

## **SECTION 1.0 INTRODUCTION**

### 1.1 Authority

The Town Board of the Town of Clinton, Rock County, Wisconsin has proceeded under the provisions of Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes and this chapter is adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes. On April 7, 1953, at an annual town meeting a resolution was passed pursuant to Sections 60.10(2)(c) and 60.22(3) of the Wisconsin Statutes, authorizing the Town Board to exercise the powers of a village board.

### 1.2 Purpose

The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community.

### 1.3 Intent

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

### 1.4 Abrogation and Greater Restrictions

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

### 1.5 Interpretation

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

### 1.6 Severability

(1) If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

- (2) If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

#### 1.7 Repeal

The Town Board herein repeals without limitation all other ordinances, maps, or parts of ordinances of the Town inconsistent or conflicting with this chapter, to the extent of the inconsistency only, including without limitation the previously existing Chapter 4 of the Municipal Code of the Town of Clinton (and the zoning map referenced in that chapter), which incorporated the previously enacted zoning ordinance of the Town of Clinton pursuant to the codification of ordinances under Chapter No. 94-1 adopted on June 20, 1994.

#### 1.8 Title

This chapter may alternatively be known, referred to, and cited as the Town of Clinton Zoning Ordinance.

#### 1.9 Effective Date

This chapter shall be effective after a public hearing, adoption by the Town Board, and posting or publication as provided by law. Changes or amendments to the text of this chapter or the "Official Zoning Map" shall be effective after compliance with the provisions of Section 10 and after the change or amendment has been posted or published as provided by law.

## **SECTION 2.0 GENERAL PROVISIONS**

### 2.1 Jurisdiction

The jurisdiction of this chapter shall include all structures, lands and waters within the Town.

### 2.2 Compliance

No structure, land or water shall hereafter be used without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.

### 2.3 Use Restrictions

The following use restrictions and regulations shall apply:

- (1) Permitted Uses are only those principal uses specified as permitted uses in this chapter, their essential services, and uses listed in subparagraphs (2)-(5) below.
- (2) Accessory Buildings and Structures are permitted in any district, but not until the principal structure is present or under construction. Residential accessory structures shall not involve the conduct of any business, trade, or industry unless a conditional use is authorized under this chapter.
- (3) Conditional Uses are considered special uses requiring review, public hearing, and approval by the Planning & Zoning Committee and issuance of a Conditional Use Permit in accordance with Section 5 of this chapter.
- (4) Unclassified or Unspecified Uses may be considered and utilized as a permitted or conditional use as determined by the Planning & Zoning Committee provided that such uses are similar in character and impact to the principal uses permitted in the district.
- (5) Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Planning & Zoning Committee for a period not to exceed one (1) year. A temporary use may also include: 1) the use of an existing house during the construction of a new house on the same parcel, provided that the existing house will be torn down and that the use of the existing house does not exceed one year; 2) the use of a trailer for a residence during the construction of a new house on the same parcel, provided that the trailer shall not be placed on the property for more than one year.
- (6) Performance Standards listed in this chapter shall govern all uses in all districts.

## 2.4 Soil Restrictions

Certain soil types in the Town, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: High or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the U.S. Soil Conservation Service shall be considered in granting conditional use permits and in making changes and amendments to this chapter. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a soil scientist from the Soil Conservation Service.

## 2.5 Penalties

Any person or entity who fails to comply with, or violates, the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$5,000 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

## 2.6 Enforcement

In addition to the penalties described above, in case of any violation of the provisions of this chapter, the Town Board, the Zoning Officer, the Town Planning & Zoning Committee, or any neighboring property owner who may be damaged by such violation may: 1) initiate an action to enjoin such violation or to cause a structure existing in violation of this chapter to be vacated or removed, or 2) initiate any other action in law or equity to prevent any violation of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises. For purposes of this subsection a Neighboring property owner is a person owning land located within 100 feet of the violator.

## 2.7 Tardy Application for Permits

In the event construction or use is initiated prior to obtaining any permit necessary under this ordinance for such construction or use, in addition to any penalty for violation of this ordinance, the fee for application for any such permit shall be doubled as a penalty for the tardy application.

## **SECTION 3.0 ADMINISTRATION**

### **3.1 Zoning Officer**

- (1) The office of Zoning Officer is hereby created, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Zoning Officer shall be appointed by the Town Board and shall hold office until replaced by the Town Board. The Zoning Officer's compensation shall be determined by the Town Board.
- (2) It shall be the duty of the Zoning Officer to investigate and enforce this chapter by investigating complaints of violations of this chapter. The Zoning Officer may enter onto any public or private lands or waters to make inspection, provided that inspection of private property shall be done with reasonable notice to the owner and occupant. If the Zoning Officer is refused entry, he may obtain special inspection warrants pursuant to Sections 66.122 and 66.123 of the Wisconsin Statutes. The Zoning Officer may set time limits and conditions for the correction of violations.
- (3) The Zoning Officer shall make a monthly report of his other activities to the Town Board.
- (4) The Zoning Officer shall prepare Zoning Permit forms and assist applicants by providing information as to the provisions of this chapter, inspect each project for which a permit application has been filed, report violations to the Town Board, and provide to the Planning & Zoning Committee information concerning permits applied for and granted. The Zoning Officer may issue Zoning Permits which are in strict compliance with the requirements of this chapter. Whenever the propriety of issuance of a Zoning Permit is unclear for any reason, including without limitation the need for interpretation of the language of this chapter, the Zoning Officer shall not issue the permit, but shall refer the matter to the Planning & Zoning Committee for a decision.

### **3.2 Planning & Zoning Committee**

#### **(1) Establishment of Committee**

The Town of Clinton Planning and Zoning Committee is hereby created.

#### **(2) Membership and Organization**

The Town Planning & Zoning Committee (hereinafter "the Committee") shall be formed and organized as follows:

- (A) The Committee shall consist of five members, one of which shall be a Town Board member, all of whom shall be appointed by the Town Board and all of whom shall be adult residents of the Town of Clinton.

- (B) The Zoning Officer shall be an ex-officio member of the Committee and shall attend all meetings but shall not be a voting member.
- (C) The Committee's presiding officer and secretary shall be appointed by the Town Chairperson.
- (D) The term of the Town Board member who sits on the Committee shall be one year, and the terms of the four other members shall be staggered three year periods.
- (E) Vacancies on the Committee shall be filled for an unexpired term in the same manner as appointments for a full-term.
- (F) Each member of the Committee shall take an official oath in accordance with Section 19.01 of the Wisconsin Statutes within ten days of receiving notice of appointment.
- (G) Compensation for Committee members shall be determined by the Town Board.
- (H) Terms of members of the Committee shall begin on the first day of May.

(3) Disqualification

Any member of the Committee who has any interest in a matter before the Committee shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.

(4) Powers

The Planning & Zoning Committee shall have the following powers:

- (1) To issue Zoning Permits under the provisions of this chapter and to delegate this authority to the Zoning Officer.
- (2) To issue Conditional Use Permits under the provisions of this chapter.
- (3) To review and recommend to the Town Board the approval, conditional approval, or denial of preliminary land divisions. Conditions of approval may also be recommended by the Committee to the Town Board.
- (4) To review and recommend approval, conditional approval, or denial of any proposed amendment to the text or Official Zoning Map of this chapter.
- (5) To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Committee permits such a

substitution, the use may not thereafter be changed without another application for substitution.

- (6) To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.
- (7) To hear and grant applications for temporary uses in any district pursuant to Section 2.3(5). The permit shall be temporary, revocable, subject to any conditions required by the Planning & Zoning Committee and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this chapter shall be required.
- (8) To review and make recommendations to the Board of Zoning Appeals on all applications for interpretations of this chapter

(5) Additional Matters Referred to the Planning & Zoning Committee

The Town Board shall refer to the Planning & Zoning Committee for its consideration and report before final action is taken the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether public or privately owned; all proposed certified surveys and subdivision plats in the Town; and the abandonment or repeal of any ordinance relating to planning and zoning. Unless such report is made within 45 days or such longer period as may be stipulated by the Town Board, the Town Board or other public body may take final action without it.

(6) Meetings

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

(7) Minutes

The minutes shall be kept by the secretary.

(8) Quorum

Three (3) members shall constitute a quorum to transact any business and formulate proper action thereon.

## **SECTION 4.0 ZONING DISTRICTS**

### **4.1 Zoning Districts**

All land within the Town of Clinton shall be designated on the Official Zoning Map as part of one of the following Zoning Districts:

Agricultural District One (A-1)  
Transitional Agricultural District One (A-1a)  
General Agricultural District Two (A-2)  
Small Scale Agricultural District Three (A-3)  
Commercial Highway Interchange District (CHI)  
Business District (B-1)  
Rural Residential District (R-R)  
Recreational District (REC)  
Special Purpose District (SP)

(Amended by Ordinance 03-4)

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

The boundaries of the Zoning Districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Clinton, Rock County, Wisconsin", dated December 2, 1999, subject to revisions contained in Ordinance No. 00-01 adopted on April 6, 2000, which is made a part of this chapter, and subject to such other revisions as may be duly adopted from time to time under this Chapter. Unless otherwise clearly noted on the Official Zoning Map, such boundaries shall be construed to follow town and corporate limit lines, U.S. Public Land Survey Lines, lot or property lines, topographic lines, road right-of-ways, centerlines of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended. Said map shall be kept on file in the office of the Town Clerk and a copy correct only as of the day of passage of the ordinance adopting this chapter shall be attached to the ordinance. The Town Clerk shall arrange for the inclusion of all map amendments approved by the Town Board on the Official Zoning Map and shall keep on file a revised current version of said map reflecting current zoning boundary locations.

### **4.3 Overlay Districts**

Overlay districts may be created by amendment to this chapter for the purpose of imposing special regulations in given designated areas of the Town to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts created under this chapter.

### **4.4 General District Regulations**

The following regulations set forth requirements that may not apply universally throughout the Town, but rather cover issues that are applicable to one or more districts:



- (1) Exclusive Agricultural Districts. This chapter is intended to qualify as an "exclusive agricultural use ordinance" as that term is defined in chapter 91 (the Farmland Preservation Law) and Section 823.08 (the Right to Farm Law) of the Wisconsin Statutes. Any ambiguity in this chapter shall be interpreted in a manner consistent with the ordinance standards for an exclusive agricultural use ordinance under Section 91.75 of the Wisconsin Statutes (1997-98) and any subsequent amendments thereto.
- (2) Erection of More than One Principal Structure on a Lot. In any district no more than one structure housing a permitted or conditional use may be erected on a single lot except as otherwise authorized in the 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.
- (3) Exceptions to Height Regulations. The height limitations contained in the requirements for permitted and conditional uses do not apply to grain elevators, silos, barns, spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (4) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public road 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.
- (5) Parking and Storage of Certain Vehicles. Unlicensed, abandoned, and/or non-operable vehicles and equipment shall not be parked or stored on any property unless they are in completely enclosed buildings.
- (6) Setback. A setback less than the setback required by this chapter may be permitted where there are at least two (2) existing main buildings existing at the date of enactment of this chapter within 200 feet on both sides of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Planning & Zoning Committee and shall not require a special exception or variance.
- (7) Undersized Lots. Where a residential 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 chapter, such lot may be occupied by a one (1) family structure.
- (8) Applicable Zoning for Vacated Street. 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) Underground Utility Lines. For all new land divisions, utility lines which will serve individual lots (to include electric lines under 12,400 volts, cable T.V., telephone, natural gas, etc.) shall be installed underground within the utility easements indicated on the land division map and provisions made to assure that installation of said utilities will take place prior to conveyance of any lots so created. The only exception will be where existing overhead or underground lines can provide direct service to a structure, on an immediately adjacent parcel.
- (10) Overhead Utility Lines. No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- (11) Community Living Arrangements. Community living arrangements as provided in Section 60.62 of the Wisconsin Statutes shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed 25 people or one percent (1%) of the Town's population, whichever is greater. No community living arrangement may be established after March 27, 1978 which is located within 2,500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Planning & Zoning Committee and if both comprise essential components of a single program.
- (12) Habitation of Recreational Vehicle. Habitation of any recreational vehicle, tent, or camper shall not take place on a parcel located in the Town unless a primary residence is available for use of required services such as sewer and water and unless such habitation is temporary in nature and does not exceed 14 days in any calendar year.
- (13) Permanent Foundation. A permanent foundation is required for all residential structures as provided in the design standards of the Wisconsin 1 and 2 Family Dwelling Code.
- (14) Required Compliance of New Land Parcels. No new land parcel shall be created that is not in compliance with the requirements and standards of this chapter.
- (15) Minimum Dwelling Size. Every residential dwelling erected in the Town shall provide not less than 900 square feet of floor area on the first floor. Floor area does not include garage, attic, basement or breezeway.
- (16) Accessory Structures. Accessory structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory structures shall not involve the conduct of any business, trade or industry.
- (17) Size Restrictions for Accessory Buildings. Accessory buildings which are incidental to the residential use of any parcel shall not exceed the total square footage of the residence. This subsection is not intended to limit the size of accessory buildings incidental to agricultural use. Accessory buildings incidental to residential use may

exceed the total square footage of the residence upon issuance of a conditional use permit for this purpose by the planning and zoning committee.

- (18) Height Restrictions for Accessory Buildings. Accessory buildings which are incidental to the residential use of any parcel shall not exceed twenty (20) feet in height or the height of the residence, whichever is less. This subsection is not intended to limit the height of accessory buildings incidental to agricultural use. Accessory buildings incidental to residential use may exceed 20 feet in height or the height of the residence upon issuance of a conditional use permit for this purpose by the planning and zoning committee.
- (19) In Ground Swimming Pools. No in ground swimming pools may be constructed within the Town unless surrounded by a substantial fence at least 4 feet in height and sufficient to prevent small children from obtaining unauthorized access to the in ground swimming pool. A conditional use permit may be issued under this Chapter to waive or allow alternative means of protection of in ground swimming pools in the event that the Planning and Zoning Committee is satisfied that safety needs are met by means other than the fencing requirement created under this subsection.

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4.5 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 Town and any development guide adopted by the Town Board. This district exclusively provides for agricultural uses and uses consistent with agriculture uses as defined in Section 91.01(10) of the Wisconsin Statutes. The intent of creating this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development.

(2) Permitted Uses

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, and other similar agricultural enterprises or uses, except confinement operations, 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 existing residence other than that of the owner or lessee of such buildings containing such livestock or poultry. (Amended by Ordinance No. 4.14)

(B) Forestry, grazing, hatcheries, 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 32 square feet each advertising such sale. (Amended by Ordinance No. 4.14)

(C) Beekeeping, commercial feed lots, egg production, floriculture, fish or fur farming, forest and game management, grazing, plant greenhouses, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 U.S.C. 3831 to 3836, participating in the milk production termination program under 7 U.S.C. 1446(d), and vegetable raising. (Amended by Ordinance No. 00-04)

(D) One single family dwelling that has a use consistent with agricultural use and that is occupied by any of the following:

1. An owner of the parcel.
2. A person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel.

3. A parent or child of an owner who conducts the majority of the farm operations on the parcel.

4. 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.

(E) Livestock facilities up to and including three animal units per acre.

(Added by Ordinance No. 4.15)

(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 provided that such uses are consistent with agricultural use and are found by the Planning & Zoning Committee to be necessary in light of the alternative locations available for such uses. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this chapter.

(A) Churches, publicly owned parks and publicly owned recreational areas.

(B) Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491(3) of the Wisconsin Statutes.

(C) For purposes of farm consolidation, farm residences or structures existing as of April 26, 1974, may be separated from the farm plot provided that no parcel thus created shall exceed five (5) acres or be less than three (3) acres. The remaining portion of the original parcel shall conform to the standards of this district, and the new parcel shall conform to the standards of the A-3 District. For purposes of this section >farm consolidation= means the combination of two or more farms to create a smaller number of farms.

(Amended by Ordinance No. 00-04)

(D) Fur farms, agricultural-related veterinary services, holding pens, confinement operations and other agricultural uses that may cause additional traffic, noxious odors, or noise.

(E) Creameries, milk condenseries and cheese factories, provided, however, that same are not located or operated nearer than 500 feet to any dwelling.

(F) Supportive agri-business activities to include grain elevators, seed, fertilizer, and farm chemical sales, commercial feedlots, feed mills, farm machinery repair, and similar agricultural activities.

(G) Additional farm dwellings for resident owners and persons who, or a family at least one adult member of which, earn the majority of their income from conducting the farm operations on the parcel.

- (H) Telephone, telegraph and electric transmission lines, buildings or structures.
- (I) Agricultural-related airport or airstrip not open to the public which is accessory to the farm use.
- (J) Land application of municipal waste disposal sludge.
- (K) Farm family business provided such business is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses and provided further no more than 2 persons who are not members of the resident farm family are employed in the farm family business.
- (L) Agricultural-related, religious, other utility, institutional or governmental uses that are consistent with agricultural use and are found to be necessary in light of the alternative locations available for such uses.  
(Amended by Ordinance No. 00-04)
- (M) Greenhouses other than plant greenhouses. (Amended by Ordinance No. 00-04)
- (N) Tree nurseries. (Added by Ordinance No. 4.14)
- (O) Livestock facilities over three animal units per acre or over 500 animal units total, whichever is less.  
(Added by Ordinance No. 4.15)

(4) Requirements For Permitted and Conditional Uses

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

- (A) Minimum Lot Size ..... 40 Acres for residential or farmland use
- (B) Maximum Building Height ..... 35 ft. Residential Structures  
[No maximum on other structures  
except as set forth in subsection 4.4(18)]
- (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) Minimum Lot Width At Building Line..... 100 ft.
- (G) All front yard setbacks are also subject to Section 8.1 of this chapter for setbacks on Arterial, Collector and Local roads.

- (H) Animal units per acre. Three (3) animal units per acre, on contiguous acreage. Additional units may be permitted under a Conditional Use Permit.
- (I) Minimum Residential Structure Size .....per subsection 4.4(15)
- (J) Minimum Residential Structure Width..... 24 ft.
- (K) No structure may be built in this district unless it is consistent with agricultural use. Such a use must meet all of the following conditions: 1) The activity will not convert land that has been devoted primarily to agriculture use. 2) The activity will not limit the surrounding land=s potential for agricultural use. 3) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement under Chapter 91 of the Wisconsin Statutes. 4) The activity will not conflict with agricultural operations on other properties.  
(Amended by Ordinance No. 00-04)
- (L) Minimum lot width on Public Road ..... 100 ft.
- (M) General Setbacks Applicable to Livestock Structures

1. Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

2. Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.



### 3. Waste Storage Structure

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

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

- 1 located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- 2 no larger than the existing structure;
- 3 no further than 50 feet from the existing structure
- 4 no closer to the road or property line than the existing structure.

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

(Added by Ordinance No. 4.15)

## (N) Water Quality and Related Setback Requirements

### 1. Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances or chapter enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

### 2. Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance or chapter that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

### 3. Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(Added by Ordinance No. 4.15)

(5) Prohibited Uses

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

4.6 General Rural District Two (Ru-2)

(Amended by Ordinance No. 4.15)

(1) Purpose and Intent of Rural District Two (Ru-2)

The purpose of the Ru-2 District is to promote the maintenance and preservation of areas that have historically had a rural character, but are not necessarily used for agricultural purposes. The Ru-2 district is not an exclusive agricultural district that would be eligible for tax credits under the farmland preservation program under Chapter 91 of the Wisconsin Statutes.

(Amended by Ordinance No. 00-04)  
(Amended by Ordinance No. 4.15)

(2) Permitted Uses

The following uses are permitted in this district:

(A) Small scale general farming consistent with the historical rural character of the District including dairying, livestock and poultry raising, nurseries and other similar enterprises or uses, but not fur farms or farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that such permitted uses shall not include the spreading of sewage sludge unless a Conditional Use Permit is obtained as described in subsection (3)(E) below, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any existing residence other than that of the owner or lessee of such buildings containing such livestock or poultry.

(Amended by Ordinance No. 4.15)

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, and other appropriate rural pursuits, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs with each sign face no larger than 4' x 8' (totaling up to 32 square feet) advertising such sale.

(Amended by Ordinance No. 4.15)

(C) One single family residential dwelling.

(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 shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this chapter.

- (A) Churches, veterinary hospitals, publicly owned parks and publicly owned recreational areas.
- (B) Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491(3) of the Wisconsin Statutes.
- (C) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, and other rural uses that may cause noxious odors or noise provided that written permission is obtained from the Town Board on the recommendation of the Planning & Zoning Committee.  
(Amended by Ordinance No. 4.15)
- (D) Riding stables, riding schools, and shooting preserves.
- (E) The hauling and application of sewage sludge for the purpose of fertilizer, provided that adequate provision for protection of town roads is made pursuant to subsection 5.4(2) of this chapter.
- (F) Creameries, milk condenseries and cheese factories, provided, however, that same are not located or operated nearer than 500 feet to any dwelling.
- (G) Supportive agri-business activities to include grain elevators, seed, fertilizer, and farm chemical sales, commercial feedlots, feed mills, and similar rural activities, provided that adequate provision is made to protect town roads pursuant to subsection 5.4(2) of this chapter.  
(Amended by Ordinance No. 4.15)
- (H) Storage of non-agriculture items for commercial purposes in buildings existing as of April 26, 1974.

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- (I) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- (J) Telephone, telegraph and electric transmission lines, buildings and structures.
- (K) Sale of agricultural products not produced on premises.
- (L) Single family dwellings occupied by parents or children of the farm operator.
- (M) Rural-related religious, other utility, institutional or governmental uses that are consistent with rural use and are found to be necessary in light of the alternative locations available for such uses.  
(Amended by Ordinance No. 4.15)
- (N) Home occupation, when such occupation is incidental to the residential use of the premises, does not involve any external alteration that would effect a substantial change in the residential character of the building and complies with all of the requirements set forth in Section 13 of this chapter.

(4) Requirements for Permitted and Conditional Uses

Within the A-2 District the following standards shall apply:

- (A) Minimum Lot Size .....10 Acres [except where a conditional use permit is issued under (3)(B) or (M)]
- (B) Maximum Building Height ..... 35 ft. Residential Structures [No maximum on other structures except as set forth in subsection 4.4(18)]
- (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 acre may be added under the terms of a Conditional Use Permit.

- (G) All front yard setbacks are also subject to Section 8.1 of this chapter for setbacks on Arterial, Collector, and Local roads.
- (H) Minimum lot width on Public Road ..... 100 ft.
- (I) Minimum Residential Building Size .....per subsection 4.4(15)
- (J) Minimum Residential Building Width ..... 24 ft.

(5) Prohibited Uses

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

4.7 General Rural District Three (Ru-3)

(Amended by Ordinance No. 4.15)

(1) Purpose and Intent of Rural District Three (Ru-3)

(Amended by Ordinance No. 4.15)

The purpose of the Ru-3 District is to provide a mixture of low density residential and rural land uses which are consistent with the goals and objectives of the Town and any development guide adopted by the Town Board. This district is designed to permit utilization of relatively small land parcels in predominantly rural areas for combined rural residential/agricultural use. The Ru-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 Ru-3 District is to consist of soils which do not have on-site sewer limitations.

(Amended by Ordinance No. 4.15)

(2) Permitted Uses

The following uses are permitted in this district:

- (A) One single family dwelling and one private attached garage provided that the square footage of the attached garage shall not exceed 864 square feet or the square footage of the residential structure, whichever is less.
- (B) Small scale general farming consistent with the historical rural character of the District including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that such permitted uses shall not include the spreading of sewage sludge unless a Conditional Use Permit is obtained as described in subsection (3)(D) below, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any existing residence other than that of

the owner or lessee of such buildings containing such livestock or poultry.  
(Amended by Ordinance No. 14)

- (C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.
- (D) Gardening, including truck gardens, nurseries and greenhouses.
- (E) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (F) The following uses if they are publicly owned: parks, playgrounds, recreational and community center buildings and grounds.
- (G) Pre-schools, K-8 Grade 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 that no accessory building may be used as a separate dwelling unit. There shall be no more than two (2) accessory buildings per parcel.  
(Amended by Ordinance 03-1)
- (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 public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this chapter.

- (A) 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.
- (B) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, community buildings, private clubs, riding clubs, and fraternities except those whose principal activity is a service customarily carried on as a business.

- (C) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations.
- (D) The hauling and application of sewage sludge for the purpose of fertilizer, provided that adequate provision for protection of town roads is made pursuant to subsection 5.4(2) of this chapter.
- (E) Additional accessory building(s) clearly incidental to the principal use of the property, provided, however, that no accessory building(s) may be used as a separate dwelling unit. (Amended by Ordinance 03-1)
- (F) Home occupation, when such occupation is incidental to the residential use of the premises, does not involve any external alteration that would effect a substantial change in the residential character of the building and complies with all of the requirements set forth in Section 13 of this chapter.

(4) Requirements for Permitted and Conditional Uses

Within the A-3 District the following standards shall apply:

- (A) Minimum Lot Area ..... 3 acres
- (B) Maximum Lot Area ..... must be less than 10 acres  
(Amended by Ordinance 03-2)
- (C) Maximum Building Height ..... 35 ft. Residential Structures [No maximum on other structures except as set forth in subsection 4.4(18)]
- (D) Minimum Side Yard:  
Principal Buildings ..... 20 ft. on each side  
Accessory Buildings ..... 5 ft. on each side
- (E) Minimum Front Yard Setback ..... 50 ft.
- (F) Minimum Rear Yard Setback ..... 50 ft.
- (G) Animals per acre ..... 1 animal unit per acre.  
Additional animals per acre may be added under the terms of a Conditional Use Permit.
- (H) All front yard setbacks are also subject to Section 8.1 of this chapter for setbacks on Arterial, Collector, and Local roads.
- (I) Minimum lot width on Public Road ..... 100 ft.
- (J) Minimum Residential Building Width ..... 24 ft.



- (K) Minimum Residential Building Size .....per subsection 4.4(15)
- (L) Maximum Residential Accessory Building Size .....per subsection 4.4(17)
- (M) Maximum Residential Accessory Building Height....per subsection 4.4(18)

(5) Prohibited Uses

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

4.8 Commercial Highway Interchange District (CHI)

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

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

(2) Permitted Uses

The following uses are permitted uses in this district:

- (A) Gasoline service stations, provided further that all gasoline pumps, storage tanks, and accessory equipment are located at least 100 feet from any existing or officially proposed street line.
- (B) Automobile repair shops, including shops for general mechanical repairs and tire repairs, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and also not including establishments for painting automobiles or major automobile body or engine repair.
- (C) Leasing of passenger automobiles, limousines or trucks, or of truck trailers or utility trailers. This use does not include businesses which provide drivers for hire.
- (D) Establishment engaged in the daily or extended term rental or leasing for use off the premises of mobile homes, campers, or recreational vehicles.

- (E) Hotels, motor hotels, motels, tourist camps, tourist rooms, etc.
- (F) Restaurants, taverns, lunch rooms and other eating places, including drive-in type establishments.
- (G) Commercial parking lots, parking garages, parking structures.
- (H) Tourist-oriented retail shops, including souvenir shops, gift shops, and flea markets.
- (I) Residential use only when an integral part of the commercial building.

(3) Conditional Uses

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 shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this chapter.

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

(4) Requirements for Permitted and Conditional Uses

Within the CHI District the following standards shall apply:

- (A) Minimum Lot Area ..... 3 Acres

Setbacks

- Front Yard..... 50 ft.
- Rear Yard ..... 50 ft.
- Side Yard ..... 15 ft.
- Width at Building Line ..... 100 ft.
  
- (B) Maximum Building Height..... 35 ft.
  
- (C) Minimum Lot Frontage on Public Road ..... 50 ft.
  
- (D) Truck Unloading Area .....Sufficient Space for loading or unloading of vehicles shall be provided off the highway so that the highway shall at all times be free and unobstructed to the passage of traffic.
  
- (E) Off-Street Parking, Public Gathering.....One 200 sq. ft. parking space for each 200 sq. ft. of building.
  
- (F) Maximum Lot Coverage Ratio of All Buildings to Lot Size: 5 (lot) to 1 (building).
  
- (H) Natural Features such as drainage areas, wet soils, and steep slopes shall be designed into the site plan.
  
- (I) Not less than twenty (20) percent of the area of each parcel shall be permanently reserved for grass, flowers, shrubs, cover plants, trees, or equivalent aesthetic treatment (green area) within the area between the front of the principal building and the front yard line. Driveways or parking lots shall not qualify for such a green area but ponds or fountains shall qualify as a green area.
  
- (J) Access or Frontage Roads..... As a prerequisite to issuing a Building Permit, any area which comes under the CHI District shall have an Interior Road Network dedicated to the public which will provide adequate access for future lots to the public road system.
  
- (K) No permits shall be granted for access points located within 1,000 feet of the most remote end or taper of any existing or proposed entrance or exit ramp of an interchange, or at intervals of less than 600 feet thereafter. Access points along opposite sides of intersecting highways shall be located either directly

opposite each other, or directly opposite a median strip crossover, or separated by at least 300 feet of lateral distance along the highway centerline.

- (L) Truck parking areas shall be separated from automobile parking areas. The road network shall be designed to separate automobile and truck traffic.
- (M) All front yard setbacks are also subject to Section 8.1 of this chapter for setbacks on Arterial, Collector and Local roads.

(5) Prohibited Uses

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

4.9 Business District (B-1)

(1) Purpose and Intent of Business District (B-1)

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Town and any development guide adopted by the Town Board. The intent of this District is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

(2) Permitted Uses

The following uses are permitted in this district:

- (A) Stores and shops in which items are sold directly to the public to include grocery, hardware, clothing and apparel stores, pharmacies and beverage stores, bakeries, magazine and tobacco stores, coffee shops, gift shops, parking areas and similar retail establishments normally found in neighborhood shopping centers.
- (B) Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional services in which services are offered to the general public on the premises.
- (C) Personal services to include barbershops, beauty salons, tailor shops, and coin operated laundromats.
- (D) Governmental and public facilities such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.
- (E) Banks, office buildings, and restaurants.

- (F) Sales and retail of new and used automobiles, trucks, trailers, construction equipment, and agricultural equipment.
- (G) Gasoline/Convenience stores which do not provide mechanical services.
- (H) Model Homes for sales promotion (habitation as dwelling only as a conditional use), lumber yards, building services and building supplies.
- (I) Mini-warehousing and general warehousing of merchandise in enclosed buildings.
- (J) Television, video, radio, and electrical equipment sales, service, and rental.
- (K) Plumbing, heating, and air-conditioning sales and repair shops.
- (L) Technical schools and training centers.
- (M) Single family residences in existence as of the date of the adoption of this Ordinance but only if such residence is the only permitted or conditional use located upon the property.

(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 shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

- (A) Single family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
- (B) Lodges and fraternal buildings, nursing and retirement homes, nursery and day care centers.
- (C) All public utility facilities, including sewage treatment facilities.
- (D) Animal hospitals and clinics, excluding open kennels and exercise yards.
- (E) Maintenance and repair of equipment and vehicles.
- (F) Construction contractor offices, equipment storage yards, and maintenance facilities.

- (G) Fabrication, assembly, processing, and/or packaging of plastics products, electrical equipment, jewelry, and pottery.
- (H) Automotive upholstery shops and automotive body repair shops.
- (I) Feed and grain dealers and grain storage.
- (J) Stores dealing with sexually explicit materials, books, magazines, movies, clothing and paraphernalia.
- (K) Radio or television studio and tower and microwave radio relay structures.
- (L) Telephone, telegraph, and electric transmission lines, buildings or structures.
- (M) Agricultural uses which would be permitted in agricultural districts under this chapter.

(4) Requirements for Permitted and Conditional Uses

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

- (A) Minimum Lot Area ..... 1 acre
  - Setbacks
  - Front Yard ..... 50 ft.
  - Rear Yard ..... 25 ft.
  - Side Yard ..... 15 ft.
  - Width at Building Line ..... 100 ft.
- (B) Maximum Building Height ..... 35 ft.
- (C) Minimum Frontage on Public Road ..... 100 ft.
- (D) Parking Requirements ..... One 200 sq. ft. parking space for each 200 sq. ft. of building.
- (E) Accessory Building Side Yard Setback ..... 10 ft.
- (F) All front yard setbacks are also subject to Section 8.1 of this chapter for setbacks on Arterial, Collector and Local Roads.

(5) Prohibited Uses

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

4.10 Rural Residential District (R-R)

(1) Purpose and Intent of Rural Residential District (R-R)

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

(2) Permitted Uses

The following uses are permitted uses in this district:

- (A) One single family dwelling and one private attached or unattached garage, provided that the square footage of any garage, attached or unattached, shall not exceed 864 square feet or the square footage of the residential structure, whichever is less. (Amended by Ordinance 03-3)
- (B) Gardening, including truck gardens, nurseries, and greenhouses, and the keeping of small animals to include up to a total of any combination of three (3) dogs and cats. Additional dogs and cats and other domestic animals which may be kept or may roam outside of the residence may be permitted upon issuance of a Conditional Use Permit.
- (C) Governmental buildings, except sewage disposal plants, garbage incinerators, warehouses, garages, shops and storage yards.
- (D) Public and quasi-public owned parks, playgrounds, and community center buildings and grounds and private parks provided such private park is directly related to an adjoining residential subdivision, the use thereof restricted to the residents of such subdivision and their guests and such park is not used for any commercial purposes.
- (E) Grade schools, churches and their affiliated uses.
- (F) Water-storage facilities and their accessory structures

- (G) Accessory 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 one accessory building per lot, but a detached garage shall not be counted as an accessory building unless it exceeds 864 square feet or the residence on the premises also has an attached garage. (Amended by Ordinance 03-3)

- (H) Uses customarily incidental 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 public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this chapter.

- (A) Professional offices, when such office is conducted solely by a member or members of the resident household, entirely within the residence and incidental to the residential use of the premises.
- (B) Public buildings such as colleges and universities, private music schools, dancing schools, business schools and vocational schools, but not to include sewage disposal plants, garbage incinerators, warehouses, garages, shops or storage areas.
- (C) Institutions of a charitable or philanthropic nature, hospitals, nursing homes, clinics and sanitariums, libraries, museums and other community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
- (D) Telephone, telegraph and electric transmission lines, buildings or structures.
- (E) Community living arrangement having a capacity for 16 or more persons provided it is located at least 2,500 feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent the appearance of an institution.
- (F) One two-family dwelling and one private attached garage for each residential unit provided that the square footage of the attached garage shall not exceed 864 square feet or the square footage of the residential unit whichever is less.
- (G) Home occupation, when such occupation is incidental to the residential use of the premises, does not involve any external alteration that would effect a substantial change in the residential character of the building and complies with all of the requirements set forth in Section 13 of this chapter.



(4) Requirements for Permitted and Conditional Uses

Within the R-R District the following standards shall apply:

- (A) Minimum Lot Area .....40,000 sq. ft.
- (B) Maximum Lot Area..... must be less than 3 acres  
(Amended by Ordinance 03-2)
- (C) Maximum Building Height ..... 35 ft.
- (D) Minimum Front Yard Setback ..... 50 ft.
- (E) Minimum Rear Yard Setback ..... 25 ft.
- (F) Accessory Buildings Side Yard Setback..... 5 ft.
- (G) Minimum Lot Width at Building Line ..... 100 ft.
- (H) Minimum Lot Frontage on Public Road ..... 70 ft.
- (I) Minimum Lot Area Per Two Family Dwelling.....55,000 sq. ft.
- (J) Minimum Side Yard Setback..... 20 ft.
- (K) Minimum Floor Area Per Family..... per subsection 4.4(15)
- (L) Minimum Building Width ..... 24 ft.
- (M) Maximum Accessory Building Size ..... per subsection 4.4(17)
- (N) Maximum Accessory Building Height..... per subsection 4.4(18)
- (O) All front yard setbacks are also subject to Section 8.1 of this chapter for setbacks on Arterial, Collector and Local roads.

(5) Prohibited Uses

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

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#### 4.11 Recreational District (REC)

(1) Purpose and Intent of Recreational District (REC)

The purpose of the REC District is to designate an area exclusively for recreational uses and to provide a means of obtaining the recreational goals of the Town and any development guide adopted by the Town Board. The intent of the REC District is to provide land for recreation and to prevent uncontrolled and uneconomical spread of development in areas of recreational activity or in areas that have recreational potential due to their natural setting or the availability of natural resources.

(2) Permitted Uses

None.

(3) Conditional Uses

- (A) Cottages or summer homes for seasonal occupancy.
- (B) Public and private parks and playgrounds, swimming pools, golf courses, tennis courts, picnic grounds, and bathing beaches.
- (C) Recreational and educational camps as defined in Section HFS 175 of the Wisconsin Administrative Code, or its successor.
- (D) Campgrounds.

(4) Requirements for Conditional Uses

- (A) All of the conditional uses in this district shall meet any and all applicable state, county, and local regulations including but not limited to Sections HFS 175 and 178 of the Wisconsin Administrative Code, the Rock County Sanitary Ordinance, the Rock County Shoreland Ordinance, this Zoning Ordinance, as well as their successors.
- (B) The owner or operator of any of the above-listed proposed uses shall submit, in addition to the requirements outlined in Section 5.3 of this chapter, plans and specifications for the proposed use to the Planning & Zoning Committee for examination and approval before beginning construction.
- (C) Campgrounds
  - (1) Each campsite in a campground shall have a minimum area of 2,000 square feet.

- (2) Each campground shall provide a building or structure where campers may find shelter from the natural elements. Such structure may be a portion of a toilet or shower building.
- (3) Firearms shall not be permitted in campgrounds.
- (4) Where electric power is supplied to campsites, the electric lines shall run underground where possible. Where it is necessary that electric lines run aboveground, then all electrical wiring shall meet the requirements of state law.
- (5) All indoor water sources, flush toilet buildings, shower buildings, and shelter buildings or structures shall have adequate, working lights for safe night-time use.
- (6) For each calendar year during which a camping unit is placed on a campsite, the camping unit must be removed from that campsite for a period of at least ninety consecutive days. The ninety day period need not fall entirely in any one calendar year, but the ninety days must be consecutive, and the period must be begun once in every calendar year. This subsection shall not apply to camping units placed on campsites which have been established as campsites prior to October 1, 1999.
- (7) Any structure which may otherwise come within the definition of a camping unit under this chapter, but which has the appearance of a permanent building, and not of a camping trailer, travel trailer, motor home, bus, van, pickup or tent, shall require a zoning permit, whether or not such unit is permanently installed on the ground.
- (8) If any camping unit shall exceed the size which would allow it to meet the definition of a camping unit under Chapter HFS 178 of the Wisconsin Administrative Code or any successor to that section, the provisions of this section, including portions of Chapter HFS 178 incorporated by reference in this section, shall be deemed to apply to such a camping unit in the same manner as if such camping unit were within the definition of Chapter HFS 178. (The maximum size to qualify as a camping unit under the current section HFS 178.03(4) is 400 square feet.)
- (9) No permanent additions, including decks and porches, may be constructed on campsites. This subsection shall not apply to decks and porches existing as of October 1, 1999. Permanent additions shall not be deemed to include temporary decks and porches which are capable of being picked up and placed in or on a camper and hauled away.

(10) Camping units shall be placed no less than 15 feet from the property line of the campground. This provision shall not apply to camping units placed prior to October 1, 1999, unless subsequently moved, replaced or sold.

(5) Prohibited Uses

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

(6) Requirements for Permitted and Conditional Uses

Within the REC District the following standards shall apply:

- (A) Minimum Lot Area (for total premises, not for lots for individual camping units) ..... 1 acre  
Setbacks (for total premises, not for lots for individual camping units)
  - Front Yard ..... 50 ft.
  - Rear Yard ..... 25 ft.
  - Side Yard ..... 20 ft.
  - Width at Building Line ..... 100 ft.
- (B) Maximum Building Height ..... 35 ft.
- (C) Minimum Frontage on Public Road ..... 100 ft.
- (D) Parking Requirements ..... One 200 sq. ft. parking space for each 200 sq. ft. of building.
- (E) Accessory Building Side Yard Setback (for total premises, not for lots for individual camping units) ..... 10 ft.
- (F) All front yard setbacks are also subject to Section 8.1 of this chapter for setbacks on Arterial, Collector and Local Roads.

4.12 Special Purpose District (SP)

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

The purpose of this district is to provide a means of obtaining the goals and objectives of the Town and any development guide adopted by the Town Board. The SP District is intended to provide for those uses which create or could present special problems, hazards or other circumstances with regard to the use of land. This district is to include those uses of land which require large expanses of land, those which

afford hazards to health, safety, or other aspects of the general welfare, and those for which it is desirable to have a limited number of a given land use within the community. All such uses shall be conditional uses and subject to the consideration and approval of the Planning & Zoning Committee.

(2) Permitted Uses

None.

(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 shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this chapter. The Committee may require special facilities as a condition of approval such as, but not limited to, fences, trees, shrubbery, barriers, and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment.

- (A) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses. This use shall require a specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- (B) Sand and gravel operations and facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.
- (C) Airports open to the public, hangars, or accessory structures.
- (D) Cemeteries when they comply with the provisions of Section 157.06 of the Wisconsin Statutes.
- (E) Race tracks.
- (F) Sewage treatment facilities.
- (G) Accessory structures required by the principal use as part of the original application.
- (H) Junkyard and automobile salvage yards.

(4) Requirements for Conditional Uses

Within the SP District the following standards shall apply:

- (A) Minimum Lot Area ..... 5 Acres
- (B) Minimum Front Yard Setback ..... 50 ft.
- (C) Minimum Side Yard Setback..... 50 ft.
- (D) Minimum Rear Yard Setback ..... 50 ft.
- (E) Off Street Parking .....1 space per 5 seats, or  
1 space per 5 anticipated users at  
maximum usage of facility.
- (F) All Front Yard Setbacks are also subject to Section 8.1 of this chapter for setbacks on Arterial, Collector and Local roads.
- (G) Sand and Gravel Operations
  - (1) Minimum Lot Area ..... 5 Acres
  - (2) Setback from Existing Street or Highway..... 100 ft.
  - (3) Setback from Right-of-Way of Public Utility..... 50 ft.
  - (4) Setback from Boundary of Zoning District..... 100 ft.
  - (5) Fencing and Screening

All access to any mining operation within one-half mile radius of any residential district shall be barred by chain link or similar fencing no less than six (6) feet high.
  - (6) No dumping of waste products shall be allowed anywhere on the site. This restriction does not apply to the storage of clean fill material.
  - (7) Restoration Plan to be developed with aid of County Agricultural Agent, County Soil Conservation Service, County Parks Department, and County Planning Department and approved by Town Board. Such Restoration Plan shall include grading and slope requirements, topsoil preservation, ground cover planting, erosion control, fencing, removal of structures, equipment, and stockpiles, and any other

measures which are deemed necessary to protect the public health, safety, comfort, convenience, or general welfare.

(8) Minimum Accessory Side Yard Setback ..... 50 ft.

(5) Prohibited Uses

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

(6) Termination Upon Ceasing of Operations

If any operation for which a Conditional Use Permit has been issued in this district is not carried on for a period of one (1) year at the premises which are the subject of the permit, the operation shall be considered to have been abandoned and, prior to any further operations on the subject premises, a new Conditional Use Permit shall be required.

4.13 Transitional Agricultural District One (A-1a)

(1) Purpose and Intent of Transitional Agricultural District One (A-1a)

The purpose of the A-1a District is to provide a means of obtaining the agricultural goals and objectives of the Development Plan. This district exclusively provides for agricultural uses and uses consistent with agriculture uses as defined in Section 91.01(10) of the Wisconsin Statutes. The intent in having this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development. This district is intended to include lands that are included in areas classified as Arurban transition@ and Arural transition@ under the Rock County Agricultural Preservation Plan. Lands in this district, as well as lands in the A-1 District, are intended to be eligible for tax credits under the Wisconsin Farmland Preservation Program.

(2) Permitted Uses

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except confinement operations, 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 existing residence other than that of the owner or lessee of such buildings containing such livestock or poultry.



- (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 32 square feet each advertising such sale.
- (C) Beekeeping, commercial feed lots, egg production, floriculture, fish or fur farming, forest and game management, grazing, plant greenhouses, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 U.S.C. 3831 to 3836, participating in the milk production termination program under 7 U.S.C. 1446(d), and vegetable raising.
- (D) One single family dwelling that has a use consistent with agricultural use and that is occupied by any of the following:
  1. An owner of the parcel.
  2. A person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel.
  3. A parent or child of an owner who conducts the majority of the farm operations on the parcel.
  4. 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.
- (E) Livestock facilities up to and including three animal units per acre.

(Added by Ordinance No. 4.15)

(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 provided that such uses are consistent with agricultural use and are found by the Planning & Zoning Committee to be necessary in light of the alternative locations available for such uses. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this chapter.

- (A) Churches, publicly owned parks and publicly owned recreational areas.
- (B) Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491(3) of the Wisconsin Statutes.

- (C) For purposes of farm consolidation, farm residences or structures existing as of April 26, 1974, may be separated from the farm plot provided that no parcel thus created shall exceed five (5) acres or be less than three (3) acres. The remaining portion of the original parcel shall conform to the standards of this district, and the new parcel shall conform to the standards of the A-3 District. For purposes of this section >farm consolidation= means the combination of two or more farms to create a smaller number of farms.
- (D) Fur farms, agricultural-related veterinary services, holding pens, confinement operations and other agricultural uses that may cause additional traffic, noxious odors, or noise.
- (E) Creameries, milk condenseries and cheese factories, provided, however, that same are not located or operated nearer than 500 feet to any dwelling.
- (F) Supportive agri-business activities to include grain elevators, seed, fertilizer, and farm chemical sales, commercial feedlots, feed mills, farm machinery repair, and similar agricultural activities.
- (G) Additional farm dwellings for resident owners and persons who, or a family at least one adult member of which, earn the majority of their income from conducting the farm operations on the parcel.
- (H) Telephone, telegraph and electric transmission lines, buildings or structures.
- (I) Agricultural-related airport or airstrip not open to the public which is accessory to the farm use.
- (J) Land application of municipal waste disposal sludge.
- (K) Farm family business provided such business is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses and provided further no more than 2 persons who are not members of the resident farm family are employed in the farm family business.
- (L) Agricultural-related, religious, other utility, institutional or governmental uses that are consistent with agricultural use and are found to be necessary in light of the alternative locations available for such uses.
- (M) Greenhouses other than plant greenhouses.
- (N) Livestock facilities over three animal units per acre or over 500 animal units total, whichever is less.

(Added by Ordinance No. 4.15)

(4) Requirements For Permitted and Conditional Uses

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

- (A) Minimum Lot Size . . . . . 40 Acres for residential or farmland use
- (B) Maximum Building Height . . . . . 35 ft. Residential Structures  
[No maximum on other structures  
except as set forth in subsection  
4.4(18)]
- (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) Minimum Lot Width At Building Line . . . . . 100 ft.
- (G) All front yard setbacks are also subject to Section 8.1 of this chapter for setbacks on Arterial, Collector and Local roads.
- (H) Animal units per acre. Three (3) animal units per acre, on contiguous acreage. Additional units may be permitted under a Conditional Use Permit.
- (I) Minimum Residential Structure Size . . . . . per subsection 4.4(15)
- (J) Minimum Residential Structure Width . . . . . 24 ft.
- (K) No structure may be built in this district unless it is consistent with agricultural use. Such a use must meet all of the following conditions: 1) The activity will not convert land that has been devoted primarily to agriculture use. 2) The activity will not limit the surrounding land=s potential for agricultural use. 3) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement under Chapter 91 of the Wisconsin Statutes. 4) The activity will not conflict with agricultural operations on other properties.
- (L) Minimum lot width on Public Road . . . . . 100 ft.
- (M) General Setbacks Applicable to Livestock Structures
  - 1. Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

## 2. Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

## 3. Waste Storage Structure

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

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

- 1 located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- 2 no larger than the existing structure;
- 3 no further than 50 feet from the existing structure
- 4 no closer to the road or property line than the existing structure.

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

(Added by Ordinance No. 4.15)

## (N) Water Quality and Related Setback Requirements

### 1. Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any

applicable shore land or wetland zoning ordinances or chapter enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

2. Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance or chapter that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

3. Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(Added by Ordinance No. 4.15)

(5) Prohibited Uses

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

(Adopted by Ordinance No. 03-4)

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## **SECTION 5.0 CONDITIONAL USE PERMITS**

### 5.1 General Provisions

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

### 5.2 Required Information

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

### 5.3 Procedure

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

(A) A Conditional Use Permit Application is filed with the Town Clerk. Such application shall contain the exact legal description of the premises for which the Conditional Use Permit is requested, a list of the reasons justifying the application, and shall specify the proposed use and have attached the following:

(1) Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area for which the Conditional Use Permit is requested, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 400 feet of the area for which the Conditional Use Permit is requested.

(2) Owners' Names and Addresses of all properties lying within 1,000 feet of the area for which the Conditional Use Permit is requested.

(3) Additional Information required by the Planning & Zoning Committee.

(4) Fee Receipt from the Town Clerk for the Conditional Use Permit Fee.

- (B) The Town Clerk shall forward a copy of the Conditional Use Permit Application to the Town Attorney for review.
- (C) The Town Clerk shall notify all property owners within 1,000 feet of the parcel in question, except that for property owners not located in the Town of Clinton notice will be given only to those whose parcels are adjacent to the parcel in question. The Town Clerk shall publish a Class I Legal Notice listing the time and place of the public hearing, the conditional use being proposed, and the location of the proposed conditional use.
- (D) A public hearing is held by the Planning & Zoning Committee (hereafter called the Committee).
- (E) The application and information obtained at the public hearing is reviewed by the Committee at a public meeting as to potential problems that may affect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
- (F) Upon consideration of these factors and the "Standards" in this section, the Committee may approve, approve with conditions, or deny the Conditional Use Permit Application. In addition, prior to approval of any Conditional Use Permit Application in connection with any land located in the A-1 District or in the A-1a District, the Committee may only approve such Application upon finding that the conditional use is consistent with agricultural use and is necessary in light of the alternative locations available for such use.  
(Amended by Ordinance 03-4)
- (G) Upon approval, the Chairperson of the Planning & Zoning Committee shall instruct the Town Clerk to forward with a copy of the Conditional Use Permit Application any conditions of approval to the Town Attorney who shall draft the Conditional Use Permit. After receipt of the approved Conditional Use Permit Application and conditions of approval, the Town Attorney shall prepare and send the Conditional Use Permit to the Chairperson who shall sign and forward copies of the Conditional Use Permit to the Town Clerk and the County Planning and Development Agency. The Town Clerk shall notify the Department of Agriculture, Trade, and Consumer Protection of the issuance of any Conditional Use Permit in connection with any land located in the A-1 District or in the A-1a District.  
(Amended by Ordinance 03-4)
- (H) If a permit is denied, the Committee shall provide its decision in written form, listing the reasons for denial and explaining the applicant's appeal rights.
- (I) The applicant or the applicant's authorized legal representative shall attend the public hearing as well as all other meetings of the Planning & Zoning Committee in connection with the applicant's requested Conditional Use



Permit. Failure of the applicant or the applicant's authorized legal representative to attend such public hearing or other meetings shall be grounds for denial of applicant's request.

- (2) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not to the person who owns the land. Conditional Use Permits are revocable by majority vote of the Committee 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 Committee approval.
- (3) The owner of a parcel of land upon which a Conditional Use Permit has been issued may voluntarily surrender said permit, whereupon the permit shall terminate and no longer run with the parcel.

#### 5.4 Standards Applicable to All Conditional Uses

- (1) In considering a Conditional Use Permit Application, the Planning & Zoning Committee shall consider the following factors:
  - (A) That the amount of land is limited to that which is reasonably necessary to accommodate the proposed use.
  - (B) Wherever possible a proposed non-agricultural use shall be placed on that portion of a parcel which contains the poorest quality agricultural soils or that portion of the parcel which would be the least productive for agricultural purposes, and the use shall be placed as close as possible to other non-agricultural uses.
  - (C) The location of the site with respect to existing or future roads giving access to it.
  - (D) Its compatibility with existing uses on land adjacent thereto.
  - (E) Its harmony with the future development of the district.
  - (F) Existing topography, drainage, soils types, and vegetative cover.
  - (G) Its relationship to the public interest, the purpose and intent of this chapter and substantial justice to all parties concerned.
- (2) No Conditional Use Permit shall be issued for any use which might result in damage to town roads, including, but not limited to, the operation of an agri-business or the use of sewage sludge for fertilizer purposes, unless the committee is assured that adequate provision for repair of potential damages has been made. Such adequate provision may include a performance bond assuring that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's full

expense, or 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.

#### 5.5 Standards Applicable to Conditional Uses within the A-1 District and the A-1a District

- (1) In considering a Conditional Use Permit Application in the A-1 District or the A-1a District, the Planning & Zoning Committee shall also consider the following factors:
  - (A) The potential for conflict with agricultural use.
  - (B) The need of the proposed use for a location in an agricultural area.
  - (C) The availability of alternative locations.
  - (D) Compatibility with existing or permitted uses on adjacent lands.
  - (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 quality, soil erosion, and rare or irreplaceable natural resources.

(Amended by Ordinance 03-4)

#### 5.6 Conditions Attached to Conditional Use Permit

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

#### 5.7 Notice and Public Hearing

Before issuing a Conditional Use Permit, the Planning & Zoning Committee shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the committee shall be published as a Class 1 Notice as referred to in chapter 985 of the Wisconsin Statutes. The Town Clerk shall also notify all property owners within 1,000 feet of the parcel in question by U.S. mail, postage prepaid, with the above information, except that for property owners not located in the Town of Clinton notice will be given only to those whose parcels are adjacent to the parcel in question.

5.8 Conditional Use Permit Fee

The applicant, upon filing of his/her application, shall pay the following fee to the Town of Clinton:

Conditional Use Permit Fee .....\$100.00 or such other amount  
as shall hereafter be determined by  
Town Board resolution.

5.9 Conditional Use Permit Procedure for Livestock Facilities

(1) Approval required

These procedures apply to livestock facilities that may require a Conditional Use Permit under this chapter.

(2) Permits for Existing Livestock Facilities

(A) A permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

1. The applicable size threshold for a Conditional Use Permit established in the zoning district where the facility is located.
2. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006, or on the effective date of the permit requirement, whichever date is later.

(B) A permit is not required for a livestock facility that existed before May 1, 2006 or before the effective date of the permit requirement in this chapter (except as provided in subparagraph (A)).

(C) A permit is not required for a livestock facility that was previously issued a Conditional Use Permit or other local approval (except as provided in subparagraph (A)). A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

(3) Application Procedure

A livestock operator must complete the application and worksheets prescribed by ATCP 51,

including any authorized local modifications. The application requirements specified in ATCP 51, Wisconsin Administrative Code, are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this chapter.

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

(4) Application Fee

A non-refundable application fee of \$1,000 shall accompany an application for livestock facilities of 500 animal units or more. The Town board may by resolution adopt a schedule of lesser fees for livestock facilities with fewer than 500 animal units.

(5) Application Review Procedure

- (A) Within 45 days after the Planning & Zoning Committee receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Planning & Zoning Committee shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
- (B) Within 14 days after the Planning & Zoning Committee notifies an applicant that the application is complete, the Town Clerk shall notify adjacent landowners of the application. The Town Clerk shall use the approved notice form in ATCP 51, and mail a written notice to each adjacent landowner.
- (C) The Committee shall grant or deny an application within 90 days after the notice of a complete application is provided as required by subparagraph (a) above. The Committee may extend this time limit for good cause, including any of the following:
  - 1. The Committee needs additional information to act on the application.
  - 2. The applicant materially modifies the application or agrees to an extension.

The Committee shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Committee will act on the application.

(6) Public Hearing

The Committee shall schedule a public hearing on the application within 90 days after issuing notice of a complete application.

(7) Standards

The standards for issuing a permit are as follows:

(A) The state livestock facility siting standards adopted under ATCP 51, Wisconsin Administrative Code. These standards are incorporated by reference, without reproducing them in full.

(B) Setbacks authorized by this chapter.

(8) Criteria for Issuance of a Permit

(A) A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this chapter.

(B) A permit may be denied if any of the following apply:

1. The application, on its face, fails to meet the standards for approval.
2. The Committee finds that, based on other clear and convincing information in the record, the proposed livestock facility does not comply with applicable standards in this chapter.
3. Other grounds authorized by § 93.90, Stats., that warrant disapproving the proposed livestock facility.

(C) No conditions may be imposed on the permit other than the standards provided in this chapter.

(9) Record of Decision

(A) The Committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.

(B) In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

(10) Notice to the Department of Agriculture, Trade and Consumer Protection

The town clerk as required by ATCP 51.36, Wisconsin Administrative Code, within 30 days of the Committee's decision on the application shall do all of the following:

- (A) Give the Department of Agriculture, Trade and Consumer Protection written notice of the decision.
- (B) File with the Department a copy of the final application granted or denied, if the Committee has granted or denied an application under this chapter. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
- (C) If the Committee has withdrawn a local approval under this chapter, file with the Department a copy of the final notice or order withdrawing the local approval.

(11) Expiration of Permit

A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Committee may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within 2 years after issuance of the permit:

- (A) Begin populating the new or expanded livestock facility.
- (B) Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

(12) Permit Modifications

The operator may make reasonable changes that maintain compliance with the standards in this chapter, and the Committee shall not withhold authorization for those changes.

(13) Compliance Monitoring

The Committee shall monitor compliance with the chapter as follows:

- (A) Upon notice to the livestock facility owner, request the right of Zoning Officer to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.

- (B) If the livestock facility owner refuses the Zoning Officer the right to view the permitted facility, the Zoning Officer may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.
- (C) If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Zoning Officer shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application be complied within a reasonable amount of time stated in this written notice.
- (D) If non-compliance of the permit conditions as described in the written notice given by the Zoning Officer continue past the stated reasonable time to comply, the Zoning Officer may take further action as provided in this chapter, including but not limited to issuance of a citation or seeking of injunctive relief.
- (E) If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Committee shall schedule a hearing within five days to determine if the conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

(14) Terms of the Permit

A permit and the privileges granted by a permit issued under this chapter is conditioned on the livestock operator's compliance with the standards in this chapter, and with commitments made in the application for a permit. The Committee is authorized to suspend a permit or seek other redress provided in this chapter for non-compliance.

(15) Transferability

A permit and the privileges granted by the permit run with the land, and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the town clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

(Added by Ordinance No. 4.15)

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## **SECTION 6.0 ZONING PERMITS**

### **6.1 Issuance**

A Zoning Permit is required to be obtained from the Zoning Officer as part of the requirements of this chapter. Where the use involves the construction or structural improvement of buildings or structures, such construction or improvement shall be completed within 24 months after issuance of the Zoning Permit and, if such construction or improvement is not completed, the Zoning Permit shall be deemed to have expired unless extended by the Planning and Zoning Committee.

### **6.2 Requirements**

(1) Cases where a zoning permit is required:

- (A) Where any building, other than a minor structure, is erected, moved or structurally altered so as to change its use or increase its floor area.
- (B) Where any land use is altered, other than by erecting, moving or altering a minor structure.
- (C) Where 50 percent or more of the fair market value of a structure, other than a minor structure, is destroyed and is being repaired or altered.

(Amended by Ordinance 02-01)

(2) Cases where a zoning permit is not required:

- (A) For any minor structure which meets the definition of a minor structure under this Chapter.
- (B) For any improvements or alterations to an existing building, the cost of which, including labor, is in the amount of \$3,000 or less, provided that the proposed improvements shall not result in a structural change or an addition to the square footage of a building other than a minor structure.
- (C) For any maintenance to an existing building, regardless of cost.

(Amended by Ordinance 02-01)

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

### **6.3 Application for Zoning Permit**

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

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

6.4 Zoning Permit Fee

The applicant, upon filing of an application for a Zoning Permit with the Zoning Officer, shall pay the following fee to the Zoning Officer:

Zoning Permit Fee .....\$100.00 or such other amount  
as shall hereafter be determined by  
Town Board resolution.

## **SECTION 7.0 BOARD OF ZONING APPEALS**

### **7.1 Establishment**

There is hereby established a Board of Zoning Appeals for the Town for the purposes set forth in this Section.

### **7.2 Membership and Organization**

The Board of Zoning Appeals (hereafter called the Board) shall be formed and organized as follows:

- (1) The Board shall consist of five members appointed by the Town Chairperson and confirmed by the Town Board.
- (2) One of the five members of the Board shall be a member of the Town Board.
- (3) The terms of members of the Board shall be for staggered three year periods.
- (4) The Chairperson of the Board shall be elected annually by the Board from among its members.
- (5) No member of the Board may simultaneously be a member of the Planning & Zoning Committee. In addition, the Zoning Officer shall not be a member of the Board, although he or she shall attend all meetings of the Board for the purpose of providing technical assistance when requested by the Board.
- (6) The Chairperson of the Board shall appoint a member of the Board as Secretary.
- (7) Vacancies in the Board shall be filled for an unexpired term in the same manner as appointments for a full term.
- (8) Each member of the Board shall take an official oath in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of appointment.
- (9) Compensation for the members of the Board shall be determined by the Town Board.
- (10) Any member of the Board who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.

### **7.3 Administration**

The Board shall administer itself in accordance with the following:

- (1) All meetings shall be held at the call of the Chairperson and shall be open to the public.
- (2) Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, and recording the absence or abstention of any member, and further recording the reasons for any determination by the Board and findings of fact related to such determination. The Secretary shall keep all records of the Board, which shall be immediately filed with the Town Clerk upon creation of such records.
- (3) The Board may request assistance from other town and county officials, departments, agencies and boards in rendering any decision under this section.

#### 7.4 Powers

The Board shall have the following powers:

- (1) To hear and decide appeals relating to any alleged error in any order, requirement, decision or determination made by the Planning & Zoning Committee or its delegates or the Zoning Officer in the enforcement of codes, regulations or ordinances under their jurisdiction, including, but not limited to, decisions granting or denying the issuance of a permit. The Board may reverse, affirm wholly or partly, or modify the conditions established by the Planning & Zoning Committee for issuance of a permit, and may direct the issuance of a permit.
- (2) To hear requests for variances and to grant variances subject to the requirements of this Section.
- (3) To hear and decide applications for interpretations of this zoning ordinance, provided that no decision on an interpretation shall be made until after the matter has been reviewed by the Planning & Zoning Committee and the Board has received recommendations of the Planning & Zoning Committee.
- (4) To revoke a Conditional Use Permit or variance upon request of the Planning and Zoning Committee or the Town Board, and upon determination following a hearing that the owner of the land holding such permit or variance has failed to follow specified conditions which accompanied the issuance of the permit or variance.

## 7.5 Appeals

Appeals from the decision of the Planning & Zoning Committee or its delegates, the Zoning Officer or any other officer of the Town concerning the enforcement of this zoning ordinance or the issuance or denial of a Zoning Permit or Building Permit may be made by any person aggrieved by such decision or by an officer, department, committee, board or bureau of the Town. Any such appeal shall be filed with the Town Clerk within 30 days after the date of written notice of the decision or order appealed from. Such appeal shall include the following:

- (1) Name and address of the appellant and, if such appeal relates to a specific parcel of land, all owners of land located within 1,000 feet of the subject parcel.
- (2) Such additional information as may be required by the Board or the Zoning Officer, which may include a plat of survey.
- (3) Fee receipt from the Town Clerk. The fee for appeals shall be \$100.00 or such other amount as shall hereafter be set by Town Board resolution.

## 7.6 Applications for Interpretation

Applications for interpretation of any portion of this zoning ordinance may be made by the owner or lessee of any structure, land or water affected by this chapter. Such application shall be filed with the Town Clerk and shall include the following:

- (1) Name and address of the applicant and, if such application relates to a specific parcel, all owners of property located within 1,000 feet of the subject property.
- (2) Such additional information as may be required by the Board or the Zoning Officer, which may include a plat of survey.
- (3) Fee receipt from the Town Clerk. The fee for applications hereunder shall be \$100.00 or such other amount as shall hereafter be set by Town Board resolution.

## 7.7 Variances

An application for a variance from the provisions from this chapter may be made by the owner or lessee of any structure, land or water affected by this chapter. Such application shall be filed with the Town Clerk and shall include the following:

- (1) Name and address of the applicant and, if such application relates to a specific parcel, all owners of property located within 1,000 feet of the subject property.
- (2) Such additional information as may be required by the Board or the Zoning Officer, which may include a plat of survey.

- (3) Fee receipt from the Town Clerk. The fee for applications hereunder shall be \$100.00 or such other amount as shall hereafter be set by Town Board resolution.

Variances may be granted only when subject to the following restrictions:

- (A) Variances shall not be granted routinely, and shall be granted only when the applicant clearly shows the existence of an unnecessary hardship and the presence of a unique property limitation, and further shows that the granting of the variance will not be contrary to the public interest.
- (B) No use variance shall be granted.
- (C) An unnecessary hardship may be shown only where, in the absence of a variance, the applicant can make no feasible use of the subject property, or if strict conformity is unnecessarily burdensome.
- (D) No variance shall be granted if the physical character of the property allows the applicant to build or develop in a manner which complies with this chapter.
- (E) Any unnecessary hardship must be peculiar to the zoning parcel in question and different from that of other parcels, and not one that affects all parcels similarly. Such hardships must arise because of some unique property limitation.
- (F) Loss of profit or pecuniary hardship is not in and of itself grounds for a variance.
- (G) Self-imposed hardship is not grounds for a variance. Reductions resulting from the sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public highway, deed restrictions imposed by previous owners and improvements made in violation of this chapter are generally considered to be self-imposed hardships.
- (H) An unnecessary hardship cannot be one which would have existed in the absence of this chapter, although a legitimate unnecessary hardship may result from the interaction of the provisions of this chapter with other actions or regulations adopted by public authorities.
- (I) A unique property limitation for purposes of this section shall involve a situation in which unique physical characteristics of the property, and not the desires of or conditions personal to the applicant, prevent the applicant from developing in accordance with this chapter. Unique property limitations may include wetlands, soil types, parcel shapes or steep slopes.
- (J) In order to protect the public interest the Board shall not grant a variance which would undermine the purpose of this chapter. The Board shall consult

the "purpose" and "intent" sections of this chapter in determining whether a variance is appropriate, and shall consider the interests of the public at large, and not only the interests of the nearby property owners.

- (K) Lack of opposition does not in itself mean that a proposed variance will not harm the public interest.
  - (L) In granting a variance the Board may impose special conditions to ensure that the public welfare is not damaged, provided that such conditions must relate reasonably to the purpose and intent established in this chapter.
  - (M) A variance should include only the minimum relief necessary to allow reasonable use of the subject property.
  - (N) Violations by or variances granted to a neighboring owner do not justify the granting of a variance.
  - (O) Any variance granted shall attach to the property as a permanent right, and any subsequent owner of the subject property may make use of that variance, provided that all conditions attached to the variance are met.
  - (P) In order to grant a variance, the Board must determine that there are exceptional, extraordinary, or unusual circumstances or conditions applying to the subject lot, parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and that the granting of the variance would not be so general or recurrent in nature as to suggest that this chapter should be changed.
  - (Q) No variance shall be granted unless the Board determines that the granting will not create a substantial detriment to adjacent property.
- (4) The Board of Adjustment is not authorized to grant a variance from the state requirements related to livestock facility siting, except as provided in § 93.90 of the Wisconsin Statutes and in Chapter ATCP 51 of the Wisconsin Administrative Code.

(Added by Ordinance No. 4.15)

## 7.8 Hearing

The Board shall hold a public hearing within 45 days of receiving an appeal or an application, and shall give public notice thereof at least 10 days prior to the hearing by publication of a Class 1 Notice under chapter 985 of the Wisconsin Statutes, and shall give due notice to all parties in interest, the Zoning Officer, and the Town Planning & Zoning Committee. If the appeal or application relates to a specific parcel, "parties in interest" shall include all owners of property located within 1,000 feet of the subject property. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney. Following or preceding the public hearing the Board may, in its discretion, hold additional hearings,

allowing the participation only of the applicant and such other parties as may hold a direct interest in the subject matter of the appeal or application. The Chairperson shall administer oaths to all persons providing factual testimony to the Board, and may compel the attendance of witnesses.

7.9 Required Attendance

The appellant or applicant or the appellant's or applicant's authorized legal representative shall attend the public hearing as well as all other meetings of the Board in connection with the appellant's or applicant's appeal or application. Failure of the appellant or applicant or the appellant's or applicant's authorized legal representative to attend such public hearing or other meetings shall be grounds for denial of appellant's or applicant's appeal or application.

7.10 Decision

The Board shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of its decision to the appellant or applicant, the Zoning Officer and the Town Planning & Zoning Committee. Such decision shall be accompanied by findings of fact and conclusions of law, and may include any conditions placed upon the issuance of any permit. Any variance or permit granted by the Board shall expire six months following the issuance of the decision unless substantial work has commenced consistent with such variance or permit prior to such expiration.



## **SECTION 8.0 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS**

### 8.1 Classification and Setbacks

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

#### (1) Arterial Highways

- (A) The setback line for arterial highways shall be 150 feet from the centerline of the highway or 100 feet from the right-of-way line whichever is greater.
- (B) Frontage roads to arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.
- (C) Minimum road right-of-way width shall be 100 feet.

#### (2) Collector Roads

The setback for collector roads shall be 90 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way 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 width shall be 70 feet.

#### (4) Lesser Setbacks

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

#### (5) Special Width Road Right-of-Ways

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

## 8.2 Vision Clearance at Intersections

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

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

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

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

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

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

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

In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the clear vision triangle from one street or road to

another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. In a like manner, this restriction shall not apply to posts and wire fences, provided that they do not obstruct visibility across the clear vision triangle.

### 8.3 Objects Permitted Within Setback Lines and Vision Triangles

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

**BASIC ILLUSTRATION OF  
CLEAR VISION TRIANGLES**

**ILLUSTRATION OF DESIGNATION OF  
CENTERLINE FOR CLEAR VISION TRIANGLES**

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## **SECTION 9.0 NONCONFORMING USES, STRUCTURES, AND LOTS**

### **9.1 Existing Nonconforming Uses**

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

- (1) Only that portion of the structure, land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- (2) Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the local assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.
- (3) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (4) This chapter is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this chapter.

### **9.2 Existing Nonconforming Structures**

Any lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter, provided that: (1) The structure shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter; and (2) Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the local assessed value of the structure at the time of its becoming a nonconforming structure unless it is permanently changed to conform to the provisions of this chapter.

### **9.3 Abolishment or Replacement**

If a nonconforming use or the use or occupancy of a nonconforming structure is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current local assessed value, it shall not be restored except in conformity with the provisions of this chapter.

#### 9.4 Changes and Substitutions

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

#### 9.5 Substandard Lots

In any residential or agricultural district, a one family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the Rock County Register of Deeds Office before the effective date of this chapter subject to the following requirements:

- (1) If two (2) or more substandard lots exist side by side, under the same ownership, each of which individual lots is less than 25,000 square feet, they shall be combined and considered as one (1) building site.
- (2) Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a Zoning Permit.

#### 9.6 Special Exception

The owner of any one family or two-family dwelling unit which was used exclusively for residential use on the date of the adoption of this chapter, which has been continuously used for residential use since the date of the adoption of this chapter up to the date of the casualty referred to hereafter, and which has continuously been located in the Agricultural District One (A-1) or Transitional Agricultural District One (A-1a) since the date of the adoption of this chapter shall, in the event of destruction of the residence by fire or other casualty in an amount greater than fifty (50) percent of assessed value, be permitted to reconstruct such residence on the lot where originally located. The size and number of units of the reconstructed residence shall be no greater than the size and number of units of the original residence. The burden of proof of establishing continuous residential use, size and number of units shall be on the landowner. If said reconstruction is not commenced within a period of twelve (12) months following the casualty, any subsequent re-construction and use of the building, structure or premises shall conform to the regulations of the district in which such building, structure or premises is located.

(Amended by Ordinance 03-4)



## **SECTION 10.0 CHANGES AND AMENDMENTS**

### 10.1 Authority

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by the text of this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Town Planning & Zoning Committee prior to the approval of the Town Board. Any change or amendment approved by the Town Board that is not consistent with any development guide adopted by the Town Board shall be construed to have amended the development guide so as to comply with this chapter as amended.

### 10.2 Initiation

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

### 10.3 Petitions

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

- (1) Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 1,000 feet of the area proposed to be rezoned.
- (2) Owners' Names and Addresses of all properties lying within 1,000 feet of the area proposed to be rezoned.
- (3) Additional Information required by the Planning & Zoning Committee or Town Board.
- (4) Fee Receipt from the Town Clerk. The fee for petitions hereunder shall be \$100.00 or such other amount as shall hereafter be determined by Town Board resolution.

### 10.4 Recommendations

The Planning & Zoning Committee shall review all proposed changes and amendments within the municipal limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. If the Town Board does not receive a written

recommendation from the Planning & Zoning Committee within forty-five (45) days of submitting the proposed changes or amendments to the Committee, the Town Board may hold hearings and act upon the petition without first receiving the recommendation.

#### 10.5 Guidelines for Zoning Changes

The Planning & Zoning Committee and the Town Board shall carefully analyze proposed zoning changes to determine whether they are appropriate and consistent with the goals and intent of this chapter. While zoning changes are made in the discretion of the Planning & Zoning Committee and the Town Board, consistent with the standards of this section, the Planning & Zoning Committee and the Town Board should consider the following before approving any zoning change:

- (1) Whether the proposed zoning change is consistent with any development guide adopted by the Town Board and its goals and objectives.
- (2) Whether the proposed zoning change is consistent with the Purpose and Intent Sections of this chapter, Sections 1.2 and 1.3.
- (3) Whether adequate public facilities to accommodate development from the proposed zoning change either exist or will be provided within a reasonable amount of time.
- (4) Whether provision of public facilities to accommodate development consistent with the zoning change will place an unreasonable burden on the ability of affected units of government and school districts.
- (5) Whether the land proposed for rezoning is suitable for development and whether development will result in undue water and air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural resources.
- (6) Whether the proposed development may adversely affect property values and the property tax base.
- (7) Traffic to be generated by proposed development.
- (8) Access to commercial retail/service areas.
- (9) Relation to scenic or recreation values.

#### 10.6 Required Findings for Zoning Changes From A-1 District and A-1a District

No petition for rezoning areas previously zoned A-1 or A-1a under this chapter shall be granted unless the Town Board has made the following findings after due consideration:

- (1) Adequate public facilities to accommodate development either exists or will be provided within a reasonable time.
- (2) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
- (3) The land proposed for rezoning 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 areas.

(Amended by Ordinance No. 00-04)  
(Amended by Ordinance No. 03-4)

#### 10.7 Public Hearing and Notice

The Town Board shall hold a public hearing in connection with any proposed changes to the district boundaries or any proposed amendments, changes or supplements to the regulations established by this chapter. A Class 2 Notice under chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, shall first be published in the official newspaper for the Town prior to the hearing. In addition, if the hearing is in connection with a proposed change to district boundaries or a proposed rezoning of a specific parcel of land, the Town Clerk shall notify in writing all property owners within 1,000 feet of the land in question of the hearing at least five (5) days prior thereto, except that for property owners not located in the Town of Clinton notice will be given only to those whose parcels are adjacent to the parcel in question. The Town Clerk shall also give at least ten (10) days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

#### 10.8 Required Attendance

The petitioner or the petitioner's authorized legal representative shall attend the public hearing as well as all other meetings of the Planning & Zoning Committee and the Town Board in connection with the petitioner's proposed change to the district boundaries or the petitioner's proposed amendments, changes or supplements to the regulations established by this chapter. Failure of the petitioner or the petitioner's authorized legal representative to attend such public hearing or other meetings shall be grounds for denial of petitioner's request.

#### 10.9 Town Board's Action

Following such hearing and after careful consideration of the recommendations of the Town Planning & Zoning Committee, the Town Board shall vote on the passage of the proposed change or amendment. Upon the passage of any proposed change or amendment which results in the rezoning of any land into or out of the A-1 District or th A-1a District, the Town Clerk shall notify the Department of Agriculture, Trade, and Consumer Protection of such change or amendment.

(Amended by Ordinance 03-4)

#### 10.10 Protest to Proposed Change

A proposed amendment, supplement or change to the Town Zoning Ordinance must be adopted by not less than a three-fourths vote of the members of the Town Board voting on the proposed amendment, supplement or change if a protest against the proposed amendment, supplement or change is presented to the Town Board prior to or at the public hearing under Section 10.6 above and:

- (1) The protest is duly signed and acknowledged by the owners of 20% or more of the area proposed to be altered; or
- (2) The protest is duly signed and acknowledged by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet from the area proposed to be altered; or
- (3) The protest is duly signed and acknowledged by the owners of 20% or more of the land directly opposite to the area proposed to be altered extending 100 feet from the street frontage of such opposite land.

#### 10.11 Future Comprehensive Chapter Revisions

The Town of Clinton acknowledges that any future comprehensive revisions to this chapter require certification by the State of Wisconsin Land and Water Conservation Board before landowners in the A-1 District or the A-1a District may qualify for tax credits under the revised chapter.

(Amended by Ordinance 03-4)

## **SECTION 11.0 PERFORMANCE STANDARDS**

### 11.1 Compliance

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

### 11.2 Fire and Explosive Hazards

All industrial activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices so that they are in full compliance with all applicable state and federal regulations. In any industrial activity, the above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

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

### 11.3 Glare and Heat

No industrial activity shall emit glare or heat that is visible or measurable outside its premises. All industrial operations producing intense glare or heat shall be conducted within a completely enclosed building and exposed sources of light from such operations shall be shielded so as not to be visible outside their premises.

### 11.4 Liquid or Solid Wastes

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

### 11.5 Noise

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

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

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

#### 11.6 Odors

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

#### 11.7 Radioactivity and Electrical Disturbances

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

#### 11.8 Vibration

No activity in any district shall emit vibrations which are discernible without the aid of instruments outside the premises on which such vibrations are generated. This prohibition shall not apply to blasting in the Special Purpose District when conducted in a manner consistent with the requirement of the Wisconsin Administrative Code.

#### 11.9 Water Quality Protection

(A) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or

harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

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

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## **SECTION 12.0 SIGNS**

### **12.1 Permit Required**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except those signs permitted under Section 12.2, and without being in conformity with the provisions of this chapter and Section 84.30 of the Wisconsin Statutes. The sign shall also meet all the structural requirements of local and state building codes. Normal maintenance and routine repair of signs, including changes to sign copy or message shall be allowed without a building permit.

### **12.2 Signs Permitted In All Districts Without A Zoning Permit**

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

- (1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm if produced and sold by the person who owns or is a tenant of the property and pertaining to membership in agricultural or agricultural-related organizations, consisting of up to two (2) signs with each sign face totaling not more than 32 square feet in display area.
- (3) Real Estate Signs not to exceed 16 square feet in display area per side which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (4) Name, Occupation, and Warning Signs not to exceed two (2) square feet in display area located on the premises, and not closer than fifty (50) feet between signs.
- (5) Bulletin Boards of public, charitable, or religious institutions not to exceed sixteen (16) square feet in display area on one side located on the premises.
- (6) Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official Road Signs, such as traffic control, parking restrictions, information, and notices.
- (8) Political Signs for political candidates which shall not be larger than 32 square feet per side.
- (9) Community Signs, which advertise municipal and civic-related activities, including events and activities of the local chamber of commerce.

(10) Temporary Signs or banners when authorized by the Planning & Zoning Committee.

### 12.3 Signs Permitted In Non-residential Districts

The following signs are permitted in non-residential districts with a permit and are subject to the following regulations:

Off-Premise Ground Signs shall be placed only along federal and state trunk highways and that portion of any county trunk highway located within fifteen hundred (1,500) feet of the municipal limits of the Village of Clinton, shall not be located within fifty (50) feet of the existing right-of-way of any federal, state or county trunk highway measured horizontally along a line perpendicular to the center of the highway; shall not be located within five hundred (500) feet of any other off-premise ground sign located on the same side of the highway; shall not exceed fifteen (15) feet in height; shall not exceed one hundred fifty (150) square feet in display area on any one side nor three hundred (300) square feet in display area on all sides; and shall not be located within one hundred (100) feet of a residential district.

### 12.4 Traffic

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

### 12.5 Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size, or location does not conform with the provisions of this chapter, however, it shall be deemed a nonconforming use or structure and the provisions of Section 9.0 shall apply.

### 12.6 Moveable or Temporary Signs

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

## 12.7 Lighting of Signs

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

## 12.8 Roof-mounted Signs

Signs erected on the roof of a building are prohibited.

## 12.9 Areas of Special Control

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

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

## 12.10 Maintenance of Signs

The structures and the faces of all signs shall be regularly maintained in good and safe condition. Sign faces which have begun to deteriorate shall be promptly cleaned and re-faced with new paint or paper.

## 12.11 Permit Fees for Signs

The applicant, upon issuance of any requested building permit for a sign, shall pay a fee to the Town Clerk in accordance with the following schedule:

- (1) \$1.00 per square foot up to and including 150 square feet; and
- (2) \$2.00 per square foot for all square footage in excess of 150 square feet.

The above schedule of building permit fees for signs may be increased or decreased at any time by resolution of the Town Board.

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## **SECTION 13.0 HOME OCCUPATIONS**

### 13.1 Purpose

The purpose of this section is to guarantee that all residential areas are free from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial, office, and other non-residential uses. This section also recognizes the need to allow residents of the community an opportunity to use their homes in a limited manner as a place to operate a business which is unobtrusive to the neighborhood.

### 13.2 Criteria and Development Standards for Home Occupations

In order to ensure that the operations of home occupations do not adversely impact residential areas, criteria and development standards for home occupations have been developed. Home occupations are permitted in any dwelling unit under the following conditions:

- (1) The use is incidental to the principal residential use, the area used to conduct the home occupation does not exceed twenty-five percent (25%) of the gross floor area of such residence, and is conducted within the principal building. Gross floor area includes the basement, and any physically attached garage.
- (2) All business inventory and equipment is kept in the principal building;
- (3) The exterior of the home or yard does not display or indicate any evidence of the home occupation;
- (4) The use produces no noise, odor, vibration or electrical interference;
- (5) The occupants transact no business on the premises which would generate additional traffic or parking problems for the neighborhood;
- (6) Only members of the immediate family residing in the dwelling unit shall be employed on the premises.
- (7) Provided that all conditions of this section are satisfied, permitted home occupations include, but are not necessarily limited to, the following:
  - (A) Artists and sculptors;
  - (B) Authors and composers;
  - (C) Direct sale product distribution (Amway, Avon, Tupperware);
  - (D) Dressmaking, sewing and tailoring;

- (E) Home crafts for sale off-site;
- (F) Individual tutoring;
- (G) Office facility of a salesman, sales representative, or manufacturer's representative provided that no transactions are made in person on the premises;
- (H) Preserving and home cooking for sales off-site;
- (I) Telephone answering and solicitation.

13.3 Unspecified Uses

Any use not listed in subsection 13.2(7) above shall require an interpretation from the Planning & Zoning Committee upon consultation with the Zoning Officer. The Planning & Zoning Committee shall evaluate requests for home occupations and determine if they are similar in nature to listed permitted home occupations and are consistent with the purpose of the home occupation provisions. The determination shall be in writing. Anyone aggrieved by a decision of the Planning & Zoning Committee may appeal to the Board of Zoning Appeals.

13.4 Home Occupation Permit

An application for a Home Occupation Permit shall be filed with the Zoning Officer on a form approved by the Town Board. No home occupation may be established without first obtaining a Home Occupation Permit and verifying compliance with the conditions specified in this Section.

13.5 Home Occupation Permit Fee

The Applicant, upon filing of an application for a Home Occupation Permit with the Zoning Officer, shall pay the following fee to the Zoning Officer:

Home Occupation Permit Fee .....\$10.00 or such other amount as shall hereafter be determined by Town Board Resolution.

## **SECTION 14.0 TELECOMMUNICATIONS TOWERS AND ANTENNAS**

### 14.1 Applicability

The requirements of this section shall apply to all communications towers and antennas except that the ordinance shall not apply to towers and antennas owned and operated by federally licensed amateur radio station operators, and shall not apply to antennas operated solely for the purpose of receiving signals.

### 14.2 Antennas

- (1) No antenna shall be erected or maintained in the Town without a Zoning Permit issued under the provisions of this chapter.
- (2) No antenna may be placed on a tower or alternative tower structure in agricultural district one (A-1) or Transitional Agricultural District One (A-1a) unless it is for personal farm or residential receiving only. No antenna may be placed on a tower or alternative tower structure elsewhere in the town except in the following zoning districts: Agricultural District Two (A-2), Agricultural District Three (A-3), Commercial Highway Interchange District (CHI).  
(Amended by Ordinance No. 00-04)  
(Amended by Ordinance 03-4)
- (3) Any accessory building or other supporting equipment associated with an antenna shall not exceed 314 square feet in area except upon issuance of a Conditional Use Permit for additional space by the Planning and Zoning Committee for such purpose.
- (4) If an antenna is installed on an alternative tower structure, the antenna may add no more than 20 feet to the height of such structure except upon issuance of a Conditional Use Permit for additional height by the Planning and Zoning Committee.

### 14.3 Communication Towers

- (1) Communication towers may be constructed only upon issuance of a conditional use permit by the Planning and Zoning Committee, and may be constructed in Agricultural District One (A-1) or Transitional Agricultural District One (A-1a) only if limited to personal farm or residential receiving. Conditional use permits may be issued only in the following additional zoning districts: Agricultural District Two (A-2), Agricultural District Three (A-3), Commercial Highway Interchange District (CHI).  
(Amended by Ordinance No. 00-04)  
(Amended by Ordinance 03-4)
- (2) No permit for a new tower shall be issued unless the applicant demonstrates that the telecommunications equipment planned for use on the new tower cannot be accommodated on an existing or approved tower or structure. Reasons why such equipment may not be accommodated on an existing or previously approved tower or structure may include the following:

- (a) No existing towers or structures are located within the geographic area required to meet the applicant=s engineering requirements.
  - (b) Existing towers or structures are not of sufficient height to meet the engineering requirements.
  - (c) Existing towers or structures do not have the structural capacity to support the applicant=s proposed antenna and related equipment and the existing tower or structure cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
  - (d) The planned equipment would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing antennas would cause interference with the applicant=s proposed antenna and the interference cannot be prevented at a reasonable cost.
  - (e) The fees, costs or contractual provisions required by the owner to share an existing tower or structure are cost-prohibitive.
- (3) Before issuing a Conditional Use Permit the Planning and Zoning Committee may seek a professional opinion on the suitability of utilizing existing structures and, in such event, the applicant shall be required to pay the cost of obtaining such opinion.
- (4) In addition to the other requirements provided in this ordinance for issuance of a Conditional Use Permit, any application for a Conditional Use Permit for a tower shall include the following:
- (a) A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Town to be necessary to assess compliance with this ordinance;
  - (b) The setback distance between the proposed tower and the nearest residential unit, and residentially zoned properties;
  - (c) The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower;
  - (d) Landscape plan showing specific plant materials; and
  - (e) Method of fencing, including location, materials and finished color and, if applicable, vegetative screening.



#### 14.4 General Requirements

The following requirements shall apply to all towers and antennas:

- (1) Building Codes and Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association.
- (2) State of Federal Requirements. All towers and antennas shall meet or exceed applicable standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
- (3) Co-Location. No permit shall be issued for a tower unless it is structurally and electrically designed to accommodate at least two antennas.
- (4) Height Restrictions. The maximum height of a telecommunication tower shall be 200 feet, including any structures or equipment placed at the top of the tower such as lightning rods.
- (5) Setbacks. A tower shall be located not closer than a distance equal to 100% of height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.
- (6) Design. Proposed or modified towers shall blend in with the surrounding environment except as may be required by rules of the FAA or FCC. Any associated utility building shall also blend in with the character of the district in which it is located.
- (7) Separation Between Towers. Separation distances between towers shall be measured by a straight line between the base of an existing tower and the base of a proposed tower. No tower may be located within 2500 feet of an existing tower.
- (8) Signs. No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but shall not include weather devices.
- (9) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other government authority. Lighting shall be designed to minimize disturbance to the surrounding area.

- (10) Fencing. A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
- (11) Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible.
- (12) Interference. The tower shall be shielded, filtered and grounded in a manner consistent with the FCC and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally received transmissions. In the event any complaint of interference is received by the Town, and the interference is verified by a qualified engineer to be caused by the tower, the Town shall notify the owner and operator in writing and the owner and operator shall have a period of 30 days to investigate the complaint and respond to the Town. In the event it is determined that the tower is the source of the interference, the owner and operator shall take steps to correct the interference.

#### 14.5 Removal of Abandoned Antennas and Towers

- (1) Abandonment. An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Town notifying the owner of such abandonment. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (2) Removal by Town. Failure to remove an abandoned tower or antenna within such 90 day period shall be grounds for the Town to remove the tower or antenna at the owner=s expense. The Town may place a lien upon the property on which the tower is located for the costs of removal.

## **SECTION 15.0 DEFINITIONS**

### 15.1 Usage

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

### 15.2 Words and Terms Defined

Accessory Building or Accessory Structure. Any building or structure except the principal building or structure on a lot. For example, in the case of a house and detached garage on a lot, the garage is an accessory building.

Adjacent. Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream or transportation or utility right-of-way.

(Added by Ordinance No. 4.15)

Agriculture, Animal. The use of land for animal feeding operations, including areas for the storage, treatment and disposal of manure and other related waste products.

(Added by Ordinance No. 4.15)

Agriculture, Crop. The use of land for the production of row crops, field crops, tree crops, timber, bees, apiary productions, and fur-bearing mammals.

(Added by Ordinance No. 4.15)

Agricultural Processing and Packaging. An establishment primarily engaged in refining, processing or otherwise adding value to raw agricultural goods, including but not limited to washing, sorting, cutting, bagging, freezing, canning, packing, bottling or butchering.

(Added by Ordinance No. 4.15)

Agricultural Research and Development. The use of land or buildings for agriculture research and the cultivation of new agricultural products.

(Added by Ordinance No. 4.15)

Agricultural Sales and Service. An establishment primarily engaged in (1) the sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm supplies and the like, or (2) performing agricultural or horticultural services on a fee or contract basis, including but not limited to crop dusting and spraying services, harvesting and plowing services, agricultural land grading services, farm equipment service and repair, and large animal veterinary services.

(Added by Ordinance No. 4.15)

Agricultural Storage. Grain elevators and other facilities for the warehousing storage of agricultural products.

(Added by Ordinance No. 4.15)

Agricultural Use. Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC ss. 3831 to 3836; participating in the milk production termination program under 7 USC s. 1446 (d); and vegetable raising.

(Added by Ordinance No. 4.15)

Agriculturally Related Residence. A residence which is occupied by (1) 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 land, or (2) a parent or child of the owner of the farm.

(Added by Ordinance No. 4.15)

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

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

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

Alternative Tower Structure. Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.

Animal Unit. “Animal unit” has the meaning that was given in s. NR 243.03(3) as of April 27, 2004. A horse or pony shall constitute one animal unit. For any animal unit not named in the above-cited Chapter of the Wisconsin Administrative Code, the equivalent of an animal unit shall be determined by the Planning & Zoning Committee in a manner so as to be generally consistent with the above-specified standards, depending upon the size and use of the animal.

(Amended by Ordinance No. 4.15)

Antenna. Any exterior transmitting or receiving device and mounting appurtenances mounted on a tower, building or structure and used in communications that radiate or capture

electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Applicant. The owner of the land or his representative. If the owner's representative is the applicant, consent shall be required in writing from the legal owner of the premises.

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

Basement. A story partly underground.

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

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

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

Building Height. The vertical distance from the top of the building roof to the top of the basement or to the finish grade at the building line, whichever is less.

Campground. Any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units.

Campground operator. The owner of a campground or the person responsible to the owner for the operation of the campground.

Camping unit. Any portable device, used as a temporary dwelling, including but not limited to a camping trailer, travel trailer, motor home, bus, van, pick-up or tent.

Campsite. An individual campsite is a piece of land within a campground for overnight camping use by not more than six (6) campers unless all are members of an individual family. A group campsite is used by more than six (6) campers.

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

Child or Children. A first degree descendant, not a grandchild or one farther removed in degree of descendance.

Collector Roads & Highways. A street serving intermediate to long trips within an area, collecting and distributing traffic to and from local roads and adjacent land within the area,

providing fair mobility and forming a generally continuous pattern when combined with the arterial system as indicated on the Rock County Functional Highway Classification Map.

Committee. The Planning & Zoning Committee for the Town of Clinton.

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

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

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

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

Complete Application for Local Approval. An application that contains everything required under ss. ATCP 51.30(1) to (4).

(Added by Ordinance No. 4.14)

Conditional Use. A use allowed under this chapter, provided that certain conditions are met. A Conditional Use Permit is granted by the Planning & Zoning Committee.

Confinement operation. A high-density large animal feeding operation controlled by regulations of the Wisconsin Department of Natural Resources for waste management purposes.

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

Department. The Department of Agriculture, Trade, and Consumer Protection.

(Added by Ordinance No. 4.15)

Developer. The owner of land proposed for subdivision or his representative. If the owner's representative is the developer, consent shall be required from the legal owner of the premises.

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

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

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

Dwelling, Two-Family. A building designed for, or occupied by, two families or households.

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

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

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

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

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

Expanded Livestock Facility. The entire livestock facility that is created by the expansion, after May 1, 2006. "Expanded livestock facility includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

NOTE: This ordinance applies to local approvals of *new or expanded* livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003). See s. ATCP 5.02. Although this ordinance covers all livestock structures in an "expanded livestock facility," existing structures are subject to less rigorous standards than new or expanded structures, and are completely exempt from certain requirements.

(Added by Ordinance No. 4.15)

Expansion. An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

(Added by Ordinance No. 4.15)

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

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

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

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

Farm Family Business. Farm family business shall be defined as set forth in Section 91.75(8) of the Wisconsin Statutes.

Flood Plain. The land adjacent to a body of water which is subject to periodic overflow therefrom as designated on the official maps of the Rock County Shoreland Zoning Chapter.

Floodway. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows as designated on the official maps of the Rock County Shoreland Zoning Chapter.

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

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

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

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

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

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

Grade School. A facility used for the education of students, kindergarten through the twelfth grade.

Greenhouse, plant. A greenhouse which is engaged in the raising and selling of plants, not including a retail operation engaged in the sale of products other than plants. A greenhouse which is engaged in the sale of products other than plants is not a plant greenhouse.

(Amended by Ordinance No. 00-04)

Home Occupation. A gainful occupation conducted by members of a family only, within their place of residence, provided that no article is offered for sale on the premises except



such as is produced by such occupation, that no stock in trade is kept or sold, and that except for telephone, facsimile machines, personal computers, stock and/or commodities quote machines and other similar equipment, no mechanical equipment is used other than such as is permissible for purely domestic purposes. Refer to Section 13 of this chapter for the criteria and development standards for home occupations and for a list of permitted and prohibited home occupation uses.

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

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

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

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

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

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

Kennel. An establishment for the breeding or boarding of dogs.

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

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

Livestock Domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

(Added by Ordinance No. 4.15)

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

(Added by Ordinance No. 4.15)

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

(Added by Ordinance No. 4.15)

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

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

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

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

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

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

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

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

Lot Width. The width of a parcel of land measured at the front of the specified road side of the parcel.

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

Minor Structures. Any small, moveable accessory structure or construction such as a bird house, a tool house or pet house not exceeding 144 square feet in area, play equipment, an arbor, on a wall or fence under four feet in height.

(Amended by Ordinance 02-01)

Mobile Home. A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the

mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

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

Navigable Waters. “Navigable waters” has the meaning given in s. 30.01(4m), Wis. Stats.  
(Added by Ordinance No. 4.15)

New Livestock Facility. A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. “New livestock facility” does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.  
(Added by Ordinance No. 4.15)

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

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

Nursery. A retail or wholesale business engaged in the production and sale of trees, shrubs and/or plants grown on the premises.

Operator. A person who applies for or holds a local approval for a livestock facility.  
(Added by Ordinance No. 4.15)

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

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land or water which is subject to the terms of this chapter, or in any building or structure located thereon.

Permit. A written zoning permit or certification issued by the Zoning Officer or the Planning & Zoning Committee pursuant to the provisions of Section 6.0 of this chapter.

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

Person. An individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.  
(Added by Ordinance No. 4.15)

Populate. To add animal units for which a permit or other local approval is required.

(Added by Ordinance No. 4.15)

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

Property Line. A line that separates parcels of land owned by different persons.

(Added by Ordinance No. 4.15)

Qualified Nutrient Management Planner. A person qualified under s. ATCP 50.48 of the Wisconsin Administrative Code.

(Added by Ordinance No. 4.15)

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

Related Livestock Facilities. Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

- (a) They are located on the same tax parcel or adjacent tax parcels of land.

NOTE: A mere acquisition of a neighboring livestock facility does not constitute an “expansion” unless more animal units are added to the combined facilities.

- (b) They use one or more of the same livestock structures to collect or store manure.
- (c) At least a portion of their manure is applied to the same landspreading acreage.

NOTE: Compare definition of “animal feeding operation” under s. NR 243.03(2) of the Wisconsin Administrative Code. “Related livestock facilities” are treated as a single livestock facility for purposes of local approval, except that a “separate species facility” may be treated as a separate livestock facility.

(Added by Ordinance No. 4.15)

Roadside Stand. A building or part of a building no more than 500 square feet used for the retail sale of agricultural and related incidental products, excluding livestock, produced on the farm where the stand is located.

(Added by Ordinance No. 4.15)

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

Separate Species Facility. A livestock facility that meets all of the following criteria:

- (a) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of a “related livestock facility”):
  - (i) Cattle;
  - (ii) Swine;
  - (iii) Poultry;
  - (iv) Sheep;
  - (v) Goats.
- (b) It has no more than 500 animal units.
- (c) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
- (d) It meets one of the following criteria;
  - (i) Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
  - (ii) It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.

(Added by Ordinance No. 4.15)

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

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

Single Family Residence. The principal use of a lot only for one dwelling unit.

(Added by Ordinance No. 4.15)

Stable, Commercial. A building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.

(Added by Ordinance No. 4.15)

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

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

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

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

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

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

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

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

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

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

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

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

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

Temporary Structure. A removable structure not designed for human occupancy, not for the protection of goods or chattels and not forming an enclosure.

Toilet and Shower Building. A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this chapter.

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

Tower. Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or mono-pole towers. The terms includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Travel Trailer. A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form: (a) a unit built on a chassis, having a body width not exceeding twelve (12) feet and body length not exceeding forty-four (44) feet; (b) a unit designed to be mounted on a truck chassis; (c) a unit constructed as an integral part of a self-propelled vehicle; or (d) a canvas, folding unit mounted on wheels.

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

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

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

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

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

- (a) Area Variance: Is one which does not involve a use which is prohibited by the zoning ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations, and yard requirements.
- (b) Use Variance: Is one which permits a use of land other than that which is prescribed by the zoning ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the chapter. A Use Variance shall not be granted under this chapter.

Vehicles and Equipment. Any motor vehicles, including but not limited to automobiles, trucks, buses and motorcycles, and any machinery, equipment, trailers, semi-trailers and mobile homes.

- (a) Abandoned Vehicles and Equipment. Any vehicles and equipment which remain in one location on public property for more than forty-eight (48) hours. Also included is any vehicles and equipment which remain in one location on private property without any permission of the occupant of the private property for more than one (1) hour. Any substantial part or parts of any vehicles and equipment are included in the above definition.
- (b) Non-operable Vehicles and Equipment. Any vehicles and equipment or any substantial part or parts thereof which are incapable of being operated.
- (c) Unlicensed Vehicles and Equipment. Any vehicles and equipment subject to a license law which does not have affixed thereto a current license under the applicable licensing law.

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

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

(Added by Ordinance No. 4.15)

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

(Added by Ordinance No. 4.15)

Waste Storage Structure. A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Waste storage structure” does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, “waste storage structure” does not include any of the following:

- (a) A structure used to collect and store waste under a livestock housing facility.
- (b) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

(Added by Ordinance No. 4.15)

Water Line. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 percent of the length of such water line shall be on, or on the landward side of, the normal high watermark of such stream.



Winter Grazing Area. Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. “Winter grazing area” does not include any of the following:

- (a) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
- (b) An area which at any time has an average of more than 4 livestock animal units per acre.
- (c) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
- (d) An area in which manure deposited by livestock causes nutrient levels to exceed standards in ATCP 51.16.

(Added by Ordinance No. 4.15)

WPDES Permit. A Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

(Added by Ordinance No. 4.15)

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

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

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

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