

# TOWN OF JANESVILLE ZONING ORDINANCE

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## ROCK COUNTY, WISCONSIN

Passed the 3<sup>rd</sup> day of November, 2014 (by Ordinance No. 141103.1).

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## SECTION 1.0 INTRODUCTION

### 1.1 Authority

Whereas the Town Board of the Town of Janesville, Wisconsin, was directed on April 2, 1940, at the Annual Town Meeting of the qualified electors, to exercise all powers relating to and conferred upon villages, and whereas the Town therefore has the authority to adopt these regulations under the authority granted by Sections 60.10(2)(c), 60.22(3), 60.62, 61.35 and 62.23 of the Wisconsin Statutes.

### 1.2 Purpose

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

### 1.3 Intent

It is the general intent of this Ordinance to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, 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; implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

### 1.4 Abrogation and Greater Restrictions

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

### 1.5 Interpretation

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

### 1.6 Severability

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

### 1.7 Repeal

The Town Board herein 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 and/or amendments dated February 24, 1949; June 12, 1972; March, 1981; December 6, 1982; and the Zoning (District) Map(s) dated January 2, 1972 and December 6, 1982.

### 1.8 Title

This Ordinance shall be known as, referred to, or cited as the Town of Janesville Zoning Ordinance.

### 1.9 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 11 have been complied with and the Change or Amendment has been posted as provided by law.

## SECTION 2.0 GENERAL PROVISIONS

### 2.1 Jurisdiction

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

### 2.2 Compliance

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

### 2.3 Use Restrictions

The following use restrictions and regulations shall apply:

- (1) Permitted Uses. Only those principal uses specified, their essential services, and uses listed in items 2-6 below shall be permitted in each district.
- (2) Accessory Uses and structures are permitted in any district but not until the principal structure is present or under construction, unless otherwise authorized by this Ordinance. 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 recommendation of the Planning and Zoning Committee and issuance of a conditional use permit by the Town Board in accordance with Section 5 of this Ordinance.
- (4) Unclassified or Unspecified Uses may be permitted by the Town Board provided that such uses are similar in character to the

principal uses permitted in the district. Prior to consideration and action by the Town Board, the Planning and Zoning Committee shall review the application, hold a public hearing, and make a recommendation to the Town Board.

- (5) Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board for a period not to exceed one (1) Year, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. Prior to consideration and action by the Town Board, the Planning and Zoning Committee shall review the application, hold a public hearing, and make a recommendation to the Town Board.
- (6) Substitutions. Substitutions of more restrictive, nonconforming uses or existing nonconforming uses, provided no structural alterations are to be made, may be permitted by the Town Board provided that the use may not be changed without application. Prior to consideration and action by the Town Board, the Planning and Zoning Committee shall review the application, hold a public hearing, and make a recommendation to the Town Board.
- (7) Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.
- (8) Soil Restrictions. Certain soil types in the Town, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: high or fluctuation water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the U.S. Soil Conservation Service is hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a Soil Scientist from the Soil Conservation Service by either the Town or the applicant.

## 2.4 Penalties

Any person, firm, corporation, owner, tenant or occupant who fails to comply with, or who violates the provisions of this Ordinance, or allows a violation of the provisions of this Ordinance to occur, shall, upon conviction thereof, forfeit not less than \$100 nor more than \$5000 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. The owner of property upon which a violation occurs shall be also responsible for any such violation as if the owner directly committed the violation.

## 2.5 Violations

It shall be unlawful to construct or use, or to allow the construction or use of, any structure, land or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Building Inspector, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to impose penalties as set forth in section 2.4 above, to enjoin a violation of this Ordinance, or to cause a structure to be vacated or removed.

## 2.6 Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above. This section applies to, and shall be enforceable against any person, firm, corporation, owner, tenant or occupant who is in such violation of these regulations. The Owner of property upon which a violation occurs shall also be responsible for any such violation as if the Owner directly committed the violation.

## SECTION 3.0 ADMINISTRATION

### 3.1 Town Planning and Zoning Committee

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

### 3.2 How Constituted

The Town Planning and Zoning Committee shall consist of seven (7) members. At least one, and possibly two members, shall be Town Board member(s) and the Town Chair shall appoint the Committee's presiding officer. The Town Board shall appoint six (6) or five (5) citizen members, depending on whether or not one or two Town Board members are appointed. The committee members shall be appointed to staggered terms. Two of the members shall be appointed for one (1) year, two of the members shall be appointed for two (2) years, and three (3) members shall be appointed for three (3) years. An eighth member shall be appointed as an alternate member and may be seated for a specific meeting at the discretion of the Chair in place of an absent regular member or a member that has a conflict of interest on that meeting's agenda. The Building Inspector shall be an ex-officio member and shall attend all Planning and Zoning meetings but shall not be a voting member.

### 3.3 Terms of Office

The citizen members shall initially serve for terms of either one, two or three years, respectively and, thereafter, annually during May, one or more of the members shall be appointed for a term of three (3) years in order to effectuate staggered terms. The term of any Town Board member serving on the Town Planning and Zoning Committee shall be one (1) year.

### 3.4 Qualifications

All citizen members shall hold office until their respective successors are selected and qualified.

### 3.5 Building Inspector

- (1) There is herewith created the office of Building Inspector, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Building Inspector shall be

appointed by the Town Board and shall hold office until replaced by the Town Board. His/Her duties shall be to administer, supervise, and literally enforce the provisions of the Town Zoning Ordinance. His/Her compensation shall be determined by the Town Board.

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

### 3.6 Vacancies

Whenever a vacancy shall occur, the Town Board shall appoint an appropriate replacement to complete the unexpired term.

### 3.7 Matters Referred to the Planning and Zoning Committee

- (1) The Town Board or other public body having authority thereon, shall refer to the Planning and Zoning Committee, for its consideration and report before final action is taken by the Town Board or public body, the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether public or privately owned; recommend all proposed and final certified surveys and subdivision plats to the Town Board; the location, character and extent, or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the abandonment or repeal of any ordinance adopted pursuant to planning and zoning. Unless such report is made

within 45 days or such longer period as may be stipulated by the Town Board, the boards or other public body may take final action without it.

- (2) The Planning and Zoning Committee shall have the following powers:
  - (A) To review and recommend to the Town Board the approval, conditional approval or denial of conditional use permit applications, and conditions of approval that may be attached to the conditional use permit.
  - (B) To review and recommend to the Town Board the approval, conditional approval or denial of preliminary land divisions; and conditions of approval that may be attached to preliminary approval.
  - (C) To review and recommend approval, conditional approval, or denial of amendment to the text or Official Zoning Map of this Ordinance.
  - (D) To review and recommend approval, conditional approval, or denial of applications for unclassified and unspecified uses.
  - (E) To review and recommend approval, conditional approval, or denial of applications for temporary uses.
  - (F) To review and recommend approval, conditional approval, or denial of applications for substitutions of more restrictive nonconforming uses for existing nonconforming uses.
  - (G) To review applications for interpretation of the codes, regulations, ordinances and the boundaries of the Zoning Districts and to make recommendation to the Board of Appeals regarding the applications.

### 3.8 Meetings

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

3.9 Minutes

The minutes shall be kept by the secretary.

3.10 Quorum

Five (5) members shall constitute a quorum to transact any business and formulate its proper action thereon.

3.11 Organization

The Committee Chair shall name the secretary. The committee may also formulate its proper action thereon.

3.12 Compensation

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

3.13 Town Board

The Town Board is the public body having authority thereon to change or amend this Ordinance. The Town Board may also direct by majority vote that Building Permits and Conditional Use Permits be issued when in compliance with this Ordinance.

## **SECTION 4.0 ZONING DISTRICT**

### **4.1 Establishment**

For the purpose of this Ordinance the Town of Janesville is hereby divided into the following Zoning Districts:

A-1 Farmland Preservation District (A-1 FP)  
Exclusive Agricultural District (A-1)  
General Agricultural District Two (A-2)  
Small Scale Agricultural District Three (A-3)  
Local Commercial District (B-1)  
Lowland Conservancy Overlay District (C-1)  
Highland Conservation District (C-2)  
Rural Residential District (R-R)  
Single Family Rural Residential District (SF-RR)  
Planned Unit Development Overlay District (PUD)  
Mobile Home Park District (MHP)  
Special Purpose District (SP)  
Light Industrial District (M-1)

### **4.2 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 Janesville, Wisconsin", dated March 16, 1994 as amended, which accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines, U.S. Public Land Survey Lines; lot or property lines; topographic lines; Road right-of-ways, centerline of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and a copy correct only as of the day of passage of this Ordinance shall be attached to this Ordinance. The Town Clerk shall forward all map amendments approved by the Town Board to the Rock County Planning and Development Agency for inclusion on the Official Zoning Map and maintain a revised current version of said map reflecting current zoning boundary locations.
- (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.

#### 4.3 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) Erection of More than One Principal Structure on a Lot. 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 mobile homes only when in a mobile home park.
- (2) Exceptions to Height Regulations. The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (3) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- (4) Parking and Storage of Certain Vehicles. Up to 2 non-operable motor vehicles may be parked or stored outside of a building for a period of up to six months. The relocation of any non-operable motor vehicle(s) to a different location(s) on the same property or to any other propert(ies) within the Town of Janesville does not initiate a new three month period.
- (5) A setback less than the setback required by this Ordinance may be permitted where there are at least two (2) 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 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 Town Board 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) 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.
- (8) Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. Criteria used in reviewing this situation shall consider which land use has existed for the longest period of time, and what land use existed at the time the adjacent land use was created.
- (9) For all new land divisions utility lines which will serve individual lots to include electric lines under 12,400 volts, cable T.V., telephone, natural gas, etc. shall be installed underground within the utility easements indicated on the land division map, to be shown on the Building Permit Map, and installed prior to the conveyance of any lots so created. The only exception will be where existing overhead lines can provide direct service to a structure.
- (10) No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- (11) Community living arrangements 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.

- (12) 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 Town Board and if both comprise essential components of a single program.
- (13) Mobile Homes are only permitted in a Mobile Home Park District.
- (14)
- (A) Habitation of any recreational vehicle, tent, or camper shall not take place on a parcel located in the Town for more than thirty (30) days in any calendar year, and in any event, shall not occur on a parcel unless a primary residence is available on the same parcel as the recreational vehicle, tent or camper for use of required services such as sewer and water.
- (B) Habitation of any recreational vehicle, tent or camper shall be allowed for a period longer than thirty (30) days in any calendar year solely for the purposes of the owner of a parcel to rebuild a primary residence on such parcel due to destruction of such primary residence by fire, tornado, natural hazard, flooding, or other reason which makes the primary residence no longer habitable. Such habitation shall be allowed for the duration of the building permit for the rebuilding of such primary residence.
- (15) A permanent foundation is required for all residential structures as provided in the design standards of the Wisconsin 1 and 2 Family Dwelling Code.
- (16) Any residential structure that is dangerous or in substantial disrepair and is therefore destroyed or is destroyed by fire, tornado, natural hazard, flooding or other reason which makes the structure no longer habitable, but for which a garage or accessory building incidental to the residential structure exist on the parcel, it is permissible for the garage or accessory building to remain on the parcel without a residential structure, provided that no habitation of such garage or accessory building occurs. This section is subject to the provisions of Section 4.3(14) of the Town of Janesville Zoning Ordinances and all amendments thereto relating to the habitation of a recreational vehicle, tent, or camper.

## **A-1 FARMLAND PRESERVATION DISTRICT (A-1 FP)**

- (1) Purpose.** The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.
- (2) Definitions.** The following definitions apply in the A-1 Farmland Preservation District:

  - (A) Accessory Use** means any of the following land uses on a farm:

    - (1)** A building, structure, or improvement that is an integral part of, or incidental to, an agricultural use under sections (2)(B) and (4)(A) of this A-1 Farmland Preservation District Ordinance, including the following:

      - a.** Facilities on the farm used to store or process raw agricultural commodities primarily produced on the farm;
      - b.** Facilities on the farm used to keep livestock;
      - c.** Facilities on the farm used to keep or service vehicles or equipment primarily used on the farm;
      - d.** Facilities on the farm used to provide veterinary services to livestock on the farm;
      - e.** Facilities on the farm used to store or process inputs for agricultural uses primarily on the farm;
      - f.** Greenhouses;
      - g.** Roadside stands;
      - h.** Agricultural research facilities selling or utilizing agricultural products produced primarily on the farm;
      - i.** Facilities used to produce energy primarily from the farm's products, or primarily for use on the farm, such as wind turbines, subject to the Town's Wind Energy Systems Licensing Ordinance, solar energy

structures, manure digesters, or bio-fuel facilities; and

- j. Facilities used to store or process animal waste produced on the farm.

- (2) An activity or business operation that is an integral part of, or incidental to, an agricultural use under sections (2)(B) and 4(A) of this A-1 Farmland Preservation District Ordinance, such as the following:

- a. Direct sales from farm to customer;
- b. "You pick" operations;
- c. Crop mazes; and
- d. Agricultural tourism operations.

- (3) A farm residence.

- (B) Agricultural Use means any of the following:

- (1) Any of the following activities conducted for the purpose of producing an income or livelihood:

- a. Crop or forage production;
- b. Keeping livestock;
- c. Beekeeping;
- d. Nursery, sod, or Christmas tree production;
- e. Floriculture;
- f. Aquaculture;
- g. Forest management; and
- h. Enrolling land in a Federal Agricultural Commodity Payment Program or a Federal or State Agricultural Land Conservation Payment Program.

- (2) Any other use that the department, by rule, identifies as an agricultural use.

- (C) Agriculture-related use means any of the following:
- (1) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
  - (2) Any other use that the department, by rule, identifies as an agriculture-related use.
  - (3) A facility integral to an agricultural use, regardless of whether the facility is located on a farm, that relies on agricultural uses conducted primarily off-site, such as the following:
    - a. Facilities providing agricultural supplies, equipment, fertilizers, pesticides or other agricultural inputs or services to farms;
    - b. Facilities storing, processing, handling, or marketing raw agricultural commodities;
    - c. Facilities slaughtering or processing livestock that were primarily kept off-site;
    - d. Facilities processing agricultural bi-products or wastes produced primarily off-site; and
    - e. Manure digesting facilities, bio-fuel facilities or other facilities that produce energy for use primarily off-site.
- (D) Common ownership means ownership by the same person or persons. It includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
- (E) Conditional use means a use allowed under a conditional use permit issued by the Town of Janesville.
- (F) Farm means all land under common ownership that is primarily devoted to agricultural use.
- (G) Farmland preservation agreement means any of the following agreement between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax

credits:

- (1) A farmland preservation agreement or transition area agreement entered into under s. 91.13, 2007 Wis. Stats., or s. 91.14, 2007 Wis. Stats.
  - (2) An agreement entered into under s. 91.60(1), Wis. Stats.
- (H) Farm residence means any of the following structures that is located on a farm:
  - (1) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
    - a. An owner or operator of the farm.
    - b. A parent or child of an owner or operator of the farm.
    - c. An individual who earns more than 50 percent of his or her gross income from the farm.
  - (2) A migrant labor camp that is certified under s. 103.92, Wis. Stats.
- (I) Livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- (J) Owner means a person who has an ownership interest in land.
- (K) Permitted use means a use that is allowed without a conditional use permit, special exception, or other special zoning permission.
- (L) Person means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (M) Prior nonconforming use means a land use that does not conform with the A-1 Farmland Preservation Ordinance but that existed lawfully before the A-1 Farmland Preservation Ordinance was enacted.
- (N) Protected farmland means land that is located in the A-1 Farmland Preservation District, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural

development.

- (3) **Land Use in the A-1 Farmland Preservation District; General.** Only the following land uses are allowed in a A-1 Farmland Preservation District:
  - (A) Uses allowed under Section (4) as a permitted use.
  - (B) Uses allowed under Section (5) with a conditional use permit.
  - (C) Prior nonconforming uses, subject to s. 60.61(5), Wis. Stats.
- (4) **Permitted Uses.**
  - (A) Agricultural Uses
  - (B) Accessory Uses
  - (C) Agriculture-related Uses
  - (D) Undeveloped natural resource and open space areas.
  - (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 special use permit for that use.
  - (F) Other uses identified by DATCP rule.
  - (G) Livestock facilities less than 1,000 animal units.
- (5) **Conditional Uses.**
  - (A) Livestock facilities with one-thousand (1,000) animal units or more are, subject to the rules in ATCP 51 of the Wisconsin Administrative Code. Livestock facilities are defined as feedlots, dairy farms, or other operations where livestock are or will be fed, confined, maintained, or stabled for a total of forty-five (45) days or more in any twelve (12) month period. Additionally, confinement operations include all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related confinement operations are collectively treated as a single operation for purposes of this Ordinance, except that an operator may elect to treat a separate species facility as a separate

confinement operation.

- (B) Fur farms conducted for the purpose of producing an income or livelihood
- (C) Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
  - (1) The use and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
  - (2) The use and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - (3) The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
  - (4) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (D) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
  - (1) The use and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
  - (2) The use and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - (3) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - (4) The use does not substantially impair or limit the current or

future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

- (5) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(E) Nonmetallic mineral extraction, if all of the following apply:

- (1) The operation complies with Subchapter I of Chapter 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under s. 295.13 or 295.14, Wis. Stats. (including all applicable provisions of this Ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
- (2) The operation and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
- (3) The operation and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations outside the A-1 Farmland Preservation District, or are specifically approved under State or Federal law.
- (4) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
- (5) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (6) The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.

(F) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wis. Stats.

(G) A business, activity, or enterprise on a farm, whether or not

associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements, other than a building, structure or improvement that is an integral part of, or is incidental to, an agricultural use, or a farm residence, that employs no more than four (4) full-time employees annually, excluding family members, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

**(6) Rezoning Land Out of A-1 Farmland Preservation District.**

- (A)** Except as provided in sub. (B), the Town of Janesville may not rezone land out of the A-1 Farmland Preservation District unless the Town of Janesville finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
  - (1)** The rezoned land is better suited for a use not allowed in the A-1 Farmland Preservation District.
  - (2)** The rezoning is consistent with any applicable comprehensive plan.
  - (3)** The rezoning is substantially consistent with the certified Rock County Farmland Preservation Plan, which is in effect at the time of the rezoning.
  - (4)** The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (B)** Subsection (A) does not apply to any of the following:
  - (1)** A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
  - (2)** A rezoning that makes the A-1 Farmland Preservation Ordinance Map more consistent with the County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (C)** By March 1 of each year the Town of Janesville shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection and to Rock County Planning and Development a report of the number of acres that the Town of Janesville has rezoned out of the A-1 Farmland Preservation District under sub. (A) during the

previous year and a map that clearly shows the location of those acres.

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

In the A-1 Farmland Preservation District, the height of buildings, minimum lot size, minimum dimensions of yards and setbacks shall be as follows:

- |            |  |   |
|------------|--|---|
| <b>(A)</b> | Minimum lot size:  |   |
|            | for Permitted Uses.....  | 35 Acres  |
|            | for Conditional Uses .....   | 5 Acres   |
| <b>(B)</b> | Maximum building height.....   | 35 feet for   |
|            | residential structures – no maximum on other structures  |   |
| <b>(C)</b> | Minimum front yard setback .....   | 50 feet   |
| <b>(D)</b> | Minimum rear yard setback .....  | 50 feet   |
| <b>(E)</b> | Minimum side yard:   |   |
|            | Principal buildings .....  | 20 Feet on each side  |
|            | Accessory buildings.....   | 8 Feet on each side   |
| <b>(F)</b> | Minimum lot width.....   | 100 Feet  |
| <b>(G)</b> | All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads. |   |
| <b>(H)</b> | Minimum Residential Floor area.....  | 1,000 Sq. Ft.   |
| <b>(I)</b> | Minimum Residential Building Width .   | 24 Feet   |
| <b>(J)</b> | Minimum setback for housing of poultry and livestock .....   | 100 Feet of any boundary or residential or commercial lot other than that of owner or lessee of such buildings containing such livestock or poultry |

## EXCLUSIVE AGRICULTURAL DISTRICT (A-1)

### (1) Permitted Uses

In the Exclusive Agricultural District, A-1 the following uses shall be permitted:

- (A) General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
- (B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.
- (C) One Residential single-family dwelling for resident owners.

### (2) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Churches, veterinary hospitals, community parks and recreational areas.
- (B) Water storage facilities, gas and electric utility use not requiring authorization under Section 196.491 Wis. Stats., provided they are

enclosed by an 8-foot or more protective fence.

- (C) Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in either the Residential District or the Agricultural District and provided further that the parcel created does not exceed five (5) acres.
- (D) Fur farms, kennels, dog kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise.
- (E) Riding stables and riding schools as secondary uses to agriculture.
- (F) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.
- (G) Supportive agri-business activities to include grain elevators; seed, fertilizer and farm chemical sales, commercial feed lots; feed mills; and similar agricultural activities provided they are adjacent to a Class A highway, an Arterial road or a Collector road as defined by this Ordinance (Section 9).
- (H) Storage of non-agricultural items in buildings existing at the time of the adoption of this Ordinance.
- (I) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- (J) Telephone, telegraph and electric transmission lines, buildings, or structures.
- (K) Agricultural related airport or air strip not open to the public which is accessory to the farm use.
- (L) Single family dwellings occupied by the farm operator or the parents or children of the farm operator may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the Rural Residential District and provided further that the parcel created does not exceed five (5) acres.

- (M) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (N) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements, other than a building, structure or improvement that is an integral part of, or is incidental to, an agricultural use, or a farm residence, that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- (O) Barn as a principal structure. A barn as a principal structure for agricultural use or swine confinement facilities.

(3) Requirements for Permitted and Conditional Uses

In the Exclusive Agricultural District One (A-1), the height of buildings, minimum lot size, minimum dimensions of yards and setbacks shall be as follows:

- |     |  |   |
|-----|--|---|
| (A) | Minimum lot size.....  | 35 Acres  |
| (B) | Maximum building height.....   | 35 Feet for residential structures - no maximum on other structures |
| (C) | Minimum front yard setback.....  | 50 Feet   |
| (D) | Minimum rear yard setback.....   | 50 Feet   |
| (E) | Minimum side yard:   |   |
|     | Principal buildings.....   | 20 Feet on each side  |
|     | Accessory buildings.....   | 8 Feet on each side   |
| (F) | Minimum lot width .....  | 100 Feet  |
| (G) | All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads. |   |
| (H) | Minimum Residential Floor area .....   | 1,000 Sq. Ft.   |

(I) Minimum Residential Building Width .. 24 Feet

(J) Animals per acre ..... If the parcel is under 35 acres, one large farm animal per acre – additional large animals per acre will require a conditional use permit.

(K) Minimum Lot Frontage on a Public Road..... 100 Feet

(4) Prohibited Uses

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

## GENERAL AGRICULTURAL DISTRICT TWO (A-2)

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

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Community's Development Plan for land parcels in the General Agricultural District. This district is designed to promote the maintenance and preservation of areas that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units.

### (2) Permitted Uses

The following uses are permitted in this district:

- (A) General farming including dairying, livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
- (B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, and other appropriate agricultural pursuits, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs larger than 32 square feet each advertising such sale.
- (C) One residential single family dwelling for resident owners.
- (D) Storage of non-agricultural items in existing buildings.
- (E) Accessory buildings, including buildings clearly incidental to the principal use of the property provided that no accessory building may be used as a separate dwelling unit, unless a conditional use permit is issued as provided in this Ordinance.
- (F) Pre-existing residences whose initial construction began before the effective date of this Ordinance are hereby considered as a

permitted use and are exempt from the limitations imposed and authorized under Section 10, Non-Conforming Uses of this Ordinance.

(3) Conditional Uses

A conditional use in this district is to permit the following uses after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Churches, veterinary hospitals, community parks and recreational areas.
- (B) Water storage facilities and power stations provided they are enclosed by an eight-foot or more protective fence.
- (C) Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created does not exceed five (5) acres. The remaining land shall conform to the requirements of the district.
- (D) Fur farms, kennels, dog kennels, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise.
- (E) Riding stables, riding schools, and shooting preserves.
- (F) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.
- (G) Supportive agri-business activities to include grain elevators, seed, fertilizer, farm chemical sales, commercial feedlots, feed mills, and similar activities provided they are adjacent to a Class A highway, an Arterial road or a Collector roads as defined by this Ordinance (Section 9).
- (H) Storage of non-agriculture items in new buildings located in the immediate vicinity of existing buildings.

- (I) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- (J) Telephone, telegraph and electric transmission lines, buildings or structures.
- (K) Sale of agricultural products not produced on premises.
- (L) Single family dwellings occupied by parents, children, or caretaker of the farm owner.
- (M) An airstrip or runway not open to the public for the private use of the owner(s) provided that appropriate clear zones are permanently established so that aircraft operations will not negatively effect neighboring property owners or people living in the areas off the end of the runway.
- (N) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (O) Barn as a principal structure. A barn as a principal structure for agricultural use or swine confinement facilities.
- (P) A business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements, other than a building, structure or improvement that is an integral part of, or is incidental to, an agricultural use, or a farm residence, that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- (Q) A park model recreational vehicle, provided that the following conditions are met:
  - 1) A primary residence must be located on the parcel and actually occupied;
  - 2) The park model recreational vehicle must not be occupied more than 30 total days in any calendar year; and
  - 3) The park model recreational vehicle must have its own septic system approved by the County. In the alternative, the vehicle must have a County permit to connect to a previously existing septic system.

(4) Requirements for Permitted and Conditional Uses

- (A) Minimum Lot Size ----- 10 acres
- (B) Maximum Building Height ----- 35 ft. Residential structures – No maximum on other structures.
- (C) Minimum Front Yard Setback ----- 50 ft.
- (D) Minimum Rear Yard Setback ----- 50 ft.
- (E) Minimum Side Yard:
  - Principal Buildings ----- 20 ft. on each side
  - Accessory Buildings ----- 8 ft. on each side
- (F) Animals per acre ----- 1 large animal per acre. Additional animals per acre will require a conditional use permit.
- (G) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (H) Minimum lot width ----- 100 ft.
- (I) Minimum Residential Floor Area ----- 1,000 Sq. Ft.
- (J) Minimum Residential Building Width ----- 24 Ft.
- (K) Minimum Lot Frontage on a Public Road ----- 100 Ft.

(5) Prohibited Uses

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

## AGRICULTURAL DISTRICT THREE (A-3)

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

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

### (2) Permitted Uses

The following uses are permitted in this district:

- (A) One single family dwelling per parcel.
- (B) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry. No barb wire fences shall be located forward of the front yard setback or building line, which ever is greater.
- (C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.
- (D) Gardening, including truck gardens, nurseries and greenhouses.
- (E) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (F) Public parks, playgrounds, recreational and community center buildings and grounds.

- (G) Graded schools, churches and their affiliated uses.
- (H) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- (I) Water storage facilities and their accessory structures.
- (J) Accessory buildings, including buildings clearly incidental to the residential use of the property provided, however, that no accessory building may be used as a separate dwelling unit.
- (K) Uses customarily incident to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- (L) A business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements, other than a building, structure or improvement that is an integral part of, or is incidental to, an agricultural use, or a farm residence, that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
- (B) Professional offices, when such office is conducted solely by a member or members of the resident family, if the use is conducted

entirely within the residence and incidental to the residential use of the premises.

- (C) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, community buildings, private clubs, and fraternities except those whose principal activity is a service customarily carried on as a business, or also riding club.
- (D) Fur farms, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise.
- (E) An airstrip or runway not open to the public for the private use of the owner(s) provided that appropriate clear zones are permanently established so that aircraft operations will not negatively affect neighboring property owners or people living in the areas off the end of the runway.
- (F) Telephone, telegraph and electric transmission lines, buildings, or structures.
- (G) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (H) Barn as a principal structure. A barn as a principal structure for agricultural use or swine confinement facilities.

(4) Requirements for Permitted and Conditional Uses

- (A) Maximum Building Height ----- 35 ft. residential structures – No maximum on other structures.
- (B) Minimum Side Yard:
  - Principal Buildings ----- 20 ft. on each side
  - Accessory Buildings ----- 8 ft. on each side
- (C) Minimum Front Yard Setback ----- 50 ft.
- (D) Minimum Rear Yard Setback ----- 50 ft.

- (E) Minimum Lot Area ----- 3 acres
- (F) Animals per acre – 1 large farm animal per acre. Additional animals per acre will require a Conditional Use Permit.
- (G) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (H) Minimum lot width ----- 100 ft.
- (I) Minimum Residential Floor Area----- 1000 Sq. Ft.
- (J) Minimum Residential Building Width----- 24 Ft.
- (K) Minimum Lot Frontage on a Public Road ----- 100 Ft.

5. Prohibited Uses

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

## 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, and tailor shops.
- (D) Governmental and cultural uses 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) 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.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (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, automotive body repair shops, and adult entertainment and specialty stores.
- (I) Feed and Grain Dealers, grain storage.

- (J) Coin operated laundromats, laundries, and dry cleaners.
  - (K) Model homes for sales promotion and sales office. Habitation of same requires an additional conditional use permit.
  - (L) Businesses, enterprises, establishments or facilities providing, selling or making available to the public sexually related materials, sexually related dancing, sexually related books, sexually related magazines, sexually related movies, sexually related clothing, and/or sexually related paraphernalia.
  - (M) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (4) Requirements for Permitted and Conditional Uses-
- (A) Maximum Building Height ----- 35 ft.
  - (B) Minimum Lot Frontage on a Public Road ----- 100 ft.
  - (C) Parking Requirements ----- One 200 sq. ft. parking space for each 200 sq. ft. of building.
  - (D) Minimum Lot Area ----- 40,000 sq. ft.
- Setbacks
- Front Yard ----- 50 ft.
  - Rear Yard ----- 25 ft.
  - Side Yard ----- 15 ft.
  - Width at Building Line ----- 100 ft.
- (E) Accessory Building Side Yard Setback ----- 8 ft.
  - (F) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, Collector and Local Roads.
  - (G) Minimum Frontage on a Public Road..... 100 ft.

- (H) New Commercial and Industrial Zoning Districts shall be located on Arterial or Major Collector Highways as indicated in the Rock County Highway Functional Highway Map.

(5) Prohibited Uses

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

## LOWLAND CONSERVANCY OVERLAY DISTRICT (C-1)

### (1) Purpose and Intent of Lowland Conservancy District (C-1)

The purpose of the C-1 District is to provide a means of obtaining the goals and objectives of the Development Guide. The C-1 District is designed to protect public health, safety, property values, and general welfare of the community; private and public property from the hazards of flood water, inundation or high ground water; and to protect the community from costs which are incurred when development occurs in lowland areas. The intent of this district is to conserve areas which have physical limitations for development such as being subject to flood hazards, soil with low bearing capacity, wet soils, and other environmental limitations and should be used for open land uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings in lowland areas. This district is delineated by alluvial or wet soils defined in this Ordinance as follows:

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

If there is a conflict between the provisions of this district and the A-1 Farmland Preservation District, the most restrictive provisions prevail.

### (2) Permitted Uses

The following uses of land are permitted in this district.

- (A) Agricultural uses to include crop and pasture land when conducted in accordance with the S.C.S. standards, 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) Open storage uses such as parking areas.
- (L) Uses similar and customarily incident to any of the above uses.
- (M) Where permitted in the underlying zoning district, one single family structure, one private garage and one accessory building which is clearly incidental to the residential use of the property. The land disturbing activity area for the construction of such residential structures may not be upon any natural slopes of 16% or more, any wetlands, any floodways, any hydrated soils, any bedrock at or near the surface or within 75 feet of a navigable body of water (all waters declared navigable by Chapter 30, Wisconsin Statutes). Erosion control plot plans and building plans for the proposed residential construction as required by the Town Building Code adopting the Uniform One and Two Family Building Code shall be prepared, including erosion control procedures as required by COMM 21.125, submitted, reviewed and approved by the Building Inspector prior to a building permit being issued.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Dams, reservoirs, ponds, water storage and primary facilities.

- (B) Commercial outdoor recreation to include miniature golf, 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) Utilities such as, but not restricted to telephone, telegraph, power, or other transmission lines.
- (E) Relocation of any watercourse.
- (F) Filling, drainage or dredging of wetlands, provided that this shall conform to any Shoreland Zoning Ordinance enacted by Rock County pursuant to Section 59.692 of the Wisconsin Statutes, "Zoning of Shoreland on Navigable Waters."
- (G) Removal of topsoil or peat.
- (H) Camping grounds open to the public.
- (I) Golf courses both public and private.
- (J) Hunting and fishing clubs for permitted and approved conditional uses provided that the area will not be adversely affected.
- (K) Sewage disposal plants.
- (L) Agricultural accessory buildings when conforming with S.C.S. Standards and guidelines.
- (M) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.

(4) Requirements for Permitted and Conditional Uses

Maximum Building Height ----- 35 ft.

Minimum Front Yard Setback ----- 50 ft.

Minimum Setback from High Water Mark ----- 75 ft.

Minimum Rear Yard Setback ----- 75 ft.

No minimum Lot Area except in A-1 District  
where minimum is ----- 35 acres.

Minimum Lot Width ----- 100 ft.

Minimum Side Yard Setback ----- 15 ft.

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

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

(5) Prohibited Uses

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

## HIGHLAND CONSERVATION DISTRICT TWO (C-2)

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

The purpose of the C-2 District is to provide a means of obtaining the natural resource and the recreation goals and objectives of the Development Guide. The C-2 District is to provide for the preservation, protection, enhancement, and restoration of significant woodlands, scenic areas, submarginal farm land and areas that have slopes in excess of 12%, limit erosion and sedimentation; to promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality. This district exists as delineated on the zoning map and includes the following soil types.

DuC2	GrA	OsA	WfB2	SaA
DuB2	FIB	OgB	WfC2	SaB
DuA	FIA	OgA	WnA	SaC2
KeA	PmB	KeC2	WnB2	SbA
KdC2	PmA	KeB2	WnC2	SbB
KdB	PIC2	TrA	WoA	SbC2
JuA	PIB	WaA	ZuA	SkA
JaB	PIA	WaB	ZuB	SkB
JaA	PeC2	WaC2	RnB2	SkC2
HeA	PeB2	WeA	RnC2	ZuC2
GrD2	PeA	WeB	RpB	PnA
GrC2	OsC2	WeC2	RpC2	PnB
GrB2	OsB	WfA	RpD2	

### (2) Permitted Uses

The following uses are permitted uses in this District:

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

- (E) Forest preservation, wildlife reservations, and conservation projects.
- (F) Other recreation activities that do not require a structure or earth movement.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located 100 feet from the boundaries of the property involved.
- (B) Horse stables, riding clubs, and fairgrounds.
- (C) Private and public golf courses and country clubs.
- (D) Earth movements involving site disturbing in excess of one acre not related to farming activity.
- (E) Stream course changing, waterway construction or enlargement, dams, and changing of natural drainageways.
- (F) One single family dwelling.
- (G) Ski hills, ski trails, hunting and fishing clubs.
- (H) Recreation camps.
- (I) Public or private campgrounds.
- (J) Animal hospitals, shelters and kennels.

- (K) Telephone, telegraph and electric transmission lines, buildings or structures and similar public utility facilities.
- (L) Radio, television, and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (M) Rifle ranges, skeet shooting clubs, and other activity features.

(4) Requirements for Permitted and Conditional Uses:

Maximum Building Height -----	35 ft.
Minimum Front Yard Setback -----	50 ft.
Minimum Rear Yard Setback -----	25 ft.
Minimum Lot Width at Building Line -----	100 ft.
Minimum Lot Frontage on a Public Road -----	100 ft.
Minimum Lot Area -----	10 acres.
Minimum Side Yard Setback -----	15 ft.
Minimum Accessory Building Setback-----	8 ft.
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.
Minimum Residential Building Size-----	1,000 sq. ft.
All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State, and County roads.	
Minimum Residential Floor Area-----	1,000 sq. ft.
Minimum Residential Building Width-----	24 Feet

(5) Prohibited Uses

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

## RURAL RESIDENTIAL DISTRICT (R-R)

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

The purpose of the R-R District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The R-R District is to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the R-R District is to provide for rural residential development at slightly higher population densities, on soils that are compatible for on-site disposal of sewer systems.

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

#### ON-SITE LIMITATIONS

Ad	Eke	KaA	Ot	SoB
Aw	EIA	KdD	Pa	SoC2
AzA	EmA	KeD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	RrF	WIA
Da	GpC2	Mc	Rs	WIB2
DrD2	GrD2	Md	RtD	WIC2
EdB2	Ha	Me	RuE	WID2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
OoD2	SbC2	WoA		

### (2) Permitted Uses

The following uses are permitted uses in this District:

- (A) One Single family Structure. One private garage for each residential unit.

- (B) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (C) Public parks, playgrounds, recreational and community center buildings and grounds.
- (D) Graded schools, churches and their affiliated uses.
- (E) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- (F) Water-storage facilities and their accessory structures
- (G) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit. The total square footage of all accessory buildings shall not exceed 4% of the total lot size.
- (H) Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- (I) 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.
- (J) Gardening, including truck gardens, nurseries, greenhouses, and the keeping of small animals to include up to 10 rabbits, 10 poultry, 2 dogs and 3 cats if confined to the lot.
- (K) Preexisting commercial uses, or similar commercial uses in this district that were permitted uses before the adoption of this Ordinance on March 16, 1994 may be continued as permitted commercial uses and are exempt from any limitations imposed or authorized under Section 10 of this Ordinance. Subsequent substantially similar uses to the pre-existing commercial uses in existence on March 16, 1994, may be substituted for the permitted pre-existing commercial uses provided they are closely comparable in type of commercial activity.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

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

(H) One-two family structure.

(I) An airstrip or runway not open to the public for the private use of the owner(s) provided appropriate clear zones are permanently established so aircraft operations will not negatively effect neighboring property owners or people living in the areas off the end of the runway.

(4) Requirements for Permitted and Conditional Uses of the Rural Residential District (RR).

Maximum Building Height ----- 35 ft.

Minimum Front Yard Setback ----- 50 ft.

Minimum Rear Yard Setback ----- 25 ft.

Accessory Buildings Side Yard Setback ----- 8 ft.

Minimum Lot Width ----- 100 ft.

Minimum Lot Frontage on Cul-de-sac ----- 50 ft.

Minimum Lot Area ----- 40,000 sq.ft.

Minimum Lot Area Per Two Family Structure ----- 55,000 sq. ft.

Minimum Side Yard Setback ----- 15 ft.

Minimum Floor Area for Single Family ----- 1000 sq. ft.

Minimum Floor Area Per Unit for Two Family ----- 900 sq. ft.

Maximum Accessory Building Height ----- 35 ft. not to exceed  
the height of the  
principal building.

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

Minimum Residential Building Width ----- 24 ft.

Minimum Lot Frontage on a Public Road ----- 100 ft.

(5) Prohibited Uses

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

## SINGLE FAMILY RURAL RESIDENTIAL DISTRICT (SF-RR)

### (1) Purpose and Intent of Single Family Residential District (SF-RR)

The Purpose of the SF-RR District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The SF-RR District is to provide sufficient space in appropriate locations for residential development to meet the housing needs of the community's present and expected future population, with due allowance for the need for a choice of site. The intent of this district is to provide a suitable open character for single dwellings with on-site sewer systems at low densities.

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

#### ON-SITE LIMITATIONS

Ad	Eke	KaA	Ot	SoB
Aw	EIA	KdD	Pa	SoC2
AzA	EmA	KeD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	RrF	WIA
Da	GpC2	Mc	Rs	WIB2
DrD2	GrD2	Md	RtD	WIC2
EdB2	Ha	Me	RuE	WID2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
OoD2	SbC2	WoA		

### (2) Permitted Uses

The following uses are permitted in this District:

- (A) Single family dwellings.
- (B) Churches and all affiliated uses, all graded schools, libraries, water storage facilities and related structures.

- (C) Municipal buildings: except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
- (D) Public parks, playgrounds, recreational and community center buildings and grounds.
- (E) One attached private garage and detached accessory buildings not to exceed 4% of lot size.
- (F) Uses customarily incident to any of the above permitted uses; provided that no such use generates traffic, odor, or noise.
- (G) Gardening, including truck gardens, nurseries, greenhouses and the keeping of small animals to include up to 10 rabbits, 10 poultry, 2 dogs, and 3 cats, if confined to the lot.
- (H) Community living arrangements 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 facilities.
- (I) Pre-existing commercial uses, or similar commercial uses in this district that were permitted uses before the adoption of this Ordinance on March 16, 1994 may be continued as permitted commercial uses and are exempted from any limitations imposed or authorized under Section 10 of this Ordinance. Subsequent substantially similar uses to the pre-existing commercial uses in existence on March 16, 1994, may be substituted for the permitted pre-existing commercial uses provided they are closely comparable in type of commercial activity.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external

alteration that would affect a substantial change in the residential character of the building.

- (B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.
- (C) Public buildings such as colleges and universities including private music, dancing, business schools, vocational schools, but not to include sewage plants, garbage incinerators, warehouses, garages, or storage areas.
- (D) Institutions of a charitable or philanthropic nature. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- (E) Telephone, telegraph and electric transmission lines, buildings or structures.
- (F) 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.
- (G) 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 an institutional setting.
- (H) An airstrip or runway not open to the public for the private use of the owner(s) provided that appropriate clear zones are permanently established so aircraft operations will not negatively effect neighboring property owners or people living in the areas off the end of the runway.

(4) Requirements for Permitted and Conditional Uses

Minimum Residential Building Width -----	24 ft.
Maximum Building Height -----	35 ft.
Minimum Front Setback -----	50 ft.
Minimum Rear Yard Setback -----	50 ft.
Accessory Buildings Setback -----	8 ft.
Minimum Lot Width -----	100 ft.
Minimum Lot Frontage on Cul-de-sac -----	50 ft.
Minimum Lot Area -----	40,000 sq. ft.
Minimum Side Yard Setback -----	15 ft.
Minimum Floor Area -----	1000 sq. ft.
Off-Street Parking, Residential -----	2 spaces per family.
Off-Street Parking, Public Gathering -----	1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.

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

Minimum Lot Frontage on a Public Road -----	100 ft.
Maximum building height for a garage and/or an accessory building -----	18 ft.

(5) Prohibited Uses

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

## PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)

- (1) The Planned Unit Development District (PUD) is an Overlay Zoning District requiring the review and recommendation of the Planning and Zoning Committee to the Town Board as an amendment to this Zoning Ordinance. The PUD shall be a minimum of five (5) contiguous acres or more which is to be developed, according to a pre-approved plan, containing one or two unit structures in clusters or separate units, and having substantial amounts of associated open space. The basic principle of the PUD is that property rights include private lots or condominium units, common ownership of the open space, and responsibility of the quasi-public improvements with other property owners in a formal property owners association.
- (2) The PUD is an overlay district that "floats" over one or more basic land use districts. The minimum standards of the base district standards are relaxed to the boundaries of the contiguous acreage. The number of lots or condominium units are limited as to the number of base district minimum lot sizes that will fit within the gross acreage of the proposed development.
- (3) The PUD is established herein to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land, while insuring substantial compliance with the basic intent of the Zoning Ordinance and the Development Plan for the Community. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to services, and to encourage and facilitate preservation of open land.
- (4) A PUD Overlay District cannot be mapped over a Farmland Preservation District.
- (5) Requirements for Lot or Unit Area, Setbacks, Width, and Frontage
  - (A) The PUD lot or unit area, setback, lot width, and/or frontage requirements of the respective base zoning district may be relaxed at the discretion of the Town Board after receiving the recommendation of the Planning and Zoning Committee. In no case shall the maximum number of lots or units in relation to the total

development area be more than the maximum number of lots that would be allowed in the underlying zoning district.

- (B) A minimum of five (5) acres of land and the respective number of lots or units shall be developed as the original development area.

(6) Off-Street Parking

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

(7) Criteria for Approval

The following criteria shall be applied to the proposed preliminary plan with specific consideration as to whether or not it is consistent with the spirit and intent of this Ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

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

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

- (B) Economic Feasibility and Impact. The developers of the PUD shall provide a preliminary business plan with tentative approval of financing from the financial institution that will be financing the project. A preliminary market and impact study of the project shall be prepared as part of the preliminary submission which shall address the community's ability to absorb the project and the impact on the values of surrounding properties.
- (C) Engineering Design Standards. The width of street right-of-way; width, grade and location of street and paving shall meet the Rock County Road Standards. Outdoor lighting and location of sewer and water lines shall be designed by a certified professional engineer. Storm water drainage or other similar environmental engineering considerations shall be based upon a 25 year storm event and utilize on site drainage as well as the drainage basin in which the PUD is located. The Rock County Planning and Development Agency (or Town's Consulting Engineer), shall review and recommend along with any appropriate conditions of approval, the proposed design and construction plans to the Committee. Sewer, water, storm water, electrical, road plans and all other public and/or quasi-public facilities shall be reviewed and approved, or conditionally approved by the Committee as a condition of preliminary approval. Final approval shall be obtained from the Town Board prior to construction. Sewer and water lines, water wells, septic systems, gas and electric lines, and other underground utilities and any changes thereto shall be mapped "as built" and the original shall become the property of the homeowners association with copies to the Town Clerk, Rock County Health Department and Planning and Development Agency.
- (D) Preservation and Maintenance of Open Space and Quasi-Public Improvements.
- In a PUD adequate provision shall be made for the permanent preservation and maintenance of common open space, public and/or quasi-public facilities by restrictive covenant or dedication to the homeowners association or dedication to the public.
- (1) The open area or facilities shall be protected against building development and future maintenance arrangements made by protective covenant which shall also convey said property to the homeowners association or to the public, as part of the conditions for project approval. An open space

easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development may be required. Buildings or uses for limited commercial, recreational or cultural purposes, accessory to the principle residential use, that are compatible with the open space objective may be permitted only where specifically authorized as part of the Development Plan or subsequently, with the express approval of the Town Board following the approval of building site and operational plans by the Planning and Zoning Committee.

(2) The care and maintenance of such open space and facilities shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement and shall be included in the title to each property.

(3) Ownership and tax liability of private open space and facilities shall be established and made a part of the conditions of the plan approval.

(E) Implementation Schedule. The proponents of a Planned Unit Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Planning and Zoning Committee including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point. The Committee shall then recommend approval, conditional approval, or denial to the Town Board for their official action.

(8) Procedure

The procedure for obtaining a PUD Overlay District shall be as required for any other Zoning Ordinance Amendment under this Ordinance, and shall be subject to the following additional requirements:

(A) Preliminary Plan. The applicant shall file a Preliminary Plan with Planning and Zoning Committee and the County Planning and Development Agency which shall include the following information:

- (1) A statement describing the general character of the intended development.
- (2) An accurate map of the project area including its relationship to surrounding properties and existing topography and key features using two (2) foot contour intervals.
- (3) A plan of the proposed project showing at least the following information in sufficient detail to make an evaluation of the proposal:
  - (a) The pattern of proposed land use including building shapes, location, size and arrangement of proposed use areas, density and environmental character.
  - (b) The pattern of public and private streets and off street parking.
  - (c) The location, size and character of recreational and open space areas reserved or dedicated for public and/or quasi-public uses such as schools, parks, greenways, recreational facilities, etc.
  - (d) Location of utilities including but not limited to electric, gas, sewer, and water lines, water well and on-site sewer systems.
- (4) Appropriate statistical data on the size of the development, ratio of various land uses, percentages of two family units, number of bedrooms, economic analyses of the development, expected staging, and any other plans or data pertinent to evaluation by the Committee and Town Board under the criteria of this section.
- (5) General outline of intended organizational structures related to property owner's association, deed restrictions and private provision of common services.
- (9) Referral and Hearing.
  - (A) Within thirty (30) days of filing of the preliminary plan, the Planning and Zoning Committee shall schedule a public hearing.

- (B) The Planning and Zoning Committee shall review and recommend preliminary approval, conditional approval or denial of the proposed PUD Preliminary Plan to the Town Board within sixty (60) days of the filing of the preliminary proposal. The Town Board shall, after the required Town Board Public Hearing under Chapter 11 of this Ordinance, approve, conditionally approve or deny the Preliminary Plan proposal within thirty days of the Planning and Zoning Committee's recommendation. When approved or conditionally approved, a zoning map amendment shall be placed on the Official Zoning Map establishing a Preliminary PUD District and the basic right of use for the area in conformity with the plan as approved, which shall be valid for one (1) year and shall be conditioned upon submission, review, and approval of a Final Plan by the Town Board upon recommendation of the Planning and Zoning Committee. Construction of quasi-public and public facilities may take place upon approval of the Preliminary Plan. The final business plan and final market plan shall be submitted and approved at least three months prior to the final plat by the Committee and the Town Board. Construction of proposed structures shall not take place until the Final Plan is submitted and approved for all or a minimum of five (5) acres of the initial plat.

(10) Final Plan.

A Final Plan (or Condominium Plat) based on the Preliminary Plan together with any conditions of approval shall be submitted within one (1) year after receiving preliminary approval of the PUD Overlay District Preliminary Plan. If the Final Plan has not been submitted within one (1) year, the Planning and Zoning Committee may recommend and the Town Board may grant one extension for up to one (1) year. If a Final Plan is not approved by the Town Board within the time allotted the PUD area and the base zoning district shall revert back to the original zoning district prior to application without the PUD District. The Final Plan shall be submitted to the Planning and Zoning Committee who will recommend approval, conditional approval, or denial to the Town Board. The Final Plan shall include the following detailed construction and engineering plans and related detailed documents and schedules.

- (A) An accurate map of the area (at a scale of 1" = 100 ft. or larger) covered by the PUD including the relationships of private, quasi-public, public and open space.

- (B) The pattern of public and private roads, driveways, walkways and parking facilities.
- (C) Detailed subdivision plat or condominium unit layout as provided under the County Land Division Regulations and under state law.
- (D) The arrangement of building groups, structures, and their architectural character.
- (E) The Final Business Plan, see section (6) (B) herein.
- (F) The Final Marketing Plan, see section (6) (B) herein.
- (G) Final "as built" engineering plans indicating the precise location, depth, size, material, grade and/or type of facility.
- (H) The location and legal description of any areas or facilities to be dedicated to the public.
- (I) Final landscaping plan.
- (J) Current letter approving final business plan and commitment to finance from a financial institution and the final Economic Feasibility and Impact Study (the preliminary copy of which was required in (6) (B) above).
- (K) A development schedule indicating:
  - (1) the approximate date when construction of the structures can be expected to begin;
  - (2) any stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - (3) the anticipated rate of development;
  - (4) the approximate date when the development of each of the stages will be completed; and
  - (5) the area and location of common open space that will be provided at each stage.

- (L) Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the PUD and/or any of its common services, common open areas or other facilities.
- (M) Any other plans, documents or schedules requested by the Town or County.

(11) Approval Of The Final Plan.

- (A) Prior to the issuance of any building permit the Final Plan shall be filed in the Register of Deeds Office as a subdivision plat, certified survey or condominium plat as herein approved. Prior to approval of the Final Plan all public and quasi-public improvements shall have had final inspection and have been recommended by the Rock County Planning and Development Agency (or Town's Consulting Engineer) to the Town Board. The Town Board shall approve the Final Plan prior to filing of the subdivision plat, certified survey, or condominium plat in the Register of Deeds Office.
- (B) All changes or additions to the plans or use shall first be submitted to the Planning and Zoning Committee. The Committee shall review and recommend the proposed change or addition to the Town Board for their approval.

(12) Prohibited Uses

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

## MOBILE HOME PARK DISTRICT (MHP)

### Introduction

The purpose of the 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 parks and travel trailer camps, and establish regulations governing their construction and use for the health and well-being of the residents of the community.

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

#### **ON-SITE LIMITATIONS**

Ad	Eke	KaA	To	SoB
Aw	EIA	KdD	Pa	SoC2
AzA	EmA	KdD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	ReF	WIA
Da	GpC2	Mc	Rs	WIB2
DrD2	GrD2	Md	RtD	WIC2
EdB2	Ha	Me	RuE	WID2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
		OoD2	SbC2	WoA

#### (1) Procedures and Applications

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

- (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 existing park or camp by complying with (D) thereof.

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

(a) The land has been zoned mobile home park by the Town Board.

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

(c) The Town Board approves the license.

(B) Fees and Expiration Date (per Wisconsin Statutes Section 66.0435, Wis. Stats).

(1) Fee Schedule

(a) Initial mobile home park license fee -- To Be Determined by Town Board.

(b) Annual mobile home park license fee -- To Be Determined by Town Board

(c) Mobile home park license transfer fee -- To Be Determined by Town Board.

(2) Expiration. All such licenses are to expire on the 30th day of June of each year and shall be renewed annually. There shall be no pro-ration of fees.

(C) Initial License Application

(1) Application for an initial license shall be made to the Town Clerk on an initial license application form. Such application form shall be for a conditional use permit and the initial license. Fees as provided in (1) (B) (1) above are required prior to taking action on each of the approval steps listed herein.

(2) Preliminary Plan. The applicant shall apply for preliminary plan approval to the Planning and Zoning Committee. Such applicant shall submit six (6) copies of the preliminary plan. Such preliminary plan shall be drawn on a topographic map

with a scale of at least one inch equals 200 feet showing two foot contours, the area, location and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Planning and Zoning Committee shall be in concept only which will enable the applicant to prepare final plan.

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

- (a) Three (3) prints of a certified Survey map or subdivision plat of the property showing existing features of the property.
- (b) A complete plan of the park or camp drawn to a scale of not less than 100 feet per inch.
- (c) The number, location and dimensions of all mobile home lots.
- (d) The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.
- (e) The location of automobile parking areas and service buildings, if provided.
- (f) The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.
- (g) Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home lot.

- (4) Upon submission of the final plan to the Planning and Zoning Committee, the Committee shall set a public hearing on the final plan and after hearing any interested party, any staff report, recommendation or information, the Committee shall

make a recommendation and report to the Town Board concerning such plan after determining the following:

- (a) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the intended park.
  - (b) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
  - (c) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public street.
  - (d) Approval by Town Board. After receiving the final plan and the recommendation and report from the Planning and Zoning Committee, the Town Board may grant a permit for a conditional use after a public hearing and thereafter grant the initial license.
- (5) 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.
- (a) Procedure After Permit Granted. Upon approval of a conditional use permit, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin a certified survey map or plat (per Chapter 236, Wis. Stats.) of the gross land area including the final approved plans and the deeding to the Town those lands and easements called for in the plans submitted to the Planning and Zoning Committee and Town Board and containing a statement that the land is to be developed pursuant to the approved conditional use permit. Upon the submission of proof of such recording to the Town Clerk, said Clerk shall issue the initial license allowing said owners or their successors to develop the land

according to the conditional use permit and recorded plans. Construction pursuant to such permit must commence within one (1) year of the date of the license issuance or the license shall become null and void.

(D) License Application. Annual License. The applicant shall apply to the Town each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a fee as provided in (1) (B) (1) above.

(E) Transfer of License. A transfer of license application shall be applied for and may be approved by the Town Board in the same manner as an application for a renewal license. The fee for such transfer license is provided in (1) (B) (1) above.

(2) Administration

(A) Building Inspector. It shall be the responsibility of the Building Inspector to enforce the provisions of this Ordinance by authorizing and directing inspections to be made of all mobile home parks and travel trailer camps.

(B) Violations. Whenever the Building Inspector determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violations. Such notice shall:

(1) Be in writing.

(2) Include a statement of the violations enumerated.

(3) Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed 90 days.

(C) Revocation of License. Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such park or camp is subject to revocation by the Town Board as provided in Section 66.0435(2)(d) of the Wisconsin Statutes unless the alleged violation is corrected within the period specified by Town Board.

(D) Emergency Order. Whenever the Building Inspector finds that an

emergency exists which requires immediate action to protect the public health, safety and/or welfare, he/she 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:

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

(b) 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 Mobile home.

(F) 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.

(3) General Provisions

(A) Applicability. Every 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 or travel trailer camp 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) Signing. No signs shall be permitted except the following:

- (1) One non-flashing identification ground mounted sign or a wall sign stating only the name of the park may be permitted provided the sign does not project into the public way.

- (2) One ground or on-premise wall sign per street frontage may be permitted for travel trailer camps in accordance with the sign overlay requirements.

- (3) Any necessary regulatory signs such as street name signs, and entrance and exit signs, etc.

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

- (4) Standards

- (A) 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 manufactured 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' Mobile Home Construction Standards.

(E) Minimum Lot Width and Setback Standards

(1) Setback Standards

- (a) Front setback ----- 50 ft.
- (b) Side setback ----- 15 ft.
- (c) Rear setback ----- 35 ft.
- (d) Corner street  
Side Yard----- 50 ft. on each street

(2) Minimum lot width----- 100 ft.

(3) Minimum Lot Area----- 40,000 sq. ft.

(4) Minimum Accessory  
Sideyard Setback----- 8 feet.

(F) Parking. At least two (2) off-street hard surfaced parking spaces shall be provided on each lot. The size of each space must be at least 10 ft. by 20 ft.

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

(G) Screening. There shall be provided a screening buffer strip along the boundary of the 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 clientele the court 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 the mobile home will be permitted on a 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 lot.
- (J) Fuel Supply. All fuel shall be distributed to individual lots by an underground distribution system from a common underground fuel storage facility installed in conformity with the rules and regulations of the Department of Industry, Labor and Human Relations of WI.
- (K) Additions and Alterations
  - (1) Permit Required. A permit issued by the Building Inspector shall be required before any construction on a 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.

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

(1) Electrical Requirements.

(a) 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.

(b) Adequate lights shall be provided in mobile home parks to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one foot candle shall be provided for safe pedestrian and vehicle movement.

(2) Sewer Service. All mobile 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.

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

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

(1) A mobile home stand shall be continuous 4" concrete single slab or an approved alternate to support the mobile home.

(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 established by the County Highway Department.
- (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 MPH 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 shored 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 rooms 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 bond be executed by the mobile home park developer to insure that all required improvements will be made.

(5) Prohibited Uses

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

## SPECIAL PURPOSE DISTRICT (SP)

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

The purpose of this district is to provide a means of obtaining the goals and objectives of the 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: None.

### (3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (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 when they comply with the provisions of Section 157.065, Wis. Stats.
- (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 operations provided that the Town Board has approved restoration plan submitted by the applicant. Such restoration plans shall be developed with the aid of County Agricultural Agent, Rock County Soil Conservation District, and County Parks and Planning Departments. Such restoration plans shall include grading and slope requirements, topsoil preservation, ground cover planting, erosion control, fencing, removal of structures, equipment, and stockpiles, and any other measures which are deemed necessary to protect the public health, safety, comfort, convenience, or general welfare.

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.

(4) Requirements for Conditional Uses

- (A) Minimum Lot Area ----- 5 Acres
- (B) Minimum Front Yard Setback ----- 50 Feet
- (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) All Front Yard Setbacks are to also refer to Section 9.1 Of This Ordinance For Setbacks On Federal, State and County Roads.

(G) Sand and Gravel Operations

- (1) Minimum Lot Area ----- 5 Acres
- (2) Setback From Existing Street  
or Highway ----- 100 ft.
- (3) Setback From Right-of-Way  
Public Utility ----- 50 ft.
- (4) Setback From Boundary of  
Zoning District ----- 100 ft.
- (5) Fencing and Screening

All access to any mining operation within one-half mile radius of any residential district shall be barred by chain link or similar fencing no less than six (6) feet high.

- (6) No dumping of waste products or by-products shall be allowed anywhere on the site.
- (7) Restoration Plan to be developed with aid of County Agricultural Agent, Soil Conservation Service, County Parks Department, and County Planning Department and approved by Town Board.
- (8) Minimum Accessory Side  
Yard Setback----- 8 feet.

(H) Minimum Lot Frontage on a Public Road ----- 100 feet.

(5) Prohibited Uses

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

## 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 community's Development Guide. 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 parts.
- (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.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (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) Shops, including but not limited to welding, sheet metal and blacksmith.
- (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) Radio, television, and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.

(K) New building material sales and new landscaping material sales, except that no storage of any used building materials or any used landscaping materials is permitted.

(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 40 feet and having a height clear of all obstructions, of 14 feet, according to the following schedule:

<u>NUMBER OF 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 space is required.

The Town Board may permit the required loading spaces to remain undeveloped until the Town Board decides that 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.

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

(6) Requirements

- (A) Maximum Building Height - 35 ft.
- (B) Minimum Front Yard Setback - 50 ft.; 75 ft. if parking is permitted in front yard.
- (C) Minimum Rear Yard Setback - 50 ft., 25 ft. if parcel's structure is a mini-warehouse/mini-storage unit.
- (D) Minimum Side Yard Setback - 20 ft.; 50 Foot when abutting a residential area).
- (E) Corner Side Yard Setback - 50 ft.
- (F) Minimum Lot Size - 2.5 acres, 1.5 acres if parcel's structure is a mini-warehouse/mini-storage unit.
- (G) Minimum Lot Width - 100 ft.
- (H) Minimum Parking Provided - 1 space per 2 employees
- (I) Minimum Accessory Sideyard Setback - 8 feet.
- (J) New Commercial and Industrial Zoning Districts shall be located on Arterial or Major Collector Highways as indicated in the Rock

## County Highway Functional Highway Map.

(K) Minimum Lot Frontage on a Public Road – 100 ft.

### (7) Prohibited Uses

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

## SECTION 5.0 CONDITIONAL USE PERMITS

### 5.1 General Provisions

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

### 5.2 Required Information

In order to secure evidence upon which to base its determination, the Planning and Zoning Committee and Town Board 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.

### 5.3 Procedure

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

- (1) A Conditional Use Permit Application is submitted to the Town Clerk.
- (2) A public hearing is held by the Planning and Zoning Committee (hereafter called the Committee).
- (3) The application and information obtained at the public hearing is reviewed by the Committee at a public meeting as to potential problems that may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

- (4) Upon consideration of these factors and the standards in this Chapter 5 and Chapter 7 of this Ordinance, the Committee may recommend approval, approval with conditions, or denial of the conditional use application.
  - (5) Upon consideration of these factors, the Committee's recommendation, and the standards in this Chapter 5 and Chapter 7 of this Ordinance, the Town Board may approve, approve with conditions, or deny the conditional use application.
  - (6) Upon approval, the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the Chair of the Planning and Zoning Committee and to the County Planning and Development Agency. The County will enumerate the conditional use on the Official Zoning Map and enter it into the Town's Conditional Use Data Base.
- (B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval.

#### 5.4 Standards Applicable to All Conditional Uses

- (A) In passing upon a conditional Use Permit application, the Planning and Zoning Committee and Town Board shall consider the following factors:
- (1) The location, nature, and size of the proposed use.
  - (2) The size of the site in relation to it.
  - (3) The location of the site with respect to existing or future roads giving access to it.
  - (4) Its compatibility with existing uses on land adjacent thereto.
  - (5) Its harmony with the future development of the district.

- (6) Existing topography, drainage, soils types, and vegetative cover.
  - (7) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
- (B) If a proposed family farm business, agri-business, storage building, or sewage sludge disposal site is located on a Town Road, no Conditional Use Permit shall be issued unless the Town Board is assured that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's full expense by a performance bond, or letter of credit that will protect the Town against any expense due to the inability or refusal of the applicant to repair any damage to the road.

#### 5.5 Standards Applicable to Conditional Uses with the A-1 Districts.

- (A) In passing upon a Conditional Use Permit application in the A-1 Districts, the Planning and Zoning Committee and Town Board shall also consider the following factors:
- (1) The potential for conflict with agricultural use.
  - (2) The need of the proposed use for a location in an agricultural area.
  - (3) The availability of alternative locations.
  - (4) Compatibility with existing or permitted uses on adjacent lands.
  - (5) The productivity of the lands involved.
  - (6) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
  - (7) The need for public services created by the proposed use.
  - (8) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.

- (9) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

#### 5.6 Conditions Attached to Conditional Use Permit

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

#### 5.7 Notice and Public Hearing

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

#### 5.8 Conditional Use Permit Fee

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

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

## **SECTION 6.0 BUILDING PERMITS**

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

### **6.2 Building Permits**

(A) Cases where Building Permit is required.

- (1) Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
- (2) Where any land use is substantially altered.
- (3) Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.

(B) Cases where Building Permit is not required.

- (1) For any accessory building which is less than 81 square feet provided such building conforms to all the setback, yard and open space requirements of this Ordinance.
- (2) For any improvements or alterations to an existing building where the materials and the labor will be \$1,000 or less, where there is not a structural change, a land use change, or encroachment upon any yard requirement or open space.
- (3) For any maintenance repairs that do not involve a change to the structure.

(C) The Building Permit Card issued as part of the approval shall be displayed at a prominent location which can be on the building site, the public road, or driveway.

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

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

- (1) An accurate map of the property, in duplicate, and properly dimensioned showing:
  - (A) The boundaries of the property involved.
  - (B) The location of the centerline, or road right of way lines of any abutting streets or highways.
  - (C) The location on the lot of any existing buildings, proposed additions or proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline (or road right of way lines) of any abutting streets or highways to the nearest portion of such building.
  - (D) The floodway, floodfringe or if not available the high water line of any stream or lake on which the property adjoins or includes.
  - (E) The building plans and estimated costs.
- (2) Where the use involves an on-site sewer system, the Map shall include the location of the water system and sewage system which shall conform to the requirements set forth in H 62.20 of the Wisconsin Administrative Code which are hereby made by reference a part of this Ordinance. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots.

#### 6.4 Building Permit Fee

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

- (1) Building Permit ---- To Be Determined by Town Board by Resolution.
- (2) Accessory Building Permit -- To Be Determined by Town Board by Resolution.

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

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

### 7.1 Site Design and Physical Characteristics

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

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

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

### 7.3 Land Use

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

### 7.4 Traffic Generation

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

### 7.5 Community Effects

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

### 7.6 Other Relevant Factors

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

## SECTION 8.0 BOARD OF APPEALS

### 8.1 Establishment

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

### 8.2 Membership

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

- (1) Terms shall be for staggered three-year periods.
- (2) Chair shall be designated by the Board of Appeals.
- (3) Conflict of Interest. Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.
- (4) Two Alternate Members shall be appointed, for staggered 3-year terms, by the Town Chair and confirmed by the Town Board. The Town Chair shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a regular member refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board refuses to vote because of a conflict of interest or is absent.
- (5) No member shall be a Town Board member, Planning and Zoning Committee member or the Building Inspector.
- (6) Secretary shall be the Town Clerk.
- (7) Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Appeals.
- (8) Official Oaths shall be taken by all members in accordance with

Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.

- (9) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (10) Compensation shall be as determined by the Town Board.

### 8.3 Organization

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

- (1) Meetings shall be held at the call of the Chair and shall be open to the public.
- (2) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its finding of facts. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.
- (3) If a quorum is present, the Board of Appeals may take action under this subsection by a majority vote of the members present and shall exercise the powers enumerated in 8.4(1), (2), (3), and (4).

### 8.4 Powers

The Board of Appeals shall have the following powers:

- (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning and Zoning Committee or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.
- (2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use

variances shall not be granted, nor shall a variance be granted where the conditions exist as a result of a self-imposed hardship.

- (3) Interpretations. To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Planning and Zoning Committee has made a review and recommendations.
- (4) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issue of a permit.
- (5) Assistance. The Board may request assistance from other town and county officials, departments, commissions, and boards.
- (6) Oaths. The Chair shall administer oaths and may compel the attendance of witnesses.

#### 8.5 Appeals and Applications

Appeals from the decision of the Building Inspector concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an officer, department, committee, board, or bureau of the Town. Such appeals shall be filed with the secretary within sixty (60) days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- (1) Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within three hundred (300) feet.
- (2) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 6.3 for a Building Permit.
- (3) Additional Information required by Town Planning and Zoning Committee, Board of Appeals, or Building Inspector.
- (4) Fee Receipt from the Town Clerk. Fee to be set by the Town Board by Resolution.
- (5) Appeals and Application for property located in a Historic District shall also require the review and recommendation of the Historic

District Committee.

8.6 Hearings

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

8.7 Findings

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

- (1) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (2) Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- (3) Findings of Fact. The decision of the Board shall be accompanied by findings of fact and conclusions of law.

8.8 Decision

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

- (1) Conditions may be placed upon any Building Permit ordered or authorized by the Board.

- (2) Variances granted or building permits directed by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

#### 8.9 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within sixty (60) days after the filing of the decision in the office of the Town Clerk.

## SECTION 9.0 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

### 9.1 Classification and Setbacks

For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the Town 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 150 feet from the centerline of the highway or 100 feet from the right-of-way line whichever is greater.
- (B) Frontage roads to Arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.
- (C) Minimum Road right-of-way shall be 100 feet.

#### (2) Collector Roads

The setback for collector roads shall be 90 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 80 feet.

#### (3) Local Roads

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

#### (4) Lesser Setbacks

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

(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 and in the division of land.

9.2 Vision Clearance at Intersections

In each quadrant of every public street, road or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road centerline and a line connecting points on said centerline at a specified distance from their point of intersection, in the manner illustrated on the following page and titled Basic Illustration Of Clear Vision Triangles.

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

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

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

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

<u>Classification</u>	<u>Triangle Site Distance</u>
Arterial	300 ft.
Collector	200 ft.
Local	150 ft.
Railroad Crossing	330 ft.

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

A technical diagram of a diamond interchange. It features a central intersection with a vertical dashed line representing the centerline. Two horizontal dashed lines represent the lane boundaries. Three concentric diamond shapes are drawn, representing different offset distances from the centerline. On the right side, three points are marked with dots and labeled with distances: 200', 150', and 300'. These distances are measured from the centerline to the right edge of the diamond shapes.

9.3 Objects Permitted Within Setback Lines and Vision Triangles.

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

9.4 Access Control-Town Roads. Driveway access is limited to one driveway access per lot. Duplex lots may, at the discretion of the committee, have two separate driveways if the structural design of the building or the physical characteristics of the lot warrant a second driveway. Common driveways may be required to provide access to any new lots or lots that do not currently have an existing driveway. Common driveways shall be built on the common property line and to the standards of a single driveway. All new driveways shall have a minimum site distance of 150 feet in each direction and be located a minimum of six (6) feet from a common property line.

## SECTION 10.0 NONCONFORMING USES, STRUCTURES, AND LOTS

### 10.1 Existing Nonconforming Uses

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

- (1) Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered 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 Board of Appeals 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.

### 10.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

Notwithstanding the foregoing, if the nonconforming structure is damaged or destroyed on or after March 2, 2006 and the damage or destruction was destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation and such nonconforming structure is restored to the size, location, and use that it had immediately before the damage or destruction

occurred, then the above limitations do not apply. However, the size of such structure may be larger than the size it was immediately before the damage or destruction only if necessary for the structure to comply with applicable state or federal requirements.

#### 10.3 Existing Nonconforming Structures

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

#### 10.4 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Town Board 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 Town Board.

#### 10.5 Substandard Lots

In any residential or agricultural district, except the A-1 Farmland Preservation District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before March 22, 1994.

- (1) All the district requirements shall be complied with insofar as practical but shall not be less than the following.

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

Rear Minimum 20 ft.

Side Minimum 10 percent of the frontage, but not less than 5 ft.

- (2) If two (2) or more substandard lots exist side by side, under the same ownership, of which individual lots are less than 25,000

square feet, they shall be combined and considered as one (1) building site.

- (3) Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a building permit.

## SECTION 11.0 CHANGES AND AMENDMENTS

### 11.1 Authority

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

### 11.2 Initiation

A change or amendment may be initiated by the Town Board, Planning and Zoning committee, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

### 11.3 Petitions

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

- (1) Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
- (2) Owners' Names and Addresses of all properties lying within three hundred (300) feet of the area proposed to be rezoned.
- (3) Additional Information required by the Planning and Zoning Committee, or Town Board.
- (4) Fee Receipt from the Town Treasurer in the minimum amount to be determined by the Town Board.

### 11.4 Recommendations

The Planning and Zoning Committee shall review all proposed zoning changes and amendments within the Town and shall recommend to the Town Board, following the public hearing, that the petition be granted as

requested, modified, or denied. The recommendation shall be made no later than the next regular Town Board meeting subsequent to the public hearing date.

- 11.5 Public Hearing. The Town Clerk shall notify all adjoining property owners and owners of property within 300 feet of the land parcel in question, and after publishing a Class 2 Notice under Chapter 985 of the Wisconsin Statutes, listing the time and place of the hearing and the changes or amendments proposed, the Planning and Zoning Committee shall hold a public hearing upon each proposed change or amendment. The Town Clerk shall also give at least ten (10) days prior written notice of such public hearing to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

11.6 Town Board's Action

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

11.7 Protest to Proposed Change

In the event of protest against a proposed district change or amendment to the Ordinance, duly signed and acknowledged by the owners of 20 percent or more of the land included in such proposed amendment, or by the owners of 20% or more of the land parcel within 300 feet of the proposed zoning amendment, such amendment shall not be passed unless recommended by a majority vote of the Committee and a favorable vote of three-fourths of the members present of the Town Board voting on the proposed change.

## SECTION 12.0 PERFORMANCE STANDARDS

### 12.1 Compliance

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

### 12.2 Air Pollution

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States bureau of Mine's Information Circular 7718.

### 12.3 Fire and Explosive Hazards

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

### 12.4 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.

### 12.5 Liquid or Solid Wastes

No activity shall discharge at any point onto any land or into any water or

public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

## 12.6 Noise

No activity shall produce a sound level outside the M-1 District boundary 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</u> <u>( Cycles Per Second )</u>	<u>Sound Level</u> <u>( 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.

**\*12.7 Odors**

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be NR 154.18, Wisconsin Administrative Code. Agriculture odors associated with normal agricultural activities are exempted from this section.

**12.8 Radioactivity and Electrical Disturbances**

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

**12.9 Vibration**

No activity in any district 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

**12.10 Water Quality Protection**

- (A) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that 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.
- (B) In addition, no activity shall discharge any liquid, gaseous, or solid

materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code for all navigable waters.

**\*Does not apply in Agricultural Districts**

## 13.0 SIGNS

### 13.1 Permit Required

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

### 13.2 Signs Permitted In All Districts Without A Zoning Permit

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

- (1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, up to two signs with each sign face totaling not more than thirty-two (32) square feet advertising such sale.
- (3) Real Estate Signs not to exceed thirty-two (32) square feet in display area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (4) Name, Occupation, and Warning Signs not to exceed two (2) square feet in display area located on the premises (except that signs displaying the name of a farm or home may be up to eight (8) square feet in display area), and not closer than fifty (50) feet between signs (including signs displaying the name of a farm or home). There shall be no fee for a sign displaying the name of a farm or home.
- (5) Bulletin Boards of public, charitable, or religious institutions not to 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) Political signs, so long as the sign is in compliance with all applicable state and local laws, except that no political sign may be placed on public property, and no political sign may be placed in a public right-of-way, including ditches. Political signs may only be placed on private property with the property owner's consent. Political signs include signs for candidates (including write-in candidates), committees (including members and employees), parties (including members and employees), elections (including elector rights and process information), polling places, recalls, referendums, initiatives, and/or any other person and/or issue that is on a ballot or proposed for a ballot. The provisions of this Ordinance shall not interfere with the First Amendment to the Constitution of the United States of America or with the rights of free speech guaranteed under the Constitutions of the United States of America and/or the State of Wisconsin.
- (9) Temporary Signs or banners when authorized by the Town Board.

### 13.3 Signs Permitted in All Business and Industrial Districts

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

- (1) Wall Signs placed against the exterior 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.
- (2) Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more than six (6) feet in any required yard; shall not be less than ten (10) feet from all lot lines; shall not extend above the roof line; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.

- (3) On-Premise Ground Signs in the B-1 District shall be limited to one sign for each individual business premises and advertise the business name, services offered, or products sold on the premises, 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 30 feet.
- (4) On-Premise Ground 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, shall have a maximum height of thirty (30) feet, and shall be at least fifty (50) feet from the boundary of any residential district.
- (5) Two of the above signs shall be permitted for each business or industrial use. The total sign area for both signs shall not exceed the greatest maximum area allowed.
- (6) 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.
- (7) Off-Premises Ground Signs shall require a conditional use permit from the Town Board after public hearing and recommendation of the Planning and Zoning Committee. Such signs shall not be located within fifty (50) feet of the existing or proposed right-of-way of any state or county trunk highway or any town road measured horizontally along a line perpendicular to the center of the highway; shall not be located within one thousand (1000) feet of any other off-premise ground sign located on the same side of the road; shall not exceed thirty (30) feet in height; 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; shall conform to all yard and setback requirements of the district in which it is located; and shall not be located within 500 feet of a residential district.

#### 13.4 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form, or

color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness 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.

#### 13.5 Existing Signs

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

#### 13.6 Bonds

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

#### 13.7 Moveable or Temporary Signs

No moveable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to the real estate. Any motor vehicle used on a regular basis for a bona fide business purpose other than advertising is excepted from the above prohibition.

#### 13.8 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.

13.9 Roof-mounted Signs. Signs erected on the roof of a building shall be prohibited by this Ordinance.

13.10 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.

13.11 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 14.0 DEFINITIONS

### 14.1 Usage

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

### 14.2 Words and Terms Defined

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

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

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

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

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

Arterial Roads & Highways. Serve inter-community travel within and outside the area and provide a high level of urban mobility with little variation in operating conditions and form a continuous system with other arterial as indicated on the Rock County Functional Highway Classification Map.

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

Basement. A story partly underground.

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

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

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

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

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

Certified Survey Map. Is 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 & Highways. Serve intermediate to long trips within an area, collect and distribute traffic to and from local roads and adjacent land within the areas, provide fair mobility and form a generally continuous pattern when combined with the arterial system as indicated on the Rock County Functional Highway Map.

Committee. The Planning and Zoning Committee.

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

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

Community. A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.

Community Living Arrangement. Means any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under S. 48.60, group foster homes for children under S. 48.02(7) and community-based residential facilities under S. 50.01 of Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

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

Confinement Operation. A farm operating which is intended to produce livestock, or a livestock product, where the livestock is housed in a confined building and/or limited yard, with the feed and water brought to the animals, and the manure removed from the building or yard.

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

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

Development Guide. The Town's Development Plan (segment of the County Development Plan) (SS.59.97) or the incorporated municipality's Master Plan (SS.62.23).

Dog Kennels. Any place or entity that keeps, owns, runs, breeds, sells, rents, boards, grooms, cares for, trains or otherwise possesses four or more dogs in close proximity to each other at the same time. Dog is hereby defined as a dog five months old or older. Those wishing to operate a dog kennel within the Township must apply for a conditional use permit to locate the same within the A-1 FP, A-1 and A-2 districts only and shall comply with all of the requirements regarding the issuance of a conditional use permit, to wit after public hearing and approval by the

Planning and Zoning Committee and shall comply with the Town Ordinance regulating dog kennels.

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

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

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

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

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

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

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

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

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

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

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

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

Flood Plain. The land adjacent to a body of water which is subject to periodic overflow therefrom.

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

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

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

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

Garage, Private. Any building or premises, other than a public or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

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

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

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

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

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

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

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

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

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

Land Division. The division of a tract or interest in real property by the owner 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.

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

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

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 & Highways. Serve primarily to provide direct access to adjacent land, provide for short distance travel within the area, and provide access to the Collector and Arterial systems. Through traffic movement on locals is generally discouraged.

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

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

Lot 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 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 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 U.S. 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, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

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

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

Mobile Home. A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an over all length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacture's warranty.

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 mobile 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 mobile home park or its facilities; except that a mobile home subdivision shall not be deemed a mobile 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 mobile home and its facilities.

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

Motor Vehicle. A vehicle, including a combination of 2 or more vehicles or articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor Vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power. A snowmobile or an all-terrain vehicle shall not be considered a motor vehicle under this Ordinance.

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

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

Non-operational Motor Vehicle. A motor vehicle incapable of being moved under its own power. A motor vehicle shall not include a snowmobile or an all terrain-vehicle.

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.

Park Model Recreational Vehicle. A vehicle manufactured or assembled after June 15, 1976, designed to be towed as a single unit upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length of 45' or less.

Permit. A written building permit or certification issued by Building Inspector 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 must be given a permit if he meets the other requirements of the ordinance, e.g., yards, setbacks, and so forth.

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

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 agricultural districts a barn for agricultural use or swine confinement facilities can be considered a principal structure, subject to the issuance of and compliance with a conditional use permit as provided for in the agricultural districts' zoning requirements.

Recreational Vehicle. Means 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. Commonly referred to as a motor home, pop-up-camper, Fifth wheel mobile home, 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. A "park model recreational vehicle" which is designed to be installed on real estate without tires and with skirting, but without a foundation, is not a "recreational vehicle" within this definition.

Rooming House. A building other than a hotel where lodging only is

provided for compensation from three or more persons not members of the owner's family.

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

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

Sexually Related. The primary or dominant theme, subject matter or purpose is the depicting, exhibiting, illustrating, describing or relating to:

A. Sexual activities, including:

1. Human genitals in a state of sexual stimulation, arousal or tumescence; or
2. Acts of human analingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
4. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 3; or

B. Specific anatomical areas including:

1. Less than completely and opaquely covered:
  - a. Human genitals and pubic regions; or
  - b. Cleavage of the human buttocks; or
  - c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola; this definition shall include the entire lower portion of the

female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

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

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

Story. That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there be no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purpose of height regulation.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

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

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

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

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

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 sites,
- 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.

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

Temporary Structure. A removable structure not designed for human occupancy 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 Space. A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

Travel Trailer. A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form:

- (a) a unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding 32 feet;
- (b) a unit designed to be mounted on a truck chassis;
- (c) a unit constructed as an integral part of a self-propelled vehicle; or
- (d) a canvas, folding unit mounted on wheels.

Travel Trailer Camp. A parcel of land in which two or more spaces are occupied, or intended for occupancy (not over 7 days), by travel trailers for transient dwelling purposes.

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

Unit. Means 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 2 or more noncontiguous areas.

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

Variance. Is authority granted to the owner to use his property in a manner which is prohibited by the zoning ordinance. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.

- (a) Area Variance: Is one which does not involve a use which is prohibited by the zoning ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations, and yard requirements.
- (b) Use Variance: Is one which permits a use of land other than 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.

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

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 percent of the length of such water line shall be on, or on the landward side of, the

normal high watermark of such stream.

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

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

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

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

## APPENDIX "A"

### Town of Janesville Planning and Zoning Committee Conditional Use Permit Approval

**Applicant:**

**Site Location:**

**Zoning:**

**Applicable Conditional Use Provision:** Section (2), (C) of this District provides that, Farm Dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created does not exceed five acres.

**This application is approved, subject to the following conditions:**

1. That the land use of this parcel be consistent with the uses in the Permitted Use Section of this district.
2. That the minimum requirements of Section (4), be met for any use of, or improvement on this parcel.
3. That the land use of this parcel be compatible with existing land uses on parcels directly east of this parcel.
4. That the land use of this parcel have no effect on water, air quality, soil erosion, rare or irreplaceable natural resources.
5. That any other land use listed in the Conditional Use Section of this District will be required to go through the Conditional Use Permit process prior to the land use or any structural improvements taking place.
6. That the animal units be limited to one animal unit per acre (unless an additional conditional use permit for a confinement operation is obtained). One animal unit is defined as being the equivalent of the following: one full grown steer; one beef, dairy cow or bull; four swine; ten sheep or goats; 50 chickens or rabbits; 50 ducks or turkeys, or other poultry; one horse or pony.
7. That the residence on the parcel remain single-family.
8. That a method of storage and disposal of animal wastes (map included) be prepared by the owner and approved by the Committee prior to any animals being placed on this parcel.