



June 14, 2011 – Walworth County Board Meeting

**Report of the County Clerk Regarding
Communications Received After the Agenda Mailing**

County Clerk

The following items were placed on Supervisors' desks and are attached to this cover sheet:

Kimberly S. Bushey
County Clerk

- Communications received from Godfrey, Leibsle, Blackburn & Howarth Amendment to Walworth County Zoning Ordinances Setbacks for Buildings Used for Housing Animals – To be referred to the County Zoning Agency
- Claim of Injuries and Damages – Kimberly A. Link vs. Walworth County Sheriff's Department – To be referred to the Executive Committee
- Communications received from WCEDA Requesting Endorsement of the Preparation by the Milwaukee 7 and the Southeastern Wisconsin Regional Planning Commission of the Comprehensive Economic Development Strategy (CEDS) and the Potential Designation of the Seven-County Southeastern Wisconsin Region as an Economic Development District (EDD) – To be referred to the Executive Committee
- Communications received from WCEDA Requesting, on Behalf of the Town of Darien, that Walworth County Act as the Grant Recipient for a State Community Development Block Grant for Economic Development (CDBG-ED) to Assist in the Creation of Jobs by Birds Eye Foods in Darien – To be referred to the Executive Committee
- Communications received from Lake Beulah Management District regarding a Resolution No. 2010-1 to expand the Lake Beulah Management District Boundary – To be referred to the Land Conservation Committee
- Communications received from State Representative Samantha J. Kerkman, acknowledging receipt of Walworth County resolution(s) – To be placed on file
- Communications received from Governor Scott Walker, acknowledging receipt of Walworth County resolution(s) – To be placed on file
- Communication from Wassel, Harvey & Schuk, LLP – 241 Nelson Street, Town of Sharon, UA117600001 – Raze Order – To be placed on file
- *Walworth County Aging & Disability Resource Center News*, June 2011 – To be placed on file

GODFREY, LEIBSLE,
BLACKBOURN & HOWARTH, S.C.

ATTORNEYS AT LAW

354 Seymour Court • Elkhorn, WI 53121

Telephone: 262-723-3220 • Facsimile: 262-723-5121 • www.godfreylaw.com

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ROBERT C. LEIBSLE
LISLE W. BLACKBOURN
KIM A. HOWARTH
THEODORE N. JOHNSON

(ALFRED L. GODFREY 1888-1970)
(THOS. G. GODFREY 1921-1996)

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Writer's Direct Line: 262-741-1521
Writer's Email: rlleibsle@godfreylaw.com

June 3, 2011

VIA HAND DELIVERY

Ms. Kimberly Bushey
Walworth County
100 West Walworth Street
Elkhorn, WI 53121

Mr. Michael P. Cotter
Walworth County Land Use
100 West Walworth Street
Elkhorn, WI 53121

**Re: Amendment to Walworth County Zoning Ordinances
Setbacks for Buildings Used for Housing Animals**

Dear Kim and Michael:

We respectfully request that the Walworth County Board consider and refer to the County Zoning Agency the enclosed proposed amendments to the provisions of those districts of the Walworth County Zoning and Shoreland Zoning Ordinances that pertain to “setbacks in place for structures used for the housing of animals.”

We believe these moderate amendments to the setbacks will not significantly affect health concerns but will significantly protect valuable farmland from being inefficiently divided due to overly large setbacks for farm buildings which house animals, for example, farmland separation parcels, or to protect agricultural land from being rezoned into smaller parcels to allow for the 100 foot setback requirement. The amended setback modifications will permit properties to utilize buildings for the housing of animals and allow the property to be used as smaller farms.

With one exception, the proposed amendments will allow for a reduction of the existing standard of a 100 foot setback from all property lines for structures used for housing of animals. These reduced setbacks allow the preservation of valuable farm land from being utilized as setback area. We are proposing that the rear and side yard setbacks for the structures used for the housing of animals be reduced from the standard 100 foot setback to 50 feet in the case of the rear yard setback and from the standard 100 foot setback to 35 feet in case of the side yard setback, except when the rear or side yard abut a residential district. We are proposing to incorporate language that structures used for the housing of animals, other than household pets, shall be located at least 100 feet from an R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8 Residential District, except with respect to such structure(s) existing prior to the establishment or creation of such residential district. In all cases, we are requesting that the standard street yard setbacks apply for each district that pertain to those districts that allow for structures used for the housing of animals. The proposed amendments will buffer residential lots but yet protect farmland which has

Ms. Kimberly Bushey
Mr. Michael P. Cotter
June 3, 2011
Page 2

existed prior to a rezone of lands to a residential zone. For example: if an agricultural parcel has a barn constructed and it meets the 35 foot side yard setback and 50 foot rear yard setback and then thereafter the neighboring parcel would rezone its property into "R-zoned" Residential District, the farm building would be allowed to remain as a permitted structure and use.

Included in this submittal are portions of ordinances from Dane, Jefferson and Rock/Township Counties dealing with setbacks for structures housing animals which are similar to the proposed amendments.

Currently, properties located in the agricultural and the C-2 conservation districts allow for animals but provide for setbacks of 100 feet from all lot lines for structures that house those animals. Because the current zoning ordinance allows for farm animals in the agricultural and C-2 conservation districts, it would make sense to allow for the housing or sheltering of these animals in structures located closer to the lot lines except when the farm abuts a "R-zoned" Residential District where the 100 foot setback requirement would remain.

In this light, we respectfully ask that the County Board refer these proposed amendments to the County Zoning Agency for a thorough staff review and public hearing.

Thank you for your consideration.

Very truly yours,

GODFREY, LEIBSLE,
BLACKBOURN & HOWARTH, S.C.

By:



Robert C. Leibsle

RCL:jl
Enclosures

cc: Ms. Debora Grube (*Via Hand Delivery w/enclosures*)

44 **household pets, shall be located at least 100 feet from an**
45 **R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8**
46 **Residential District, except with respect to such**
47 **structure(s) existing prior to the establishment or**
48 **creation of such residential district.**

49
50 *(5) Conservation Developments (five or more dwelling units).*

51
52 Yards

53 Rear: Minimum 20 feet **except structures used for the**
54 **housing of animals, except for household pets,**
55 **shall be located at least 50 feet from rear lot line.**

56 Side: Minimum 10 feet ~~from lot lines~~ **except structures**
57 **used for the housing of animals, other than**
58 **household pets, shall be located at least 35 feet**
59 **from side lot line.** In case of no lot lines, minimum
60 20 foot dwelling separation.

61
62 ~~Animals — Structures used for the housing of animals~~
63 ~~shall be located at least 100 feet from all~~
64 ~~property lines.~~

65
66 **Structures used for the housing of animals, other than**
67 **household pets, shall be located at least 100 feet from an**
68 **R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8**
69 **Residential District, except with respect to such**
70 **structure(s) existing prior to the establishment or**
71 **creation of such residential district.**

72
73 *A-3 Agricultural Land Holding District.*

74
75 Yards

76 Rear: ~~Minimum 100 feet~~ **Minimum 50 feet**

77 Side: Minimum 20 feet ~~except structures used for the~~
78 ~~housing of animals must be 100 feet from lot lines,~~
79 **other than household pets, shall be located at**
80 **least 35 feet from side lot line.**

81
82 **Structures used for the housing of animals, other than**
83 **household pets, shall be located at least 100 feet from an**
84 **R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8**
85 **Residential District, except with respect to such**
86 **structure(s) existing prior to the establishment or**

87 **creation of such residential district.**

88
89 *A-4 Agricultural Related Manufacturing, Warehousing and Marketing*
90 *Districts.*

91
92 Yards

93 Rear: ~~Minimum 75 feet~~ **Minimum 50 feet**

94 Side: ~~Minimum 75 feet~~ **Minimum 35 feet**

95
96 **Structures used for the housing of animals, other than**
97 **household pets, shall be located at least 100 feet from an**
98 **R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8**
99 **Residential District, except with respect to such**
100 **structure(s) existing prior to the establishment or**
101 **creation of such residential district.**

102
103 *A-5 Agricultural Rural Residential District.*

104
105 Yards

106 Rear: Minimum 25 feet **except structures used for the**
107 **housing of animals, other than household pets,**
108 **shall be located at least 50 feet from rear lot line.**

109 Side: Minimum 15 feet **except structures used for the**
110 **housing of animals, other than household pets,**
111 **shall be located at least 35 feet from side lot line.**

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113 ~~Animals — Structures used for the housing of animals~~
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121 **structure(s) existing prior to the establishment or**
122 **creation of such residential district.**

123
124 *C-2 Upland Resource Conservation District.*

125
126 Yards

127 Rear: ~~Minimum 100 feet~~ **Minimum 50 feet**

128 Side: Minimum 20 feet except structures used for the
129 housing of animals ~~must be 100 feet from lot lines,~~

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other than household pets, shall be located at least 35 feet from side lot line.

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Structures used for the housing of animals, other than household pets, shall be located at least 100 feet from an R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8 Residential District, except with respect to such structure(s) existing prior to the establishment or creation of such residential district.

(6) Conservation Developments (five or more dwelling units).

Yards

Rear: Minimum 20 feet **except structures used for the housing of animals, other than household pets, shall be located at least 50 feet from rear lot line.**

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In the case of no lot lines minimum 20 foot dwelling separation.

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3. Amend Shoreland Zoning Ordinance § 74-171 to read as follows:

(a) Household pets

(b) All animals other than household pets shall be

173 permitted only in all Agricultural Districts, C-1 and C-2
174 Conservation Districts, Park Districts, and the B-5 Business
175 District. ~~Structures used for the housing of animals, other~~
176 ~~than household pets, must be located at least 100 feet from~~
177 ~~all property lines.~~

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179 (c) Livestock structures

- 180
181 4. Amend Zoning Ordinance § 74-178. Agricultural Districts and § 74-179. Conservation
182 Districts. as follows:

183
184 *A-1 Prime Agricultural Land District.*

185
186 Yards

187 Rear: ~~Minimum 100 feet~~ **Minimum 50 feet**

188 Side: Minimum 20 feet **except structures used for the**
189 **housing of animals, other than household pets,**
190 **shall be located at least 35 feet from side lot line.**

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200 **structure(s) existing prior to the establishment or**
201 **creation of such residential district.**

202
203 *A-2 Agricultural Land District.*

204
205 Yards

206 Rear: ~~Minimum 100 feet~~ **Minimum 50 feet**

207 Side: Minimum 20 feet except structures used for the
208 housing of animals ~~must be located at least 100 feet~~
209 ~~from all lot lines, other than household pets, shall~~
210 **be located at least 35 feet from side lot line.**

211
212 **Structures used for the housing of animals, other than**
213 **household pets, shall be located at least 100 feet from an**
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228 In case of no lot lines, minimum 20 foot dwelling
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285 Animals — Structures used for the housing of animals
286 shall be located at least 100 feet from all
287 property lines.

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Dave Collins

**TITLE 2a
ZONING**

- Chapter 10 Zoning
- Chapter 11 Shoreland, Shoreland-Wetland And Inland-Wetland Regulations
- Chapter 12 Zoning Fees
- Chapter 13 Minimum Standards For Water Quality
- Chapter 14 Manure Storage

**CHAPTER 10
ZONING ORDINANCE**

- 10.01 Definitions.
- 10.02 Districts.
- 10.03 Zoning District Maps.
- 10.04 Restrictions Upon Lands, Buildings and Structures.
- 10.045 NCO Noise Control Overlay District.
- 10.05 R-1 Residence District.
- 10.051 R-1A Residence District.
- 10.06 R-2 Residence District.
- 10.07 R-3 Residence District.
- 10.071 R-3A Residence District.
- 10.08 R-4 Residence District.
- 10.09 RH-1 Rural Homes District.
- 10.091 RH-2 Rural Homes District.
- 10.092 RH-3 Rural Homes District.
- 10.093 RH-4 Rural Homes District.
- 10.10 RE-1 Recreational District.
- 10.11 B-1 Local Business District.
- 10.12 A-1 Agriculture District.
- 10.121 A-B Agriculture Business District.
- 10.123 A-1 Exclusive Agriculture District.
- 10.126 A-2 Agriculture District.
- 10.127 A-3 Agriculture District.
- 10.129 A-4 Small Lot Agriculture District.
- 10.13 C-1 Commercial District.
- ★10.14 C-2 Commercial District.
- 10.141 LC-1 Limited Commercial District.
- 10.145 EXP-1 Exposition District.
- 10.15 M-1 Industrial District.
- 10.151 AED Adult Entertainment Overlay District.
- 10.153 PUD Planned Unit Development District.
- 10.155 CO-1 Conservancy District.
- 10.157 HD Historic Overlay District.
- 10.158 TDR-S Transfer of Development Rights Sending Area Overlay District.
- 10.159 TDR-R Transfer of Development Rights Receiving Area Overlay District.
- 10.16 General Provisions and Exceptions.
- 10.17 Setback Regulations.
- 10.18 Off-Street Parking and Loading.

[10.19 reserved.]

- 10.191 Procedure And Standards Of Operation For Mineral Extraction Operations.
- 10.192 Procedure And Standards Of Operation For Limited Family Business.
- 10.193 Standards For Siting of Adult Book Store.
- 10.194 Procedure And Standards For The Placement, Construction or Modification of Communication Towers.
- 10.20 Salvage Recycling Centers.
- 10.21 Nonconforming Uses.
- 10.22 Interpretation and Application.
- 10.23 Completion, Restoration or Enlargement of Existing Structures.
- 10.24 Changes and Amendments.
- 10.25 Administration, Enforcement and Penalties.
- 10.255 Zoning Committee.
- 10.26 Board of Adjustment.
- 10.27 Severability of Ordinance Provisions.
- 10.28 Repeal of Conflicting Provisions.
- 10.29 Effective Date.

[10.30 - 10.69 reserved.]

SUBCHAPTER II

- 10.70 Subchapter; Purpose.
- 10.71 Definitions.
- 10.72 Permitted Zoning Districts for Signs.
- 10.73 General Sign Regulations.
- 10.74 Specific Regulations For Various Types Of Signs.
- 10.75 Calculation Of Height Regulations.
- 10.76 Design Requirements.
- 10.77 Locational Regulations.
- 10.78 Intersection Regulations.
- 10.79 Sign Maintenance Regulations.
- 10.80 Marquee Signs.
- 10.81 Political Signs.
- 10.82 Real Estate Sign Regulations.
- 10.83 Set Back Regulations.
- 10.84 Wall Sign Regulations.
- 10.85 Subdivision Sign Regulations.
- 10.86 Temporary Sign Regulations.
- 10.87 Regulations Pertaining to Nonconforming Signs and Use.
- 10.88 Variances.
- 10.89 Variance Standards.
- 10.90 Conditions On Variances.
- 10.91 Applications And Permits.
- 10.92 Penalties.
- 10.93 Severability.

10.01 DEFINITIONS. For the purposes of this chapter certain terms used herein are defined as set forth in this section. Words and phrases not defined in this section or elsewhere in the ordinance shall be construed by resort to the

(81) Utility services. Transmission and distribution lines both above and below ground which carry electricity, petroleum products, natural or manufactured gas, water, sewer or telephone messages. Included are buildings and structures necessary to operate transmission and distribution lines such as substations, transformer installations, repeater stations, pumping stations and water towers, but not including offices, garages, manually operated exchanges, terminal distribution facilities, electric generating plants and sewage disposal plants. Installation of privately owned and operated communications equipment on a water tower which is owned by the town in which located is included within this definition, provided that the installation of this equipment does not compromise the structural integrity of the water tower. A zoning permit will not be issued for the installation of this equipment by the Dane County Planning and Development Department without provision of a structural analysis stamped by a professional engineer (P.E.) and a P.E.'s written statement that the affected tower is structurally capable of accommodating the equipment.

(81a) Urban planned unit development district. A planned unit development district conceived and implemented within an urban service area.

(81b) Urban service area. Areas identified and mapped by the Capitol Area Regional Planning Commission, or successor agency, designated by the State of Wisconsin in accordance with the federal Clean Water Act, that are planned for urban development and capable of being provided with a full range of services.

(82) Vision clearance triangle shall be the area in each quadrant of an intersection which is bounded by the right-of-way lines of the highways or streets and a vision clearance setback line connecting points on each right-of-way line which are located a distance back from the intersection equal to the setback required on the road or highway.

(83) Yard. A yard is an open space on a zoning lot which is unoccupied or unobstructed from its lowest level to the sky, except as otherwise provided herein. For the purpose of this ordinance, a yard extends along a lot line to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located.

(84) Yard, front. A front yard is a yard paralleling along the full length of the front lot line between the side lot lines.

(85) Yard, rear. A rear yard is a yard paralleling along the full length of the rear lot line between the side lot lines.

(86) Yard, side. A side yard is a yard paralleling along a side lot line from the front yard to the rear yard.

[History: (Intro.) am., OA 17, 1992-93, pub. 10/09/92; (2m) cr., OA 16, 1993-94, pub. 12/27/93; (3) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (3) am., OA 9, 1993-94, pub. 04/20/94; (5m) cr., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (5m) cr., OA 9, 1993-94, pub. 04/20/94; (6m) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (7) am., OA 33, 1991-92, pub. 04/22/92; (11m) cr., Sub. 2 to OA 12, 1989-90, pub. 11/13/89; (23a) renum. as (23h), (23f), (23g) and (23m) cr., OA 17, 1992-93, pub. 10/09/92; (24m) cr., Sub. 2 to OA 12, 1989-90, pub. 11/13/89; (29) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (30a) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (30a) cr., OA 9, 1993-94, pub. 04/20/94; (36g) cr., OA 17, 1992-93, pub. 10/09/92; (36m) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (36m) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (36m) cr., OA 9, 1993-94, pub. 04/20/94; (41) am., Sub. 3 of OA 36, 1987-88, pub. 08/02/88; (41) am., OA 9, 1993-94, pub. 04/20/94; (49m) am., Sub. 3 of OA 36, 1987-88, pub. 08/02/88; (49m) cr., OA 9, 1993-94, pub. 04/20/94; (57) through (65), inclusively, rep., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; (73) am., Sub. 2 to OA 12 1989-90, pub. 11/13/89; (74) am., Sub. 1 to OA 31, 1991-92, pub. 04/22/92; (74m) cr., Sub. 2 to OA 12, 1989-90, pub. 11/13/89; (36r) cr., OA 1, 1994-95, pub. 09/02/94; (5r) cr., OA 2, 1995-96, eff. 09/12/95; (25)(b) am., OA 6, 1995-96, eff. 09/12/95; (19n) and (30m) cr., Sub. 2 to OA 4, 1994-95, eff. 12/23/95; (48m) cr., Sub. 2 to OA 19, 1995-96, eff. 02/25/96; (20), (31), (37), (47), (48) and (73) am., (36n) rep. and (36h) cr., OA 16, 1996-97, pub. 01/16/97; (15) and (24m) am., OA 43, 1996-97, pub. 06/17/97; (7) am. and (78m) cr., OA 57, 1996-97, pub. 09/02/97; (23h) and (51a) am. and (55m) cr., OA 16, 1997-98, pub. 03/03/98; (19n) am., (23j) and (40d) cr., and (45) rep., OA 39, 1997-98, pub. 08/17/98; (21m) cr., OA 22, 1999-2000, pub. 06/27/00; (15), (41) and (81) am. and (49m) rep., OA 3, 2000-01, pub. 10/19/00; (23h), (78m) and (81) am., Sub. 2 to OA 13, 2000-01, pub. 05/07/01; (48r) cr., OA 11, 2002-03, pub. 11/19/02; (36m) am., OA 16, 2002-03, pub. 03/04/03; (2n) cr., OA 11, 2004-05, pub. 02/23/05; (2f) cr., Sub. 1 to OA 18, 2004-05, pub. 04/11/05; (2n) am., OA 32, 2004-05, pub. 06/02/05; (11a) am., OA 38, 2004-05, pub. 09/12/05; (8) am., OA 33, 2008-09, pub. 02/19/09; (19d), (30b), (68m) and (78d) cr., OA 16, 2009-10, pub. 11/19/09; (46a), (54a), (81a) and (81b) cr., OA 44, 2009-10, pub. 02/15/10; (2k), (19q), (41m), (48w), (75m) and (78s) cr., OA 45, 2009-10, pub. 3/22/10.]

10.02 DISTRICTS. The following districts are established. The number, shape and area are best suited to carry out the purposes of this ordinance:

R-1	Residence District.
R-1A	Residence District.
R-2	Residence District.
R-3	Residence District.
R-3A	Residence District.
R-4	Residence District.
RH-1	Rural Homes District.
RH-2	Rural Homes District.
RH-3	Rural Homes District.
RH-4	Rural Homes District.

- RE-1 Recreational District.
- B-1 Local Business District.
- A-1 Agriculture District.
- A-1 Exclusive Agriculture District.
- A-B Agriculture-Business District.
- A-2 Agriculture District.
- A-3 Agriculture District.
- C-1 Commercial District.
- C-2 Commercial District.
- LC-1 Limited Commercial District.
- EXP-1 Exposition District.
- M-1 Industrial District.
- CO-1 Conservancy District.
- HD Historic Overlay District.
- TDR-S Transfer of Development Rights Sending Area Overlay District.
- TDR-R Transfer of Development Rights Receiving Area Overlay District.

[History: 10.02 am., OA 16, 1996-97, pub. 01/16/97; District reference to "Agriculture District (Exclusive)" changed to "Exclusive Agriculture District", Sub. 1 to OA 31, 2001-02, pub. 09/04/02, eff. 09/05/02; am., OA 45, 2009-10, pub. 03/22/10.]

10.03 ZONING DISTRICT MAPS. (1) The location and boundaries of the zoning districts other than the A-1 Agriculture District and the flood prone areas (regional flood) are hereby established as shown on maps entitled "Zoning District Maps" on file in the office of the zoning administrator. The A-1 Agriculture District shall consist of all areas not otherwise designated on the "Zoning District Maps." The zoning administrator shall periodically update the "Zoning District Maps" to show any changes in the zoning district boundary lines resulting from amendments to the zoning ordinance, annexations and changes resulting from city or village extraterritorial zoning provisions. The "Zoning District Maps", together with all information shown thereon and all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein.

(2) Location of district boundaries. The following rules shall apply with respect to the boundaries of the zoning districts as shown on the zoning district maps:

(a) Where zoning district boundary lines are indicated as following streets, highways, roads or alleys, or extensions thereof, such boundary lines shall be construed to be the centerlines of said streets or alleys or extensions thereof unless clearly shown to the contrary.

(b) Where a dimensioned boundary line coincides approximately but not exactly with a lot line which existed on the effective date of incorporation of such boundary line into the

zoning map, the said boundary line shall be construed to be the said lot line at that location.

(c) Streets, highways, roads or alleys which are shown on the zoning district maps and which heretofore have been vacated, or which may be vacated hereafter, shall be in the same zoning district as the lots, pieces or parcels abutting both sides of the street, highway, road or alley involved. If the lots, pieces or parcels abutting each side of the street, highway, road or alley were located in different zoning districts before the said street or alley was vacated, the centerline of the said vacated street or alley shall be the boundary line of the respective zoning districts.

(d) Where any uncertainty exists as to the exact location of zoning district boundary lines, the board of adjustment, upon written application, shall determine the location of such boundary lines.

(3) The adoption of the following zoning petitions, referred to below by zoning petition number and heretofore adopted by the county board, are hereby ratified and reaffirmed in all respects as valid amendments to the Dane County zoning map:

4012	4346	4376	4378
4411	4422	4437	4452
4453	4460	4462	4468
4499	4511	4540	4559
4576	4578	4579	4589
4611	4623	4641	4644
4661	4692	4743	4752
4754	4760	4777	4785
4803	4816	4818	4821
4829	4833	4834	4845
4853	4873	4879	4891
4900	4910	4912	4918
4932	4937	4948	4957
4962	4966	4968	5241
4976	4982	4900	4998
5013	5017	5035	5045
5051	5055	5069	5072
5086	5093	5104	5130
5140	5145	5148	5156
5187	5188	5196	5225
5226	5237	5251	5263
5275	5290	5316	5325
5346	5350	5352	5355
5359	5369	5373	5409
5412	5415	5417	5429
5436	5439	5442	5452
5455	5487	5510	5511
5523	5524	5531	5551
5571	5587	5617	5618
5619	5626	5664	5665

5673 5633 4836 5429
5665 5681 5197 5639

[History: (3) cr., OA 30, 1994-95, pub. 05/31/95, eff. 07/01/95.]

10.04 RESTRICTIONS UPON LANDS, BUILDINGS AND STRUCTURES. Except as otherwise herein provided:

(1)(a) *Principal buildings.* There shall not be more than one (1) principal building on a lot except as listed below:

1. On lots in the commercial, industrial and business districts, more than one (1) building is permitted for any single business or commercial enterprise or for any combination of businesses or commercial enterprises.

2. On land in the A-1 exclusive agriculture district, secondary farm residences and single family dwellings or mobile homes occupied by parents or children of the farm operator are conditional uses as provided in s. 10.123 of this ordinance.

(b) *Residential accessory buildings.* Any number of detached accessory buildings associated with a permitted or conditional residential use are permitted on a lot, provided that the following conditions are met:

1. A principal residential use exists or is under construction prior to the erection or placement of a residential accessory building.

2. Except in the A-1, A-1 Exclusive, A-2, or A-3 Agriculture Districts, the total floor area of all residential accessory buildings shall not exceed fifty percent (50%) of the floor area of the principal residence.

3. On lots in the A-1, A-1 Exclusive, A-2 or A-3 Agriculture Districts, the total floor area of all residential accessory buildings shall not exceed one hundred percent (100%) of the total floor area of the associated residence.

(c) *Agricultural accessory buildings.* On land in the A-1, A-1 Exclusive, A-2 or A-3 Agriculture Districts used for agricultural purposes, agricultural accessory buildings are permitted but are limited to barns, sheds, silos and other structures that are clearly related to a permitted agricultural use.

(2) *Height.* No building or structure shall be erected, nor shall any existing building or structure be removed, reconditioned, added to or structurally altered to exceed in height the limit established by this ordinance for the district in which that building or structure is located.

(3) *Percentage of lot occupancy.* No building or structure shall hereafter be erected, nor shall

any existing building be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, nor shall a greater percentage of lot be occupied, except in conformity to the building site requirements and the area and yard regulations established by this ordinance, for the district in which such building is located.

(4) *Density of population.* No building, structure or premises shall be erected, occupied or used so as to provide a greater density of population than is allowed by the terms of this ordinance for the district in which such building, structure or premises is located.

(5) *Open space limitations.* No yard or other open space provided about any building or structure for the purpose of complying with the regulations of this ordinance shall be considered as providing yard or open space for any other building or structure. No lot area shall be so reduced or diminished that the yard or other space shall be smaller than prescribed by this chapter.

(6) *Topography near property lines.* (a) *Purpose.* The purpose of this subsection is to set forth the minimum requirements for preserving existing topography near property lines whenever development is planned, and to promote and protect the public health, safety, convenience and general welfare. This subsection is intended to regulate development:

1. to protect adjacent property owners from possible damage due to changes to the existing topography of adjoining lands;

2. to retain stormwater runoff on each property undergoing development; and

3. to preserve the general character of neighborhoods.

(b) *Standards.* 1. Except as authorized in this section, the topography within five (5) feet of any property line at the commencement of any development shall remain unchanged.

2. a. When land disturbing activities associated with development occur within five (5) feet of any property line, finished grades in that area shall be restored to the topography in existence before the land disturbing activity began.

b. Notwithstanding sub. (6)(b)1., a positive slope of one-half (1/2) inch vertical per one (1) foot horizontal within five (5) feet of the property line is allowed to provide proper drainage away from a one or two family residence.

3. The established grade of the adjoining property shall determine the finished grade at the

property line for any development. The owner of the property under development bears the burden of proof as to the established grade at the property line and the topography within five (5) feet of the property line. The Zoning Administrator may require detailed site grading plans of existing and proposed conditions to be submitted before commencement of land disturbing activities.

4. Natural watercourses along property lines shall be maintained. Existing drainage ways and drainage easements along property lines including, but not limited to, stormwater management areas shown on subdivision plats and certified survey maps, shall be maintained.

(c) *Exceptions.* 1. Development in Floodplain Districts requiring fill to comply with chapter 17 is exempt from this section.

2. Upon written application, the Zoning Administrator may authorize exceptions resulting in changes to the existing topography at and within five (5) feet of any property line that would promote the purposes stated in this ordinance, only if the results do not direct additional stormwater runoff toward adjacent properties. Proposed exceptions may include, but are not limited to, retaining walls, berms and other structures, and other changes to existing grade at and within five (5) feet of a property line. The Zoning Administrator may require the submittal of detailed site grading plans of existing and proposed conditions including, but not limited to, detailed topographical information of the subject and adjoining properties, before land disturbing activities commence.

[History: (1) am., OA 10, 1999-2000, pub. 04/20/00; (6) cr., OA 16, 2009-10, pub. 11/19/09; (1)(a)2. am., Sub. 1 to OA 21, 2009-10, pub. 02/19/10.]

10.045 NCO NOISE CONTROL OVERLAY DISTRICT. (1) *Statement of purpose.*

The purpose of the Noise Control Overlay District is to effect and accomplish the protection and enhancement of the quality of residential life in Dane County by restricting residential development adjacent to noise producing areas.

(2) *Authority.* This section is enacted under s. 59.69, Wis. Stats., and section TRANS 405.05(2), Wis. Admin. Code.

(3) *Designation.* All lands subject to this ordinance lying within 200 feet of a divided highway as defined in s. 340.01(15), Wis. Stats., are hereby designated as subject to this section. The county board may add other lands from time to time. Lands subject to this section shall be

designated by attaching the suffix "NCO" to the zoning district in which the lands are located.

(4) *Protection.* No residential dwelling shall hereafter be erected in any area designated as part of the Noise Control Overlay District. The designation "Noise Control Overlay District" shall not otherwise affect the uses to which such lands may be put by the underlying zoning district.

(5) *Exceptions.* (a) The designation "Noise Control Overlay District" shall not apply to lands zoned for residential use prior to May 1, 1992.

(b) The Noise Control Overlay District shall not apply to lands on which noise control barriers have reduced the noise level from traffic to 67 decibels or less.

(6) *Variances.* The board of adjustment is empowered to remove the "Noise Control Overlay District" from lands to which it applies whenever the Wisconsin Department of Transportation consents to such variance and the board of adjustment otherwise finds that the protections afforded by such overlay district are no longer necessary for the purposes set forth herein.

(7) *Compensation.* Where the designation of a particular parcel of land as subject to this section results in a property owner being deprived of all, or substantially all, of the beneficial use of the property, compensation shall be paid as provided for by law.

[History: 10.045 cr., Sub. 1 to OA 35, 1991-92, pub. 04/22/92; (2) am., OA 43, 1996-97, pub. 06/17/97.]

10.05 R-1 RESIDENCE DISTRICT. (1)

Permitted uses. (a) Single family detached dwellings.

(b) Utility services.

(c) Home occupations, as defined in section 10.01(25).

(d) Uses and buildings, clearly incidental and necessary to permit use on the premises.

(e) Community living arrangements for less than nine (9) persons.

(f) Foster homes for less than five (5) children licensed under section 48.62, Wis. Stats.

(2) *Conditional uses permitted in the R-1 Residence District.* (a) Daycare centers.

(b) Community living arrangements for nine (9) or more persons.

(c) Cemeteries.

(d) Governmental uses.

(e) Private club houses and fraternity houses except when service is provided to the general public.

(f) Religious uses.

(g) Dependency living arrangements.

- (h) Schools.
- (3) *Building height limit.* (a) For residential dwelling two and one-half (2-½) stories or 35 feet.
- (b) Accessory buildings shall not exceed 12 feet in height.
- (4) *Lot width and area.* (a) Unsewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.
- (b) Sewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 15,000 square feet.
- (5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot.
- (6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the requirements of section 10.17.
- (7) *Side yard requirements.* There shall be total side yards of not less than 25 feet and no single side yard shall be less than 10 feet.
- (8) *Rear yard requirements.* The minimum depth of any rear yard shall be 50 feet.
- (9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
- [History: (2)(h) cr., OA 16, 1997-98, pub. 03/03/98; (9) cr., OA 39, 1997-98, pub. 08/17/98.]

- 10.051 R-1A RESIDENCE DISTRICT.** (1) All uses permitted in the R-1 Residence District.
- (2) *Conditional uses.* All conditional uses permitted in the R-1 Residence District.
- (3) *Building height limit.* Shall be the same as the R-1 Residence District.
- (4) *Lot width and area.* Lots shall be not less than 100 feet in width at the building setback line and have an area of not less than one (1) acre.
- (5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 20 percent (20%) of an interior lot or 25 percent (25%) of the area of a corner lot.
- (6) *Setback requirements.* Setback from the front lot line or highway right-of-way lines shall conform to the requirements of section 10.17.
- (7) *Side yard requirements.* Shall be the same as for the R-1 Residence District.
- (8) *Rear yard requirements.* Shall be the same as for the R-1 Residence District.
- (9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
- [History: (9) cr., OA 39, 1997-98, pub. 08/17/98.]

- 10.06 R-2 RESIDENCE DISTRICT.** (1) *Permitted uses.* All uses permitted in the R-1 Residence District.
- (2) *Conditional uses permitted in the R-1 Residence District.* All conditional uses permitted in the R-1 Residence District.
- (3) *Building height limit.* (a) Residential dwelling, two and one-half (2½) stories or 35 feet.
- (b) Accessory buildings shall not exceed 12 feet in height.
- (4) *Lot width area.* (a) Unsewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.
- (b) Sewered lots shall be not less than 75 feet in width at the building setback line and have an area of not less than 10,000 square feet.
- (5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 35 percent (35%) of the area of an interior lot or 40 percent (40%) of the area of a corner lot.
- (6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the requirements of section 10.17.
- (7) *Side yard requirements.* The minimum width of any side yard shall be 10 feet.
- (8) *Rear yard requirements.* The minimum depth of any rear yard shall be 35 feet.
- (9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
- [History: (9) cr., OA 39, 1997-98, pub. 08/17/98.]

- 10.07 R-3 RESIDENCE DISTRICT.** (1) *Permitted uses.* All uses permitted in the R-1 Residence District.
- (2) *Conditional uses permitted in the R-3 Residence District.* All conditional uses permitted in the R-1 Resident District.
- (3) *Building height limit.* (a) For a residential dwelling two and one-half (2-½) stories or 35 feet.
- (b) Accessory buildings shall not exceed 12 feet in height.
- (4) *Lot width and area.* (a) Unsewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.
- (b) Sewered lots shall be not less than 60 feet in width at the building setback line and have an area of not less than 8,000 square feet.
- (5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 35 percent (35%) of the area of an interior lot or 40 percent (40%) of the area of a corner lot.

(6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the provisions of section 10.17.

(7) *Side yard requirements.* The minimum width of any side yard shall be 10 feet.

(8) *Rear yard requirements.* The minimum depth of any rear yard shall be 25 feet.

(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (9) cr., OA 39, 1997-98, pub. 08/17/98.]

10.071 R-3A RESIDENCE DISTRICT. (1) *Permitted uses.* (a) All uses permitted in the R-1 Residence District.

(b) Duplexes.

(2) *Conditional uses permitted in the R-3A Residence District.* All conditional uses permitted in the R-1 Residence District.

(3) *Building height limit.* (a) Residential dwellings, two and one-half (2-½) stories or 35 feet.

(b) Accessory buildings shall not exceed 12 feet in height.

(4) *Lot width and area.* (a) Unsewered lots for both single family and duplex dwellings shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.

(b) Sewered lots for single family dwellings shall be not less than 60 feet in width at the building setback line and have an area of not less than 8,000 square feet.

(c) Sewered lots for duplex dwellings shall be not less than 75 feet in width at the building setback line and have an area of not less than 10,000 square feet.

(5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot.

(6) *Setback requirements.* Setback from front lot line or highway right-of-way line shall conform to the requirements of section 10.17.

(7) *Side yard requirements.* The minimum width of any side yard shall be 10 feet.

(8) *Rear yard requirements.* (a) For single family dwellings, the minimum depth of any rear yard shall be 25 feet.

(b) For duplex dwellings, the minimum depth of any rear yard shall be 35 feet.

(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (9) am., OA 39, 1997-98, pub. 08/17/98; (4)(c) am., OA 3, 2000-01, pub. 10/19/00.]

10.08 R-4 RESIDENCE DISTRICT. (1) *Permitted uses.* (a) All uses permitted in the R-3A Residence District.

(b) Multiple family dwellings, condominiums.

(c) Community living arrangements for from nine (9) to fifteen (15) persons.

(2) *Conditional uses permitted in the R-4 Residence District.* (a) All conditional uses permitted in the R-1 Residence District, except community living arrangements for from nine (9) to fifteen (15) persons.

(b) Nursing homes, extended care facilities, hospitals, medical clinics, veterinary clinics, professional offices, community living arrangements for more than fifteen (15) persons.

(c) Mobile home parks subject to special conditions as provided for in section 10.08(10).

(3) *Building height limit.* (a) Single family and duplex dwellings, two and one-half (2-½) stories or 35 feet.

(b) Multiple family dwellings, 4 stories.

(c) Accessory buildings shall not exceed twelve (12) feet in height.

(4) *Lot width and area.* (a) Unsewered lots for single family, duplex dwellings and multiple family dwellings shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.

(b) Sewered lots.

1. Lots for single family and duplex dwelling units shall be the same as the R-3A Residence District.

2. Lots for multiple family dwellings shall be not less than 60 feet in width at the building setback line and have an area of not less than 8,000 square feet.

(5) *Lot area and coverage.* (a) For single family and duplex dwellings the *lot coverage* shall be the same as for R-3A Residence District.

(b) Unsewered lots for multiple family dwellings shall provide a minimum of 5,000 square feet of lot area for each dwelling unit.

(c) Sewered lots for multiple family dwellings shall provide a minimum of 2,000 square feet of lot area for each efficiency, one bedroom and two bedroom dwelling unit and a minimum of 2,250 square feet of lot area for each three bedroom or more dwelling units. If a building contains a mixture of efficiency, one and two bedroom and three or more bedroom dwelling units the lot area requirements shall be pro-rated. In computing lot areas for multiple family dwelling complexes, private roads, driveways, parking areas, recreational areas common to all of the buildings in the complex shall be

considered as part of the total area of the complex.

(6) Setback and front yard requirements. (a) Setback from both the front lot line and any road right-of-way lines shall conform to the requirements of section 10.17 of this ordinance.

(b) Private roads or driveways within a multiple family dwelling complex shall not be considered a road for determining setback.

(c) Multiple family dwelling buildings located in the interior of a complex shall provide a front yard of not less than 15 feet, each building shall be provided with its own front yard area irrespective of the yards required for other buildings.

(7) Side yard requirements. (a) For single family and duplex buildings the side yards shall be a minimum of 10 feet on each side.

(b) Multiple family dwelling buildings shall adhere to the following requirements:

1. Buildings which are 2 stories or less in height shall have a minimum 10 foot side yard on each side of the building.

2. Buildings which are more than 2 stories in height shall have side yards as follows:

a. If the side of a building does not include any windows for apartment dwellings a minimum side yard of 10 feet on that side is required.

b. If the side of a building does include windows for apartment dwellings an additional 5 feet of side yard for each story over 2 stories is required on that side.

3. Buildings located within a complex shall each be provided with their own side yard areas irrespective of the yards required for other buildings.

(8) Rear yard. (a) For single family dwellings and duplex buildings the rear yards shall be a minimum of 25 feet.

(b) For multiple family dwellings not exceeding 2 stories the rear yard shall be not less than 25 feet. For buildings exceeding 2 stories, the rear yard shall be increased by 5 feet for each story over 2 stories.

(9) Off-street parking. Off-street parking shall be provided as required in section 10.18.

(10) Mobile home parks. (a) Mobile home parks are also subject to the provisions of chapter ADM 65 of the Wis. Admin. Code and the more restrictive regulations shall apply.

(b) Each space or lot for the accommodation of a single mobile home shall contain not less than 3,000 square feet of area.

(c) There shall be at least 20 feet of spacing between mobile homes.

(cm) Notwithstanding par. (c), in mobile home parks established on or before May 31, 1998, there shall be at least 10 feet of spacing between mobile homes. Expansions of such parks after May 31, 1998, whether by increasing the land area of the park or by placing additional homes in the park, or both, shall comply with the 20 foot spacing standard of par. (c).

(d) Mobile homes shall not be located closer to a public road than provided for in section 10.17 of this ordinance.

(e) Each space or lot shall provide off-street parking as required in section 10.18.

(f) Each lot shall be landscaped with at least one fast growing tree of at least two (2) inches in diameter at ground level and two bushes or shrubs of at least three (3) feet in height. This requirement may be waived by the committee if, at the time of the application for a conditional use permit, a landscaping plan is submitted that utilizes topography, plantings of trees or shrubs and/or decorative fencing to provide a degree of privacy between lots.

(g) Each mobile home park shall provide a park and recreation area of at least ½ acre for each 50 or fraction of 50 lots in the park. The park and recreation area shall be located to provide easy access for all residents in the park. Additionally, the area shall be well drained to provide a clean and safe area for children to play and shall be equipped with a sufficient amount of playground equipment to accommodate the children living in the park.

(h) All interior roads and streets of a mobile home park shall conform to the standards for platted roads and streets as provided for in chapter 75, D. C. Ords., and shall be paved in accordance with the paving standards of the town in which the park is located.

(i) Coincidental with an application for a conditional use permit for a mobile home park, a preliminary map of the park shall be submitted, showing the proposed lot delineations, location of streets, access points to public roads, location of proposed buildings, park and recreational areas. A landscaping plan may also be submitted as provided for in section 10.08(10)(f).

(j) Upon the approval and before the issuance of a conditional use permit for a mobile home park, the owner shall furnish to Dane County six (6) copies of a map drawn to scale of the park showing the location of all interior roads, adjacent or abutting roads and points of access. Lots shall be clearly delineated and numbers assigned to each lot in sequence beginning with number 1.

(k) Spacing between mobile homes and accessory buildings shall be in accordance with Wis. Admin. Code ILHR 21.08(5), but in no case shall be less than five (5) feet.

(L) Spacing between mobile homes as set forth in paragraph (c) shall be exclusive of decks, cabanas and accessory buildings including sheds.

(m) Mobile homes may be removed and replaced in a mobile home park provided that replacement is in compliance with the regulations of this subsection applicable to the park.

[History: (6), (7) and (8) am., OA 30, 1991-92, pub. 04/22/92; (2)(c) and (10)(i) am., OA 16, 1996-97, pub. 01/16/97; (10)(a), (c) and (e) am. and (10)(k), (L) and (m) cr., OA 19, 1997-98, pub. 05/30/98, eff. 05/31/98.; (10)(e) am., OA 39, 1997-98, pub. 08/17/98; (10)(h) am., OA 3, 2000-01, pub. 10/19/00; (10)(c) am. and (cm) cr., OA 30, 2000-2001, pub. 06/21/01.]

10.09 RH-1 RURAL HOMES DISTRICT. (1) Permitted uses. (a) All uses permitted in the R-1 Residence District.

(b) Agricultural uses, the number of livestock kept on a zoning lot in the RH-1 District shall not exceed one animal unit for each full acre.

(c) Home occupations, as defined in section 10.01(25).

(d) Utility services.

(e) Uses and buildings, clearly incidental and necessary to a permitted use on the premises.

(2) *Conditional uses permitted in the RH-1 Rural Homes District. (a)* Day care centers.

(b) Community living arrangements for nine (9) or more persons.

(c) Governmental uses.

(d) Religious uses.

(e) Dependency living arrangements.

(f) Bed & breakfasts.

(g) Schools.

(3) *Building height limit.* Residential buildings shall not exceed two and one-half (2½) stories or 35 feet.

(4) *Lot width and area.* The minimum lot width shall be 150 feet to be measured at the front building line of a residence, also at the location of any accessory building for the housing of livestock. The minimum lot area shall be not less than 2 acres.

(5) *Lot coverage.* No residential building together with its accessory buildings shall cover in excess of 10% of the lot area.

(6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the requirements of section 10.17.

(7) *Side yard requirements. (a)* For residential buildings there shall be a total of 25 feet of side yards and no single side yard shall be less than 10 feet.

(b) Accessory buildings for the housing of livestock shall be located not less than 50 feet from any side lot line.

(c) Other accessory buildings shall be located not less than 10 feet from any side lot line.

(8) *Rear yard requirements. (a)* For residential buildings, the minimum rear yards shall be not less than 50 feet.

(b) Accessory buildings for the housing of livestock shall be located not less than 50 feet from any rear lot line.

(c) Other accessory buildings shall be located not less than 10 feet from any rear lot line.

(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (2)(f) cr., OA 2, 1995-96, eff. 09/12/95; (2)(g) cr., OA 16, 1997-98, pub. 03/03/98; (9) cr., OA 39, 1997-98, pub. 08/17/98.]

10.091 RH-2 RURAL HOMES DISTRICT. (1) Permitted uses. All uses permitted in the RH-1 Rural Homes District.

(2) *Conditional uses.* All conditional uses permitted in the RH-1 Rural Homes District.

(3) *Building height limit.* Shall be the same as the RH-1 Rural Homes District.

(4) *Lot width and area.* The minimum lot width shall be 150 feet to be measured at the front building line of a residence, also at the location of any accessory building for the housing of livestock. The minimum lot area shall be not less than 4 acres.

(5) *Lot coverage, setback, side yard and rear yard requirements* shall be the same as for the RH-1 Rural Homes District.

(6) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (6) cr., OA 39, 1997-98, pub. 08/17/98.]

10.092 RH-3 RURAL HOMES DISTRICT. (1) Permitted uses. All uses permitted in the RH-1 Rural Homes District.

(2) *Conditional uses.* All conditional uses permitted in the RH-1 Rural Homes District.

(3) *Building height limit.* Shall be the same as the RH-1 Rural Homes District.

(4) *Lot width and area.* The minimum lot width shall be 150 feet to be measured at the front building line of a residence, also at the location of any accessory building for the housing of livestock. The minimum lot area shall be not less than 8 acres.

(5) *Lot coverage, setback requirements, side yard requirements and rear yard requirements* shall be the same as the RH-1 Rural Homes District.

(6) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (1), (2), (3) and (4) am., OA 16, 1996-97, pub. 01/16/97; (6) cr., OA 39, 1997-98, pub. 08/17/98.]

10.093 RH-4 RURAL HOMES DISTRICT. (1) Permitted uses. All uses permitted in the RH-1 Rural Homes District.

(2) *Conditional uses.* All conditional uses permitted in the RH-1 Rural Homes District.

(3) *Building height limit.* Shall be the same as the RH-1 Rural Homes District.

(4) *Lot width and area.* The minimum lot width shall be 150 feet to be measured at the front building line of a residence, also at the location of any accessory building for the housing of livestock. The minimum lot area shall be not less than 16 acres.

(5) *Lot coverage, setback, side yard and rear yard requirements* shall be the same as for the RH-1 Rural Homes District.

(6) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (6) cr., OA 39, 1997-98, pub. 08/17/98.]

10.10 RE-1 RECREATIONAL DISTRICT. (1) Permitted uses. (a) Recreational facilities including, but not limited to, golf courses, golf driving ranges, tennis courts, archery ranges and baseball diamonds, provided that if located outside of a building they shall not be lighted to operate during the hours of darkness.

(b) Boat, canoe and snowmobile rental services.

(c) Sale of bait for fishing.

(d) Ski slopes and jumps, toboggan slides.

(e) Residences for an owner or caretaker of a permitted use in the RE-1 Recreational District.

(f) Uses incidental to the operation of any permitted use.

(g) Utility services.

(2) *Conditional uses permitted in the RE-1 Recreational District.* (a) Recreational camps, campgrounds and camping resorts along with the services and facilities necessary to serve the premises. All such camps shall comply with the standards established in Wis. Admin. Code, chapters H 75 and H 78, or as amended.

(b) Recreational facilities including, but not limited to, golf courses, golf driving ranges, tennis courts, archery ranges and baseball diamonds, that are located outside of a building

and are lighted to operate during the hours of darkness.

(c) Rental of residential buildings to someone other than an employee or caretaker on the premises.

(d) Sale of alcoholic beverages by the drink.

(e) Skeet, trap, rifle and pistol ranges.

(f) Private hunting and shooting preserves.

(g) Governmental uses.

(3) *Building height limit.* (a) For residential dwelling two and one-half (2½) stories or 35 feet.

(b) For other buildings and structures, four (4) stories or 50 feet.

(4) *Lot width and area.* A lot shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.

(5) *Building setback requirements.* Setback from front lot line or highway right-of-way line shall conform to the requirements of section 10.17.

(6) *Side yards.* (a) For single family residences for an owner or caretaker of a permitted or conditional use on the premises, the minimum side yard shall be not less than 10 feet.

(b) For buildings used for other permitted or conditional uses, the minimum side yard shall not be less than 10 feet except if the adjacent or abutting land is in a residence district, then the minimum side yard shall be not less than 50 feet.

(7) *Rear yards.* (a) For single family residences for an owner or caretaker of a permitted or conditional use on the premises, the minimum rear yard shall be not less than 25 feet.

(b) For buildings used for other permitted or conditional uses, the minimum rear yard shall be not less than 25 feet except if the adjacent or abutting land is in a residence district, the minimum rear yard shall be not less than 50 feet.

(8) *Off-street parking.* Off-street parking shall be provided as required by section 10.18.

(9) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(7) shall be complied with prior to the issuance of a Certificate of Compliance.

[History: (1)(e) and (9) am., OA 16, 1996-97, pub. 01/16/97.]

10.11 B-1 LOCAL BUSINESS DISTRICT. (1) Intent and purpose. The B-1 Local Business District is to provide a zoning district for retail businesses and services that do not include manufacturing or major assembly of items or products. Residential use is intended to be

limited, outside storage of items is restricted and landscaping of properties is required.

(2) Permitted uses. The following are permitted uses in the B-1 Local Business District:

(a) Retail sales or retail service businesses including related services but not including sales, servicing or repair of motor vehicles or any business or service for which the items offered for sale or which require service are stored, parked or displayed outside of a building, except as provided by this ordinance.

(b) Outdoor sales events limited to two (2) events per year. For purposes of this paragraph, a single event is one which is held on consecutive days of not more than ten (10) days in duration.

(c) Storage of items or materials incidental to an established retail or service use on the premises but not to serve any other business or location. Said storage shall be in an enclosed building or enclosed area as provided by section 10.16 of this ordinance. Mini-warehouses are considered to be warehousing and are not permitted in the B-1 Local Business District.

(d) Medical, dental and veterinary clinics.

(e) Banks, offices and office buildings.

(f) Utility services.

(g) Schools and educational facilities except truck driving or construction equipment operator schools.

(h) Recreational facilities affiliated with a permitted B-1 use and which are not lighted for night operation.

(i) Rental or lease of boat slips.

(j) Private clubs or organizations.

(k) Theaters and auditoriums.

(l) Crematoriums.

(3) Conditional uses permitted in the B-1 Local Business District. **(a)** Residential uses limited to apartments constructed as part of a building housing a permitted use in the B-1 District, multi-family dwellings and rooming or boarding houses.

(b) Buildings which have more than four (4) stories.

(c) Motels and hotels.

(d) Hospitals, nursing homes, convalescent centers, extended care facilities.

(e) Mobile home parks, subject to special conditions as provided for in section 10.08(10).

(f) Conference and convention centers.

(g) Governmental uses.

(h) Recreational facilities affiliated with a permitted B-1 use and lighted to operate at night.

(i) Outdoor sales events, other than as permitted by s. 10.11(2)(b), and which are limited to a specific duration.

(j) Buildings proposed to be more than four (4) stories in height.

(4) Building height limit. Building height shall be limited to the lesser of six (6) stories or 75 feet. A conditional use permit is required for buildings proposed to be over 4 stories in height.

(5) Area, frontage and population density regulations. **(a)** For parcels or sites to be used exclusively for business purposes, there is no minimum parcel width and no area limitations. Buildings shall not occupy in excess of 60 percent (60%) of the area of a parcel.

(b) Parcels or sites which will be used for multi-family residential purposes or for combined business and apartment uses shall not be less than 60 feet in width at the building setback line and shall provide parcel areas as follows:

1. On parcels not serviced by public sewer a minimum of 5,000 square feet of parcel area shall be provided for each apartment.

2. On parcels serviced by public sewer a minimum parcel area shall be provided as follows:

a. For each efficiency apartment and apartments which have one or two bedrooms a parcel area of 2,000 square feet shall be provided.

b. For each apartment containing three or more bedrooms a minimum of 2,250 square feet of parcel area shall be provided.

3. The setback, side yard, rear yard and parking space areas may be used to satisfy the required parcel area for apartments.

(6) Setback from road and front property line and front yard requirements. **(a)** Buildings in rural areas shall be set back from both the front lot line and any road right-of-way as provided by section 10.17 of this ordinance.

(b) Buildings in urban areas which are used strictly for commercial uses shall be set back from both the front lot line and any road right-of-way a minimum distance of 5 feet.

1. Buildings in urban areas which are used for residential uses or a combination of commercial and residential uses shall be set back from the front property line and any road right-of-way as provided by section 10.17 of this ordinance.

(c) Private roads or driveways within a multiple family dwelling or business building complex shall not be considered a road for determining setback.

(d) Buildings located in the interior of a complex shall provide a front yard of not less than 15 feet. Each building shall be provided with its own front yard area irrespective of the yards required for other buildings.

(7) Side yard requirements. **(a)** Buildings which are 2 stories or less in height shall have a minimum 10 foot side yard on each side of the building.

(b) Buildings which are more than 2 stories in height shall have side yards as follows:

1. If the side of a building does not include any windows for apartment dwellings or offices a minimum side yard of 10 feet on that side is required.

2. If the side of a building does include windows for apartment dwellings or offices an additional 5 feet of side yard for each story over 2 stories is required on that side.

(c) Buildings located within a complex shall each be provided with their own side yard areas irrespective of the yards required for other buildings.

(8) Rear yard area requirements.

(a) Buildings which are 2 stories or less in height shall have a minimum rear yard of 10 feet.

(b) Buildings which are more than 2 stories in height shall have rear yards as follows:

1. If the rear of a building does not include any windows for apartment dwellings or offices a minimum rear yard of 10 feet is required.

2. If the rear of a building does include windows for apartment dwellings or offices an additional 5 feet of rear yard for each story over 2 stories is required.

(c) Buildings located within a complex shall each be provided with their own rear yard areas irrespective of the yards required for other buildings.

(9) Off-street parking. Off-street parking space shall be provided in accordance with the provisions of section 10.18.

(10) Screening provisions. On lots adjacent to or abutting land in a residence district, screening shall be provided in accordance with the provisions of section 10.16(7).

(11) Landscaping. All properties on which new construction or expansion of use is proposed shall provide landscaping in accordance with section 10.16(7).

(12) Truck parking. Truck parking is subject to section 10.18(8) of this ordinance.

[History: (2)(i) cr., Zoning OA #3227, adopted 06/07/84; (2)(j) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (3)(i) cr., Zoning OA #3227, adopted 06/07/84; (3)(k) cr., OA 16, 1993-94, pub. 12/27/93; 10.11 am., Sub. 2 to OA 29, 1991-92, pub. 04/22/92; (1), (2) intro., (2)(c), (3)(a), (6), (10) and (11)

am., OA 16, 1996-97, pub. 01/16/97; (3)(a) am., OA 40, 1996-97, pub. 05/14/97; (12) am., OA 39, 1997-98, pub. 08/17/98; (3)(k) rep., OA 3, 1998-99, pub. 09/24/98; (2)(l) cr., OA 38, 2004-05, pub. 09/12/05.]

10.12 A-1 AGRICULTURE DISTRICT. (intro.)

This district is in effect only in those towns which have not elected to have the A-1 Exclusive Agriculture District apply in their towns.¹

(1)(a) The A-1 Agriculture District is generally for agricultural production and related uses. Residences and a variety of other non-farm uses are permitted. The district does not qualify for Farmland Preservation Credit.

(b) Applicability. This section shall apply to all towns within Dane County, except those which have elected to come under the provisions of section 10.123 of the Dane County Code of Ordinances, according to the procedure set forth therein.

(2) Permitted uses. **(a)** Single family detached dwelling units.

(b) Agricultural uses.

(c) Utility services.

(d) Home occupations, as defined in section 10.01(25).

(e) Day care for not more than 8 children.

(f) Accessory buildings.

1. Such buildings shall not be used for residential purposes or for the storage of goods or merchandise considered to be a dealer's inventory or for storage of machinery or equipment used off of the premises for other than agricultural purposes.

2. One accessory building may be built in the A-1 Agriculture District without the necessity of there being a residence on the property.

(g) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises is permitted. Such storage shall be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this ordinance.

(h) Sale of unprocessed agricultural products produced on the farm.

(i) Agricultural entertainment activities, not to exceed 45 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food. For any such activities planned or anticipated to have

¹As of January 1, 1997, the following towns have not elected to have the Exclusive Agricultural District apply in their towns: Bristol, Burke, Middleton and Springdale.

attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, town clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

(3) Conditional uses permitted in the A-1 Agriculture District. **(a)** Mineral extraction operations, asphalt plants, ready mix concrete plants.

1. Mineral extraction operations require a description of the operation, a site plan and a reclamation plan and are otherwise subject to s. 10.191.

(b) Radio, television transmitting towers, microwave towers, community television antenna installations including the buildings or structures necessary for their operation but not including buildings for offices, studios or the like.

(c) Buildings for private clubs, fraternities and associations, provided such facilities are open to members only and do not provide a service which would normally be provided as a business and that such buildings be located not less than 100 feet from any lot in a residence district.

(d) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites. These shall also comply with section 60.72 of the Wis. Stats. and shall meet the minimum standards as adopted by the State Department of Natural Resources pursuant to sections 144.43 and 144.44 of the Wis. Stats.

(e) Cemeteries.

(f) Airports, landing strips or landing fields together with accessory structures.

(g) Veterinary clinics and hospitals provided that such buildings be located not less than 100 feet from any lot in a residence district.

(h) Religious uses.

(i) Salvage recycling centers.

(j) Solid waste disposal operations.

(k) Governmental uses.

(L) Native wildlife rehabilitation facilities.

(m) Dependency living arrangements.

(n) Schools.

(o) Horse boarding stables, riding stables, hay and sleigh rides, horse shows and similar events.

(p) Limited family businesses subject to s. 10.192.

(q) Kennels.

(r) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.

(t) Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space.

(u) Retail sales of pet food, pet supplies and related items at a kennel facility. Said use shall be limited to a maximum of 100 square feet of floor space.

(v) Training of dogs at a dog kennel or training of horses at a horse boarding facility.

(w) Agricultural entertainment activities which are not a permitted use under sub. (2)(i).

(4) Building height limits. **(a)** Residential dwellings shall not exceed 2 1/2 stories or 35 feet in height.

(b) Residential accessory buildings shall not exceed 16 feet in height.

(c) Agricultural accessory buildings are not restricted as to height.

(5) Area, frontage and population density regulations. **(a)** For agricultural uses the area shall be not less than five (5) acres and the minimum width shall be two hundred fifty (250) feet, the width to be measured at the location of accessory farm buildings.

(b) For residential uses the lot width and area shall be the same as for the R-1 Residence District.

(c) For other permitted uses, no minimum width or area except for those uses for which special setback and side yards have been established.

(6) Setback requirements. No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer a highway than is prescribed by section 10.17.

(7) Side yard requirements. **(a)** Side yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(8) Rear yard requirements. (a) Rear yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages, hives, kennels and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(9) Off-street parking. Off-street parking shall be provided as required by section 10.18.

[**History:** 10.12 (entire) am., Sub 3 to OA 36, 1987-88, pub. 08/02/88; (3)(i) and (j) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (2)(g) renum. as (3)(s), OA 17, 1992-93, pub. 10/09/92; (7)(b) am., Sub. 1 to OA 31, 1992-93, pub. 04/14/93; 10.12 (entire) am., OA 9, 1993-94, pub. 04/20/94; (3)(t) am., OA 8, 1994-95, pub. 09/02/94; (3)(u) cr., OA 9, 1994-95, pub. 09/02/94; (3)(v) cr., OA 10, 1994-95, pub. 09/02/94; (Intro.), (3)(a)1., (7)(b) and (8)(b) am. and (3)(s) rep., OA 16, 1996-97, pub. 01/16/97; (3)(n) am., OA 16, 1997-98, pub. 03/03/98; (intro.) am., OA 3, 2000-01, pub. 10/19/00; reference to "Agriculture District (Exclusive)" changed to "Exclusive Agriculture District", Sub. 1 to OA 31, 2001-02, pub. 09/04/02, eff. 09/05/02; (2)(f)2. am., OA 5, 2003-04, pub. 12/23/03; (2)(h) and (i) and (3)(w) cr., Sub. 1 to OA 18, 2004-05, pub. 04/11/05.]

10.121 A-B AGRICULTURE BUSINESS DISTRICT.

(1) The A-B Agriculture-Business District is designed to provide for those uses which are commercial in nature; are associated with local agricultural production; require a rural location due to extensive land area needs or proximity of resources; and do not require urban services.

(2) Permitted uses. (a) Sales, service and repair of machinery and equipment used in farming.

(b) Sales distribution, mixing, blending and storage of feeds, seeds and fertilizer.

(c) Livestock and farm commodity trucking services.

(d) Processing and preserving of natural agricultural products, fruits and vegetables.

(e) Sales, service and repair of lawn and garden equipment.

(f) Sales and distribution of nursery stock and plants.

(g) Residential use for an owner of the business.

(h) Sales and service of small scale methane generating equipment and alcohol distilling

equipment that is designed for use in a farm operation.

(i) Sales and service of wind driven electrical generating equipment.

(3) Conditional uses. (a) Plant genetic laboratories, agricultural-related experimental laboratories;

(b) Dead stock hauling services;

(c) Sales or storage of agricultural byproducts;

(d) Stock yards, livestock auction facilities;

(e) Bio-diesel and ethanol manufacturing bio-power facilities;

(f) Manure processing facilities.

(4) Building height limit. (a) For buildings containing offices, sales rooms and service areas and residential buildings, the maximum height shall be two and one-half (2-½) stories or 35 feet.

(b) For all other buildings such as silos, bins and feed and seed storage facilities, no maximum height.

(5) Area and lot width. A lot shall be not less than 100 feet in width at the building setback line and have an area of at least 20,000 square feet.

(6) Density. Buildings shall not occupy more than sixty percent (60%) of the area of an interior or corner lot.

(7) Setback requirements. Buildings that are erected, altered or moved shall be set back not less than is prescribed in section 10.17.

(8) Side yard requirements. Ten (10) feet.

(9) Rear yard requirements. Ten (10) feet.

(10) Off-street parking. Off-street parking shall be provided as required by section 10.18.

[**History:** (1) and (3)(d) cr., Sub 3 to OA 36, 1987-88, pub. 08/02/88; 10.121 (entire) am., OA 9, 1993-94, pub. 04/20/94; (3)(e) and (f) cr., OA 9, 2006-07, pub. 02/26/07.]

10.123 A-1 EXCLUSIVE AGRICULTURE DISTRICT. (intro.)

This district is in effect in those towns which make the election under sub. (1)(c) below.²

(1)(a) Statement of purpose. The purposes of the A-1 Exclusive Agriculture District are to: preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service

²As of January 1, 1997, the following towns have made this election: Albion, Berry, Black Earth, Blooming Grove, Blue Mounds, Christiana, Cottage Grove, Cross Plains, Dane, Deerfield, Dunkirk, Dunn, Madison, Mazomanie, Medina, Montrose, Oregon, Perry, Pleasant Springs, Primrose, Roxbury, Rutland, Springfield, Sun Prairie, Vermont, Verona, Vienna, Westport, Windsor and York.

costs; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs for providing services to scattered non-farm uses; pace and shape urban growth; implement the provisions of the county agricultural plan when adopted and periodically revised; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under section 71.09(11) of the Wisconsin Statutes.

(b) Lands to be included within the A-1 Exclusive Agriculture District. This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation.

(c) Applicability. This section shall apply only to those towns which have filed a resolution with the county clerk indicating the election of the town to come under provisions of this district. Towns which have filed resolutions indicating acceptance of the exclusive agriculture district prior to the date of this amendment shall continue to be under the provision of this section.

(2) Permitted uses. (a) Agricultural uses.

(b) Any residence lawfully existing as of February, 20, 2010 shall be considered a permitted use. Notwithstanding the provisions of secs. 10.21 and 10.23 regarding nonconforming uses, such structure may be added to, altered, restored, repaired, replaced or reconstructed, without limitation, provided all of the following criteria are met:

1. the use remains residential,
2. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and
3. for replacement residences, the structure must be located within 100 feet of the original residence, unless site-specific limitations or town residential siting standards in town plans adopted by the county board require a greater distance. Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the relevant town board and county zoning committee.

(d) Rental of existing or secondary residences no longer utilized in the operation of the farm.

(e) Day care for not more than 8 children, provided day care operations take place within a residence permitted under s. 10.123(2)(b) or (3)(b).

(f) Utility services as defined in section 10.01(81) and small scale electric generating stations not requiring approval under section 196.941 of the Wis. Stats.

(g) Road side stands.

(h) Structures and improvements, such as but not limited to silos, barns, sheds, livestock shelters or storage sheds for farm equipment, that are accessory to a permitted agricultural use.

(i) Home occupations as defined in section 10.01(25) of this ordinance.

(j) Sale of unprocessed agricultural products produced on the farm.

(k) Agricultural entertainment activities, not to exceed 45 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, town clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

(L) Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on five days in a calendar year or less.

(3) Conditional uses in the A-1 Exclusive Agriculture District. (a) The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional use permit.

1. Standards applicable to conditional uses in the A-1 Exclusive Agriculture District. In passing applications for conditional use permits the committee shall make a finding as to whether the use is necessary in light of alternative locations and consider the following relevant factors:

a. The statement of purposes of the zoning ordinance and the A-1 District.

- b. The potential for conflict with agricultural use.
- c. Compatibility with existing or permitted use on adjacent lands.
- d. The productivity of the lands involved.
- e. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- f. The need for public services created by the proposed use.
- g. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- h. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.
- (b) Residence for the farm owner and operator. Substantial income, as defined in section 10.123(11), must be derived from the farm operation.
- (bm) On parcels with a primary residence permitted under s. 10.123(2)(b) or (3)(b), secondary farm residences which are occupied by a person who, or a family at least one member of which, earns a minimum of 20% of his or her livelihood from farm operations on the farm.
- (br) On parcels with a primary residence permitted under s. 10.123(2)(b) or (3)(b), single family dwellings or mobile homes occupied by parents or children of the farm operator and including dependency living arrangements. Farm operator means a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the farm, as defined in section 10.123(11).
- (c) Governmental uses.
- (d) Religious uses.
- (e) Limited family businesses in existing structures, subject to s. 10.192.
- (f) Schools.
- (g) Farm family businesses for horse boarding stables, riding stables, hay and sleigh rides, that comply with Wis. Stats. s. 91.75(8).
- (h) Non-metallic mineral extraction operations that comply with s. 91.75(9), Stats., section 10.191 and chapter 74, as applicable. The application shall include a description of the operation, a site plan and a reclamation plan.
- (i) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.
- (j) Asphalt plants or ready-mix concrete plants for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.
- (k) Farm family business for retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space and shall comply with Wis. Stats. s. 91.75(8).
- (L) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this ordinance.
- (m) Agricultural entertainment activities which are not a permitted use under sub. (2)(k).
- (4) *Building height limits.* (a) Residential dwellings shall not exceed 2 1/2 stories or 35 feet in height.
- (b) Residential accessory buildings shall not exceed 16 feet in height.
- (c) For agricultural accessory buildings there is no limitation on height.
- (5) *Area, frontage and population density regulations.* (a) The minimum lot size is 35 acres.
- (6) *Setback requirements.* No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.
- (7) *Side yard requirements.* (a) Side yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.
- (b) Accessory buildings, cages or hives for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.
- (8) *Rear yard requirements.* (a) Rear yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.
- (b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except

with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(9) General provisions applicable to the A-1 Exclusive Agriculture District. In addition to the conditions provided for in sections 10.16(1) through (6a) the following additional conditions shall apply:

(a) Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which was received for review by the agency prior to the effective date of A-1 Exclusive Agriculture zoning, was approved and recorded, shall have the same status as pre-existing lots as defined in section 10.16(3)(a).

(b) Residential and residential accessory buildings on parcels of less than 35 acres in the A-1 Exclusive Agriculture District shall comply with the standards of section 10.05(4).

(c) The keeping or raising of livestock is not permitted on parcels in the A-1 Exclusive Agriculture District which have an area of less than 5 acres.

(d) Any residential building or its accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt provided the locational requirements of the R-1 Residence District are complied with.

(e) The provisions of section 10.16(1)(b)1. pertaining to real estate offices do not apply to lands in this district.

(f) Any permitted or conditional use in the A-1 Exclusive Agriculture District must be consistent with agricultural use as defined in s. 91.01, Wis. Stats.

(10) Rezoning of land in the A-1 Exclusive Agriculture District. No land in the Exclusive Agriculture District shall be rezoned except in accordance with s. 91.77, Wis. Stats.

(11) Substantial income required for residential uses allowed as a conditional use.

(a) Applicants for a Conditional Use Permit for a primary farm residence under section 10.123(3)(b) must provide evidence to the Town Board and County Zoning Committee that substantial income totaling a minimum of \$10,400 gross farm income / year for the past three (3) years is currently derived from the farming operation on the farm where the residential use is proposed. Rental income may not be used to meet the income requirement.

The following information must be submitted with a CUP application for a residential use in the A-1EX district:

1. Written description of the farm operation. The description should include the following details:

a. Location of the farm

b. Size of the farm operation in acres

c. Crops grown and/or livestock raised

d. Number of employees, if any, in addition to farm family members

e. Summary of farm income derived from the farm operation.

2. Completed IRS form "Schedule F – Profit or Loss from Farming" for the past 3 tax years.

3. Farm conservation plan obtained from the Land Conservation Division of the Dane County Land & Water Resources Department. All active farms in Dane County have a farm conservation plan detailing the types/location of crops grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer strips, etc.).

4. Map / site plan with aerial photograph showing the farm ownership boundaries. The map should clearly identify the location of the proposed new homesite and driveway access.

(b) The Zoning Committee shall include a "sunset" provision on any CUP for a residential use issued after December 17, 2009 in the A-1EX district stating that the CUP shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.

(c) Any Conditional Use Permit found to be in violation of this section may be revoked by the Zoning Committee, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.

(d) The Zoning Committee shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph (b) and (c) of this section.

[History: 10.123 am., OA 9, 1993-94, pub. 04/20/94; (3)(L) cr., OA 8, 1994-95, pub. 09/02/94; (intro.), (7)(b), (8)(b) and (9)(b) and (c) am. and (2)(bm) cr., OA 16, 1996-97, pub. 01/16/97; (3)(g) am., OA 16, 1997-98, pub. 03/03/98; (1)(a) and (b) and (2)(bm) am., and (9)(f) and (10) cr., OA 3, 2000-01, pub. 10/19/00; (2)(b) and (h), (3) and (5) am., Sub. 1 to OA 31, 2001-02, pub. 09/04/02, eff. 09/05/02; reference to "Agriculture District (Exclusive)" changed to "Exclusive Agriculture District", Sub. 1 to OA 31, 2001-02, pub. 09/04/02, eff. 09/05/02; (2)(j), (k) and (L) and (3)(m) cr., Sub. 1 to OA 18, 2004-05, pub. 04/11/05; (2)(b) and (e), (3)(b) am., (3)(bm) and (br), (11) cr., (2)(bm) and (c) rescinded, Sub. 1 to OA 21, 2009-10, pub. 02/19/10.]

10.126 A-2 AGRICULTURE DISTRICT. (1) *Statement of purpose.* The purpose of the A-2 Agriculture District is to provide for low density rural uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres.

(2) *Permitted uses.* (a) Agricultural uses.

(b) Single family detached residences.

(c) Utility services.

(d) Home occupations as defined in s. 10.01(25).

(e) Accessory buildings.

1. Accessory buildings include private garages and buildings clearly incidental to a permitted use of the premises. Such buildings shall not be used for residential purposes. The building shall not be used for the storage of goods or merchandise considered to be a dealer's inventory or for storage of machinery or equipment used off of the premises for other than agricultural purposes.

2. Accessory buildings may be built on parcels of land in the A-2 Agriculture District without the necessity of there being a residence on the property.

(3) *Conditional uses permitted in the A-2 Agriculture District.*

(a) Mineral extraction operations, asphalt plants, ready mix concrete plants.

1. Applications for mineral extraction operations require a description of the operation, a site plan and a reclamation plan, as provided for under section 10.191.

(b) Communication towers.

(c) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites shall also comply with section 60.72 of the Wis. Stats. and shall meet the minimum standards as adopted by the State Department of Natural Resources.

(d) Cemeteries.

(e) Airports, landing strips or landing fields together with accessory structures.

(f) Religious uses.

(g) Salvage recycling centers.

(h) Solid waste recycling centers.

(i) Dependency living arrangements.

(j) Governmental uses.

(k) Native wildlife rehabilitation facilities.

(L) Parking or storage of not more than two trucks, semi-tractors or semi-trailers which have a gross vehicle weight of over 12,000 lbs.

(m) Limited family businesses subject to s. 10.192.

(n) Schools.

(o) Kennels, horse boarding stables, riding stables, hay and sleigh rides, horse shows and similar events.

(p) Unlimited livestock on 3 to 16 acres.

(q) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.

(r) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those resident on the premises, this storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this chapter.

(s) Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space.

(t) Retail sales of pet food, pet supplies and related items at a kennel facility. Said use shall be limited to a maximum of 100 square feet of floor space.

(u) Training of dogs at a dog kennel or training of horses at a horse boarding facility.

(v) Storage of explosive materials in strict conformance with Wisconsin Administrative Code provisions regarding explosive materials.

(4) *Building height limits.*

(a) Residential dwellings shall not exceed 2½ stories or 35 feet in height.

(b) Residential accessory buildings shall not exceed 16 feet in height.

(c) For agricultural accessory buildings there is no limitation on height.

(5) *Area, frontage and population density regulations.*

(a) A-2 (1) = Minimum 1 acre.

A-2 (2) = Minimum 2 acres.

A-2 (4) = Minimum 4 acres.

A-2 (8) = Minimum 8 acres.

A-2 = Minimum 16 acres.

(b) *Keeping of livestock:*

1. On parcels of less than 2 acres the keeping of livestock is not permitted.

2. On parcels sized between 2 acres through 16 acres the keeping of livestock shall be limited to 1 animal unit per each full acre.

3. On parcels of more than 16 acres, there is no limit to the number of livestock that may be kept.

(c) Salvage recycling centers: Minimum area is three acres.

(d) For residential uses the lot width and area shall be the same as for the R-1 Residence District.

(e) For other permitted uses, there shall be no minimum width or area except for those uses for which special setback and side yard requirements have been established.

(6) Setback requirements. No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.

(7) Side yard requirements. (a) Side yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(8) Rear yard requirements. (a) Rear yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(9) Off-street parking. Off-street parking space shall be provided in accordance with the provision of section 10.18.

[History: (3)(k) cr., OA 29, 1988-89, pub. 03/29/89.; (3)(l) am., OA 20, 1989-90, pub. 02/27/90; (2)(b) and (c), (3)(b), (f) and (i) am. and (2)(j) renum. as (3)(m), OA 17, 1992-93, pub. 10/09/92; (8)(b) am., Sub. 1. to OA 31, 1992-93, pub. 04/14/93; (3)(b), (c) and (i) and (4) am., subs. (3)(m) through (q) cr., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (3)(g) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (2)(f) renum. as (3)(r), OA 17, 1992-93, pub. 10/09/92; (5)(b) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (5)(c) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (7)(b) am., Sub. 1 to OA 31, 1992-93, pub. 04/14/93; am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; 10.126 (entire) am., OA 9, 1993-94, pub. 04/20/94; (3)(s) cr., OA 8, 1994-95, pub. 09/02/94; (3)(t) cr., OA 9, 1994-95, pub. 09/02/94; (3)(u) cr., OA 10, 1994-95, pub.

09/02/94; (3)(a)1., (7)(b) and (8)(b) am., OA 16, 1996-97, pub. 01/16/97; (3)(b) am., OA 57, 1996-97, pub. 09/02/97; (3)(n) am., OA 16, 1997-98, pub. 03/03/98; (3)(v) cr., OA 22, 1999-2000, pub. 06/27/00; (5)(b) am., OA 3, 2000-01, pub. 10/19/00.]

10.127 A-3 AGRICULTURE DISTRICT. (1)

Statement of purpose. The purpose of the A-3 Agriculture District is to preserve, for an unspecified time period in agricultural and related open-space land uses, those lands generally located in proximity to developed areas within Dane County where urban expansion is inevitable and broadly in keeping with long time plans for development. It is intended that urban development be deferred in such areas until the appropriate authorities concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is also intended that the status of all areas in this district be reviewed by the appropriate authorities periodically in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of those areas to some other appropriate use district. Any such review will consider developments in keeping with the local and regional land use plans pursuant to section 10.255(1)(d).

(2) Permitted uses. All uses permitted in the A-1 Exclusive Agriculture District.

(3) Conditional uses permitted in the A-3 Agriculture District. All conditional uses permitted in the A-1 Exclusive Agriculture District.

(4) Building height limit. Building height shall be the same as for the A-1 Exclusive Agriculture District.

(5) Area, frontage and population density regulations. As per the A-1 Exclusive Agriculture District.

(6) Setback requirements. Setback requirements shall be the same as for the A-1 Exclusive Agriculture District.

(7) Side yard requirements. Side yard requirements shall be the same as for the A-1 Exclusive Agriculture District.

(8) Rear yard requirements. The minimum rear yard shall be the same as for the A-1 Exclusive Agriculture District.

(9) General provisions applicable to the A-3 Agriculture District shall be the same as for the A-1 Exclusive Agriculture District.

(10) Off-street parking. Off-street parking shall be provided as required in section 10.18.

[History: (8) and (9) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (8) and (9) am., OA 9, 1993-94, pub. 04/20/94; (6)

and (7) am., OA 16, 1996-97, pub. 01/16/97; (10) cr., OA 39, 1997-98, pub. 08/17/98; (2), (3), (4) and (5) am., OA 3, 2000-01, pub. 10/19/00.]

10.129 A-4 SMALL LOT AGRICULTURE DISTRICT. (1) *Statement of purpose.*

The purpose of the A-4 Small Lot Agriculture District is to preserve agricultural and open space uses on zoning lots between five (5) and thirty-five (35) acres in size. It is intended that the district be applied to areas where non-agricultural development would be incompatible with agricultural uses, premature or inconsistent with adopted land use or comprehensive plans.

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

(a) *Agricultural uses.* The keeping of livestock shall be limited to one (1) animal unit per each full acre.

(b) *Utility services.*

(c) *Road side stands.*

(d) *Farm accessory buildings* such as, but not limited to, silos, barns, sheds, livestock shelters or storage sheds for farm equipment that are accessory to a permitted agricultural use.

(e) *Sale of unprocessed agricultural products* produced on the farm.

(f) *Farm related exhibitions, sales or events* such as auctions, dairy breakfasts, exhibition of farm machinery and technology, agricultural association meetings and similar activities, occurring on five or fewer days in a calendar year.

(3) *Conditional uses.* The following uses require a Conditional Use Permit in this district:

(a) *Governmental uses.*

(b) *Religious uses.*

(c) *Schools.*

(d) *The seasonal storage of recreational equipment and motor vehicles* owned by private individuals, such storage to be in existing farm accessory buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this ordinance.

(e) *Sale of agricultural and dairy products* not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

(f) *Unlimited livestock on parcels* over five (5) acres in size.

(g) *Agricultural entertainment activities*, not to exceed 45 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food. For any such activities planned or anticipated to have

attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, town clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

(4) *Building height limits.* Building height limits shall be the same as those within the A-1 Exclusive Agriculture District.

(5) *Area, frontage and population density regulations.* (a) The minimum lot area shall be not less than 5 acres.

(b) The maximum lot area shall be not greater than 35 acres.

(6) *Setback requirements.* Setback requirements shall be the same as those within the A-1 Exclusive Agriculture District.

(7) *Side yard requirements.* Side yard requirements shall be the same as those within the A-1 Exclusive Agriculture District. [Side yards for accessory buildings, cages, or hives housing animals or insects shall be at least 100 feet from any residence (R) district.]

(8) *Rear yard requirements.* Rear yard requirements shall be the same as those within the A-1 Exclusive Agriculture District. [Rear yards for accessory buildings, cages, or hives housing animals or insects shall be at least 100 feet from any residence (R) district.]

(9) *General provisions applicable to the A-4 district.* In addition to the conditions provided for in sections 10.16(1) through (6)(a), the following additional conditions shall apply:

(a) Any farm accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt in the same location, even though such location may not comply with the setback requirements of this section.

(b) The provisions of section 10.16(1)(b)1. pertaining to real estate offices do not apply to lands in this district.

(c) Any permitted or conditional use in the A-4 Agriculture District must be consistent with agricultural use as defined in s. 91.01, Wis. Stats.

[History: cr., OA 21, 2008-09, pub. 02/05/09.]

10.13 C-1 COMMERCIAL DISTRICT. (1)

Permitted uses. (a) Retail and service uses including, but not limited to, grocery stores, drugstores, hardware stores, appliance and furniture stores, barbershops and beauty shops without limitation as to size.

(b) Self service laundries and dry cleaning establishments.

(c) Warehousing and storage incidental to a permitted use on the premises. Mini-warehouses are excluded from use in this (C-1) district.

(d) Medical, dental and veterinary clinics.

(e) Banks, offices, office buildings and condominium office buildings devoting not more than two (2) floors to office space.

(f) Utility services.

(g) Rooming and boarding houses.

(h) Bakeries, printing plants, laundries, dry cleaning plants.

(i) Distribution centers and wholesale businesses.

(j) Woodworking shops, machine shops, manufacturing and assembly plants.

(k) Bicycle sales and service.

(L) Rental businesses, except for motor vehicles and construction machinery and equipment.

(m) Experimental laboratories not to exceed 5,000 square feet of floor area.

(o) Sales and repair of lawn and garden equipment.

(p) Games such as horseshoes, volleyball or similar activities not lighted for night operation.

(q) Marinas.

(r) Off-site parking of motor vehicles as provided in section 10.18(3)(c).

(s) Crematoriums.

(t) All uses permitted in the LC-1 Limited Commercial District.

(2) *Conditional uses permitted in the C-1 Commercial District.*

(a) Single family residences, duplexes, multi-family residences.

(b) Banks, offices, office buildings and condominium office buildings devoting more than two (2) floors to office space.

(c) Motels, hotels, taverns, funeral homes and drive-in establishments.

(d) Hospitals, veterinary hospitals, nursing homes, convalescent centers, extended care facilities.

(e) Mobile home parks, subject to special conditions as provided for in s. 10.08(10).

(f) Outdoor amusement parks or other entertainment activity that is open to the public on either a permanent or temporary basis.

(g) Indoor or outdoor movie theater.

(h) Automobile laundries, car wash facilities.

(i) Dog and cat boarding kennels, grooming and training facilities.

(j) Communication towers.

(k) Storage of motor vehicles awaiting disposition either as abandoned vehicles or for the settlement of an insurance claim.

(m) Governmental uses.

(n) Agricultural uses.

(o) Games such as horseshoes, volleyball or similar activities lighted to operate at night.

(3) *Building height limit.* (a) For business buildings, including offices, the maximum building height shall be four (4) stories, provided, however, that a conditional use permit shall be required for any building that provides more than two (2) stories devoted to office space.

(b) Lots or building sites for residential purposes or for combined business and residential uses shall comply with the requirements of the R-4 Residence District.

(4) *Area, frontage and population density regulations.* Area, frontage and population density regulations shall be the same as for the B-1 Local Business District.

(5) *Setback requirements.* Setback from front lot line or highway right-of-way shall comply with the provisions of section 10.17.

(6) *Side yard requirements.* Side yard requirements shall be the same as for the B-1 Local Business District.

(7) *Rear yard requirements.* (a) For buildings to be used exclusively for business purposes the minimum depth of any rear yard shall be 10 feet.

(b) For residential buildings, or buildings combining residential and business uses, the minimum depth of any rear yard shall be 25 feet.

(8) *Off-street parking.* Off-street parking space shall be provided in accordance with the provisions of section 10.18.

(9) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(8) shall be complied with prior to the issuance of a certificate of compliance.

[History: (1)(q) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (1)(c) am., OA 1, 1994-95, pub. 09/02/94; (2)(c) and (3)(a) am., OA 16, 1996-97, pub. 01/16/97; (2)(j) am., OA 57, 1996-97, pub. 09/02/97; (1)(r) cr., OA 39, 1997-98, pub. 08/17/98; (8) am., OA 3, 2000-01, pub. 10/19/00; (1)(s) cr., OA 38, 2004-05, pub. 09/12/05; (1)(t) cr., OA 27, 2005-06, pub. 05/16/06.]

(b) Off-trail use of snowmobiles, motorcycles and ATVs is permitted in the agriculture districts with the consent of the affected landowner.

(9) *Race events.* (a) Notwithstanding any other provision of this chapter, the zoning administrator is authorized to issue permits allowing snowmobile, ATV and motorcycle races and rallies in any agriculture district, provided that no permit shall be issued for a race or rally which is conducted by a commercial enterprise. Club-sponsored events are eligible for permits under this section.

(b) Only one permit may be issued in any one calendar year and then only for an event to be conducted on consecutive days which shall not total more than 3.

(c) Application for the permit shall be made not less than 20 days prior to the scheduled event. The application shall contain a description of the course or track, its location, the landowner's name and address, the name of the sponsor and if an organization, its authorized representative and such other information as the zoning administrator may require. The zoning administrator shall notify the affected town clerk(s) of any application under this subsection. The town clerk(s) may in turn communicate any concerns of the town to the zoning administrator who shall take such concerns into account in imposing conditions on the permit.

(d) In deciding upon conditions to be imposed on a permit, if any, the zoning administrator shall take into account the public interest and welfare, together with the character of the neighborhood and any concerns expressed by the affected town(s). The permit shall be issued unless the zoning administrator determines that the event will cause an unreasonable disturbance to adjoining landowners or place an undue burden on local officials or law enforcement personnel.

(e) There shall be no fee for a permit under this subsection.

(f) The applicant may appeal denial of a permit to the committee which may affirm, reverse or modify, with conditions, the decision of the zoning administrator.

(10) This ordinance shall not be construed to regulate site approval for any particular structure, and towns are free to impose site approval requirements which are reasonably related to building permits, driveway permits and other lawful town land regulations.

[History: (1)(c)6. am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (4)(f) am. and (fm) and (fn) cr., Sub. 2 to OA 32, 1991-92, pub. 04/22/92; (8) and (9) cr., Sub. 2 to OA 19, 1995-96, eff. 02/25/96; (4)(a) am., OA 22, 1995-96, eff. 03/18/96; (2) am., OA 57, 1996-97, pub. 09/02/97; (10) cr.,

OA 4, 1997-98, pub. 12/16/97; (1)(c) and (d), renum. as s. 10.18(8) and (9), and (1)(e) and (f) relet. as (1)(c) and (d), OA 39, 1997-98, pub. 08/17/98; (4)(e) and (f) rep., (4)(fm) re-lettered as (4)(e) and as re-lettered, am., (4)(fn) re-lettered as (4)(f), and (6a) am., OA 9, 1998-99, pub. 02/02/99; (3)(b) am., OA 10, 1999-2000, pub. 04/20/00; (1)(d), (8)(b) and (9)(a) am., (2)(g) rep. & recr. as 10.255(2)(g), OA 3, 2000-01, pub. 10/19/00; (4)(a) am., OA 25, 2000-01, pub. 05/15/01.]

10.17 SETBACK REGULATIONS. For the purpose of determining the distance buildings and other structures shall be setback from streets and highways, the streets and highways in Dane County are divided into the following classes:

(1) *Class A highways.* (a) All state and federal highways are hereby classified class A highways.

(b) The setback line for a class A highway shall be 100 feet from the centerline of the highway right-of-way or 42 feet from the right-of-way line, whichever is greater.

(c) Service roads to class A highways a distance of 100 feet from the centerline of said highways shall be considered class C, D or E highways for the purpose of determining the setback along said service roads.

(2) *Class B highways.* (a) All county trunks except as otherwise provided, are hereby designated class B highways. For the purpose of this ordinance any road will be considered as a county trunk after it has been placed on the county trunk system by the county board and approved by the state highway commission.

(b) The setback from class B highways shall be 75 feet from the centerline of any highway right-of-way or 42 feet from the right-of-way, whichever is greater.

(3) *Class C highways.* (a) All town roads not included within the boundaries of a recorded subdivision or plat are hereby designated class C highways.

(b) The setback from class C highways shall be 63 feet from the centerline of such highway right-of-way or 30 feet from the right-of-way line, whichever is greater; provided, however, that in the case of a service road, contiguous to the right-of-way of a main highway, where buildings can be built on only one (1) side of such service road, the minimum setback shall be 30 feet, regardless of the width of such service road, and provided, further, that if such service road shall be a street in a platted subdivision, then the setback provisions governing such platted street shall apply.

(4) *Class D highways.* (a) Roads and streets in subdivisions platted prior to the adoption of

this ordinance, except those designated class A or class B highways, are hereby designated as class D highways.

(b) For all class D highways setback lines are hereby established, parallel to and distant 20 feet from the right-of-way line or front lot line.

(5) *Class E highways.* (a) All streets, highways and roads not otherwise classified are hereby designated class E highways.

(b) For all class E highways setback lines are hereby established, parallel to and distant 30 feet from the right-of-way or front lot line.

10.18 OFF-STREET PARKING AND

LOADING. (1) *Purpose.* The purpose of this section is to provide off-street vehicle parking, loading and circulation standards sufficient to prevent congestion of public rights-of-way and provide safe and efficient public access to properties, while minimizing the impact of off-street parking areas on nearby properties and the natural environment.

(2) *Applicability.* In all districts, in connection with all uses, at the time any new structure is erected, any use of a structure or land is enlarged or increased in intensity, or any other use or change of use is established, off-street parking, loading and circulation areas shall be provided and located in accordance with the requirements of this section. Off-street parking areas in existence as of the effective date of this ordinance shall not hereafter be reduced below or further below the requirements for a similar new building or use.

(3) *General provisions.* (a) A scaled and dimensioned parking, loading and circulation plan shall be included within a development plan submitted to and approved by the zoning administrator prior to issuance of a zoning permit for construction or expansion of any use. When a use requires a conditional use permit, such plan shall be submitted with the application for the conditional use.

(b) No areas designated for parking, loading or circulation may be used for any other purposes. Required parking spaces shall be used solely for the parking of licensed automobiles of occupants, patrons and employees and licensed service vehicles.

(c) All parking spaces required to serve buildings erected or uses established shall be located on the same zoning lot as the building or use served, except that parking may be located off-site on another zoning lot provided all of the following criteria are satisfied:

1. Off-site parking shall be located only in the C-1, C-2, M-1 and EXP-1 districts.

2. The zoning lots including the principal use and off-site parking shall be located no farther than 500 feet from one another;

3. Adequate pedestrian connection and directional signage between the sites exists or shall be provided;

4. The continued availability of such off-site parking areas, necessary to meet the requirements of this section, shall be ensured by an agreement among all involved property owners describing the rights and limitations of all property owners and businesses. Such agreement shall bind all heirs, successors and assigns of each owner and shall be approved by the zoning administrator before being recorded with the register of deeds.

5. Off-site parking areas shall be subject to the same design standards as on-site parking areas.

(d) The parking or storage of motor vehicles provided for in section 10.18(8) shall not occur within parking spaces otherwise required by this section.

(4) *Design standards.* (a) *Access.* Adequate ingress and egress to parking and loading areas by means of clearly limited and defined drives shall be provided. Access drives shall be perpendicular to the public right-of-way wherever possible. Access drives shall be spaced a safe distance from street intersections and each other, shall not be located within vision corners, and may be limited in number and location according to applicable local, county, state and federal standards.

(b) *Surfacing.* Within urban service areas, except for single family residences, duplexes and mobile homes: all parking areas, loading areas, driveways and circulation areas shall be paved with a hard, all-weather surface such as asphalt, concrete, Portland cement or brick. Outside of urban service areas and for single family residences, duplexes and mobile homes: gravel surfacing is also permitted unless otherwise restricted by town ordinance, and grass surfacing may be permitted for seasonal parking only. *Seasonal* means limited to a period no longer than six months in a twelve month period, or related to a unique or annually occurring event or condition of limited duration. All parking areas shall be maintained in a smooth and dust free condition.

(c) *Dimensions of parking spaces.* Perpendicular (90-degree) parking is encouraged. Each required off-street parking space shall have a stall width of at least 8 feet

for 90-degree and parallel parking and 9 feet for angle parking, and a stall length of at least 17 feet for 90-degree and angle parking and 23 feet for parallel parking. Parking for people with disabilities shall be provided at a size, number, location and with signage as specified by state and federal regulations, in addition to those spaces required in section 10.18(5). All spaces on hard-surfaced lots shall be striped.

(d) Circulation. Minimum width of internal aisles providing two-way traffic access to parking spaces shall be 24 feet. Minimum width of internal aisles providing one-way traffic access to spaces shall be as follows: 10 feet for parallel (0-degree) to 45-degree parking, 16 feet for 46 degree to 60 degree parking, and 20 feet for 61 to 90 degree parking. Two-way traffic aisles shall not be permitted to serve angle parking. Directional marking or signage, or both, shall be provided where required to facilitate safe, efficient circulation. Uses with drive-through facilities shall provide sufficient space on-site for all vehicles queuing to be served by or otherwise waiting to do business at the facility. Such queuing space shall not interfere with the use or operation of parking spaces, circulation aisles, access drives, entrances or public roads.

(e) Loading areas. Uses which involve deliveries or removal of goods, materials, supplies or waste by truck shall provide adequate off-street loading and unloading facilities on the same lot as the principal use. Space reserved for loading and unloading shall not be used for off-street parking spaces or vehicle circulation. For such uses located in buildings with over 10,000 square feet of gross floor area, at least one loading berth shall be provided. Each off-street loading berth shall have a width of at least 10 feet and a length of at least 50 feet, and shall be located no closer than 30 feet from any residence district.

(f) Drainage. Suitable grading and drainage shall be provided to collect and transmit stormwater to appropriate retention or detention basins, drainageways, ditches or storm sewers.

(g) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from adjacent properties and public rights-of-way.

(h) Setbacks. Parking, loading and circulation areas may be provided within required front setbacks and side and rear yards. Areas for parking, loading and circulation shall be a minimum of three feet from all property lines, except where this requirement prohibits a proposed joint driveway or proposed shared parking.

(i) Screening and landscaping. Screening shall be provided in accordance with specifications in section 10.16(7) where parking, loading or internal circulation areas adjoin residence districts. All hard-surfaced and graveled parking, loading and circulation areas with 10 or more spaces shall be provided with accessory landscape areas totaling not less than five percent of the surfaced area. Such landscaping shall consist primarily of trees, bushes and shrubs. Landscaping may be planted internal to the parking area itself within islands or around the immediate perimeter and shall be reasonably distributed. Landscaping shall be protected from damage by vehicles and shall be replaced if damaged or killed.

(5) Required off-street parking spaces. Minimum off-street parking spaces serving uses hereinafter designated shall be provided as follows:

(a) Airport; auction house; conference, convention or exhibition center; salvage recycling center: Spaces in adequate number to serve the public and employees.

(b) Auto sales: One space per 1,000 square feet of occupiable floor area and outdoor display area.

(c) Bank, office: One space per 300 square feet of occupiable floor area.

(d) Bed and breakfast, boarding or rooming house, community living arrangement, hotel and motel: One space per lodging room and two spaces for owner/manager, plus 50 percent of the requirement for any other associated use. For community living arrangements, parking spaces need not be provided for residents who do not have drivers licenses.

(e) Bowling center: Four parking spaces per alley, plus the requirement for any other associated use. Measurements for any associated use shall not include any area to the alley side of bowling scorers' tables, unless there are other areas for public access behind the alleys.

(f) Carpet store, furniture store: One space per 800 square feet of occupiable floor area.

(g) Church, theater: One space per 6 seats.

(h) Day care: One space per 6 children.

(i) Contractor business, fire or police station, mineral extraction operation: One space per 1.3 employees on the largest shift plus one space per service vehicle.

(j) Funeral home: One space per 100 square feet of occupiable floor area.

Jefferson
County

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11.04 ZONING DISTRICTS

(a) Establishment of Districts.

1. The Zoning Districts are provided as follows:

- a. R-1 Residential - Sewered
- b. R-2 Residential - Unsewered
- c. B-Business
- d. I-Industrial
- e. A-1 Exclusive Agricultural (2-8-00, Ord. No. 99-28.)
- f. A-2 Agricultural Business (2-8-00, Ord. No. 99-28.)
- g. A-3 Agricultural/Rural Residential (2-8-00, Ord. No. 99-28.)
- h. C-Community
- i. W-Waterfront
- j. S-Shoreland-Wetland (Overlay Zone)
- k. N-Natural Resources
- l. R/R-Residential/Recreational

(Repealed and recreated 4-16-85, Ord. No. 85-4.)

2. Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Jefferson County, Wisconsin," which accompanies and is a part of this Ordinance. Such boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights of way or such lines extended; unless otherwise noted on the zoning map.

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

(b) Zoning Map. A certified copy of the zoning map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the County Board Chairman and the County Clerk and shall be on file in the office of the County Clerk.

(c) Rules for Interpretation of Zone Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

6. Boundaries indicated as parallel to or extension of features indicated in the preceding above shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

(d) Limited Number of Buildings. There shall be not more than one (1) principal dwelling structure and two (2) accessory structures, which include one (1) residential garage and one (1) residential accessory building on any lot in the R-1 and R-2 Residential, Community and Waterfront Districts. (11-10-09, Ord. 2009-19)

(e) Zone Regulations. No person shall use any land, building, or structure, or erect, construct, reconstruct, move or structurally alter a building, structure, or part thereof, except in conformance with the following regulations. All applicable sections of the Jefferson County Agricultural Preservation and Land Use Plan shall guide the determination of rezoning land to the following districts. (Amended 2-8-00, Ord. No. 99-28.)

(f) Zoning Controls.

1. R-1 – RESIDENTIAL – SEWERED (title – 2-14-84, Ord. No. 83-20.)

Purpose. To identify those areas where predominantly residential development has occurred or will be likely to occur within the urban service areas as described in the Jefferson County Agricultural and Land Use Plan. To protect residential neighborhoods by prohibiting uses which will not mix well with homes. (Amended 2-8-00, Ord. No. 99-28.)

Principal Uses. (12-21-82, Ord. No. 11)

- a. Single family detached home.
- b. Parks, conservancy areas.
- c. Group homes in single family dwellings, 8 or fewer occupants.

Accessory Uses. (12-21-82, Ord. No. 11.)

- a. Garage, residential.
- b. Residential accessory uses.
- c. Home occupations and professional home office. (Amended 4-16-85, Ord. No. 85-4.)
- d. Child care provided in a residence.
- e. Local utilities.
- f. Household pets. (Kennels separately defined, not included here.)

Conditional Uses. (12-21-82, Ord. No. 11.)

- a. Church.
- b. School.
- c. Mobile home on foundation.
- d. Mobile home park (including sales of mobile homes associated with park operation.
- e. Multiple dwelling unit structures, established as a planned development, with overall density not exceeding ten (10) dwelling units per acre. (Amended 4-16-85, Ord. 85-4.)
- f. Duplex.
- g. Rest home; nursing home.
- h. Day care centers.
- i. Group homes, 9 or more occupants.
- j. Extensive on-site parking or storage.
- k. Non-local utilities.
- l. Public and semi-public uses.
- m. Keeping of dogs as household pets on a non-commercial basis in excess of two per premises.

Minimum Lot Area. 8,000 square feet. 10,000 square feet - Shoreland Area.

Minimum Width. Eighty (80) feet.

Minimum Depth. Eighty (80) feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 25 feet. Side - 10 feet each.

Maximum Principal Building Height. Three (3) stories or thirty-five (35) feet. (4-21-87, Ord. 87-03.)

Maximum Accessory Building Height. Section 11.07(b)1. (4-21-87, Ord. 87-03.)

Maximum Lot Coverage By Buildings. Maximum lot coverage by principal and accessory structures not to exceed thirty (30) percent of existing lot area. (4-16-85, Ord. No. 85-4.)

2. R-2 - RESIDENTIAL - UNSEWERED (title - 2-14-84, Ord. No. 83-20)

Purpose. To identify non-farm residential areas not served by public sewer. To be applied only within the urban service areas and rural hamlet areas described in the Jefferson County Agricultural Preservation and Land Use Plan. To protect residential neighborhoods by prohibiting uses which will not mix well with the homes. (Amended 2-8-00, Ord. No. 99-28.)

Principal Uses. (12-21-82, Ord. No. 11)

- a. single family detached home.
- b. Parks, conservancy areas.
- c. Group homes in single family dwellings, 8 or fewer occupants.

Accessory Uses. (12-21-82, Ord. No. 11)

- a. Garage, residential.
- b. Residential accessory uses.
- c. Home occupations and professional home office.
- d. Child care provided in a residence.
- e. Local utilities.
- f. Household pets. (Kennels separately defined, not included here.)
- g. Growing of field crops.

Conditional Uses. (12-21-82, Ord. No. 11)

- a. Church.
- b. School.
- c. Mobile home on foundation.
- d. Mobile home park (including sales of mobile homes associated with park operation).
- e. Multiple dwelling unit structures, established as a planned development, with overall density not exceeding five dwelling units per acre.
- f. Duplex.
- g. Rest home; nursing home.
- h. Day care centers.
- i. Group homes, 9 or more occupants.
- j. Extensive on-site parking or storage.
- k. Non-local utilities.
- l. Public and semi-public uses.
- m. Keeping of dogs as household pets on a non-commercial basis in excess of two per premises.
- n. Raising/keeping of farm animals provided that parcels are at least 2 acres and provided that the number of animals will not exceed one animal unit per one acre. (Amended 2-8-00, Ord. No. 99-28.)
- o. Private airstrips when lands are adjacent to an FAA-approved airport.

Minimum Lot Area. Appendix A.

Minimum Width. One hundred (100) feet.

Minimum Depth. One hundred fifty (150) feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 40 feet. Side - 15 feet each.

Maximum Principal Building Height. Three (3) stories or thirty-five (35) feet. (4-21-87. Ord. No. 87-03.)

Maximum Accessory Building Height. Section 11.07(b)1. (4-21-87, Ord. No. 87.03.)

Maximum Lot Coverage By Buildings. Maximum lot coverage by principal and accessory structures not to exceed thirty (30) percent of existing lot area. (4-16-85, Ord. No. 85-04.)

3. **B – BUSINESS** (title – 2-14-84, Ord. 83-20.)

Purpose. To identify areas appropriate for non-agricultural commercial use outside the downtown and community business areas but located within the urban service areas as described in the Jefferson County Agricultural Preservation and Land Use Plan. (Amended 2-9-00, Ord. No. 99-28.)

Principal Uses. (12-21-82, Ord. No. 11.)

- a. General merchandise stores.
- b. Food stores.
- c. Building materials, hardware, garden supplies.
- d. Automotive dealers, mobile home dealers.
- e. Fuel dealers.
- f. Service stations and repair shops.
- g. Apparel and accessory stores.
- h. Furniture, home furnishings and equipment.
- i. General retail establishments.
- j. Finance, insurance and legal services.
- k. Real estate offices.
- l. Personal services establishments.
- m. Business services.
- n. Repair services.
- o. Business association offices.
- p. Civic, social and fraternal associations.
- q. Churches.
- r. Other professional services.
- s. Community buildings (local government owned).
- t. Community garages and storage facilities (local government owned).
- u. Communication services.
- v. First Amendment Protected Adult-Oriented Establishments [Created 06/21/05, Ord. No. 2005-10]

Accessory Uses. (12-21-82, Ord. No. 11.)

- a. Local utilities.
- b. R-1 Accessory Uses associated with a residence allowed in this district.

Conditional Uses. (12-21-82, Ord. No. 11.)

- a. Eating and drinking places.
- b. Hotels, motels.
- c. Movie theaters.
- d. Amusement and recreation facilities and services.

- e. Construction contractors.
- f. Transportation services.
- g. Wholesale trades.
- h. Residences.
- i. Non-local utilities.
- j. Public and semi-public uses.

Minimum Lot Area. Sewered - 8,000 square feet, except Shoreland Area which shall be 10,000 square feet. Unsewered - Appendix A, plus any additional requirements of COMM 83.

Minimum Width. Eighty (80) feet.

Minimum Depth. Sewered - 80 feet. Unsewered - 150 feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 40 feet. Side - 10 feet each.

Maximum Building Height. Three (3) stories or thirty-five (35) feet.

4. I - INDUSTRIAL (title - 2-14-84, Ord. No. 83-20.)

Purpose. To identify areas best suited for non-agricultural industrial development because of location, topography, existing streets, utilities and relationship to other land uses and located within the urban service areas as described in the Jefferson County Agricultural Preservation and Land Use Plan. (Amended 2-8-00, Ord. No. 99-28.)

Principal Uses. The following Industrial categories when the use involves manufacturing, processing, warehousing, wholesale distribution and transportation. (12-21-82, Ord. No. 11.)

The activity is a permitted use when it falls in the categories below and when the proposed operation will be fully enclosed within buildings, except for parking/driving areas. Where some operations or storage are not under cover, the permit has to come before the Planning and Zoning Committee for site plan approval.

- a. Transportation services.
- b. Food and kindred products (not including meat products).
- c. Textile products, apparel.
- d. Lumber and wood products.
- e. Furniture and fixtures.
- f. Printing, publishing and allied industries.
- g. Rubber and plastic products.
- h. Leather and leather products.
- i. Stone, clay, glass products.
- j. Fabricated metal products.
- k. Machinery.
- l. Electrical and electronic equipment and supplies.
- m. Transportation equipment.
- n. Instrument manufacturing.
- o. General manufacturing.
- p. Retailing as an adjunct to a principal or conditional use allowed in this district.

Accessory Uses. Local utilities. (12-21-82, Ord. No. 11.)

Conditional Uses. (12-21-82, Ord. No. 11.)

- a. Retailing that is freestanding -- that is, not adjunct to a manufacturing operation.
- b. Meat products.

- c. Mining, including exploration and testing preparatory to mining, milling, and processing of mined materials.
- d. Paper mills.
- e. Chemical and allied products.
- f. Petroleum refinery and related industries.
- g. Concrete products.
- h. Primary metal industries.
- i. Ordnance works.
- j. Generation of electrical power.
- k. Manufacturing and distribution of gas.
- l. Dumps or landfills.
- m. Salvage yards; junkyards.
- n. Storage or processing of industrial wastes.

Minimum Lot Area. Sewered - 8,000 square feet, except Shoreland Area which shall be 10,000 square feet. Unsewered - Appendix A, plus any additional requirements of COMM 83.

Minimum Width. Eighty (80) feet.

Minimum Depth. Sewered - 80 feet. Unsewered - 150 feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 40 feet if adjacent to an R zone. 10 feet otherwise; Side - 40 feet if adjacent to an R zone, 10 feet otherwise.

Maximum Building Height. Three (3) stories or thirty-five (35) feet.

5. A-1 EXCLUSIVE AGRICULTURAL (title – 2-14-84, Ord. No. 83-20) (Amended 2-8-00, 99-28.)

Purpose. The long range goal for agricultural land use within Jefferson County is to preserve the most valuable of all resources, that of fertile land for agricultural pursuits, and to protect the land best suited for farming from premature urbanization. The agricultural district regulations are therefore designed to regulate the use of land and structures within the areas of the county where soil and topographic conditions are best adapted to agricultural pursuits. The agricultural lands best suited for farming and for protection against development are prime agricultural lands as defined in this ordinance and as reflected in the Agricultural Preservation and Land Use Plan. All uses, structures and improvements in this district are restricted to those “consistent with agricultural use” as defined in §91.01(10) Wisconsin Statutes. Any uses that are not “agricultural uses” as defined in §91.01 Wisconsin Statutes but are “consistent with farm family business” shall be conditional uses as described in the ordinance. Any references to Chapter 91 of the Wisconsin Statutes are applicable only as long as the Wisconsin Farmland Preservation Program remains in effect in Jefferson County. Notification is required to the Department of Agriculture, Trade and Consumer Protection (DATCP) for all rezonings in or out of the A-1 zone as required by §91.77(3) Wisconsin Statutes for as long as is applicable. Rezoning out of the A-1 zone may occur consistent with the provisions identified in the Jefferson County Agricultural and Land Use Plan and with findings based upon consideration of the items specified in Section 91.77(1)(a), (b), (c). (Amended 2-8-00, Ord. No. 99-28.) (Amended 10-09-01, Ord. No. 2001-16) (Amended 11-12-02, Ord. No. 2002-25)

Principal Uses. Agriculture, horticulture, dairying, beekeeping, livestock raising, hatching of fowl, nursery, greenhouse, non-commercial stable, truck farm, forest management, game farm and hunt club. Roadside stand for the sale of products grown or produced on the premises. Existing dwellings that predate the enactment of this ordinance and their replacements, as long as the replacement dwelling is placed within 100 feet of the existing dwelling, unless otherwise reviewed and approved by the Planning and Zoning Committee. Occupancy in any existing residence in the A-1 zone shall be consistent with §91.75(2)(b) Wisconsin Statutes. Feedlot for 150 livestock units or less. Fowl and poultry farm housing 10,000 birds or less. On parcels with less than 35 acres of contiguous land, only one animal unit is allowed per acre, with a minimum of 2 acres required. (9-8-81, Res. No. 81-87.) (Amended 10-09-01, Ord. No. 2001-16) (Amended 2-8-00, Ord. No. 99-28.) (Amended 10-09-01, Ord. No. 2001-16) (Amended 11-12-02, Ord. No. 2002-25; amended 09-11-06, Ord. 2006-15)

Accessory Uses. Essential services. Accessory uses as listed in the A-3 zoning district, with the exception of letter g. for existing and/or replacement dwellings. (4-16-85, Ord. No. 84-4.) (Amended 2-8-00, Ord. No. 99-28; amended 09-11-06, Ord. 2006-15)

A parcel of land zoned A-1 Exclusive Agricultural can contain and is not limited to equipment used in different types of farming activities at the particular location or on other A-1 zoned lands owned or leased by the owners of the parcel in question. This includes construction equipment used in the farming activities; machinery and equipment used in the housing and care of livestock or agricultural production; storage units and associated equipment; feed storage areas such as bunker or pit silos; other such materials as may be employed in the day-to-day operation of agricultural activities, whether or not these items were originally intended for such purposes. Also included is up to three (3) semi-trailers or truck boxes if used for storage of agricultural equipment, supplies or products on A-1 zoned property of 35 or more contiguous acres (for the purpose of this provision, a road shall not be considered a divider.) Normal setbacks and permits shall apply to these trailers and truck boxes used as storage units. Greater than three (3) semi-trailers or truck boxes utilized for storage shall require a conditional use permit. This section does not apply to licensed semi-trailers that are located on the property for the regular transport of agricultural goods and supplies produced on the particular farm. [Amended 01-10-06, Ord. No. 2005-40]

Conditional Uses. Commercial stable with more than ten animals for the boarding, rental or lease of riding animals. Commercial raising of fish. Feedlot for more than 150 livestock units. The housing of fowl for more than 10,000 birds. [Sec. 11.05(d)1] (Non-ATCP51 regulated facilities.) ATCP 51 regulated livestock facilities for more than 150 animal units and poultry farms housing more than 10,000 birds [Sec. 11.05(d)2]. Pursuant to the provisions of Sec. 93.90 State Statutes, Jefferson County does hereby adopt and incorporate into this section the provisions of Sec. 93.90 of the Wisconsin Statutes and ATCP 51 of the Wisconsin Administrative Rules inclusive of all future amendments to any provisions of these sections of Wisconsin Statutes and Administrative Rules. Fur farm. Public and semi-public uses [Sec. 11.05(b)] except those uses listed in Sec. 11.05(b)1. Private agri-related airstrips. Greater than three (3) semi-trailers or truck boxes utilized for storage of agricultural equipment, supplies or products on A-1 zoned property of 35 or more contiguous acres (for the purpose of this provision, a road shall not be considered a divider.) (Amended 2-8-00, Ord. No. 99-28.) (Amended 11-12-02, Ord. No. 2002-25) (Amended 01-10-06, Ord. No. 2005-40; amended 09-11-06, Ord. 2006-15]

Uses identified as conditional uses in the A-2 District with the exception of residences, golf courses, campgrounds, storage of non-farm equipment, trap and skeet shoot, rifle ranges, motocross courses, race tracks, festival grounds and clubhouses for such operations, clubhouses for game farm or hunt club operations, veterinarian facilities and animal hospitals and, within public and semi-public uses, radio and television towers with associated buildings and salvage yards. Mineral extraction shall only be non-metallic extraction to be considered in the A-1 zone with restoration to agricultural use as required by §91.75(9)(2)(b). As a condition of approving a conditional use for Agri-Business uses, the Committee must find that the proposed use has a necessity to be at the proposed location in light of alternative locations available for such uses and that it will not conflict with agricultural uses in the vicinity. Recreational and waste storage, treatment or disposal uses must be governmental owned to be allowed by Conditional Use in the District. An Agri-Business use proposed to be established on a farm parcel as an accessory or subordinate use to the dominant farm can occupy only existing buildings and can involve only stock-in-trade produced for sale on the premises and can involve only employees who reside on the premises. Conditional uses will be granted only if, in addition to other limitations listed in this ordinance, the use is "consistent with agricultural uses" as defined in §91.10(10) Wisconsin Statutes, and is found to be necessary in light of alternative locations available for such use unless such uses qualify as a farm family business as described in §91.75(8) and also meet the county home occupation definition. (12-21-82, Ord. No. 11.) (Amended 2-8-00, Ord. No. 99-28.) (Amended 10-09-01, Ord. No. 2001-16) (Amended 11-12-02, Ord. No. 2002-25)

Waste storage, treatment or disposal includes:

(1) Sites or facilities where solid wastes or hazardous wastes are stored, treated or subject to disposal as defined in Ch. 287 and 289, Wisconsin Statutes;

(2) Waste recycling facilities, commercial or governmental. Note: In the A-1 zone, all such uses described in (1) through (2) shall be "consistent with agricultural uses" as defined in §91.01(10) Wisconsin Statutes. (Amended 10-09-01, Ord. No. 2001-16) (Amended 11-12-02, Ord. No. 2002-25)

Existing waste storage, treatment or disposal operations shall be required to apply for and be issued conditional use permits within one year of the date of this Ordinance. The permit shall describe and authorize the existing level and type of operation only. Permits to describe and authorize existing operations shall be issued administratively without public hearing. Expansions or alterations will require new permits.

It shall be a condition of approving a conditional use permit for a new or expansion or alteration activity that the operation is accepting wastes generated predominantly in the County or from agricultural-agri-business areas of adjoining counties and be governmentally owned to be considered in the A-1 zone. (Amended 11-12-02, Ord. No. 2002-25)

Standards for deciding applications for conditional use permits for waste storage, treatment or disposal uses:

(1) Whether a waste facility or usage is an appropriate land use, considering land use plans, site factors, neighboring uses and environmental considerations; and

(2) Safety and security, in relation to dangers of fire, explosion, leakage, hazards through unauthorized entry onto the site, etc.; and

(3) Pollution of land, air, water, noise, dust, vibration, blowing of refuse, smell, etc.; and

(4) Damage or excess wear and tear to roads, bridges, etc.; and

(5) Traffic hazards; and

(6) Economic injuries; present or potential; through precluding reasonable uses of nearby lands; and reuse plans/potentials after the waste facility ceases operations.

The County must be satisfied that the operation will not unreasonably burden private or public interests because of the above factors.

Minimum Lot Area. (Resolution No. 80-126 adopted 2-10-81, effective 3-10-81.) (Amended 2-8-00, Ord. No. 99-28.) Thirty-five (35) acres with the exception of a one (1) acre to five (5) acre lot for farm consolidation for an existing residence and associated accessory structures is permitted if the residence in question was constructed prior to the enactment of the January 15, 1975 Zoning Ordinance and existed on or after this date even if subsequently replaced with a newer home and the parcel remaining contains a minimum of thirty-five (35) contiguous acres. Between three (3) and five (5) acres shall be considered by the Planning and Zoning Committee, at a regularly scheduled Committee meeting, if necessary to accommodate existing driveways and/or existing structures, and if the town board approved the preliminary certified survey map. All provisions of the A-3 Agricultural/Rural Residential District are applicable to the farm consolidation parcel created. (Note: Lots created as a result of farm consolidation are exempt from payback provisions of the Wisconsin Farmland Preservation Program described in Wisconsin Statutes, Chapter 91, unless changed). [Amended 10-14-08, Ord. 2008-20]

Exceptions: Parcels of less than thirty-five (35) acres which existed prior to January 15, 1975. (Amended 2-8-00, Ord. No. 99-28.)

Exceptions: Parcels of less than thirty-five (35) acres which are a result of a zoning district amendment to the official Zoning Map of Jefferson County. A-1 zoned lands transferred from a parcel of record after the adoption of these ordinance provisions shall not be used to create A-3 lots or in the calculation of the number of A-3 lots available. (Amended 2-8-00, Ord. No. 99-28.)

Minimum Width. Two hundred (200) feet.

Minimum Depth. Two hundred (200) feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 20 feet. (ATCP51 setbacks may differ) [Amended 09-11-06, Ord. 2006-15] Side (9-9-81, Res. No. 81-87.) - 20 feet each, providing that agricultural structures do not exceed in height twice their distance from the nearest lot line.

Maximum Building Height. Three (3) stories or thirty-five (35) feet.

6. A-2 AGRICULTURAL BUSINESS (title – 2-14-84, Ord. No. 83-20.) (Amended 2-8-00, Ord. No. 99-28.) Agriculturally Related Manufacturing, Warehousing and Marketing District.

Purpose. The purpose of this district is to provide for the proper location and regulation of manufacturing, storage warehousing and related marketing or industrial activities that are related to the agricultural industry. These uses may be considered in the Agricultural Preservation, Rural Hamlet, Urban Service and Environmental Corridor sections of the Jefferson County Agricultural Preservation and Land Use Plan. (Amended 2-8-00, Ord. No. 99-28.)

Uses listed for the A-2 District involve fixed locations, year-round or seasonal. A listed use that is mobile, moving from farm to farm, is not regulated. A site may have a Conditional Use without a primary use being established. (Ord. No. 11, 12-21-82.)

Principal Uses. Agriculture, horticulture, dairying, beekeeping, livestock raising, hatching of fowl, nursery, greenhouse, non-commercial stable, truck farm, forest management, game farm, hunt club, roadside stand for the sale of products grown or produced on the premises. Existing dwelling that predates the enactment of this ordinance and its replacement, as long as the replacement dwelling is placed within 100 feet of the existing dwelling, unless otherwise reviewed and approved by the Planning and Zoning Committee. On parcels with less than 35 acres of contiguous land, only one animal unit is allowed per acre, with a minimum of 2 acres required. (2-8-00, Ord. No. 99-28; 11-10-09, Ord. 2009-19.)

Accessory Uses. (12-21-82, Ord. No. 11.)

- a. Residential (R-2) uses for Residence in this district.
- b. Local utilities.

Conditional Uses. a. Residences will be occupied by a person who, or a family of which one adult member, earns a majority of his/her gross income from conducting the farm operations on the parcel or parcels in close proximity. Substantial evidence shall be provided to the Committee documenting the intended agricultural use. A-2 Agricultural Business District rezonings for farm labor housing would count against the total number of A-3 lots available for the parent parcel. Multi-family housing for farm labor is considered as a conditional use under this provision. (2-8-00, Ord. No. 99-28.)

- b. Contract sorting, grading and packaging services for fruits and vegetables.
- c. Grist mill services.
- d. Horticultural services.
- e. Poultry hatchery services.
- f. Canning of vegetables, fruits and specialty foods.
- g. Production of cheese.
- h. Production of condensed and evaporated milk.
- i. Wet milling of corn (custom).
- j. Preparation of feeds for animals and/or fowl. Conditional use approval is required if the operation occurs on a non-farm parcel or if it is conducted on a commercial/custom basis for export to farms other than the one on which it is located.
- k. Production of flour and other grain mill products.
- l. Blending and preparing of flour.
- m. Fluid milk processing.

- n. Production of frozen fruits, vegetables, other specialties.
- o. Meat packing.
- p. Poultry, fish and small game dressing and packing, providing that all operations are conducted within an enclosed building.
- q. Livestock sales facilities.
- r. Grain elevators and bulk storage of feed grains.
- s. Fertilizer production, sales, storage, mixing and blending.
- t. Sale of farm implements and related equipment.
- u. Grain drying where capacity exceeds 200,000 bushels per year.
- v. Trap and skeet shoot, rifle range, motocross course, race track and festival grounds, and clubhouse for such operation.
- w. Waste storage, treatment and/or disposal.
- x. Kennel, veterinarian facility, animal hospital.
- y. Mineral extraction and processing.
- z. Storage of non-farm equipment.
- aa. Non-local utilities.
- bb. Campgrounds
- cc. Golf Courses.
- dd. Public and semi-public uses.
- ee. Home occupations. (4-16-85, Ord. No. 85-4.)
- ff. Fur farm.
- gg. Salvage yard. (Amended 11-12-02, Ord. 2002-25)
- hh. Retail sales of agricultural related items not grown on the premises. (11-10-09, Ord. 2009-19)
- ii. Storage of contractor's equipment and materials. (11-10-09, Ord. 2009-19)
- jj. Mini warehousing/personal storage warehousing. (11-10-09, Ord. 2009-19)
- kk. Bed and breakfast in an existing A-2 zone and an existing dwelling (as defined in Chapter DHS 197 in the Wisconsin Administrative Code) (11-10-09, Ord. 2009-19)
- ll. Tourist rooming house in an existing A-2 zone and an existing dwelling (as defined in Chapter DHS 195 in the Wisconsin Administrative Code) (11-10-09, Ord. 2009-19)
- mm. Food stand – privately owned, associated with recreational use. (07-13-10, Ord. 2010-110)

Minimum Lot Area. Minimum sufficient areas for the principal structures and accessory buildings. (Amended 2-8-00, Ord. No. 99-28)

Minimum Yards. Same as A-3 yard requirements, with the option for greater setbacks set by the Planning and Zoning Committee, dependent upon use. (2-8-00, Ord. No. 99-28.)

7. A-3 AGRICULTURAL/RURAL RESIDENTIAL (title – 2-8-00, Ord. No. 99-28.)

Purpose. The purpose of the A-3 Agricultural/Rural Residential District is to allow limited rural residential development on lands in predominantly agricultural areas that are not suited for agricultural production or, due to the proposed location, would have limited impact on agricultural production. Lots are limited in number, size and location to minimize the impacts associated with rural residential development. Residents of this district may experience conditions associated with farming that are not necessarily compatible with rural residential use. This district may be considered within the Agricultural Preservation, Rural Hamlet, Environmental Corridor and Urban Services sections of the plan. (Amended 2-8-00, Ord. No. 99-28.)

Principal Uses. (12-21-82, Ord. No. 11.)

- a. Single family dwelling.
- b. Mobile homes on foundations.
- c. Group home in single family dwellings, 8 or fewer occupants.

Accessory Uses. (12-21-82, Ord. No. 11.)

- a. Garage, residential.
- b. On-site parking and storage.
- c. Residential accessory uses.
- d. Home occupations and professional home office, accessory. (4-16-85, Ord. No. 85-4.)
- e. Home child care.
- f. Household pets.
- g. Raising/keeping of farm animals provided that parcel is 2.0 acres or larger and number of animals will not exceed one animal unit per 1.0 acre. (Amended 2-8-00, Ord. No. 99-28.)
- h. Growing of field crops.
- i. Roadside stands.
- j. Local utilities.

Conditional Uses. (12-21-82, Ord. No. 11)

- a. Duplex.
- b. Non-local utilities.
- c. Kennels.
- d. Home occupations, conditional.
- e. Public and semi-public uses.
- f. Bed and breakfast (as defined in Chapter DHS 197 in the Wisconsin Administrative Code) (11-10-09, Ord. 2009-19)
- g. Tourist rooming house (as defined in Chapter DHS 195 in the Wisconsin Administrative Code) (11-10-09, Ord. 2009-19)

Minimum Lot Area. One (1) acre. (Amended 2-8-00, Ord. No. 99-28.)

Minimum Width. One hundred fifty (150) feet.

Minimum Depth. Two hundred (200) feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 20 feet. Side - 20 feet each. (Am. 4-21-87, Ord. No. 87-03.)

Maximum Lot Area. Two (2) acres, with possible lot combinations for larger area in non-prime and prime agricultural land lots. A lot combination may be considered by the Committee in an environmental corridor if enough non-prime agricultural land is available, even though the maximum number of lots may have been reduced due to environmental corridor density provisions described in A-3 Maximum Number of Lots section (i.e. one six-acre lot may be substituted for three two-acre lots in non-prime land or one four-acre lot may be substituted for two two-acre lots in prime lands upon Planning and Zoning Committee and County Board approval). Acreage may be exceeded for existing homes and associated driveways that predate this provision if necessary to accommodate the home upon town and County Board approval. Lot area around the home shall not exceed the maximum acreage allowed by this section. (2-8-00, Ord. No. 99-28.)

Maximum Lot Coverage By Buildings. Maximum lot coverage by principal and accessory structures not to exceed thirty (30) percent of existing lot area. (4-16-85, Ord. No. 85-4.)

Maximum Number of Lots. Three (3) non-prime agricultural land A-3 lots or one (1) or two (2) prime agricultural land A-3 lot(s) with clustering recommended. The number of possible prime agricultural land lots is based on the amount and configuration of land owned (see the lot chart below). With less than fifty (50) acres, one (1) prime agricultural land lot is possible. With fifty (50) acres or more, two (2) prime agricultural land lots are possible. The minimum amount of prime agricultural land shall be utilized when approving the prime lot option. If an option is utilized to mix non-prime and prime agricultural land lots, the prime agricultural land maximum lot numbers shall apply. A-3 lots created since the 1977 adoption of the A-3 zoning district shall also be taken into account when determining how many A-3 lots may be available. All parcels of record may propose the maximum number of lots described in this section unless the number of lots has been reduced due to A-3 lots being created from the parent

parcel predating the parcel of record. Each parcel of record would have the possibility of at least one A-3 lot upon Committee review and County Board approval. Existing A-3 lots created since 1977 shall not be further redivided so as to create additional lots. A-3 lots proposed for dwellings constructed prior to December 13, 1977 do not count as having utilized an A-3 lot division. (2-8-00, Ord. No. 99-28.)

Environmental corridor overlays described in the plan may also impact the maximum number of possible A-3 lots available as described in the following lot chart by utilizing the development density of no greater than one dwelling unit per 10 acres. Clear cutting upland wooded environmental corridor areas in existence at the time of the enactment of this ordinance provision shall not increase the number of A-3 lots available (see the environmental corridor detailed policies in the Jefferson County Agricultural Preservation and Land Use Plan). Also, A-2 lots for an agricultural residence shall reduce the number of lots available. (2-8-00, Ord. No. 99-28.)

A-3
AGRICULTURAL/RURAL RESIDENTIAL DISTRICT
LOT CHART

PARCEL OF RECORD SIZE AT TIME OF ORDINANCE AMENDMENT	PRIOR A-3 SPLITS FROM PARENT PARCEL	(MAY USE ONE OR THE OTHER)	
		NON-PRIME LOTS AVAILABLE	PRIME LOTS AVAILABLE
Less Than 50	3	1	1
"	2	1	1
"	1	2	1
"	0	3	1
50 or Greater	3	1	1
"	2	1	1
"	1	2	1
"	0	3	2

(2-8-00, Ord. No. 99-28.)

In order to achieve safer access, more effective clustering or protection of land resources, the Committee may consider the consolidation of multiple parcels of record that are contiguous or divided only by a public road and under the same ownership. In reviewing the consolidation for the purpose of a proposed A-3 lot(s) relocation, the Committee must determine that they would have otherwise approved the number of lots on each separate parcel of record. Any proposed lots relocated in this manner would constitute use of all the lots from that separate parcel of record regardless of the number actually relocated. Proposed lots that would have been approved in a non-prime agricultural soil location cannot be relocated into prime agricultural soils unless the number of proposed lots is reduced to the prime soil numbers as described in the "Maximum Number of Lots" section. Conversely, the number of lots would not be increased if relocated from a prime soil location on the separate parcel of record to a non-prime agricultural soil location on the consolidated parcel of record. Town approval is required for any request for consolidation of parcels of record. [Created 09-11-06, Ord. 2006-15]

8. C - COMMUNITY

Purpose. To identify those areas which have traditionally serviced the nearby farms and residences, but were not legally incorporated into villages or cities. To recognize that these older communities have mixed their residential, commercial and farming uses. The Community zoning district shall be utilized in Rural Hamlet and Urban Service

Area policy sections of the Jefferson County Agricultural Preservation and Land Use Plan. (Amended 2-8-00, Ord. 99-28.)

Principal Uses. (12-21-82, Ord. No. 11.)

- a. Single family detached home.
- b. Parks, conservancy areas.
- c. Group homes in single family dwellings, 8 or fewer occupants.

Accessory Uses. (12-21-82, Ord. No. 11.)

- a. Garage, residential.
- b. Residential accessory uses.
- c. Home occupations.
- d. Child care provided in a residence.
- e. Local utilities.
- f. Household pets (kennels separately defined, not included here).
- g. Growing of field crops.

Conditional Uses. (12-21-82, Ord. No. 11)

- a. Church.
- b. School.
- c. Mobile home on foundation.
- d. Mobile home park (including sales of mobile homes associated with park operation).
- e. Multiple dwelling unit structures, established as a planned development, with overall density not exceeding five dwelling units per acre.
- f. Duplex.
- g. Rest home; nursing home.
- h. Day care centers.
- i. Group homes, 9 or more occupants.
- j. Extensive on-site parking or storage.
- k. Conditional home occupations.
- l. Non-local utilities.
- m. Public and semi-public uses.
- n. Keeping of dogs as household pets on a non-commercial basis in excess of two per premises.
- o. Raising/keeping of farm animals provided that parcels are at least 2.0 acres and provided that the number of animals will not exceed one animal unit per 1.0 acre. (Amended 2-8-00, Ord. No. 99-28.)
- p. Private airstrips when lands are adjacent to an FAA-approved airport.
- q. General merchandise stores.
- r. Food stores.
- s. Building materials, hardware, garden supplies.
- t. Automotive dealers, mobile home dealers.
- u. Fuel dealers.
- v. Service stations and repair shops.
- w. Apparel and accessory stores.
- x. Furniture, home furnishings and equipment.
- y. General retail establishments.
- z. Finance, insurance and legal services.
- aa. Real estate offices.
- bb. Personal services establishments.
- cc. Business services.
- dd. Repair services.
- ee. Business association offices.
- ff. Civic, social and fraternal associations.

- gg. Churches.
- hh. Other professional services.
- ii. Community buildings (local government owned).
- jj. Community garages and storage facilities (local government owned).
- kk. Communication services.
- ll. Eating and drinking places.
- mm. Hotels, motels.
- nn. Movie theaters.
- oo. Amusement and recreation facilities and services.
- pp. Construction contractors.
- qq. Transportation services.
- rr. Wholesale trades.
- ss. Residences.
- tt. Non-local utilities.
- uu. Public and semi-public uses.

Minimum Lot Area. Sewered - 8,000 square feet except Shoreland area, which shall be 10,000 square feet.
Unsewered - Appendix A.

Minimum Width. Sewered - 80 feet. Unsewered - 100 feet.

Minimum Depth. Sewered - 80 feet. Unsewered - 150 feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 25 feet. Side - 10 feet each.

Maximum Building Height. Three (3) stories or thirty-five (35) feet.

9. W - WATERFRONT

Purpose. To identify residential and commercial areas adjacent to the County's waterways.

Principal Uses.

- a. Single-family dwelling, existing only, if located in floodway. Permitted in floodplain if all provisions of the Floodplain Zoning and Private Sewage System Ordinances are complied with. (6-12-84, Ord. No. 84-5.)
- b. Park, conservancy areas. (12-21-82, Ord. No. 11.)
- c. Non-structural open space and recreational uses. (12-21-82, Ord. No. 11.)

Accessory Uses.

- a. Residential garage, existing structures, only if in floodway. (6-12-84, Ord. No. 84-5.)
- b. Residential parking, storage, accessory structures, existing only, if located in floodway. (6-12-84, Ord. No. 84-5.)
- c. Other R-2 accessory uses, providing that no new structures are established to accommodate the use. (12-21-82, Ord. No. 11.)
- d. Boathouses, provided that standards of 11.10(c)4 are met. (12-21-82, Ord. No. 11.)
- e. Boat docks and piers for private residential usage only. (12-21-82, Ord. No. 11.)
- f. Camping occupancy of camping trailers or similar vehicles, provided that the vehicle is of a type recognized by HFS 178 of the Wisconsin Administrative Code and is under 400 square feet in area, that length of occupancy shall not exceed 14 days in any one continuous period nor more than 30 days cumulatively over any 12-month period and provided that the unit is neither skirted nor connected to any porch except for essential steps or ramps. (12-21-82, Ord. No. 11.)
- g. Local utilities. (12-21-82, Ord. No. 11.)

8. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

(d) Interchange Area Overlay Zone.

NOTE: This section is offered for the effective control of land use and traffic around highway interchange areas. It is extracted from an outline prepared by Urban & Advance Planning Section of the Wisconsin State Highway Commission. Definitions of terms used in this section are found in Section 11.02.

1. Purpose. To supplement the controls of the zoning districts by providing special regulations as required by the unique characteristics of land development and traffic generation and movement in interchange areas.

2. Application. The general standards set forth hereunder will apply to all lands within the delineated areas surrounding any existing or planned highway interchange, and shall be overlaid upon the primary zoning districts already applied to the same lands. In the event of conflicting standards between the underlying zoning and interchange overlay regulations, the more restrictive shall apply.

The following rules shall apply for an area of one-half (1/2) mile outside the interchange right of way or for a distance of one-half (1/2) mile along and either side of an intersecting highway from the most remote end of interchange ramp taper, whichever is greater.

3. Access Control on Intersecting Highway.

- a. On a dual-lane highway, there shall be no access within 1000 feet of the most remote end of any ramp taper.
- b. On other intersecting highways, there shall be no access within 700 feet of the most remote end of taper.
- c. There shall be no access point closer than 700 feet to another access point.
- d. Access points on opposite sides of the highway shall be directly opposite each other or opposite a median crossover, or separated by at least 300 feet of lateral distance.
- e. Frontage roads or interior access roads shall be utilized to minimize the number of direct access points to the intersecting highway.

4. Setbacks. From an intersecting highway - 160 feet from the centerline or 100 feet from the right of way line, whichever is greater, or 50 feet from the right of way of the frontage road.

5. Dedication. Every property shall dedicate land for either a frontage road or an interior street in the amounts of sixty-six (66) feet.

11.07 MODIFICATIONS.

(a) Height.

1. Communication structures, and utilities, except transmission lines, which shall have no height limitation, shall not exceed in height twice their distance from the nearest lot line.

2. Agricultural structures, such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.

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

4. Essential services are exempt from the height requirements of this Ordinance.

(b) Yards. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

1. In any R, B, C or W District, accessory uses and detached accessory structures shall not exceed fifteen (15) feet in height, shall not occupy more than fifteen (15) percent of the yard area, and shall not be closer than three (3) feet to any lot line. The fifteen (15) feet height limitation for detached garages may be modified through conditional use permit approval under Extensive On-site Parking and Storage. (Am. 4-21-87, Ord. 87-03.)

2. Essential services are exempt from the yard and distance requirements of this Ordinance.

3. Landscaping and vegetation are exempt from the yard requirements of this Ordinance.

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

(c) Screening Regulations. Any use required by this Ordinance to be screened in accordance with this section shall be contained within an opaque fence or wall eight (8) feet high, or a visual screen consisting of evergreen, or evergreen-type hedges or shrubs, spaced at intervals of not more than six (6) feet, located and maintained in good condition within fifteen (15) feet of the property line, or in any way out of view of the public.

(d) Highway Setback Requirements.

1. Classification. For the purposes of this Ordinance, the highway classifications as set forth in the Jefferson County Jurisdictional Highway Planning Study (see Appendix B) are divided into functional classifications as follows:

<u>FUNCTIONAL CLASSIFICATION</u>	<u>HIGHWAY CLASSIFICATION</u>
Class A	Principal arterial highways
Class B	Minor arterial highways
Class C	Major collector highways, and all state trunk highways not in Class A or Class B
Class D	Minor collector highways, local highways, town roads, and all county trunk highways not in Class A, B, or C
Class E	Town roads located within subdivisions

2. Setbacks. Except as otherwise provided, all structures shall conform to the following minimum setbacks. The more restrictive distance shall apply.

<u>FUNCTIONAL CLASSIFICATION</u>	<u>SETBACK FROM RIGHT OF WAY</u>	<u>SETBACK FROM CENTERLINE</u>
Class A	100'	200'
Class B	70'	140'
Class C	50'	110'
Class D	50'	85'
Class E	30'	63'

3. Where more restrictive setbacks are established by state law or by administrative rules, such laws or rules shall apply.

4. Reduced Setbacks. A setback of less than the required setback is permitted where there are at least five (5) existing main buildings which are within the required setback within 500 feet of the proposed building site. In such cases, 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.

11.08 SIGNS.

(a) Purpose. To provide the minimum regulations, provisions and requirements to insure the public safety, general welfare and preserve the scenic beauty by regulating and controlling the installation of signs and other advertising structures within Jefferson County.

(b) Advertising, Billboards and Posterboard Signs.

1. **Size.** Sign area shall not exceed 300 square feet. Trim area shall not exceed twenty-five percent (25%) of sign area.

2. Location of signs.

a. Signs may be placed at the right of way line of any highway except that signs shall not be permitted between the points of tangency on a curve to the right of any highway.

b. Signs shall not be permitted within 300 feet of any intersection. The beginning of a curve on a highway interchange ramp or the beginning of a curved access to an intersection shall be considered as the intersection for the purpose of sign location.

3. Distance between signs.

a. Two sign faces shall be permitted at any location and the distance between signs shall be 300 feet.

b. Back to back signs shall be permitted except that each sign face shall require a separate permit.

4. Height of Sign. Signs shall not exceed thirty-five (35) feet in height above the mean centerline grade of the adjacent highway.

5. Permitted Zoning Districts: B, Business; I, Industrial. [Amended 10/14/03; Ord. No. 2003-19]

(c) Director Signs.

1. Size.

a. Sign area shall not exceed ninety-six (96) square feet. Trim area shall not exceed twenty (20) percent of the sign area.

b. No more than fifty (50) percent of the sign area shall be devoted to advertising a product or service not exclusively available at the premises or location to which the sign directs attention.

2. Location.

a. Signs may be placed at the right of way line of any highway except that signs shall not be permitted between the points of tangency on a curve to the right of any highway.

TOWN OF TURTLE ZONING ORDINANCE

This Ordinance was prepared under the authority of the Turtle Town Board and the Rock County Planning and Development Committee. The Town petitioned the Rock County Board of Supervisors, as provided in s.60.61(3) of the Wisconsin Statutes, and the County Board gave approval for the Town to proceed with the adoption of this ordinance on .

Technical planning assistance was rendered by Phil Blazkowski, Director of The Rock County Planning, Economic and Community Development Agency. Legal services were rendered by William Henderson, of Collins & Henderson, Town Attorney.

Land Use Plan & Zoning
Ordinance Preparation Committee

Town Board Supervisors:

Jim Brandenburg
Margaret Palubinski
Lester Oldenburg
Rhonda Douglas
John Krebs

Planning & Zoning Committee:

Don Jones
Dan DeLong
Rhonda Douglas
Howard Moore
Dan Oldenburg

Board of Adjustment:

Fred Mathews
Bill Kutz
Lin Howard
Mel McCabe - Alternate

Building Inspector:

Ed Swanson

Adopted

10-28-98

Posted

10-30-98

Effective

10-30-98

Jim Brandenburg
Jim Brandenburg, Chair

Margaret Palubinski
Margaret Palubinski, Supervisor

Lester Oldenburg
Lester Oldenburg, Supervisor

John A. Kutz
John Krebs, Supervisor

Rhonda Douglas
Rhonda Douglas, Supervisor

Countersigned:

Donna Schut
Donna Schut, Town Clerk/Treasurer

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4.8 EXCLUSIVE AGRICULTURAL DISTRICT ONE (A-1)

(A) Purpose and Intent

(1) The purpose of the A-1 District is to provide a method of obtaining the agricultural goals and objectives and protecting the Agricultural Preservation Areas indicated in the Town Land Use Plan and the County Farmland Preservation Plan. This district exclusively provides for agricultural uses and uses consistent with agriculture. The intent in having this district is to conserve prime agricultural soils and historically farmed areas for agricultural production. Furthermore, to prevent unsightly development sprawl, uneconomical spread of development which results in excessive costs to the community for the provision of essential public services. Prime agricultural soils are predominant in this district and are to be very sparsely developed to protect the Town's and the County's agricultural economic base.

(2) All structures and improvements in this district shall be "consistent with agricultural use" as defined in the definitions section of this ordinance. This district's boundaries shall be consistent with the Exclusive Agricultural Preservation areas on the certified County Farmland Preservation Plan Map.

(B) Permitted Uses

The following uses are permitted in this district:

(1) General farming including dairying, livestock grazing, game farms, poultry and fish hatcheries, and poultry raising; bee keeping, and egg production; except the housing of these agricultural uses shall not be located within 100 feet of a property line of a land parcel containing a residence of the person engaged in farming.

(2) Forestry, floriculture, horticulture, commercial and wholesale green houses, orchards, paddocks, raising of corn, beans, peas, sorghum, tobacco, grain, grass, mint and seed crops; raising of fruits, nuts, and berries; truck farming, and nurseries; sale of farm products produced on the premises that do not require outside processing before sale.

(3) Residences that are consistent with agricultural use and are occupied by the owner(s) of the parcel.

(4) Installation of an antenna on a communication tower or alternative tower structure when consistent with the

number of antennas authorized under the towers conditional use permit.

(C) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

(1) Procedures

(a) Conditional Uses allowed under the district are required to meet both of the following requirements before a permit is granted:

(i) The use must be "consistent with agricultural use" as defined in Section 91.01 (10), of the Wisconsin Statutes and is provided in the definitions Section of this ordinance.

(ii) The use must be found necessary in light of alternative locations available for that use.

(b) The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional uses approved in this district. This shall be accomplished by:

(i) The Town Clerk or designee providing a copy of the conditional use permit approved by the Committee to the Rock County Planning and Development Agency.

(ii) The County Planning and Development Agency will assign the conditional use permit and any attached conditions to the data base of the respective land parcel as an element of the Official Town Zoning Map.

(iii) The Planning and Development Agency shall notify the Department of Agriculture, Trade and Consumer Protection of all conditional use permits approved in this district on a monthly basis when the land division map is finalized as part of the County administration of the Farmland Preservation Program.

(2) Conditional Use Permit

The following uses require approval of a Conditional Use Permit by the Committee prior to the use being established:

(a) Residence for a person who, or a family where at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

(b) Residence for a parent or child of an owner, who conducts the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

(c) Residence for a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

(d) Churches for religious use, veterinary clinics, and hospitals serving agricultural uses, publicly owned park and recreational areas, and town halls.

(e) Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491 of the Wisconsin Statutes, provided structures are enclosed by an eight-foot or more protective fence.

(f) For purposes of farm consolidation, pre-existing farm residences whose initial construction began before May 14, 1992 may be separated from the farm parcel. Farm residences or structures being separated shall not exceed five (5) acres. The Committee is herein granted the authority to reduce the parcel size below five (5) acres based on the proposed parcels physical characteristics and

farmland being taken out of production. The remaining portion of the original parcel shall conform to the standards of this district. Any separation of farm residences or structures from an existing parcel shall meet all of the following requirements:

(i) The separation is for the purpose of farm consolidation;

(ii) The residence or structures existed prior to the adoption of this ordinance; and

(iii) The separated parcel is no larger than reasonably necessary to accommodate the proposed use.

(g) A structure or improvement made as a part of a lease for oil and natural gas exploration and extraction.

(h) Farm family business which is a lawful activity (except a farm operation) conducted primarily for the following:

(i) The purchase, sale, lease, or rental of real property.

(ii) The processing or marketing of products, commodities or other personal property.

(iii) The sale of services is limited to being within existing farm residences or structures as of the date of the passage of this ordinance, or portions of the existing farmstead that are not dedicated to agricultural uses, and agricultural services including veterinary clinics and hospitals.

(iv) No more than two (2) persons who are not members of the resident farm family may be employed in the family farm business.

(i) Migrant labor housing and structures.

(j) Holding pens, feed lots, and animal confinement operations where livestock is kept for a specific period of time in a confinement building, yard, or shed, where the manure is removed, feed and water are brought to the animals which exceed 300 animal units at a density of more than one (1) animal unit for each 100 square

feet of area.

(k) Riding stables, riding schools, and hunting clubs using game birds, poultry, fowl and similar hunting type activities in the non-agricultural season as a Farm Family business (see number 8 above) that are incidental to agriculture use.

(l) The installation of one manufactured home on an operating farm, when one of the occupants of the household in the manufactured home is actually engaged in that farm operation.

(m) Agricultural related uses including grain elevators; seed, fertilizer, and farm chemical sales; feed mills; commercial corn drying and storage facilities, and similar agricultural activities.

(n) Agriculture-related airstrip not open to the public which is accessory to the farm use.

(o) Structures and improvements on an easement or a parcel of land that is part of the Ice Age Trail under Sections 23.17 and 23.293 of the Wisconsin Statutes, which are incidental to trail use and consistent with agricultural uses.

(p) Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.

(q) The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.

(r) Non-Agricultural, residential development may take place as a conditional use in this district when:

(i) The proposed parcels are not located on soil types of Class 1, 2, or 3, Agricultural Capability Units, as indicated in the "Soils Survey of Rock County, Wisconsin" published by the U.S. Soil Conservation Service.

(ii) The number of residential parcels including the farmland owner, and any son, daughter, parent parcels and any non-

agricultural/residential parcels can not exceed one (1) residential land parcel for each 1/4, of 1/4, Section of land (40 +/- acres) contained in the land parcel originally purchased by the current land owner.

(iii) All non-agricultural residential parcels shall adjoin any existing residential structures that are not be located on Class 1, 2, or 3 Agricultural Capability Unit Soils, or in residential clusters not located on Class 1, 2, or 3 Agricultural capability unit soils.

(iv) Each non-agricultural residential land parcel shall be part of a residential cluster designed to maximize the number of parcels (determined by using the one parcel to 40 acre ratio), with an internal public road or joint driveways located on future road right-of-way connecting to the public road network.

(v) Residential Lot Size

Minimum Lot size.....40,000 sq. ft.

Maximum Lot Size.....60,000 sq. ft.

(s) All Permitted Uses, Conditional Uses, and the Standards of this A-1 District are part of this non-agricultural/residential development as long as the parcels do not infringe on Agricultural Capability Unit Soil Types 1, 2, or 3.

(t) Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(D) Standards For Permitted and Conditional Uses

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

(1) Minimum Parcel Size.....35 Acres

(2) A conditional use land parcel for: a parent or child of the owner, a separate land parcel for the owner, or pre-existing farm residence, shall not exceed 5 acres.

(3) The Committee is herein granted the authority to reduce the proposed parcel size for a parent, child, the owner, or a pre-existing farm residence below five (5) acres based on the proposed parcels physical characteristics, location of existing structures, and/or the quality of farmland that would be taken out of

production.

(4) The remaining portion of a parent parcel shall conform to the minimum parcel size of 35 acres.

(5) Parcels of land existing as of the effective date of this ordinance that are less than 35 acres, shall be entitled to one (1) residential structure for the owner of the parcel and shall not be further divided.

(6) Maximum Building Height...35 feet Residential Structures

(7) Other Structure Height limitations..... None

(8) Minimum Front Yard Setback
on Local Road.....50 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.)

(9) Minimum Rear Yard Setback.....35 Feet

(10) Minimum Side Yard:

(a) Principal Buildings.....20 Feet On Each Side

(b) Accessory Buildings.....10 Feet On Each Side

(11) Minimum Lot Width on a public road.....100 Feet

(12) Minimum Residential Structure Size.....1,200 sq. ft.

(13) Minimum Residential Structure Width.....24 ft.

(E) Findings Before Rezoning Parcels Out of this District

The Town Board may approve petitions for rezoning areas zoned under this district only after findings are made, based upon consideration of the following:

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

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

(3) The land is suitable for development and development will not result in undue water or air pollution, cause

unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.

(4) The Town Board shall document that items (A), (B), and (C) were considered by providing their finds on each of these issues in writing to the Department of Agriculture, Trade and Consumer Protection along with notification of any land zoned out this district. This shall be accomplished by:

(a) The Town Clerk providing an approved copy of the zoning change and findings approved by the Town Board, to the Rock County Planning and Development Agency.

(b) The County Planning and Development Agency will assign the zoning change to the respective land parcel on the Official Town Zoning Map.

(c) The Planning and Development Agency shall notify the Department of Agriculture, Trade and Consumer Protection of all zoning changes and conditional use permits, approved in this district, on a monthly basis when the land division map is finalized, as part of the Administration of the Farmland Preservation Program.

(F) Prohibited Uses

(1) No structure or improvement may be built on a parcel of land in this district unless it is consistent with the permitted or conditional agricultural uses listed in this district.

4.9 Rural Agricultural Transition (RAT) District

(A) Purpose and Intent

(1) The Rural Agricultural Transition (RAT) District consists of areas of predominantly agricultural use which are identified on the Plan Map as Rural Transition Areas for future rural development. This district exclusively provides for existing agricultural uses but is an area where rural growth is expected as indicated on the Land Use Plan Map and subsequently can be rezoned as indicated on the plan at the discretion of the Town. The intent in having this district is to accommodate rural growth where cost effective public infrastructure can readily be made available. It is also intended to prevent unsightly development sprawl, uneconomical spread of development which results in excessive costs to the community for the provision of essential public services.

(B) Permitted Uses

The following uses are permitted in this district:

(1) General farming including dairying, livestock and poultry raising; bee keeping, floriculture, and forest management; grazing, livestock raising, orchards, plant green houses, and nurseries; egg production and poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; except the housing of livestock or poultry shall not be located within 100 feet of any property line of a residential or farmstead land parcel other than that of the owner of the buildings containing livestock or poultry.

(2) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale.

(3) Residences that are consistent with agricultural use and are occupied by the owner(s) of the parcel.

(4) Structures and improvements on an easement or a parcel of land that is part of the Ice Age Trail under Sections 23.17 and 23.293 of the Wisconsin Statutes, which are incidental to trail use.

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

(C) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

(1) Procedures

(a) Conditional Uses allowed under the district are required to meet both of the following requirements before a permit is granted:

(i) The use must be "consistent with agricultural use" as defined in Section 91.01 (10) of the Wisconsin Statutes and is provided in the definitions Section of this ordinance.

(ii) The use must be found necessary in light of alternative locations available for that use.

(2) Conditional Use Permit

The following uses require approval of a Conditional Use Permit by the Committee prior to the use being established:

(a) Residence for a person who, or a family where at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

(b) Residence for a parent or child of an owner, who conducts the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

(c) Residence for a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel. Residential parcels shall be located

adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

(d) Churches, veterinary hospitals, publicly owned park and recreational areas, town halls, and other government uses.

(e) Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491 Wisconsin Statutes, provided they are enclosed by an eight-foot or more protective fence.

(f) A structure or improvement made as a part of a lease for oil and natural gas exploration and extraction.

(g) Migrant labor housing and structures.

(h) Game management, fish and fur farms, veterinary services, commercial or wholesale greenhouses, sod farms; and other agricultural uses that may cause additional traffic, noxious odors, or noise.

(i) Riding stables, riding schools, and hunting clubs using game birds, poultry, fowl and similar hunting type activities in the non-agricultural season as a Farm Family business (see number 8 above) that are incidental to agriculture use.

(j) Agricultural related uses including grain elevators; seed, fertilizer, and farm chemical sales; feed mills; commercial corn drying and storage facilities, and similar agricultural activities.

(k) Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.

(l) The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.

(m) Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(D) Standards For Permitted and Conditional Uses

Within the RAT District the following standards shall apply:

- (1) Minimum Parcel Size.....35 Acres
- (2) Parcels of land of less than 35 acres in this district that: front on a public road for a minimum of 100 feet, previously existed at the time of adoption of this ordinance shall be limited to one (1) residential structure for the owner of the parcel.
- (3) Maximum residential parcel size for a parent or child of the owner, or separate owner parcel5Acres
- (4) Maximum Residential Building Height.....35 feet
- (5) Other Agricultural Structures Height limitations... None
- (6) Minimum Front Yard Setback on Local Road50 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.)
- (7) Minimum Rear Yard Setback.....50 Feet
- (8) Minimum Side Yard:
 - (a) Principal Buildings.....20 Feet On Each Side
 - (b) Accessory Buildings.....10 Feet On Each Side
- (9) Minimum Lot Width100 Feet
- (10) Animals per acre.....1 animal unit per acre, additional animals per acre will require a conditional use permit.
- (11) Minimum Residential Structure Size.....1,200 sq. ft.
- (12) Minimum Residential Structure Width.....24 ft.

(E) Findings Before Rezoning Land Parcels Out of this District

The Town may approve petitions for rezoning areas zoned under this district only after findings are made based upon

consideration of the following:

(1) The proposed zoning district is consistent with the Plan.

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

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

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

(F) Prohibited Uses

(1) No structure or improvement may be built on a parcel of land in this district unless it is consistent with the permitted or conditional agricultural uses listed in this district.

4.10 Urban Agricultural Transition (UAT) District

(A) Purpose and Intent

(1) The purpose of the UAT District is for areas of predominantly agricultural use which are identified in the plan for future urban development. This district exclusively provides for existing agricultural uses but, is an area where urban growth is expected as indicated on the Land Use Plan and subsequently can be rezoned and indicated on the plan. The intent in having this district is to accommodate urban growth where cost effective public infrastructure can readily be made available. It is also intended to prevent unsightly development sprawl, uneconomical spread of development which results in excessive costs to the community for the provision of essential public services.

(B) Permitted Uses

The following uses are permitted in this district:

(1) General farming including dairying, livestock and poultry raising; bee keeping, floriculture, and forest management; grazing, livestock raising, orchards, plant green houses, and nurseries; egg production and poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; except the housing of livestock or poultry shall not be located within 100 feet of any property line of a residential or farmstead land parcel other than that of the owner of the buildings containing livestock or poultry.

(2) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale.

(3) Residences that are consistent with agricultural use and are occupied by the owner(s) of the parcel.

(4) Structures and improvements on an easement or a parcel of land that is part of the Ice Age Trail under Sections. 23.17 and 23.293 of the Wisconsin Statutes, which are incidental to trail use.

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

(C) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

(1) Procedures

(a) Conditional Uses allowed under the district are required to meet both of the following requirements before a permit is granted:

(i) The use must be "consistent with agricultural use" as defined in Section 91.01 (10), Wisconsin Statutes and is provided in the definitions Section of this ordinance.

(ii) The use must be found necessary in light of alternative locations available for that use.

(2) Conditional Use Permit

The following uses require approval of a Conditional Use Permit by the Committee prior to the use being established:

(a) Residence for a person who, or a family where at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

(b) Residence for a parent or child of an owner, who conducts the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

(c) Residence for a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel. Residential parcels shall be located

adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

(d) Churches, veterinary hospitals, publicly owned park and recreational areas, town halls, and other government uses.

(e) Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491 of the Wisconsin Statutes, provided they are enclosed by an eight-foot or more protective fence.

(f) A structure or improvement made as a part of a lease for oil and natural gas exploration and extraction.

(g) Migrant labor housing and structures.

(h) Game management, fish and fur farms, veterinary services, commercial or wholesale greenhouses, sod farms; and other agricultural uses that may cause additional traffic, noxious odors, or noise.

(i) Riding stables, riding schools, and hunting clubs using game birds, poultry, fowl and similar hunting type activities in the non-agricultural season as a Farm Family business (see number 8 above) that are incidental to agriculture use.

(j) Agricultural related uses including grain elevators; seed, fertilizer, and farm chemical sales; feed mills; commercial corn drying and storage facilities, and similar agricultural activities.

(k) Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.

(l) The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.

(m) Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(D) Standards For Permitted and Conditional Uses

Within the UTA District the following standards shall apply:

- (1) Minimum Parcel Size.....35 Acres
- (2) Parcels of land of less than 35 acres in this district that: front on a public road for a minimum of 100 feet, previously existed at the time of adoption of this ordinance shall be limited to one (1) residential structure for the owner of the parcel.
- (3) Maximum residential parcel size for a parent or child of the owner, or separate owner parcel.....5 Acres
- (4) Maximum Building Height...35 feet Residential Structures
- (5) Other Agricultural Structures Height limitations...
.....None
- (6) Minimum Front Yard Setback on Local Road.....50 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.)
- (7) Minimum Rear Yard Setback.....30 Feet
- (8) Minimum Side Yard:
 - (a) Principal Buildings.....20 Feet On Each Side
 - (b) Accessory Buildings.....10 Feet On Each Side
- (9) Minimum Lot Width At Building Line.....100 Feet
- (10) Animals per acre1 animal unit per acre, additional animals per acre will require a conditional use permit.
- (11) Minimum Residential Structure Size.....1,200 sq. ft.
- (12) Minimum Residential Structure Width.....24 ft.

(E) Findings Before Rezoning Land Parcels Out of this District

The Town may approve petitions for rezoning areas zoned under this district only after findings are made based upon consideration of the following:

(1) The proposed new zoning district is consistent with the Plan.

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

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

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

(F) Prohibited Uses

(1) No structure or improvement may be built on a parcel of land in this district unless it is consistent with the permitted or conditional agricultural uses listed in this district.

4.11 GENERAL AGRICULTURAL DISTRICT TWO (A-2)

(A) Purpose and Intent of 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 Land Use Plan for land parcels located in the General Agricultural Area. 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.

(B) Permitted Uses

The following uses are permitted in this district:

(1) 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.

(2) 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 signs with each sign face no larger than 4 feet x 8 feet (totaling up to 32 square feet) advertising such sale.

(3) One single family residence for owners of the parcel.

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

(C) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

(1) Churches, veterinary hospitals, publicly owned park and recreational areas, town halls, and other government uses.

(2) Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491 of the Wisconsin Statutes, provided they are enclosed by an eight-foot or more protective fence.

(3) A structure or improvement made as a part of a lease for oil and natural gas exploration and extraction.

(4) Farm family business which is a lawful activity (except a farm operation) conducted primarily for the following:

(a) The purchase, sale, lease, or rental of real property,

(b) The processing or marketing of products, commodities or other personal property, and

(c) The sale of services. The farm family business is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses.

(d) No more than two (2) persons who are members of the resident farm family may be employed in the family farm business.

(5) Migrant labor housing and structures.

(6) Game management, fish and fur farms, veterinary services, commercial or wholesale greenhouses, sod farms, and other agricultural uses that may cause additional traffic, noxious odors, or noise.

(7) Holding pens, feed lots, and animal confinement operations exceeding 30 animal units or more. Or, where there is over one (1) animal unit for each 100 square feet where livestock are housed for given period of time, in a limited area, confined building, yard, or shed where the manure is removed, feed and water are brought to the animals.

(8) Riding stables, riding schools, and hunting clubs using game birds, poultry, fowl and similar hunting type activities in the non-agricultural season as a Farm Family business (see number 8 above) that are incidental to agriculture use.

(9) The installation of one manufactured home on an operating farm, when the head of the occupant household of the manufactured home is actually engaged in that farm operation.

(10) Agricultural related uses including grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; animal confinement operations, commercial corn drying and storage facilities, and similar agricultural activities.

(11) Agriculture-related airstrip not open to the public which is accessory to the farm use.

(12) Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.

(13) The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.

(14) Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(D) Requirements for Permitted and Conditional Uses

(1) Minimum Lot Size.....10 acres

(2) Maximum Lot Size.....34.99 acres

(3) Maximum Building Height...35 feet for Residential Structures

(4) Other Agricultural Structures Height limitations...
.....None

(5) Minimum Front Yard Setback on Local Road.....35 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.)

(6) Minimum Rear Yard Setback.....50 Feet

(7) Minimum Side Yard:
Principal Buildings.....20 Feet On Each Side
Accessory Buildings.....10 Feet On Each Side

(8) Minimum Lot Width100 Feet

(9) Animals per acre.....1 animal unit per acre, additional animals per acre will require a conditional use permit.

(10) Minimum Residential Structure Size.....1,200 sq. ft.

(11) Minimum Residential Structure Width.....24 ft.

(E) Prohibited Uses

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

4.12 SMALL SCALE AGRICULTURAL DISTRICT THREE (A-3)

(A) 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 Land Use Plan for the areas indicated as Small Scale Agricultural Area on the Land Use Plan Map. 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 Districts are to be located in areas with soil types that do not have on-site sewer limitations and existing parcel sizes of 3 to less than 10 acres.

(B) Permitted Uses

The following uses are permitted in this district:

- (1) One residential structure per parcel.
- (2) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms; farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no buildings for the housing livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than the residence of the owner or lessee of the parcel.
- (3) In-season roadside stands for the sale of farm products produced on the premises, and up to two signs not larger than eight square feet each advertising such sale.
- (4) Gardening, including truck gardens, nurseries and greenhouses.
- (5) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (6) Publicly owned parks, playgrounds, recreational and community center buildings and grounds.
- (7) Pre-schools, K-12 schools, churches and their affiliated uses.

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

(9) Water storage facilities and their accessory structures.

(10) Accessory buildings, including buildings clearly incidental to the residential use of the property provided that no accessory building may be used as a separate dwelling unit.

(11) 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.

(12) Home occupation offices, when such office is conducted solely by a member of the resident household, entirely within the residence and incidental to the residential use of the premises. Home Occupation offices do not involve any external alteration that would effect the residential character of the building.

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

(C) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

(1) Home Occupations with up to two (2) non-resident workers, when such business is owned and managed by a member of the resident household. The home occupation shall be contained entirely within the residence or an outbuilding which shall be incidental to the residential use of the premises. Home occupations shall not involve any external alteration that would effect the residential character of the building.

(2) 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.

(3) 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.

(4) Fur farms, kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations.

(5) 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 Committee is assured that any damage to the road caused by the applicant will be repaired or reconstructed at the applicants full expense by a 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.

(6) The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.

(7) Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(D) Requirements for Permitted and Conditional Uses

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

(2) Minimum Side Yard Setback
Principal Buildings..... 20 ft.
Accessory Buildings.....10 ft.

(3) Minimum Front Yard Setback on Local Road.....50 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.)

(4) Minimum Rear Yard Setback.....30 ft.

(5) Minimum Lot Area.....3 Acres

(6) Maximum Lot size.....9.99 Acres

(7) Animals per acre.....1 animal unit per acre.
Additional animals per acre require a Conditional Use Permit.

(8) Minimum lot width on Public Road.....100 ft.

(9) Minimum Residential Building Width.....24 ft.

(10) Minimum Residential Building Size.....1,200 sq.
ft.

(E) Prohibited Uses

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

4.16 HIGHLAND CONSERVATION DISTRICT TWO (C-2)

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

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

(B) Permitted Uses

The following uses are permitted uses in this District:

- (1) Forest and woodland crop management.
- (2) Farming and related agricultural uses when conducted in accordance with Soil Conservation Service Standards.
- (3) Installation of soil and water conservation structures.
- (4) Parks and recreational areas, arboretums, and botanical gardens.
- (5) Forest preservation, wildlife reservations, and conservation projects.
- (6) Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(C) Conditional Use

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- (1) Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges, rifle ranges, fish

ponds, gun clubs, hunting reserves, and other similar activities when located 100 feet from the boundaries of the property involved.

- (2) Horse stables, riding clubs, and fairgrounds.
- (3) Private and public golf courses and accessory uses.
- (4) Earth movements involving site disturbing in excess of two acres not related to farming activity.
- (5) Stream course changing, waterway construction or enlargement, dams, and changing of natural drainageways.
- (6) One single family dwelling.
- (7) Ski hills, ski trails, hunting and fishing clubs.
- (8) Recreation camps and tactical war games
- (9) Public or private campgrounds.
- (10) Animal hospitals, shelters and kennels.
- (11) Radio, television, communication transmitters, or relay towers and facilities.
- (12) Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(D) Requirements for Permitted and Conditional Uses

- (1) Maximum Building Height.....35 ft.
- (2) Minimum Front Yard Setback50 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.)
- (3) Minimum Rear Yard Setback.....25 ft.
- (4) Minimum Lot Width.....100 ft.
- (5) Minimum Lot Frontage on Public Road.....100 ft.
- (6) Minimum Lot Area.....10 acres
- (7) Minimum Side Yard Setback.....20 ft.
- (8) Minimum Accessory Building Setback.....10 ft.
- (9) Minimum Residential Building Size.....1,200 sq. ft.

(10) Minimum Building Width.....24 ft.

(11) Off-Street Parking, Public Gathering1 space per 200 sq. ft. of building or 1 space per 5 anticipated users at maximum usage of facilities.

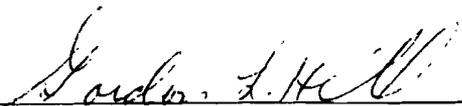
(E) Prohibited Uses

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

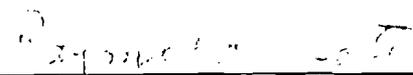
This Ordinance prepared by authority of La Prairie
Town Board by Petition to the Rock County Board of Supervisors
adopted January 4, 1977.

Technical planning assistance rendered by Rock County
Planner Phil Blazkowski and legal services rendered by
David Collins, Town Attorney.

Adopted June 7, 1977
Posted June 8, 1977
Effective July 7, 1977



Gordon L. Hill, Chairman



Raymond Scott, Supervisor



Robert Ranson, Supervisor

Countersigned:



Elsie Henke
Town Clerk

Section 11.8 shall be created to read as follows:

11.8 Rezoning Application Fees

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

(1) Rezoning Petitions to S-P Special Purpose District.

Because the S-P district provides for uses which create, or could present special problems, hazards or other circumstances with regard to the use of the land, and because of the expense incurred by the Town of La Prairie in reviewing such applications, the fee for application to rezone to the S-P Special Purpose district shall be a minimum of \$1,000.00.

The Planning and Zoning Committee may require a larger fee, based on the particular situation, to cover expenses connected with the review of the application and the public hearing. The Planning and Zoning Committee is authorized to retain an attorney, planner, engineer, architect or other professional consultants to advise the Planning and Zoning Committee on any or all aspects of the rezoning application. The cost of this shall be borne by the applicant.

If, after all expenses incurred in the review of the rezoning have been paid and there is a remainder of the fee charged, that remainder shall be refunded to the applicant.

(2) For Rezoning applications to all other districts, the cost shall be \$100. If the actual cost to the Town exceeds \$100, the Planning and Zoning Commission may require a larger fee.

(3) No Conditional Use Permit shall take effect under this section until all fees are paid.

THIS AMENDATORY ORDINANCE ADOPTED, by the Town Board of the Town of La Prairie, this 5 day of March 1990.

Gordon L. Hill
Gordon Hill, Chairman

Willard Arndt
Willard Arndt, Supervisor

Elton Broege
Elton Broege, Supervisor

NOW, THEREFORE, The Town Board of the Town of La Prairie do hereby ordain, that the zoning regulations be changed as below stated upon the effective date of this amendatory ordinance.

5.6 Shall be created to read as follows:

5.6 Conditional Use Permit Fee

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

- (1) Conditional Use Permits for uses in the S-P Special Purpose District.

Because the S-P district provides for uses which create, or could present special problems, hazards or other circumstances with regard to the use of the land, and because of the expense incurred by the Town of La Prairie in reviewing such applications, the fee for application for a conditional use permit for a use in the S-P Special Purpose district shall be a minimum of \$1,000.00.

The Planning and Zoning Committee may require a larger fee, based on the particular situation, to cover expenses connected with the review of the application and the public hearing. The Planning and Zoning Committee is authorized to retain an attorney, planner, engineer, architect or other professional consultants to advise the Planning and Zoning Committee on any or all aspects of the Conditional Use application. The cost of this shall be borne by the applicant.

- (2) For Conditional Use Permit applications in all other districts, the cost shall be \$100. If the cost to the Town exceeds that amount, the Planning and Zoning Committee may require a larger fee.
- (3) No Conditional Use Permit shall take effect under this section until all fees are paid.

Section 11.3(4) shall be amended to read as follows:

- 11.3(4) Fee Receipt from the Town Treasurer in the Minimum amount specified in section 11.8.

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SECTION 4.0 ZONING DISTRICTS

4.1 Establishment

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

A-1 Agricultural District
A-2 Agricultural District
A-3 Agricultural District
B-1 Local Business District
CHI Commercial Highway Interchange District
C-1 Lowland Conservancy District
C-2 Highland Conservation District
R-R Rural Residential District
R-1 Residential District
PUD Planned Unit Development District
MHP Mobile Home Park District
SP Special Purpose District
M-1 Light Industrial District

4.2 Zoning Map and District Boundaries

The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of LaPrairie, Wisconsin", dated June 7, 1977, as amended, which accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines, U. S. Public Land Survey lines; lot or property lines; soil mapping unit lines; topographic lines; centerlines of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and a copy attached hereto is correct only as of the day of passage of this Ordinance. The Town Clerk shall keep a revised version of said map reflecting any and all changes of zoning boundaries.

4.3 General District Regulations

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

(1) Erection of More than One Principal Structure on a Lot. In any district no more than a one structure housing permitted or conditional use may be erected on a single lot except in the B-1, A-1 and A-2 districts where the requirements of those districts shall be met for each structure as though it were on an individual lot. Mobile homes only when in a mobile home park.

(2) Exceptions to Height Regulations. The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(3) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(4) Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(5) A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing at the date of enactment of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Planning & Zoning Committee and shall not require a special exception or variance.

(6) In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.

(7) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by one (1) family.

(8) Vacation of Public Streets, Alleys and Right-of-Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(9) Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. 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.

(10) Utility lines which will serve individual lots to include electric lines under 12,000 volts, cable T.V., telephone, natural gas, etc. shall be installed underground within the utility easements shown on the map required by the Building Permit.

(11) No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.

AGRICULTURAL DISTRICT ONE (A-1)

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

The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Development Guide. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provision of essential public services. Agricultural soils are predominant in this district and are to be very sparsely developed to protect the community's economic base and tax base. The district contains agricultural soils defined in this ordinance as follows:

AzA	EmA	KdB	OoA	RtB2	SbA	W1B2
B1A	EoA	KdC2	OoB	RtC2	SbB	W1C2
B1B	EvB	KeA	OoC2	SaA	SbC2	WhB2
Br	EvC2	KeB2	Ot	SaB	TrA	WhC2
CaB2	F1A	KeC2	PA	SaC2	WaA	WnA
Co	F1B	LkA	PeA	SbC2	WaB	WnB2
Da	GrA	LoA	PEB2	Se	Wac2	WnC2
DrA	GrB2	LoB	PeC2	PmA	WcA	WoA
DrB	GrC2	Ma	P1A	PmB	WfA	ZuA
DrC2	He	Mb	P1B	PnA	WfB2	ZuB
DuA	HeA	Md	P1C2	PnB	WfC2	ZuC2
DuB2	JaA	Mf	RnB2	Ha	WeA	
DuC2	JaB	Na	RnC2	SkA	WeB	
EdB2	JuA	OgA	RpB	SkB	WKC2	
E1A	KaA	OgB	RpC2	SkC2	W1A	

(2) Permitted Uses.

The following uses are permitted in this district:

(A) General Farming including dairying, livestock and poultry raising, nurseries, greenhouses 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 greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such greenhouses or buildings containing such livestock or poultry.

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables, truck farming, and other appropriate agricultural pursuits, 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 eight square feet each advertising such sale. Airports not open to the public.

(C) Up to two residential dwellings for those resident owners and workers who are actually engaged in the principal uses and earn a substantial part of their livelihood from the farm operations on the parcel.

3. Conditional Use

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee. The Committee will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, ~~possesses~~ a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

(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 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 the A-3 District but not to exceed five (5) Acres.

(D) Fur farms, kennels, veterinary services, greenhouses, and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Planning and Zoning Committee.

(E) Riding stables, riding schools, and shooting preserves as secondary uses to agriculture.

(F) The installation of one mobile home on any operating farm when the head of the occupant household of such mobile home is actually engaged in that farm operation.

(G) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.

(H) Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar agricultural activities provided they are adjacent to Class A or B Highway as defined by this Ordinance (Section 9).

(I) Storage of non-agriculture items in buildings existing at the time of the adoption of this ordinance.

(J) An additional farm dwelling for those resident owners and workers actually engaged in the principle permitted uses.

(K) Telephone, telegraph and electric transmission lines, buildings or structures.

(L) Removal of gravel for State and County projects.

4. Requirements for Permitted and Conditional Uses

Within the A-1 District the following standards shall apply;

- (A) Minimum Lot Size ----- 35 Acres
- (B) Maximum Building Height ----- 35 Ft. 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 Ft. on each side
 - Accessory Buildings ----- 10 Ft. on each side
- (F) Minimum Lot Width at Building Line ----- 100 Ft.
- (G) All front yard setbacks are to also refer to Section 9.1 of this Ordinance
for setbacks on Federal, State and County Roads.

AGRICULTURAL DISTRICT TWO (A-2)

(1) The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Community's Development Guide. This district is designed to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units. The A-2 District is delineated by agricultural soils defined as follows:

AzA	EmA	KdB	OoA	RtB2	SbA	W1B2
B1A	EOA	KdC2	OoB	RtC2	SbB	W1C2
B1B	EvB	KeA	OoC2	SaA	SbC2	WhB2
Br	EvC2	KeB2	Ot	SaB	TrA	WhC2
CaB2	F1A	KeC2	Pa	SaC2	WaA	WnA
Co	F1B	LkA	PeA	SbC2	WaB	WnB2
Da	GrA	LoA	PeB2	Se	WaC2	WnC2
DrA	GrB2	LoB	PeC2	PmA	WcA	WoA
DrB	GrC2	Ma	P1A	PmB	WfA	ZuA
DrC2	He	Mb	P1B	PnA	WfB2	ZuB
DuA	HeA	Md	P1C2	PnB	WfC2	ZuC2
DuB2	JaA	Mf	RnB2	Ha	WeA	
DuC2	JaB	Na	RnC2	SkA	WeB	
EdB2	JuA	Oga	RpB	SkB	WKC2	
E1A	KaA	OgB	RpC2	SkC2	W1A	

(2) Permitted Uses.

The following uses are permitted in this district.

(A) General farming including dairying, livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such greenhouses or buildings containing such livestock or poultry.

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables, truck farming, and other appropriate agricultural pursuits, 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 eight square feet each advertising such sale. Airports not open to the public.

(C) One residential dwelling for those resident owners and workers actually engaged in the principle permitted uses.

(3) A Conditional use in this district is to permit the following uses only after review by the Planning and Zoning Committee, a public hearing and approval of the Town Board. The Town Board will review the applicable facts pertaining to the

proposed conditional use as found in Section 5 of this Ordinance and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

(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 conforms with all regulations set forth in the A-3 District but not to exceed five (5) acres or leave the remaining land inconsistent with the requirements of the District.

(D) Fur farms, kennels, insect-breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Planning and Zoning Committee.

(E) Riding stables, riding schools, and shooting preserves.

(F) The installation of one mobile home on any operating farm when the head of the occupant household of such mobile home is employed in connection with the farm operation.

(G) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.

(H) Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; feedlots; feed mills; and similar activities provided they are adjacent to a Class A or B Highway as defined by this Ordinance (Section 9).

(I) Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.

(J) An additional farm dwelling for those resident owners and workers actually engaged in the principle permitted uses.

(K) Telephone, telegraph and electric transmission lines, buildings or structures.

(L) Hobby Farms.

(4) Requirements for Permitted and Conditional Uses

- (A) Minimum lot Size ----- 10 Acres
- (B) Maximum Lot Size ----- Not to Exceed 35 Acres
- (C) Maximum Building Height ----- 35 ft. Residential
structures - No Maximum
on other structures
- (D) Minimum Front Yard Setback ----- 50 ft.
- (E) Minimum Rear Yard Setback----- 50 ft.
- (F) Minimum Side Yard:
Principal Buildings ----- 20 ft.
Accessory Buildings ----- 10 ft.
- (G) Animals per acre-----One (1) large farm animal per acre.
Additional animals per acre will
require a Conditional Use Permit
from the Planning & Zoning Committee.
- (H) All front yard setbacks are to also refer to Section 9.1 of this
ordinance for setbacks on Federal, State and County Roads.

AGRICULTURAL DISTRICT THREE (A-3)

- (1) The purpose of the A-3 District is to provide a mixture of low density residential and agriculture land uses which are consistent with the goals and objectives of the Development Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use. The intent of the A-3 District is that it is 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 not prime agricultural soils. No residential development shall take place on the following soils or the agricultural soils listed in the A-1 District which are hereby made part of this district.

Ad	EdE	KaK	Ot	SoB
Aw	E1A	KdD	Pa	SoC2
AzA	EmA	KeD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	RrF	W1A
Da	GpC2	Mc	Rs	W1C2
DrD2	GrD2	Md	RtD	W1D2
EdB2	Ha	Me	RuE	WhB2
EdC2	Ho	Mf	RuF	WhC2
EdD2	JuA	Na	SaD	WoA
		OoD2	SbC2	

(2) Permitted Uses

The following uses are permitted in this district:

(A) Single family dwellings but not to include a major subdivision as defined in this ordinance. Mobile Homes only when located in a mobile home park. One private garage for each residential parcel.

(B) General farming including livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such greenhouses or buildings containing such livestock or poultry. No barbwire fences forward of the front yard setback or building line whichever is greater.

(C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.

(D) Fur farms, kennels, insect breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise.

(E) Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, bees or fur bearing animals, including rabbits, except as otherwise herein provided.

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

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

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

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

(J) Water Storage facilities and their accessory structures.

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

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

3. Conditional Use

A conditional use in this district is to permit the following uses only after review by the Planning and Zoning Committee, a public hearing and approval of the Town Board. The Committee will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this Ordinance and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

(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 family, 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 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.

(D) Mobile homes provided that only one mobile will be permitted in conjunction with an established farmstead and that the head of the occupant household of such mobile home is employed in connection with the farm operation.

(E) Fur farms, kennels, insect breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise.

(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----- 10 ft. on each side
- (C) Minimum Front Yard Setback ----- 50 ft.
- (D) Minimum Rear Yard Setback ----- 50 ft.
- (E) Minimum Lot Area ----- 1 acre when contiguous with a minimum of 5 acres of land zoned A-3.
- (F) Maximum Lot Size ----- 10 Acres
- (G) Animals per Acre ----- 1 large farm animal, 12 fowl or 12 rabbits other than a household pet.
- (H) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County Roads.
- (I) Maximum Lot Coverage ----- Not to exceed 12.5% of total lot area

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this Ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created, and approved uses shall be in accordance with Soil Conservation Service standards.

- (A) Dams, reservoirs, ponds, water storage and primary facilities.
- (B) Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theatres 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 Shorelands Zoning Ordinance enacted by Rock County pursuant to Section 59.971 of the Wisconsin Statutes, "Zoning of Shorelands 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 effected.
- (K) Sewage disposal plants.

4. Requirements for Permitted and Conditional Uses

Maximum Building Height-----	35 ft.
Minimum Front Yard Setback-----	50 ft.
Minimum Rear Yard Setback-----	75 ft.
Minimum Lot Frontage on Public Road-----	50 ft.
Minimum Lot Area -----	2 Acres
Minimum Lot Width at Building Line -----	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.

HIGHLAND CONSERVATION DISTRICT TWO (C-2)

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

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

DuC2	GrA	OsA	WfB2	SaA
DuB2	F1B	OgB	WfC2	SaB
DuA	F1A	OgA	WnA	SaC2
KeA	PmB	KeC2	WnB2	SbA
KdC2	PmA	KeB2	WnC2	SbB
KdB	P1C2	TrA	WoA	SbC2
JuA	P1B	WaA	ZuA	SkA
JaB	P1A	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 review by the Planning & Zoning Committee, a public hearing and approval of the Planning and Zoning Committee. The Committee will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this Ordinance and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- (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 drainage ways.
- (F) Single family dwellings.
- (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 transmissions lines, building or structures and similar public utility facilities.
- (L) Radio, television, and communications transmitters or relay towers and 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----- 75 ft.
- Minimum Rear Yard Setback----- 25 ft.
- Minimum Lot Width at Building Line-----100 ft.
- Minimum Lot Frontage on Public Road----- 50 ft.
- Minimum Lot Area-----10 Acres
- Minimum Side Yard Setback----- 15 ft.
- Off-street Parking, Public Gathering ----- 1 space per 5 seats if applicable, 1 space per 200 sq. ft. of building, or 1 space per 5 anticipated users at maximum usage of facility.

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

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 on soils that are compatible for on-site disposal of sewage effluent, will substantially support a residential structure, and will not infringe on primary agricultural soils.

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

ON-SITE LIMITATIONS

Ad	EdE	KaK	Ot	Sob
Aw	ElA	KdD	Pa	SoC2
AzA	EmA	KeD2	Ro	SoD
BmA	EOA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	RrF	W1A
Da	GpC2	Mc	Rs	W1B2
DrD2	GrD2	Md	RtD	W1C2
EdB2	Ha	Me	RuE	W1D2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
		OoD2	SbC2	WoA

(2) Permitted Uses

The following uses are permitted uses in this District:

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

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

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

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

**AN ORDINANCE ADOPTING AMENDMENTS TO
THE COMPREHENSIVE ZONING ORDINANCE
FOR THE TOWN OF SPRING VALLEY**

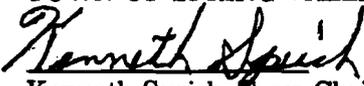
The Town Board of the Town of Spring Valley do ordain as follows:

SECTION 1. The proposed amendments to the Comprehensive Zoning Ordinance for the Town of Spring Valley, which proposed amendments have been underlined and/or shaded within the proposed Revised Comprehensive Zoning Ordinance for the Town of Spring Valley, are hereby adopted and made a part of the Comprehensive Zoning Ordinance of the Town of Spring Valley published in book (pamphlet) form, except for the following proposed amendments, which are not adopted by this Ordinance having been deleted from the Amendments:

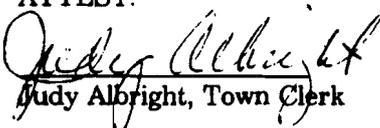
- (a) Section 4.3 Exclusive Agricultural District 1 (A-1)
Subpart 4(4)(I) Minimum Lot Size Fifty (50) Acres;
- (b) Section 4.3 Agricultural District 2 (A-2)
Subpart (4)
 - (a) Minimum Lot Size Twenty (20) Acres;
 - (b) Maximum Lot Size not to exceed Fifty (50) Acres;
- (c) Section 4.3 Agricultural District 3(A-3)
Subpart 4(4)(e) Minimum Lot Area Ten (10) Acres when contiguous with a minimum of five (5) acres of land zoned A-3.

SECTION 2. The proposed amendments are permanently on file in the office of the Town Clerk and have been on file not less than two (2) weeks prior to the adoption of this Ordinance and are open to public inspection.

SECTION 3. This Ordinance will take effect and be in force on passage and publication as provided by law.

TOWN OF SPRING VALLEY
BY: 
Kenneth Speich, Town Chairman

ATTEST:


Judy Albright, Town Clerk

Passed: March 14, 1995

Published: March 29, 1995

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EXCLUSIVE AGRICULTURAL DISTRICT ONE (A-1)

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

The purpose of the A-1 District is to: preserve and protect high quality agricultural soils and interwoven historically farmed soils, to prevent over crowding of structures on agricultural land, to prevent undue concentration of population in agricultural areas, and to provide a method of obtaining the agricultural goals and objectives in the Development Plan. This district also specifies minimum requirements designating certain lands for exclusive agriculture use allowing the owners of such lands to claim farmland preservation tax credits under Chapter 71 of the Wisconsin Statutes.

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

(2) Permitted Uses.

The following uses are permitted in this District:

(A) Agricultural uses including the following: beekeeping, dairying, egg production, floriculture, forest management, nurseries, poultry raising, raising of grain; grass, mint and seed crops; retail seed sales; raising of fruits, nuts, and berries; vegetable raising; and placing of land in federal agricultural programs.

(B) One Single Family residence for the owner or farm operator of the parcel.

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

(3) Conditional Uses

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

(1) A Conditional Use Permit Application is submitted to the Town Clerk.

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

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

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

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

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

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

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

(1) Public water storage, waste water treatment facilities, gas and electric utility uses not requiring authorization under s.. 196.491 (3) of the Wisconsin Statutes, if these uses are consistent with agricultural uses.

(2) Publicly owned and maintained parks and recreational areas, other quasi-public utility, institutional and governmental uses, if those uses are consistent with agricultural uses and are found to be necessary in light of the alternative locations available for such uses.

(3) Game management, commercial feedlots, fur farming, sod farming, commercial and wholesale greenhouses, holding pens, confinement operations exceeding 200 animal units or 2 animal units per acre (which ever is less), and other agricultural uses that may cause noxious odors, noise or a negative environmental impact.

(4) Riding stables, riding schools, hunting clubs and shooting preserves as a secondary use to agriculture uses if the use will not have negative impact on adjoining agriculture uses.

(5) Installation of one mobile home or manufactured home on an operating farm when at least one adult member of the occupant household is actually engaged in a principle permitted use and earns a majority of his or her gross income from conducting farm operations on the parcel, or is a son, daughter, or parent of the parcel owner who currently conducts or who previously conducted the majority of the farm operations on the parcel.

(6) For purposes of farm consolidation, farm residences or structures which existed prior to the adoption of this ordinance may be separated from a larger farm parcel provided that the smaller parcel not exceed five acres. The Town Board reserves the right to reduce the acreage of the proposed parcel that has had active agricultural use. One large farm animal, twelve (12) fowl or twelve (12) rabbits per acre shall be permitted. Additional animals per acre will require a permit from the Town Board. This provision does not apply to household pets.

(7) Agri-business uses to include but not limited to: veterinary hospitals and services, milk and cheese processing, grain elevators, processing of agricultural seed, wholesale seed sales, fertilizer sales, alcohol fuel distilleries, farm chemical sales, grain elevators, feed mills and similar agricultural uses provided they are adjacent to an arterial or collector road as defined herein.

(8) Storage of non-agricultural items in buildings existing at the time of the adoption of this ordinance.

(9) Telephone and electric transmission lines larger than 69 KV, buildings and structures.

(10) Air strips not open to the public.

(11) Single family residences for a parent or child of the owner of the parcel who currently conducts or who previously conducted the majority of the farm operations on the parcel.

(12) Single Family residences for a person who, or a family of at least one adult member of which, earns the majority of his or her gross income from conducting farm operations on the parcel.

(13) Land for the Ice Age Trail use under Sections 23.17 and 23.293 of the Wisconsin Statutes as an easement or fee simple including incidental structures and improvements that are consistent with agricultural use.

(14) A family farm business limited to existing farm residence, structures, or portions of the existing farmstead that have not been dedicated to agricultural uses. "Family farm business" means any lawful business activity, except a farm operation, conducted primarily for the: purchase, sale, lease, processing, marketing, or rental of personal property, real property, products, commodities, other personal property, or the sale of services.

(15) The spreading, disposal or reduction of sludge, whey, or food processing by-products. "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

(4) Requirements for Permitted and Conditional Uses

Within the A-1 District the following standards shall apply;

- | | |
|--------------------------------|--|
| (A) Maximum Building Height | 35 ft. Residential structures. No maximum on other structures. |
| (B) Minimum Front Yard Setback | 50 feet |
| (C) Minimum Rear Yard Setback | 50 feet |
| (D) Minimum Side Yard Setback: | |
| (a) Principle Building | 20 feet |
| (b) Accessory Buildings | 10 feet |

(E) Minimum Lot Width 100 feet

(F) Existing parcels of less than 50 acres that are mapped in Agricultural Preservation Areas on the Development Plan Map shall be zoned A-1 and conform with the permitted uses, conditional uses and requirements of this district.

(G) Buildings for the housing of livestock or poultry shall not be located within 100 feet of any parcel boundary of a residential or commercial lot, other than that of the owner or

lessee of such building containing such livestock or poultry.

(H) Up to two signs, with the sign faces totaling not more than 64 square feet, that advertise the sale of farm products produced on the premises or the product of the Farm Business.

(I) Minimum Lot Size 35 Acres

(J) 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 Committee is assured that any damage to the road caused by the applicant will be repaired or reconstructed at the applicants 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) 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.

AGRICULTURAL DISTRICT TWO (A-2)

(1) Purpose and Intent of 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 Area. 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, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such greenhouses or buildings containing such livestock or poultry.

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

(3) Conditional Uses.

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

(1) A Conditional Use Permit Application is submitted to the Town Clerk.

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

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

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

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

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

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

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

(1) Churches, veterinary hospitals, community parks and recreational area.

(2) Water storage facilities and power stations provided they are enclosed by an eight-foot or more protective fence.

(3) 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 the R-R District but not to exceed five (5) acres or deem the remaining land inconsistent with the requirements of this district.

(4) Fur farms, kennels, insect-breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Planning and Zoning Committee.

(5) Riding stables, riding schools, and shooting preserves.

(6) The installation of one manufactured home on any operating farm when the head of the occupant household of such manufactured home is employed in connection with the farm operation.

(7) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.

(8) Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; feed lots; feed mills; and similar activities provided they are adjacent to a Class A or B Highway as defined by this Ordinance (Section 9).

(9) Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.

(10) An additional farm dwelling for those resident owners and workers actually engaged in the principle permitted uses.

(11) Telephone, telegraph and electric transmission lines, buildings or structures.

(12) Hobby farms.

(4) Requirements for Permitted and Conditional Uses

- | | |
|---|---|
| (A) Minimum Lot Size | 10 acres |
| (B) Maximum Lot Size | Not to exceed 35 acres |
| (C) Maximum Building Height | 35 ft. Residential structures-No maximum on other structure. |
| (D) Minimum Front Yard Setback | 50 ft. |
| (E) Minimum Side Yard: | |
| Principal Buildings | 20 ft. on each side |
| Accessory Buildings | 10 ft. on each side |
| (G) Animals per acre | One large farm animal, twelve (12) fowl or twelve (12) rabbits per acre shall be permitted. Additional animals per acre will require a permit from the Town Board. This provision does not apply to household pets. |
| (H) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and Country | |

Roads.

(5) Prohibited Uses

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

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 Area. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural area for combined rural residential/agricultural use. The A-3 District is intended to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District 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) Single family dwellings but not to include a major subdivision as defined in this ordinance. Mobile Homes or Manufactured Homes only when located in a manufactured home park. One private garage for each residential parcel.

(B) General farming including livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such greenhouses or buildings containing such livestock or poultry. No barbwire fences forward of the front yard setback or building line whichever is greater.

(C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.

(D) Fur farms, kennels, insect breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise.

(E) Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, bees or fur bearing animals, including rabbits, except as otherwise herein provided.

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

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

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

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

(J) Water storage facilities and their accessory structures.

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

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

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

(3) Conditional Uses.

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

(1) A Conditional Use Permit Application is submitted to the Town Clerk.

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

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

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

(5) Upon consideration of the information obtained at the public hearing, the recommendation of the Committee

and the standards in Chapter 5 of the Ordinance, the Town Board may approve, approve with conditions or deny the conditional use application.

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

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

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

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

(2) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

(3) 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.

(4) Mobile homes or manufactured homes provided that only one mobile home or manufactured home will be permitted in conjunction with an established farmstead and that the head of the occupant household of such mobile home or manufactured home is employed in connection with the farm operation.

(4) Requirements for Permitted and Conditional Uses

(A) 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 10 ft. on each side

(C) Minimum Front Yard Setback

50 ft.

(D) Minimum Rear Yard Setback

50 ft.

(E) Minimum Lot Area

1 acre when contiguous
with a minimum of 5
acres of land zoned A-3.

(F) Maximum lot coverage

not to exceed 12.5%
of total lot.

(G) Animals per acre

One large farm animal, twelve (12)
fowl or twelve (12) rabbits per acre
shall be permitted. Additional
animals per acre will require a
permit from the Town Board. This
provision does not apply to
household pets.

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

(5) Prohibited Uses

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

HIGHLAND CONSERVATION DISTRICT TWO (C-2)

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

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

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

(2) Permitted Uses

The following uses are permitted uses in this District:

- (A) Forest and woodland crop management.
- (B) Farming and related agricultural uses when conducted in accordance with Soil Conservation Service Standards.
- (C) Installation of soil and water conservation structures.
- (D) Parks and recreational areas, arboretums, and botanical gardens.
- (E) Forest preservation, wildlife reservations, and conservation projects.
- (F) Other recreation activities that do not require a structure or earth movement.

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

(3) Conditional Use

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

(1) A Conditional Use Permit Application is submitted to the Town Clerk.

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

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

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

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

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

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

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

(1) Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways,

(2) Telephone, telegraph and electric transmission lines, buildings or structures and similar public utility facilities.

(4) Requirements for Permitted and Conditional Uses.

Maximum Building Height	35 ft.
Minimum Front Yard Setback	75 ft.
Minimum Rear Yard Setback	25 ft.
Minimum Lot Width at Building Line	100 ft.
Minimum Lot Frontage on Public Road	50 ft.
Minimum Lot Area	10 Acres
Minimum Side Yard Setback	15 ft.

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

(5) Prohibited Uses

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

This Zoning Ordinance Code is prepared by authority of the Milton Town Board by petition to the Rock County Board of Supervisors adopted October 25, 1979.

Technical planning assistance rendered by Rock County Planners Phil Blazkowski and Robert Kallien.

Adopted: November 5, 1979

Posted: November 7, 1979

Effective: November 7, 1979

Revised: May 4, 1987

Revised: February 6, 1989

Revised: September 5, 1989

Revised: April 2, 1990

Revised: November 5, 1990

Revised: June 1, 1992

Revised: September 7, 1993

Revised: February 7, 1994

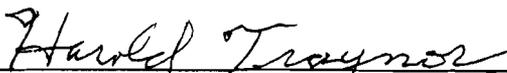
Revised: May 6, 1996

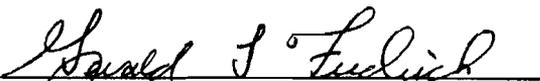
Revised: June 2, 1997

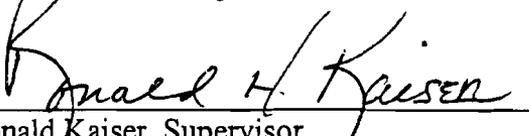
Revised: March 9, 1998

Revised: June 14, 1999

Revised and Adopted as the Town of Milton Zoning Ordinance Code: April 12, 2004


Harold Traynor, Town Chairman


Gerald Fredrick, Supervisor


Ronald Kaiser, Supervisor


John Meland, Supervisor


Leonard Stalker, Supervisor

Attest:

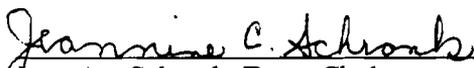

Jeannine Schrank, Town Clerk

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SECTION 9.0 HIGHWAY SETBACK LINES AND ROADSIDE REGULATIONS

9.1 CLASSIFICATION AND SETBACKS

For the purpose of determining the distance buildings and other structures, excluding signs, are set back, the roads and highways of the township are hereby divided into the following classifications according to the Wisconsin Department of Transportation 1980 Functional Classification System or the locally adopted Transportation Plan.

(1) Arterial Highways

(A) The setback line for Arterial highways shall be 115 feet from the centerline of the highway or 75 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 of collector roads shall be 115 feet from the centerline or 75 feet from the right-of-way line, whichever is greater. Minimum road way width 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 Setback

Lesser setbacks may be permitted by the Town Board 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-way which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements and the division of land.

SECTION 4.0 ZONING DISTRICTS

4.1 ESTABLISHMENT

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

Agricultural District (A-1)
Agricultural District (A-2)
Agricultural District (A-3)
Rural Residential District (R-R)
Residential District (R-1)
Residential District (R-3)
Local Business District (B-1)
Large Scale Commercial District (B-2)
Commercial Highway Interchange District (CHI)
Lowland Conservancy Overlay District One (C-1)
Highland Conservation District Two (C-2)
Commercial Recreational District (CR)
Planned Unit Development District (PUD)
Mobile Home Park District (MH)
Special Purpose District (SP)
Light Industrial District (M-1)
Historic Conservation District (HC)

4.2 ZONING MAP AND DISTRICT BOUNDARIES

The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Milton, Wisconsin", dated November 5, 1979, as amended, which accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines, U.S. Public Land Survey Lines; lot or property lines; soil mapping Unit lines; topographic lines; centerlines of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and a copy attached hereto is correct only as of the day of passage of this Ordinance. The Town Clerk shall keep a revised version of said map reflecting any and all changes of zoning boundaries.

4.3 GENERAL DISTRICT REGULATIONS

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

- (1) Erection of More than One Principal Structure on a Lot. In any district no more than one structure housing permits or conditional use may be erected on a single lot except in the B-1, A-1, and A-2 districts where the requirements of those districts shall be met for each structure as though it were on an individual lot. Mobile homes only when in a mobile home park or when they meet Conditional Use regulations in A-1, A-2, or A-3 Districts.
- (2) Exceptions to Height Regulations. The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (3) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- (4) Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- (5) A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing at the date of enactment of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Town Board and shall not require a variance.
- (6) In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.
- (7) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by one (1) family.
- (8) Vacation of Public Streets, Alleys, and Right-of-Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(9) Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. 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.

(10) Utility lines which will serve individual lots on new subdivisions will be left to the discretion of the Utility Company.

(11) No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.

(12) The landing and takeoff of ultralight airplanes, parachute jumping, and parasailing behind boats and similar uses are prohibited on or into lakes of less than 100 acres.

(13) Restrictions on recreational vehicles. No person shall park or store any recreational vehicle within the Town of Milton unless said recreational vehicle is parked or stored in a licensed recreational vehicle park except that a recreational vehicle may be parked or stored on a lot located within any of the other districts, provided all the following conditions are complied with:

(a) At no time shall such parked or stored recreational vehicles be occupied or used for living or housekeeping purposes unless the occupants of said recreational vehicle are guests of town residents or property owners on a lot where an adequate water supply and toilet facilities are available to the guests in the dwelling unit of their hosts.

(1) Such occupancy shall not exceed thirty (30) days per calendar year.

(2) No fee shall be imposed for such occupancy.

(b) No parked or stored recreational vehicle may be used as a permanent storage unit.

(c) No additional outside structures may be attached to or placed adjacent to a parked or stored recreational vehicle.

AGRICULTURAL DISTRICT ONE (A-1)

(1) PURPOSE AND INTENT OF AGRICULTURAL DISTRICT ONE (A-1)

The purpose of the A-1 District is to provide a means of obtaining the Agricultural goals and objectives of the Development Guild. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent on having this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provisions of essential public services. Agricultural soils are predominant in this district and are to be very sparsely developed to protect the community's economic base and tax base. This district contains agricultural soils defined in this ordinance as follows:

AzA	DuC2	He	LoA	Ot	RtB2	SkA	WfB2	WnC2
B1A	EdB2	HeA	LoB	Pa	RtC2	SkB	WfC2	WoA
B1B	E1A	JaA	Ma	PeA	SaA	SkC2	WeA	ZuA
Br	EmA	JaB	Mb	PeB2	SaB	SbA	WeB	ZuB
CaB2	EoA	JuA	Md	PeC2	SaC2	SbB	WkC2	ZuC2
Co	EvB	KaA	Mf	P1A	SbC2	SbC2	W1A	
Da	EvC2	KdB	Na	P1B	Se	TrA	W1B2	
DrA	F1A	KdC2	OgA	P1C2	PmA	WaA	W1C2	
DrB	F1B	KeA	OgB	RnB2	PmB	WaB	WhB2	
DrC2	GrA	KeB2	OoA	RnC2	PnA	WaC2	WhC2	
DuA	GrB2	KeC2	OoB	RpB	PnB	WcA	WnA	
DuB2	GrC2	LkA	OoC2	RpC2	Ha	WfA	WnB2	

(2) PERMITTED USES

The following uses are permitted in this district:

(A) General farming including dairying, livestock, poultry and gamebird 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.

(B) Forestry, grazing hatcheries, nurseries, orchards, paddocks, 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 64 square feet each advertising such sale.

(C) Up to two residential dwellings for those resident owners and workers who are actually engaged in the principal permitted use and earn a substantial part of their livelihood from the farm operations on the parcel.

(3) CONDITIONAL USE

A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board.

(A) Churches, veterinary hospitals, community parks and recreational areas, and shooting preserves.

(B) Water storage facilities, gas and electric utility uses not requiring authorization under SS. 196.491 Wis. Stats., provided they are enclosed by an eight-foot or more protective fence.

(C) Farm dwellings and related farm structures may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the A-3 District but not to exceed five (5) acres.

(D) Fur farm, veterinary services, 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) The installation of one mobile home on any operating farm when the head of the occupant household of such mobile home is actually engaged in that farm operation.

(G) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.

(H) Supportive agri-business activities to include grain elevators; seed, fertilizer, and

farm chemical sales; commercial feedlots; feed mills; and similar agricultural activities.

(I) Commercial storage of non-agriculture items in buildings.

(J) Additional farm dwellings for those resident owners and workers engaged in the principal permitted uses.

(K) Telephone, telegraph and electric transmission lines, buildings or structures.

(L) Airport or air strip not open to the public.

(M) Single family dwellings occupied by parents of farm owner, children of farm owner, or the farm owner when they meet the following requirement.

1. The farm property must have been in the immediate family for at least the last ten (10) years and that family must have earned a substantial income off that property.

(N) Mobile homes when they meet the following requirements:

1. Mobile home occupants must be the farm owner, parents of the farm owner, or children of the farm owner.
2. The farm property must have been in the immediate family for at least the last ten (10) years and that family must have earned a substantial income off that property.
3. The mobile home permit will be temporary in nature and will be subject for review every year at the regular May meeting of the Planning & Zoning Committee.

(O) Home Occupation

(P) Gravel Pit - Private or Commercial

(Q) Day Cares when required to be licensed by the State

(4) REQUIREMENTS FOR PERMITTED AND CONDITIONAL USES

Within the A-1 District the following standards shall apply;

(A) Minimum Lots Size ----- 35 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 Building ----- 20 ft. on each side

Accessory Building ----- 10 ft. on each side

(F) Minimum Lot Width at Building Line ----- 100 ft.

(G) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

AGRICULTURAL DISTRICT TWO (A-2)

(1) PURPOSE AND INTENT OF 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 Guide. This district is designed to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units. The A-2 District is delineated by agricultural soils defined as follows:

AzA	DuC2	He	LoA	Ot	RtB2	SkA	WfB2	WnC2
B1A	EdB2	HeA	LoB	Pa	RtC2	SkB	WfC2	WoA
B1B	E1A	JaA	Ma	PeA	SaA	SkC2	WeA	ZuA
Br	EmA	JaB	Mb	PeB2	SaB	SbA	WeB	ZuB
CaB2	EoA	JuA	Md	PeC2	SaC2	SbB	WkC2	ZuC2
Co	EvB	KaA	Mf	P1A	SbC2	SbC2	W1A	
Da	EvC2	KdB	Na	P1B	Se	TrA	W1B2	
DrA	F1A	KdC2	OgA	P1C2	PmA	Wa	W1C2	
DrB	F1B	KeA	OgB	RnB2	PmB	WaB	WhB2	
DrC2	GrA	KeB2	OoA	RnC2	PnA	WaC2	WhC2	
DuA	GrB2	KeC2	OoB	RpB	PnB	WcA	WnA	
DuB2	GrC2	LkA	OoC2	RpC2	Ha	WfA	WnB2	

(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.

(B) Forestry grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables, truck farming, and other appropriate agricultural pursuits, 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 eight square feet each advertising such sale. Airports not open to the public.

(C) One residential dwelling for those resident owners and workers actually engaged in the principal permitted uses.

(3) CONDITIONAL USES

A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board.

(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 dwelling and related farm structures may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the A-3 District but not to exceed five (5) acres or deem the remaining land inconsistent with the requirements of this district.

(D) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Planning and Zoning Committee.

(E) Riding stables, riding schools, and shooting preserves.

(F) The installation of one mobile home on any operation farm when the head of the occupant household of such mobile home is employed in connection with the farm operation.

(G) Creameries, milk condenseries, cheese factories, and pea vineres, provided, however that same are not located or operated nearer than 500 feet to any dwelling.

(H) Supportive agri-business activities to include grain elevators, seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads as defined by this Ordinance (Section 9).

- (I) Commercial storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- (J) An additional farm dwelling for those resident owners and workers actually engaged in the principle permitted uses.
- (K) Telephone, telegraph and electric transmission lines, buildings or structures.
- (L) Home Occupation
- (M) Gravel Pit - Private or Commercial
- (N) Day Cares when required to be licensed by the State

(4) REQUIREMENTS FOR PERMITTED AND CONDITIONAL USES

- (A) Lot size ----- 10 to 35 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 ----- 10 ft. on each side
- (F) Animals per acre ----- 1 animal unit per acre.
Additional animals per unit 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) Fences shall be required on parcels where animals are kept.

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 agriculture land uses which are consistent with the goals and objectives of the Development Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use. The intent of the A-3 District is that it is 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 not prime agricultural soils. No residential development shall take place on the following soils or the agricultural soils listed in the A-1 District which are hereby made part of this district.

Ad	EdE	KaK	Ot	SoB
Aw	E1A	KdD	Pa	SoC2
AzA	EmA	DeD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	RrF	W1A
Da	GpC2	Mc	Rs	W1C2
DrD2	GrD2	Md	RtD	W1D2
EdB2	Ha	Me	RuE	WhB2
EdC2	Ho	Mf	RuF	WhC2
EdD2	JuA	Na	SaD	WhC2
		OoD2	SbC2	WoA

(2) PERMITTED USES

The following uses are permitted in this district:

(A) Single family dwellings but not to include a major subdivision as defined in this Ordinance. Mobile homes when located in a mobile home park. One private garage for each residential 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.

- (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 sewerage disposal plants, garbage incinerators and buildings for the repair of 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. There shall be no more than three (3) accessory buildings per lot totaling 3000 sq.ft.
- (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.

(3) CONDITIONAL USES

A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board.

- (A) Home occupation
- (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) 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.

(D) Mobile homes provided that only one mobile home will be permitted in conjunction with an established farmstead and that the head of the occupant household of such mobile home is employed in connection with the farm operation.

(E) Fur farms, insect-breeding facilities commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural uses that may cause noxious odors or noise.

(F) More than three (3) accessory buildings requires a conditional use permit. One or more buildings totaling more than 3000 sq.ft. requires a conditional use permit.

(G) Gravel Pit - Private or Commercial

(H) Day Cares when required to be licensed by the State

(4) REQUIREMENTS FOR PERMITTED AND CONDITIONAL USES

(A) Maximum Building Height ----- 35 ft.

(B) Minimum Side Yard:

Principal Buildings ----- 20 ft. on each side

Accessory Buildings ----- 10 ft. on each side

(C) Minimum Front Yard Setback ----- 50 ft.

(D) Minimum Rear Yard Setback ----- 50 ft.

(E) Lot Size----- 3 to 10 acres

(F) Accessory Buildings ----- any sq. ft. in excess of 3000 sq. ft. requires a conditional use permit

(G) Animals per acre -----Two (2) large animal units per 3 acres.
One-half additional animal unit per acre there after.
Additional animals will require a Conditional Use Permit.

(H) Fences shall be required on parcels where animals are kept.

HIGHLAND CONSERVATION DISTRICT TWO (C-2)

(1) PURPOSE AND INTENT OF HIGHLAND CONSERVATION DISTRICT TWO (C-2)

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

DuC2	GrA	OsA	WfB2	SaA	GrB2
DuB2	F1B	OgB	WfC2	SaB	OsB
DuA	F1A	OgA	WnA	SaC2	WfA
KeA	PmB	KeC2	WnB2	SbA	RpD2
KdC2	PmA	KeB2	WnC2	SbB	PnB
KdB	P1C2	TrA	WoA	SbC2	RpC2
JuA	P1B	WaA	ZuA	SkA	WeC2
JaB	P1A	WaB	ZuB	SkB	OsC2
JaA	PeC2	WaC2	RnB2	SkC2	GrC2
HeA	PeB2	WeA	RnC2	ZuC2	PnA
GrD2	PeA	WeB	RpB		

(2) PERMITTED USES

The following uses are permitted uses in this District:

- (A) Forest and woodland crop management.
- (B) Farming and related agricultural uses.
- (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.

(3) CONDITIONAL USES

A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board.

- (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 drainage ways.
- (F) Single family dwellings.
- (G) Ski hills, ski trails, hunting and fishing clubs.
- (H) Recreation camps.
- (I) Animal hospitals, shelters and kennels.
- (J) Telephone, telegraph and electric transmission lines, building or structures and similar public utility facilities.
- (K) Radio, television, and communication transmitters or relay towers and facilities.
- (L) Rifle ranges, skeet shooting clubs, and other activity features.
- (M) Other recreation activities that do not require a structure or earth movement.

(4) REQUIREMENTS FOR PERMITTED AND CONDITIONAL USES

Maximum Building Height ----- 35 ft.
Minimum Front Yard Setback ----- 75 ft.

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

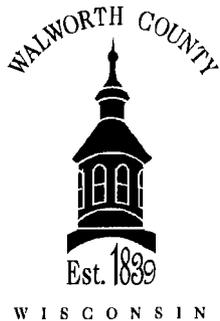
Minimum Lot Width at Building Line ----- 100 ft.

Minimum Lot Area ----- 10 Acres

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

Off-Street Parking, Public Gathering ----- 1 space per 5 seats
if applicable, 1 space per 200 sq. ft. of building, or 1 space per 5 anticipated
users at maximum usage of facility.

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



MEMORANDUM

June 2, 2011

County Clerk

Kimberly S. Bushey
County Clerk

TO: David Bretl, Corporation Counsel
Michael Cotter, Deputy Corporation Counsel

FROM: Susi Pike, Deputy County Clerk

RE: Claim for Injuries and Damage
– Kimberly A. Link vs. Walworth County Sheriff's Department

A copy of the above referenced items are attached.

Unless we receive other instructions from your office, we will include the Claim on the Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing, place the Report on Supervisors' desks at the June 14, 2011 County Board Meeting, and refer the Claim to the Executive Committee.

Attachments

cc: David Graves, Walworth County Sheriff's Department
Chery Mohr, Corporation Counsel

NOTICE OF CLAIM

TO: Walworth County, Wisconsin
c/o Walworth County Clerk
Judicial Center
1800 County Trunk NN
Elkhorn, WI 53121

AND

Mr. David Graves, Walworth County Sheriff
1770 County Road NN
P.O. Box 1004
Elkhorn, WI 53121

AND

Unknown Employees of the Walworth County Sheriff's Department
c/o Mr. David Graves, Walworth County Sheriff
1770 County Road NN
P.O. Box 1004
Elkhorn, WI 53121

PLEASE TAKE NOTICE that Kimberly A. Link hereby makes claim against the above-named individuals and the entities for the injuries and damage she has sustained as a result of members of the Walworth County Sheriff's Department seizing from her, her 2005 Mercedes Benz automobile, and delivering or otherwise releasing same to a third party.

FACTS

The facts as known to Kimberly A. Link are as follows:

In April, 2011, members of the Walworth County Sheriff's Department seized from her, her 2005 Mercedes Benz automobile. This 2005 Mercedes Benz automobile was titled in the State of Wisconsin in the name of Kimberly A. Link. Kimberly A. Link had borrowed money from a lending institution to purchase this 2005 Mercedes Benz automobile and that lending institution was a named lien holder on the title to this 2005 Mercedes Benz automobile that showed Kimberly A. Link as the owner of this 2005 Mercedes Benz automobile.

That contemporaneously Kimberly A. Link's 1999 Mercedes Benz automobile was also seized by the Walworth County Sheriff's Department.

That both Kimberly A. Link's 2005 Mercedes Benz automobile and her 1999 Mercedes Benz automobile were seized by the Walworth County Sheriff's Department under color of law.

That the Walworth County District Attorney's Office commenced a forfeiture action concerning the 1999 Mercedes Benz automobile as required by law, but did not commence a forfeiture action as required by law concerning the 2005 Mercedes Benz automobile.

That on May 10, 2011, by mail, Kimberly A. Link, through her attorney, filed demands for the return of her 2005 Mercedes Benz automobile and her 1999 Mercedes Benz automobile, with the Walworth County Clerk of the Circuit Court and served copies of same on the Walworth County District Attorney's Office.

That the Walworth County Sheriff's Department did not notify Kimberly A. Link by certified mail concerning the seizure of her 2005 Mercedes Benz automobile, or the basis therefore and they did not as required by law commence a forfeiture action concerning this motor vehicle.

That subsequently the Walworth County Sheriff's Department did deliver, or otherwise release, Kimberly A. Link's 2005 Mercedes Benz automobile to an entity they have identified as the lien holder on the title of said 2005 Mercedes Benz automobile.

That the Walworth County Sheriff's Department did not inform Kimberly A. Link that they were going to release her 2005 Mercedes Benz automobile to anyone, including said lien holder, prior to its delivery.

That Kimberly A. Link was not afforded due process rights regarding the forfeiture of her 2005 Mercedes Benz automobile, and the seizure thereof.

That Kimberly A. Link had her property, to wit: a 2005 Mercedes Benz automobile, seized from her under color of law, without due process, and had said property delivered to a third party by the Walworth County Sheriff's Department who seized the vehicle in the first instance, without notification and without being afforded due process regarding the taking or giving away of her property.

That as a direct and proximate result of the actions heretofore set forth, Kimberly A. Link has suffered certain injuries and damages including but not limited to the money she spent in the acquisition of the 2005 Mercedes Benz automobile, the money she spent in making payments on the loan used to purchase the 2005 Mercedes Benz automobile, her loss of use of the 2005 Mercedes Benz automobile, and the money it will cost her, including reasonable attorney's fees and costs, to address this unlawful taking of her property and giving it away. Kimberly A. Link does not know the identities of the Walworth County Sheriff's Department employees (deputies) who seized her 2005 Mercedes Benz

automobile or the identities of the Walworth County Sheriff's Department employees who delivered, or otherwise released, her 2005 Mercedes Benz automobile to a third party.

That Kimberly A. Link's address is 1445 Lasalle Street, Lake Geneva, Walworth County, Wisconsin 53147. She is represented by the Law Offices of Dr. William J. Hayes, S.C., by Dr. William J. Hayes. You are requested to make all future contact and correspondence to Kimberly A. Link c/o the Law Offices of Dr. William J. Hayes, S.C., at 1725 North Lodge Drive in Beloit, Rock County, Wisconsin 53511.

Kimberly A. Link makes claim against the above identified individuals and entities for the compensatory damages she has sustained in the amount of FIFTY THOUSAND DOLLARS (\$50,000.00), jointly and severally.

Kimberly A. Link hereby makes claim against the above identified individuals and entities for punitive damages in the amount of ONE MILLION DOLLARS (\$1,000,000.00), jointly and severally.

DATED: this 1st day of June, 2011.

BY:

LAW OFFICES OF
DR. WILLIAM J. HAYES, S.C.


DR. WILLIAM J. HAYES - 01012802
Attorney for Kimberly A. Link

Drafted by:

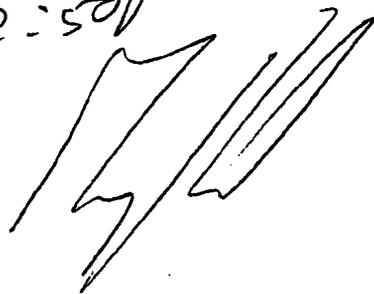
Dr. William J. Hayes # 01012802
J.D - Ph.D.
Law Office of Dr. William J. Hayes, S.C.
1725 North Lodge Drive
Beloit WI 53511
608-365-7779
fax: 608-365-9929

RECEIVED
WALWORTH COUNTY CLERK

2011 JUN -2 PM 2:50

6-2-11

2:50

A handwritten signature in black ink, consisting of several overlapping, stylized strokes that form a unique, illegible mark.



Administration

David A. Bretl
County Administrator

Suzanne Harrington
Administrative Assistant

Tammy L. Werblow
Administrative Assistant

Memorandum

To: Kimberly Bushey, County Clerk

From: David A. Bretl, County Administrator

Date: June 6, 2011

Re: June 14 County Board Agenda - Referrals

Please include the enclosed correspondence, referenced below, on the Clerk's list of communications received following agenda mailing for referral to the Executive committee at the June 14 County Board meeting.

1. WCEDA correspondence requesting endorsement of the preparation by the Milwaukee 7 and the Southeastern Wisconsin Regional Planning Commission of the Comprehensive Economic Development Strategy (CEDs) and the potential designation of the seven-county Southeastern Wisconsin Region as an Economic Development District (EDD)
2. WCEDA correspondence requesting, on behalf of the Town of Darien, that Walworth County act as the grant recipient for a State Community Development Block Grant for Economic Development (CDBG-ED) to assist in the creation of jobs by Birds Eye Foods in Darien

Thank you.

DAB/sh
Enclosures

100 W. Walworth
P.O. Box 1001
Elkhorn, WI 53121
262.741.4357 Tel
262.741.4390 Fax



Developing Talent, Building on Innovation

1000 East Centralia Street
Elkhorn, WI 53121-2032

Office 262-741-8527
Facsimile 262-741-8529

May 27, 2011

RECEIVED

MAY 31 2011

Walworth County Board of Supervisors
P.O. Box 1001
Elkhorn, WI 53121

WALWORTH COUNTY BOARD

Dear Chairman Russell,

On April 16, 2011, the Wisconsin Department of Commerce announced that the Town of Darien would be awarded a \$1,306,000 revolving loan fund grant to assist in the creation of 127 jobs by Birds Eye Foods, located in the Town of Darien.

The proposed expansion, planned at approximately \$39.4 million, will be supported by a forgivable loan granted by the State of Wisconsin through the Community Development Block Grant for Economic Development (CDBG-ED) program. The Community Development Block Grant program is a federal program funded to each state by the U.S. Department of Housing & Urban Development (HUD).

These grants, given to communities, are designed to fund job creation and business development in communities all across the country. Specific requirements need to be met for these funds to be granted, and as a result on May 9, 2011 the Town of Darien passed a resolution requesting that Walworth County act as the grant recipient for the CDBG-ED monies given the Town's limited resources.

The CDBG process that Walworth County will be required to go through, in the event that it decides to move forward with a formal grant application for the program, will require staff to prepare a grant application, create a citizen participation plan, develop an environmental review record, pass several resolutions, and perform other administrative tasks in order to access the grant monies.

In an effort to assist Walworth County, I would like to offer Walworth County Economic Development Alliance (WCEDA)'s services in the application and administration of the CDBG-ED program.

As part of the grant award, \$6,000 has been allocated for administration of this program, of which no match is being requested of Walworth County. As a result of these administration dollars, there will be no direct cost to Walworth County for WCEDA to administer this program.

I feel that this arrangement would be of greatest benefit to Walworth County, given WCEDA's knowledge of the CDGB program and administration, as well as our good working relationship with the Wisconsin Department of Commerce, soon to be the Wisconsin Economic Development Corporation.

I appreciate your time and consideration in this matter, and look forward to working with you as we work to bring jobs and increased tax base to Walworth County.

Sincerely,

Michael Van Den Bosch
Executive Director



1000 East Centralia Street
Elkhorn, WI 53121-2032
Office 262-741-8527
Facsimile 262-741-8529

RECEIVED

May 27, 2011

Walworth County Board of Supervisors
P.O. Box 1001
Elkhorn, WI 53121

MAY 31 2011

WALWORTH COUNTY BOARD

Dear Chairman Russell,

The Milwaukee 7 is considering the preparation of a Comprehensive Economic Development Strategy (CEDS) for the seven- county Southeastern Wisconsin Region, and has asked the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to assist in this planning effort. The completion of a CEDS and subsequent designation of the seven-county Region as an Economic Development District (EDD) is considered essential to ensure that the Southeastern Wisconsin Regional remains competitive in securing U.S. Economic Development Administration (EDA) grants-in-aid.

EDA funding can often provide financing that will ensure a successful economic development program. This summer, UW-Whitewater received a \$5.9 million auto adjustment grant from EDA to offset employment losses with the closing of the General Motors plant in Janesville, and BizStarts Milwaukee received a \$458,000 EDA grant for its Venture Track program. Continuing to ensure the availability of funding may be possible if the seven-county Region has an adopted CEDS and is designated an EDD.

In preparing the CEDS, the Milwaukee 7 and SEWRPC will work with the Walworth County Economic Development Alliance (WCEDA) to ensure the needs of Walworth County are addressed. A typical CEDS must include information on the Region's population, land use, infrastructure, and economy. The CEDS must also include documentation of a strategic planning effort that identifies a plan for moving the Region's economy forward. As you may already know, the Milwaukee 7 has worked with Vadewalle & Associates and Deloitte Consulting to develop this strategic plan for the Region's economy. The CEDS will document and update the plan as needed, as well as identify priority areas and projects that should be pursued to implement this plan.

At this time Milwaukee 7 is asking for the support of Walworth County for conducting this planning effort. As part of the request, a sample letter of support has been included that Walworth County could use to endorse the conduct of the planning effort. The final plan, when completed, will be submitted to the various County Board's in the Milwaukee 7 region for formal approval and adoption. Should there be agreement on moving forward, the CEDS will be submitted to the EDA, along with a request that the seven-county Region be designated as an EDD.

If you have any questions, please contact me at 262-741-8134

Sincerely,

Michael Van Den Bosch
Executive Director

<DATE>

Mr. Pat O'Brien
Executive Director
Milwaukee 7 Regional Economic Development
Partnership
756 N. Milwaukee St, Ste. 400
Milwaukee, WI 53202

Mr. Kenneth R. Yunker, P.E.
Executive Director
Southeastern Wisconsin Regional Planning
Commission
W239 N1812 Rockwood Drive
P.O. Box 1607
Waukesha, WI 53187-1607

Dear Messrs. O'Brien and Yunker,

As the Chairman of the Walworth County Board of Supervisors, I would like to indicate endorsement of the preparation by the Milwaukee 7 and the Southeastern Wisconsin Regional Planning Commission of the Comprehensive Economic Development Strategy (CEDS) and the potential designation of the seven-county Southeastern Wisconsin Region as an Economic Development District (EDD).

I understand that the Walworth County Economic Development Alliance will be substantially involved in the preparation of the CEDS. I further understand that the CEDS and the potential application of the seven-county Region to become an EDD will only move forward if the CEDS is formally approved and adopted by the Walworth County Board of Supervisors upon its completion.

Sincerely,

Nancy Russell
Walworth County Board Chair



HOPP NEUMANN HUMKE^{LLP}

RECEIVED
WALWORTH COUNTY CLERK
2011 JUN -8 AM 9:48

June 7, 2011

Ms. Kimberly S. Bushey, Clerk
Walworth County
100 West Walworth St.
P. O. Box 1001
Elkhorn, WI 53121

Re: Resolution to Expand the Lake Beulah Management District Boundary

Dear Ms. Bushey:

Enclosed please find the Resolution to Expand the Lake Beulah Management District Boundary, District Resolution No. 2010-1, which includes Exhibits A through C.

Should you or Mr. Cotter have any questions, please contact me. Thank you.

Very truly yours,

Paul A. Dirkse
e-mail: paul.dirkse@hopplaw.com

PAD/ck
Enclosures

c: Michael P. Cotter, Deputy Corporation Counsel/Director LURM
David Bitter (w/o encl.)

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www.hopplaw.com

William W. Mau III · Carl K. Buesing · Michael J. Bauer · J. Phil Mueller · Herbert C. Humke III · Paul A. Dirkse · Crystal H. Fieber
OF COUNSEL William R. Powell · Mary Lynn Donohue · Roland M. Neumann · RETIRED Alex Hopp
H. C. Humke, 1963-2009

SHEBOYGAN 2124 Kohler Memorial Drive Suite 110 Sheboygan, WI 53081 PH 920-457-8400 FX 920-457-8411
PLYMOUTH 124 E. Mill Street Plymouth, WI 53073 PH 920-892-4700

LAKE BEULAH MANAGEMENT DISTRICT

Resolution No. 2010 - 1

**RESOLUTION TO EXPAND THE LAKE BEULAH MANAGEMENT DISTRICT
BOUNDARY**

WHEREAS, Lake Beulah is an 834-acre flow-through lake located in Walworth County, Wisconsin; and

WHEREAS, the Lake Beulah Management District ("LBMD") is a public inland lake protection and rehabilitation district organized under Chapter 33 of the Wisconsin Statutes; and

WHEREAS, the LBMD has regulatory authority over all areas within the LBMD territory and the watershed to provide for the protection and rehabilitation of the lake and its environments; and

WHEREAS, pursuant to its regulatory authority the LBMD has contracted for the development of a Lake Management Plan (the "Plan") to identify management goals and areas of concern. A full copy of the Plan is attached hereto as Exhibit A; and

WHEREAS, the Plan identifies specific management goals as the restoration and maintenance of the environmental integrity of the lake ecosystem, protection of the aesthetic value of the lake, and maintenance of recreational opportunities; and

WHEREAS, the Plan identifies several areas of concern including the impact of high-capacity well on the lake, nutrient loading, water quality, shoreline erosion, weed management, and endangered species protection, among others; and

WHEREAS, the commissioners of the LBMD have identified certain properties listed on Exhibit B as properties that benefit from the achievement of the goals and the exploration of the areas of concern listed in the Plan; and

WHEREAS, the properties shown on Exhibit B, attached hereto have right and access to Lake Beulah by way of the private driveway and alley way, as shown and described on Exhibit C; and

WHEREAS, pursuant to Wis. Stat. §§ 33.26(3) and 33.33(2), the commissioners of a lake management district may by motion initiate proceedings to include in the district properties contiguous to the district when such properties benefit from the district; and

WHEREAS, the commissioners of the LBMD believe the properties listed on Exhibit B receive benefit from the LBMD and their inclusion will further promote the public health, comfort, convenience, necessity or public welfare of all property owners within the district.

NOW, THEREFORE, BE IT RESOLVED, the Commissioners of the Lake Beulah Management District hereby move to initiate attachment proceedings for the properties shown on Exhibit B.

LAKE BEULAH MANAGEMENT DISTRICT



DAVID BITTER, Chairperson

Date: November 30, 2010

ATTEST:


Valerie Johnson Secretary

R:\CLIENT\09109\00003\00036912.DOC

EXHIBIT A

LAKE BEULAH MANAGEMENT PLAN

April 1, 2010

RJN Project Number 09-201

Submitted to:

Lake Beulah Management District

Submitted by:

RJN Environmental Services, LLC
4631 County Road A
Oregon, Wisconsin 53575
608.576.3001



State Representative

Samantha J. Kerkman

RECEIVED
WALWORTH COUNTY CLERK

2011 JUN -8 AM 9:40

June 3, 2011

Kimberly S. Bushey
Walworth County Clerk
100 W. Walworth
P.O. Box 1001
Elkhorn, WI 53121

Dear Kimberly Bushey and Walworth County Board of Supervisors,

Thank you for sending me a copy of the Walworth County Board of Supervisors Resolution Numbers:

- o 02-04/11 urging the State Legislature to rescind changes made to the State's prevailing wage laws by enactment of the state budget, 2009 Wisconsin Act 28
- o 14-05/11 supporting continued state funding of Veterans' Benefits through the Veterans Trust Fund
- o 15-05/11 supporting establishing a non-partisan election for county offices
- o 10-05-11 opposing the initiative in the Governor's budget that removes income maintenance administration from the counties and creates a state operated centralized income maintenance unit.

I appreciate you keeping me informed on the opinions of the board and I will keep them in mind when these issues come up.

Again, thank you for your time. If you have any questions, please do not hesitate to contact me.

Sincerely,

Samantha J. Kerkman
State Representative
66th Assembly District



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

June 13, 2011

Ms. Kimberly S. Bushey
County Clerk
Walworth County
PO Box 1001
Elkhorn, WI 53121-1001

Dear Ms. Bushey,

Thank you for contacting my office with your resolution. I appreciate the chance to hear from communities all across Wisconsin.

As a former county executive, I appreciate all of the day to day work that is done to keep government functioning at the local level. Furthermore, I am committed to staying up-to-date on the many issues facing Wisconsin.

Thank you again for sharing your resolution with me. I will keep your thoughts and ideas in mind. Please stay in touch as we work together to move Wisconsin forward.

Sincerely,

Scott Walker
Governor

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2011 JUN 14 AM 8:54

WASSEL, HARVEY & SCHUK, LLP

1034D ANN STREET P.O. BOX 524
DELAVAN, WISCONSIN 531150524

RECEIVED
WALWORTH COUNTY CLERK
2011 JUN -9 AM 11:37

TELEPHONE: (262) 728-0700
FAX: (262) 728-0300

STEVEN R. WASSEL
STEVEN C. HARVEY
BRIAN A. SCHUK

June 8, 2011

Re: 241 Nelson Street, Sharon, WI
UA 117600001

Dear Sir/Madam:

Enclosed herewith please a raze order for the property at 241 Nelson Street, Sharon, Walworth County, Wisconsin, which is hereby served upon you as an encumbrance holder of record. The tax key no. is UA 117600001.

Sincerely,


Steven C. Harvey

hsh
Enclosure

To: Walworth County Clerk
PO Box 995
Elkhorn, WI 53121

RAZE ORDER

Document Number

Title of Document

TO: Don A. Malone and Virginia R. Thomas Malone, his wife, E992 Frog Hollow Rd., Wausau, WI 53969-9653
Frederick F. Heuser III, 219 Geneva St., Elkhorn, WI 53121
Kimberly R. Heuser, 234A Nelson St., Sharon, WI 53585
Walworth County, Wisconsin, c/o Walworth County Clerk, PO Box 995, Elkhorn, WI 53121
Walworth County Clerk of Circuit Court, PO Box 1001, Elkhorn, WI 53121
State of Wisconsin, c/o Wisconsin Attorney General, P.O. Box 7857, Madison, WI 53707-7857

During an inspection of the property located at 241 Nelson St., Village of Sharon, Walworth County, Wisconsin the undersigned building official observed the following conditions:

Single family dwelling

- 1. Exterior deteriorated and not weathertight, including roof, siding, fascia, trim, gutters, downspouts, rear exit, lighting, windows and doors. Windows broken or missing.
2. Interior filthy and unhygienic, with animal waste and trash located throughout the residence.
3. Water damage to walls and ceilings.
4. Water service shut off due to frozen and damaged pipes.
5. Partially flooded basement has never been properly remedied, creating a moldy, unhygienic area.
6. No working heating system.
7. Holes or openings in the foundation.
8. Open electrical boxes.
9. Electric service panel exposed to the weather.
10. Unsafe basement stairway and unsafe stairway from first to second floor
11. Missing smoke detectors.
12. Gas water heater not vented properly.
13. Opening from the basement/crawlspace to the exterior.
14. Total condition is so severe as to be unfit for human habitation.

The cumulative violations are so excessive that the undersigned building official finds that said building(s) is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair. Pursuant to Sec. 66.0413, Wis. Stats., you are hereby ordered to raze said building(s).

Record this document with the Register of Deeds

Name and Return Address:
Wassel, Harvey & Schuk, LLP
PO Box 524
Delavan, WI 53115

UA 117600001

(Parcel Identification Number)

The undersigned building official has determined that the cost of necessary repairs would exceed fifty (50) percent of the assessed value of such building(s) divided by the ratio of the assessed value to the recommended value as last published by the Department of Revenue in the Village of Sharon.

The legal description of this property is: Lot 1 except the West 18 1/2 feet of Certified Survey Map No. 1176, recorded August 17, 1981 in Volume 5 of Certified Surveys at Page 241 as Document No. 71839. Said land located in the Village of Sharon, Walworth County, Wisconsin.

Records in this office disclose that you are the owner or a party who has an interest in said property.

You are therefore ordered to raze and remove the above stated building(s) and restore the site to a dust-free and erosion-free condition as required by Wisconsin Statutes and all applicable ordinances of the Village of Sharon within thirty (30) days of receipt of this order.

If you should fail to comply with this order, the undersigned Building Inspector shall cause the structure to be razed and removed and the site to be restored to a dust-free and erosion-free condition. The cost to raze, remove and restore shall be charged to the property and collected as a special tax, as provided by Section 66.0703, Wisconsin Statutes.

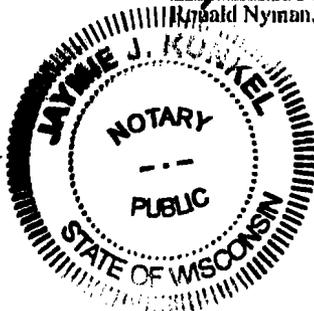
You are further notified that all materials, fixtures and personal property must be removed from the site by the time of expiration of compliance time or such materials, fixtures, and personal property will be disposed of in accordance with Section 66.0413(1)(i), Wisconsin Statutes.

Dated this 28 day of April, 2011.

Ronald Nyman, Building Inspector for Village of Sharon, Wisconsin

Subscribed and sworn to before me this 28 day of April, 2011.

Jaymie J. Kuskel
Notary Public, State of Wisconsin
My commission expires 3/18/2012



Drafted by:
Steven C. Harvey
Wassel, Harvey & Schuk, LLP