been issued may voluntarily surrender said permit, whereupon the permit shall terminate and no longer run with the parcel.

(d) **Conditions Attached to Conditional Use Permit** The Commission 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.

(e) **Notice and Public Hearing** Before issuing a Conditional Use Permit, the Commission shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Commission shall be posted as a Class 2 Legal Notice as referred to in Chapter 985 of the Wisconsin State Statutes. The Town Clerk or Designee shall also notify all property owners within 1,000 feet of the land parcel in question by regular mail with the above information.

(f) **Conditional Use Permit Fee** The applicant, upon filing of his application, shall pay a fee to the Town in accordance with the following schedule:

(1) Conditional Use Fee.....to be Determined by Town Board by Resolution.

(g) **Standards Applicable to All Conditional Uses**

(1) In considering a Conditional Use Permit application, the Commission shall consider the following factors:

- a. That the amount of land is limited to that which is reasonably necessary to accommodate the proposed use.
- b. Wherever possible a proposed use shall be placed on that portion of a parcel which contains the poorest quality agricultural soils or that portion of the parcel which would be the least productive for agricultural purposes, and the use shall be placed as close as possible to other non-agricultural uses.
- c. The location of the site with respect to existing or future roads giving access to it.
- d. Its compatibility with existing uses on land adjacent thereto.
- e. Its harmony with the future development of the district.
- f. Existing topography, drainage, soil types, and vegetative cover.
- g. Its relationship to the public interest, the purpose and intent of this Ordinance and providing substantial justice to all parties concerned.

(2) No conditional use permit shall be issued for any use which might result in damage to town roads, including, but not limited to, the operation of an agri-business or the use of sewage sludge for fertilizer purposes, unless the Commission is assured that adequate provision for repair of potential damages has been made. Such adequate provision may include a performance bond, an irrevocable letter of credit, or cash deposit, assuring that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's full expense, that will protect the town against any expense due to the inability or refusal of the applicant to repair any damage to the road (This paragraph is not applicable to any livestock facility use.).

(h) **Process and Standards Applicable to Conditional Uses within the A-E District**

(1) In considering a Conditional Use Permit application in the A-E District, the Commission and Town Board shall also consider the following factors:

- a. The use identified in the application and its location are consistent with the purpose and intent of the A-E zoning district as identified in Sec. 19.03 (h) (1) of this Ordinance;
- b. The use identified in the application supports in direct and significant ways, or will not conflict with or substantially impair or limit, existing or future agricultural uses of the lot on which the conditional use is proposed or agricultural uses on adjacent or proximate lands;
- c. The use identified in the application and its location in the A-E zoning district are reasonable and appropriate, considering alternate locations, or are specifically approved under state or federal law;
- d. The use identified in the application is one that is most suitable in the A-E zoning district, after review of the availability and suitability of locating the use in another zoning district;
- e. The use identified in the application is reasonably located and designed to minimize conversion of land, at and around the use site, from agricultural or open space uses;
- f. The use identified in the application is located on that portion of a lot which contains the poorest quality agricultural soils or that portion which would be the least productive for agricultural uses, with the use located as close as possible to other non-agricultural uses, all if feasible;
- g. The use identified in the application is designed in a manner to ensure construction damage to land remaining in agricultural use will be minimal and repaired to the extent feasible;
- h. If the application is for a non-metallic mining use, said use shall be in compliance with all of the following, i. – iii.:
  - (i) Sub-chapter I of Sec. 295, Wisconsin Statutes and rules promulgated under said sub-chapter;
  - (ii) Applicable provisions of *Chapter 4 – Subchapter 2 – Part 10 – Non-Metallic Mining Reclamation, Code of Ordinances, Rock County*, including restoration of the affected land after the non-metallic mineral mining



operation is completed to a condition suitable for agricultural use, according to a written restoration plan;

(iii) Any applicable standards and requirements of the Wisconsin Department of Transportation concerning the restoration of non-metallic mineral use sites;

(i) **Process and Standards Applicable to Livestock Facility Conditional Uses**

(1) A livestock facility conditional use permit application shall be subject to all of the following, (a) – (h) [*Note: All definitions as contained in ATCP 51 and applicable to a livestock facility CUP application and CUP as identified herein are hereby incorporated by reference.*]:

- a. Compliance with both of the following, (i) and (ii):
  - (i) Sec. 93.90, Wisconsin Statutes and Sec. ATCP 51, Wisconsin Administrative Code, including any applicable forms;
  - (ii) Building setback lines as identified in Sec. 19.03 (h) (5) c. of this Ordinance when said lines are consistent with Sec. ATCP 51, Wisconsin Administrative Code;
- b. All animal waste management facilities and waste management plans, per the Rock County Animal Waste Management Ordinance;
- c. An erosion control and storm water management plan, per the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance;
- d. An applicant statement as to the maximum number of livestock animal units that will be housed at the facility at one time;
- e. Confirmation from the Rock County Planning, Economic, and Community Development Agency that they have reviewed the facility site and said site is not located in the County's Shoreland and Wetland Zoning District;
- f. The applicant shall provide four (4) copies of all State mandated application materials to the Town, in accordance with Sec. ATCP 51.30, Wisconsin Administrative Code, and an application fee as determined by Board resolution but not to exceed one thousand dollars (\$1,000.00) or other monetary amount, as set by said Sec. The Zoning Administrator shall

provide written notice to the applicant as to the completeness of the application within forty five (45) days of receipt of said application by the Town. If the application is deemed incomplete by the Zoning Administrator, said notice shall specifically describe additional application materials required by the Town.

- g. If the applicant is to provide additional application information, per the written notice identified in (f) of this Sec. and the applicant provides said additional information to the Zoning Administrator, the Zoning Administrator shall then provide another written notice to the applicant, within fourteen (14) days of receiving said information, that the application is complete.
- h. Within fourteen (14) days of notification to the applicant that the application is complete, the Town shall notify all landowners adjacent to the lands identified in the application, in accordance with Sec. ATCP 51.30 (6), Wisconsin Administrative Code. The notice shall be in a form as contained in said Sec. and mailed by first class to each of the aforementioned landowners.

(2) The Rock County Land Conservation Department and Commission shall review all livestock facility, animal unit/livestock animal unit (non-livestock facility), and manure irrigation CUP applications to ensure said application contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets or is exempt from all standards and requirements identified in this Ordinance.

(3) After review, for a livestock facility CUP application only, the Commission shall take action after a public hearing no later than forty five (45) days from the date which the applicant was notified that the application was complete, in accordance with (1) a. – h. of this Sub-sec, and recommend approval, approval with conditions, or denial with findings of the CUP application to the Town Board (hereafter “Board”).

(4) The Board shall review the livestock facility CUP application and the Commission’s recommendation after a public hearing scheduled no later than ninety (90) days from the date which the applicant was notified that the application was complete, in accordance with (1) a. – h. of this Sub-sec.

- (5) The Board shall take action after a public hearing and approve, approve with conditions, or deny with findings a large livestock facility CUP application within ninety (90) days of submission of an application by the applicant to the Town. The Board shall issue its decision in writing, and the decision shall be based on written findings of fact included in the decision. The findings of fact shall be supported by evidence in the record under Sec. ATCP 51.36, Wisconsin Administrative Code. Findings may be based on presumptions created by said Sec. The Board may extend

said ninety (90) day period for good cause, including but not limited to either of the following, a. and b.:

- a. The Board needs additional information;
- b. The applicant materially modifies the application or agrees to an extension;

(6) If the Board extends the ninety (90) day period identified in (4) of this Sub-sec., the Board shall provide written notice to the applicant prior to expiration of said period, with the notice stating the cause for extension and specifying the date by which the Board will take action on the application.

(7) If a livestock facility CUP is approved in accordance with this Ordinance, the CUP shall be subject to all of the following, a. – d.:

- a. The Board may suspend or revoke a livestock facility CUP, or seek other redress as provided in this Ordinance, if the Board finds any of the following, (i) – (iii).:
  - (i) The permittee materially misrepresented relevant information in the application or materially failed to honor relevant commitments made in the application without authorization from the Board;
  - (ii) The permittee fails to either populate the facility or begin construction on all livestock buildings and waste storage structures identified in the application within two (2) years of issuance of the CUP;
  - (iii) The livestock facility fails to comply with applicable standards and requirements of this Ordinance;
- b. The permittee shall have a professional engineer, or a person with appropriate engineering job approval according to Natural Resources Conservation Service standards, certify in writing that all livestock buildings and waste storage structures were installed or closed as planned in the approved application.

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

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

- c. The Town may conduct site inspections during and after construction to determine that all livestock buildings and waste storage structures are installed or closed as identified in the approved application. If an inspection is required, the Town will provide the permittee with written notice. Upon written notice and with the consent of the permittee, the Town may enter upon the premises to inspect a livestock facility approved under this Ordinance to determine compliance with the terms of the CUP so issued.

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

- d. The Board shall keep a complete written record of all information related to a livestock facility CUP application and retain said record for at least seven (7) years following any Board action of approval, approval with conditions, or denial with findings on the application, with said record to include all of the following, (i). – (vii).:
  - (i) The application and all subsequent additions or amendments thereof;
  - (ii) A copy of any notices or correspondence that any Town official issued in relation to the application;
  - (iii) A record of any public hearing related to the application, in the form of an electronic recording, a transcript prepared from an electronic recording, or a direct transcript prepared by a professional court reporter or stenographer, with said record also to include any documents or evidence submitted by hearing participants;
  - (iv) Copies of any correspondence or evidentiary material that the Board considered in relation to the application;
  - (v) Minutes of any Board or Commission meeting held to consider or act on the application;

- (vi) The Board or Commission recommendation or action of approval, approval with conditions, or denial with findings in written form, and a copy of any Town ordinance, rule, regulation, or plan cited in said recommendation or action;
  - (vii) Other documents the Town prepared to document its decision or decision-making process;
- (8) The Board may suspend or revoke a livestock facility CUP, or seek other redress as provided in this Ordinance, if the Board finds any of the following, a. – c.:
- a. The permittee materially misrepresented relevant information in the application or materially failed to honor relevant commitments made in the application without authorization from the Board;
  - b. The permittee fails to either populate the facility or begin construction on all livestock buildings and waste storage structures identified in the application within two (2) years of issuance of the CUP;
  - c. The livestock facility fails to comply with all applicable standards and requirements of this Ordinance;

#### **SECTION 19.05 STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES**

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

##### **(a) 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.

(b) **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.

(c) **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.

(d) **Traffic Generation**

(1) Amount of daily and peak hour traffic to be generated, related to site size.

(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.

(e) **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.

(f) **Other Relevant Factors**

- (1) Performance Standards in Section 12 of this Ordinance.
- (2) Additional impacts.

**SECTION 19.06 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS**

(a) **Classification and Setbacks** For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the township are hereby divided into the following classifications according to the Wisconsin Department of Transportation Functional Classification System or a locally adopted Transportation Plan.

(1) **Arterial Highways**

a. The setback line for Arterial highways shall be a minimum of 150 feet from the centerline of the highway or a minimum of 100 feet from the right-of-way line, whichever is greater.

b. Minimum Road right-of-way for Arterial Highways shall be 100 feet and 50 feet for one-half road right-of-ways.

(2) **Collector Roads**

a. The setback for collector roads shall be a minimum of 90 feet from the centerline or minimum of 50 feet from the right-of-way line, whichever is greater.

b. Minimum road right-of-way shall be 80 feet and 40 feet for a half road right-of-way.

(3) **Local Roads**

a. All local roads shall have a minimum setback of 85 feet from the centerline or minimum of 50 feet from the right-of-way line, whichever is greater. Minimum setbacks along local roads where public sewer is available is 35 feet. Minimum road right-of-way shall be 70 feet.

b. Frontage roads along arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.

(4) Lesser Setbacks

Lesser setbacks may be permitted by the Commission 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.

(5) Special Width Road Right of Ways

Road right-of-ways which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements.

## **SECTION 19.07 NONCONFORMING USES, STRUCTURES, AND LOTS**

(a) **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, subject to the following:

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

(2) Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the current fair market 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 Commission 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 to the effective date of this Ordinance.



(5) This Ordinance does not prohibit the continued use of any building, premises, structure or fixture for any trade or industry for which the building, premises, structure, or fixture is used when this Ordinance took effect. However, the alteration of, or addition to, any existing building, premises, structure, or fixture used to carry on an otherwise prohibited trade or industry within the district is prohibited.

(b) **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. Except as provided in subsection (d), 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, it shall not be restored except so as to comply with the use provisions of this Ordinance.

(c) **Existing Nonconforming Structures** Any 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 except when required to do so by law or order or as to comply with the provisions of this Ordinance.

(d) **Restoration of Certain Nonconforming Structures** Nonconforming structures may be restored if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred, and no limits are imposed on the costs of repair, reconstruction, or improvement if all of the following apply:

(1) The nonconforming structure was damaged or destroyed on or after March 1, 2006; and

(2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

However, the size of the structure 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.

(e) **Changes and Substitutions** Once a conforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Commission 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 Commission.

(f) **Substandard Lots**

(1) Existing land parcels of less than the minimum lot size, may have a permitted or Conditional Use listed in the assigned zoning district provided, that the parcel was established and recorded with the Rock County Register of Deeds Office prior to the effective date of this ordinance, and the minimum setback requirements, septic system, and water well requirements can be met without obtaining a variance.

(2) If a substandard lot cannot meet the requirements in (1) above, the lot shall be combined with adjacent lot(s) under the same ownership to meet the minimum lot size standards of the zoning district.

## **SECTION 19.08 CHANGES AND AMENDMENTS**

(a) **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 the text of this ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Commission and to the approval of the Town Board.

(b) **Initiation** A change or amendment may be initiated by the Town Board, the Commission, or by a petition of one or more of the owners of property proposed to be changed.

(c) **Applications for Amendment** Applications for an amendment to the text of this Ordinance or to district boundaries on the Official Zoning Map shall be filed with the Town Clerk. The application shall include:

(1) **A map** using copy of the final certified survey map, subdivision plat, condominium plat, plat of survey, or aliquot part of the section indicating the land parcel(s) location and dimensions. The map shall use the lot lines of land parcel(s) in proposing the new zoning district; provide the location, current zoning, and owner names of land parcels within two hundred and fifty (250) feet of the parcel boundaries proposed to be rezoned.

(2) **The Town's Zoning Change Application Form** shall: be completely filled out, list the owner of the parcel(s) as the applicant for the zoning change, reasons for the proposed change, current zoning district assigned, the proposed zoning district being requested, and whether or not the proposed zoning is consistent with the Land Use Plan.

(3) **Additional Information** required by the Commission or Town Board.

(4) **Fee Receipt** from the Town Treasurer in the minimum amount to be determined by the Town Board.

(d) **Recommendations** The Commission shall review all proposed changes and amendments within the Town and shall recommend that the application be granted as requested, modified, or denied. The recommendation of the Commission shall be made no later than the second meeting after the meeting at which the application was first submitted. The application shall be considered at the next Town Board meeting.

(e) **Standards for Zoning Changes** The following land use decision standards shall be used by the Commission and Town Board when considering proposed zoning changes. The Town may approve petitions for rezoning only after consistent findings are made based on the following:

- (1) Whether the proposed change is consistent with the Town's Land Use Plan.
- (2) Whether the proposed change is consistent with the purpose and intent section of the new zoning district.
- (3) Wisconsin case law relating to the proposed change.
- (4) Whether adequate public facilities are available or can be made available to accommodate the proposed use within a reasonable time.
- (5) Whether public facilities needed to accommodate the proposed use will place an unreasonable burden on the ability of affected units of government and school districts to provide them.
- (6) The land proposed for rezoning is suitable for development and development will not result in undue water and air pollution, cause unreasonable soil erosion and have an unreasonable adverse effect on rare or irreplaceable natural resources.
- (7) The protection of property values and the property tax base.
- (8) Amount of daily and peak-hour traffic that will be generated, related to site size, and existing automobile traffic on the existing road network.
- (9) Amount of daily and peak hour traffic that will be generated relative to existing and anticipated traffic from other land uses affecting the existing and planned road network.
- (10) Expected composition of site-generated traffic by vehicle types.
- (11) Safety and convenience to future users.
- (12) Access to commercial areas.

(13) Relation to aesthetic, scenic and recreation values.

(f) **Findings Before Rezoning Parcels Out of the A-E District** The Town Board may approve petitions for rezoning areas zoned in the A-E district only after findings are made, based upon consideration of the following:

(1) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

(2) Provision of public facilities to accommodate development will not place an unreasonable burden on the affected local units of government to provide them.

(3) The land is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.

(4) The land identified in the petition is better suited for a use not allowed in the A-E zoning district;

(5) The petition is consistent with the Comprehensive Plan and the Future Land Use Map contained therein or any similar plan or map;

(6) The petition is substantially consistent with the *Rock County Agriculture Plan/Farmland Preservation Plan* and the *Rock County and Town of Turtle Agricultural Resources – Farmland Preservation Maps* contained therein or any similar plan or map;

(7) Changing the zoning district of the land identified in the petition will not substantially impair or limit current or future agricultural use of other protected farmland;

(8) The Town Board shall document that items (1) – (7) were considered by providing their findings in writing and the Town Clerk shall provide an approved copy of the zoning change and findings approved by the Town Board, to the Rock County Planning, Economic and Community Development Agency.

(g) **Public Hearing** The Town Clerk, or designee shall notify all adjoining property owners of property 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 any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

(h) **Town Board's Action** Following such hearing and after careful consideration of the Commission recommendations, the Town Board shall vote on the proposed amendment. A majority of the Town Board members present at the meeting is required to approve the amendment.

(i) **Protest to Proposed Change** A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a three-fourths vote of the Town Board if a protest against the proposed amendment, supplement, or change is presented to the Town Board prior to or at the public hearing:

(1) The protest is signed and acknowledged by the owners of at least 50% of the areas proposed to be altered; or

(2) The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

(j) **Reversion to Previous Zoning District** When a land owner requests a parcel to be rezoned from the original zoning district assigned when this Ordinance was adopted, and the owner has not established a permitted or conditional use as provided in the district within 12 months of the date of the Town Board's zoning action, the zoning district assigned to the land parcel shall automatically revert to the original zoning district that had been assigned when this ordinance became effective.

(k) **Airport Affected Area Amendment** A proposed amendment, supplement or change to this zoning ordinance must be adopted by not less than a two-thirds vote of the Town Board if the proposed amendment, supplement or change would make any change in an airport affected area, as defined under Section 62.23(6)(am)1.b. of the Wisconsin Statutes and if a protest against the proposed revision is presented to the Town Board prior to or at the public hearing by the owner or operator of the airport bordered by the airport affected area.

(l) **Annual Reporting – Rezoning out of A-E District** Prior to March 1 annually, the Town shall submit to the Rock County Planning, Economic & Community Development Agency and Wisconsin Department of Agriculture, Trade, and Consumer Protection (hereafter “DATCP”) a report of total acres zoned out of the A-E district to another district in the previous calendar year, including a map identifying said acres, in accordance with Chapter 91, Wisconsin Statutes.

## **SECTION 19.09 PERFORMANCE STANDARDS**

(a) **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.

(b) **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 smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 7718.

(c) **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:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187 Degrees F.	400,000
105 Degrees F. to 187 Degrees F.	200,000
Below 105 Degrees F.	100,000

(d) **Glare and Heat** No activity shall emit glare or heat that is visible or measurable outside its premises. 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.

(e) **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 (This paragraph is not applicable to any livestock facility use unless the Town adopts this, or similar language as a more stringent standard, per Sec. 93.90 Wisconsin Statutes.).

(f) **Noise** No activity shall produce a sound level outside its premises in the M-1 or A-1 District boundaries that exceeds the following sound level measured by a sound level meter and associated octave band filter:

<u>Octave Band Frequency</u> <u>(Cycles Per Second)</u>	<u>Sound Level</u> <u>(Decibels)</u>
0 to 75	79
75 to 150	74

150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

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

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

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

(g) **Odors** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises. Agriculture odors associated with normal agricultural activities are exempt from this ordinance.

(h) **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.

(i) **Vibration** No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1 District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

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

(j) **Water Quality Protection**

(1) 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.

(2) 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 NR102 of the Wisconsin Administrative Code for all navigable waters.

## **SECTION 19.10 SIGNS**

(a) **Permit Required** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit. The sign shall also meet all the structural requirements of local and state building codes.

(b) **Signs Permitted In All Districts Without A Permit** The following signs are permitted in all zoning districts without a permit subject to the following regulations:

(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 feet in height and eight feet in length.

(2) **Agricultural Signs** pertaining to the sale of agricultural products on a farm, seed signs, or to membership in agricultural or agricultural-related organizations, up to two signs with each sign face totaling not more than four feet in height and eight feet in length advertising such sale.

(3) **Real Estate Signs** not to exceed four feet in height and four feet in length in display area which advertise the sale, rental, auction, or lease of the premises upon which said signs are temporarily located.

(4) **Name, Occupation, Home Office, Home Occupation Signs** shall not exceed two (2) square feet in display area located on the premises, and limited to one sign per land parcel.



(5) Bulletin Boards of public, charitable, or religious institutions shall not exceed sixteen (16) 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 Commission.

(c) **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) Off-Premise Signs are prohibited.

(2) No more than two of the above signs shall be permitted for any business or industrial use. The total sign area for both signs shall not exceed the greatest maximum area allowed.

(3) On-Premise Wall Signs placed against the exterior wall of a building shall not extend more than twelve (12) inches from the wall, and shall not extend above the roof line. The maximum area of all wall signs shall not exceed an area equal to three (3) square feet for each lineal front foot of building.

(4) On-Premise Projecting Signs fastened to, suspended from, or supported by structures shall not be permitted in this ordinance.

(5) On-Premise Pedestal Signs in the Commercial Highway Interchange District shall be limited to one sign face on two sides of the sign post, for the business premises and advertise the business name, services offered, or products sold on the premises, 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, and shall have a maximum height of 60 feet.

(6) On-Premise Pedestal Signs in Other Business and Industrial Districts shall be limited to one sign for each individual business premises and advertise the business name, services offered or products sold, shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides for any one premises, and shall have a maximum height of thirty (30) feet, and shall be at least fifty (50) feet from the boundary of any residential district.

(7) **On-Premise 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.

(d) **Traffic Sign** Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, 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.

(e) **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 considered a nonconforming use or structure and the provisions of Section 10.0 shall apply.

(f) **No Signs In Right Of Way** No sign shall be placed in road right-of-way except signs authorized by the Wisconsin Department of Transportation or the Town of Turtle Highway Department.

(g) **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 part of a sign after the effective date of this ordinance.

(h) **Roof-mounted Signs** Signs erected on the roof of a building shall be prohibited by this ordinance.

(i) **Areas of Special Control** Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

(1) Architectural, historic, or scenic areas whose special and unique characteristics or whose natural beauty requires special sign regulations to insure that all signs used within the area are compatible with each other and with the area.

(2) Integrated centers of intensive business areas over 5 acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this ordinance.

(j) **Permit Fees**

Signs less than 200 square feet in area.....To be determined by the Town Board by Resolution.

Signs 200 square feet or larger in area.....To be determined by the Town Board by Resolution.

## **SECTION 19.11 DEFINITIONS**

### **(a) 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 unincorporated 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 addition of Webster’s Collegiate Dictionary.

### **(b) Words and Terms Defined**

**Accessory Building.** Any building except the principal structure on a parcel. In the case of a house and detached garage on a parcel, the accessory building is the garage or an outbuilding.

**Accessory Use.** Minor land uses or secondary uses directly supported by the principal or permitted use (i.e. a detached garage is an incidental use to a residential structure).

**Agricultural Accessory Use.** Any use of land, water, or air meeting any of the following, (A) – (C):

- (A) A building, other structure, business, activity, or enterprise that is an integral part of or incidental to an agricultural use;
- (B) A farm residence, including normal residential appurtenances;

(C) A business, activity, or enterprise meeting all of the following, 1. – 4.:

1. Conducted on a farm by the farm owner/operator;
2. Requiring no buildings or other structures other than those described in (a) or (b) of this definition;
3. Employing no more than four (4) full-time employees annually;
4. Not impairing or limiting the current or future agricultural use of the farm, other lands in the Exclusive Agricultural (A-E) zoning district, or other lands protected through an agricultural conservation easement or other non-agricultural development restriction;

**Agricultural Use.** Any use of land, water, or air entailing any of the following, (A) – (I), conducted for the purpose of producing an income or livelihood:

- (A) Crop or forage production;
- (B) Keeping livestock or animal units;
- (C) Beekeeping;
- (D) Nursery, sod, or Christmas tree production;
- (E) Floriculture;
- (F) Aquaculture;
- (G) Fur farming;
- (H) Forest management;
- (I) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program;

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

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

**Alley.** A lane, street, or thoroughfare affording secondary access to abutting properties.

**Animal Allowance.** The number of animals allowed per acre is: one steer; one dairy cow, one bull; 4 swine; 10 sheep or goats; 20 laying hens or chickens; 20 broilers; 10 ducks or turkeys, or other poultry; one horse or one pony (Equine).

For any animal not named above, the number of animals allowed shall be determined by the Planning Commission in a manner so as to be generally consistent with the above specified animal allowance, depending on the size and use of the animal.

**Applicant.** The owner of the land or his or her representative who has the written consent of the legal owner of the land parcel to apply for Building Permit, Conditional Use Permit, zoning change, or appeal to the Board of Adjustment.

**Arterial Highways.** Serving inter-community travel within and outside the area and providing a high level of urban mobility with little variation in operating conditions and forming a continuous system with other arterials as indicated on the Rock County Functional Highway Classification Map.

**Automotive Vehicle.** A vehicle that is self propelled, except a snowmobile.

**Basement.** A story partly underground.

**Bond.** Any form of security including cash deposit, surety bond, collateral, letter of credit, property, or instrument of credit in the amount and form satisfactory to governing body. All bonds shall be approved by the Town Board 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.

**Certified Survey Map.** A division of a lot, parcel, or tract of land by the owner thereof or his agent, for the purpose of sale or building development where the act of division creates not more than four (4) parcels of land.

**Collector Roads.** Provide access between local roads and adjacent land to and from arterial highways. Collectors provide mobility to the highway network as indicated on the Rock County Functional Highway Map.

**Commission.** The Town of Turtle Planning Commission.

**Common Area.** An area or space designed for joint use of tenants or owners residing in a Planned Unit Development or Condominium Development.

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

**Community.** A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county under Wisconsin law.

**Community Living Arrangement.** 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 section 48.60, group foster homes for children under section 48.02(7) and community-based residential facilities under section 50.01 of the Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

**Conditional Use.** A use allowed under this ordinance, provided that certain conditions are met, and a Conditional Use Permit is granted by the Commission.

**Condominium.** Property subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes.

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

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

**Developer.** The owner of land proposed for development or his or her representative with written consent to submit an application under this Ordinance.

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

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

**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, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

**Existing Farmstead or Farm Buildings.** The residential structure for the land owner, barn, silo, machine shed, pole barn, outbuildings, and/or milk house existing at the time of the adoption of this ordinance.

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

**Farm.** Any land under common ownership and meeting either of the following, (A) – (B):

(A) The land produces at least six thousand dollars (\$6,000.00) in annual gross farm revenues to the land owner or renter;

(B) A majority of the land area is in agricultural use;

**Farm Consolidation.** The sale or acquisition of farm acreage to or from another farm owner. A farm owner is a person who earns at least \$6,000 a year in gross farm income.

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

**Farm residence.** Any of the following structures that is located on a farm:

(A) A single-family or two-family residence that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm;
2. A parent or child of an owner or operator of the farm;
3. An individual who earns more than fifty percent (50%) of his or her gross income from the farm;

**Farmstead residence.** A residence and associated accessory buildings, existing on or prior to May 14, 1992, formerly serving a farm in the Exclusive Agricultural (A-E) or General Agricultural (A-G) zoning district, with the lot on which said residence/buildings is located to be five (5) acres or less and no larger than reasonably necessary to accommodate the existing residence/buildings and/or proposed use, and re-zoned to the A-G or R-R zoning district;

**FFA.** A youth organization known as the Future Farmers of America.

**4-H.** A youth organization administered by the National Institute of Food and Agriculture of the United States Department of Agriculture and the name represents four personal development areas of focus for the organization: head, heart, hands and health.

**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.

**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.** Any building or premises, other than a public or business storage garage, where motor vehicles are stored. For setback purposes, a detached garage is an accessory building.

**High Density.** Those residential zoning districts in which the density is greater than one dwelling unit per 8,500 square feet.

**Home Occupation.** The gainful offering of a professional service in a home office, or the production and sale of a product provided by the immediate members of the household within their place of residence or an accessory building. The home occupation includes the provision that no article is offered for sale on the premises except those produced by such occupation, and no goods produced off the premises can be sold. The home occupation must be owned and managed by a member of the resident household and may employ not more than two non-resident workers. The home occupation shall be contained entirely within the residence or an accessory building which shall be incidental to the residential use of the premises. Home occupations shall not involve any external alteration that would affect the residential character of the premises.

**Home Office.** The gainful offering of a service provided only by the immediate members of a household within their place of residence or accessory building. A home office does not involve on-premises sale of physical products or customer service on a regular basis. Home offices shall not involve any exterior alteration that would affect the residential character of the premises.

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

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



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

**Land Use.** Residential, commercial, industrial, park and open space, conservation and agricultural activities carried out on a parcel of land. This may include seasonal land uses which extend to the entire tract of parcel of land as of the time of the adoption of the ordinance.

**Large Farm Animal.** A horse, cow, bull, or steer.

**Land Use Plan.** The Town Land Use Plan indicating where future residential, commercial, agricultural, development should be located. The Land Use Plan is adopted by the Town and the County as provided in sections 59.69(3) and 60.62(2) of the Wisconsin Statutes.

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

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

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

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

**Livestock (Non-livestock facility).** Bovine animals, equine animals, goats, poultry, sheep, swine farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish

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

**Local Roads.** Roads whose function is primarily to provide direct access to adjacent land, provide for short distance travel within the area, and provide access to the collector and arterial highways as part of an areas highway network.

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

**Lot Area.** The total area reserved for exclusive use of the owners of a particular piece of real property.

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

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

**Lot Lines 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 front of the specified road side of the parcel.

**Low Density.** Those residential zoning districts in which the density is more than 40,000 square feet per dwelling unit.

**Manufactured Home.** A structure, transportable in one or more sections, which in a traveling mode is 12 body feet or more in width or 40 body feet or more in length, or, when erected on site is 1000 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation and complies with the standards established under 42 USC 5401 to 5425 of the United States Department of Housing and Urban Development's Uniform National Construction Standards.

**Master Plan.** A comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law.

**Medium Density.** Those residential zoning districts in which the density is between 8,500 and 40,000 square feet per dwelling unit.

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

**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.

**Mobile Home.** A structure, transportable in one or more sections, which in a traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation and complies with the standards established under 42 USC 5401 to 5425 of the United States Department of Housing and Urban Development's Uniform National Construction Standards.

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

**Mobile 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 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.

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

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

**Non-farm Residence.** A single, two, or multi-family residence other than a farm residence.

**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.

**Normal High Water Line.** The shortest straight line at the waterfront 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 watermark of such stream.

**Off Premises Sign.** Privately owned signs that are located off the leased property of the tenant.

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

**Ordinance.** 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 of 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 mobile home park or travel trailer park.

**Pedestal Sign.** Any sign which is supported by structures or supports, in or on the ground, and is independent of support from any building.

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

**Permitted Use.** Uses listed under this heading are permitted as of right. This means that an applicant for a building permit shall be given a permit if he meets the other requirements of the ordinance.

**Person.** Any individual, firm, trust, partnership, public or private association or corporation.

**Planned Unit Development (PUD).** An area with a minimum number contiguous acres to be developed as a single entity, according to a plan. The PUD contains one or more residential lot clusters in combination with one or more commonly owned open space areas, or one or more commercial areas in combination with one or more

commonly owned open space areas. The minimum setback lines may be relaxed and minimum square footage of the lot found in the respective zoning district can be partly located in the lot with the remainder located as commonly owned open space, all at the discretion of the Commission. The establishment of a land owners association is required to hold title to the commonly owned open spaces, maintain quasi-public facilities, and pay common expenses.

**Principal Structure.** The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. In an agricultural district a barn for agricultural use or animal confinement buildings are considered a principal structure

**Recreational Vehicle.** A touring or recreational unit other than a primary housing unit designed to be either self-propelled or towed which does not exceed the minimum statutory size of a mobile home under Section 348.07(2) of the Wisconsin Statutes. It is commonly referred to as a motor home, pop-up camper, fifth wheel recreation vehicle, or similar type of vehicle being equipped and used or intended to be used for temporary human habitation. A unit may or may not include plumbing, heating, and electrical systems or appliances.

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

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

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

**Residence, Two-Family.** A detached or semi-detached building designed and occupied by two families or households.

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

**Road.** All property dedicated, intended for public or private road purposes, or subject to public easements for road purposes.

**Road Right-of-Way Line.** The land between lots, land parcels, used for street, road, or highway purposes including, but not limited to the travel lanes, shoulder, ditches, and backslopes.

**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. Sign means any surface, fabric, device or display which bears lettered, pictorial, or sculptured matter illuminated or non-illuminated which is visible from any public place and which advertises, identifies, conveys information or directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, placard or temporary sign. Signs shall also include all sign structures and component parts.

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

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

**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 is 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, intended for public or private street purposes, or subject to public easements for road purposes.

**Street Right-of-Way Line.** The land between lots or land parcels used for street, road, or highway purposes including, but not limited to the travel lanes, shoulder, ditches, and terraces. The land parcel 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.

**Structure, Single Family.** A building designed for or occupied by, one family or household.

**Structure, Two-Family.** A detached or semi-detached building designed as two separate dwelling units and occupied by two families or households.

**Subdivision Plat.** Any division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or building development where:

- (A) The act of division creates five (5) or more parcels, or building site;
- (B) Five or more parcels or building sites are created by successive divisions within a period of five years; or
- (C) Where there is a dedication or reservation for public improvements.

**Temporary Structure.** A removable structure not designed for human occupancy and not 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 of an individual mobile home.

**Trailer.** A separate vehicle, not driven or propelled by its own power, but drawn by some independent power. A trailer is a separate vehicle which is not driven or propelled by its own power, but, which, to be useful must be attached to and become part of another vehicle. If a semi-trailer is not driven, propelled, or drawn by some independent power, as it was originally designed to function for a period of seven days, it is no longer considered a semi-trailer.

**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 8 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 Camp.** A parcel of land in which two or more spaces are occupied, or intended for occupancy by travel trailers for transient dwelling purposes.

**Unit.** A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two (2) or more noncontiguous areas.

**Use Consistent with Agricultural Use.** Any activity that meets all the following conditions:

(A) The activity will not convert land that has been devoted primarily to agricultural use.

(B) The activity will not limit the surrounding land's potential for agricultural use.

(C) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.

(D) The activity will not conflict with agricultural operations on other properties.

**Variance.** Authority granted to the owner to use his or her 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 that which is prescribed by the zoning ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the ordinance. A Use Variance shall not be granted under this ordinance.

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

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

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

(A) A structure used to collect and store waste under a livestock housing facility;

(B) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition;

**Winter Grazing Area.** Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30, not to include any of the following, (A) – (D):



(A) An area other than a pasture where livestock are kept during the period from May 1 to September 30;

(B) An area which at any time has an average of more than four (4) livestock animal units per acre;

(C) An area from which livestock have unrestricted access to navigable waters of the State, such that the livestock access prevents adequate vegetative cover on banks adjoining the water;

(D) An area in which manure deposited by livestock causes nutrient levels to exceed standards in Sec. ATCP 51.16, Wisconsin Administrative Code;

**Wall Sign.** Any sign which is parallel to and affixed to an exterior wall or side of a mansard roof of a building. Wall signs also include signs which are parallel to the wall of a building and attached to the roof of a canopy.

**Window Sign.** Any sign placed inside or upon a window facing the outside which is intended to be seen from the exterior of the building.

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

**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.

**Youth.** A person 19 years old or younger.