

## **RESOLUTION OF ORDINANCE**

RESOLUTION ADOPTING AMENDMENTS TO TOWN OF  
WOLF RIVER ZONING ORDINANCE

Ordinance No. 20 C

WHEREAS, the Town Board of the Town of Wolf River had, heretofore, authorized the Zoning and Planning Committee to prepare amendments to the Town Zoning Ordinance, for consideration of the electors and the Town Board; and

WHEREAS, the Zoning and Planning Committee has prepared a set of Amendments to the Town of Wolf River Zoning Ordinance ; and

WHEREAS, the Zoning and Planning Committee has recommended the adoption of the proposed Amendments to the Town of Wolf River Zoning Ordinance; and

WHEREAS, the Town Board did, on October 26, 2015, direct the Town Clerk to publish notice of a public hearing to be held on November 23, 2015, to consider the proposed Amendments, and that said notice was to provide that the Town Board did intend, on November 23, 2015, and following the public hearing, to adopt the proposed Amendments to the Town of Wolf River Zoning Ordinance. The Town Board further directed the Town Clerk to file such proposed Amendments to the Town of Wolf River Zoning Ordinance in the offices of the Town Clerk, for public inspection, prior to the public hearing on November 23, 2015; and


WHEREAS, the Town Board has considered the comments and discussions of the electors, and has reviewed the recommendation of the of the Zoning and Planning Committee; and

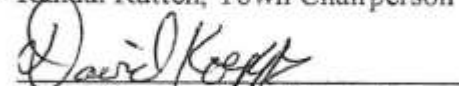
NOW, THEREFORE, the Town of Wolf River, by its Town Board, does hereby declare and ordain , that the "Amendments to the Town of Wolf River Zoning Ordinance" (Ordinance 20C) attached hereto , are hereby adopted and executed in its present form;


IT IS FURTHER DECLARED AND ORDAINED, that any and all portions of the current Town of Wolf River Zoning Ordinance, that remain unaffected by the "Amendments to the Town of Wolf River Zoning Ordinance," aforesaid, shall remain of full force and effect.

IT IS FURTHER DECLARED AND ORDAINED that the effective date of this ordinance shall be the date of publication of this Resolution in the Winneconne New & County Post West newspapers.

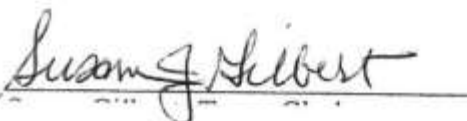
Dated this 14th day of December, 2015.

  
Randal Rutten, Town Chairperson

  
David Koepp, Town Supervisor

  
William (Bill) Liedtke  
Town Supervisor

ATTEST:

  
Susan J. Heibert

# TOWN OF WOLF RIVER

## ZONING ORDINANCE

Updated 2015

Effective November 23, 2015

Prepared with valuable assistance from the following groups and individuals:

The Citizens of the Town of Wolf River

Town of Wolf River Board of Supervisors

Town of Wolf River Planning and Zoning Committee

Karen Marone, Attorney at Law

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**CHAPTER A**  
**DEFINITIONS**

## **CHAPTER A**

### **DEFINITIONS**

#### **SECTION 1.01 DEFINITIONS**

##### **(1) Application.**

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

##### **(2) Rules.**

Words used in the present tense shall include the future tense; the singular number shall include the plural number and the plural number the singular number. The word "building" shall include the word "structure". The word "shall" is mandatory and not directory; the word "may" is permissive.

##### **(3) Definitions.**

**ABUTS, ABUTTING:** Having a common property line or district line.

**ACCESSORY STRUCTURE:** A subordinate building or a portion of a main building, the use of which is incidental to that of the main building, which is located on the same lot as the main building.

**ACCESSORY USE:** A use which is incidental and subordinate to the principal use of a premise or building and located on the same premises as the principal use or building.

**ACTIVE SOLAR ENERGY SYSTEM:** A solar energy system which operates with mechanical means, including but not limited to motors, pumps and valves.

**ADJACENT:** To lie near or close to; in the neighborhood or vicinity of.

**ADJOINING:** Touching or contiguous, as distinguished from lying near or adjacent.

**ADULT BOOK/VIDEO STORE:** An establishment that as one of its principal business purposes offers for sale, lease, or rental any of the following (1) books, magazines, periodicals, or other printed matter that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; (2) photographs, paintings, or other visual renderings that are distinguished or characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas; (3) films, motion pictures, video cassettes, video reproductions, DVDs, CD-ROMs, or similar media that are



distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; (4) games, whether electronic or non-electronic, that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or (4) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment. This definition excludes films, motion pictures, video cassettes, streaming videos, DVDs, slides or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

**ADULT CABARET:** An establishment, such as a nightclub, dance hall, bar, restaurant, or similar establishment, that regularly features (1) persons who appear semi-nude; (2) live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (3) film, motion pictures, video cassettes, streaming videos, DVDs, slides or other photographic reproductions, which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas. This definition excludes films, motion pictures, video cassettes, slides, or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

**ADULT MASSAGE PARLOR:** An establishment with or without sleeping accommodations that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the state of Wisconsin and which establishment provides for its patrons the opportunity to engage in specified sexual activities.

**ADULT MODELING STUDIO:** An establishment that provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.

**ADULT MOTION PICTURE THEATER:** An establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, streaming videos, DVDs, slides, or similar photographic reproductions, which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. This definition excludes films, motion pictures, videocassettes, and streaming videos, DVDs, slides or other similar photographic given an "R" or "NC-17" rating by the Motion Picture Association of America.

**ADULT ESTABLISHMENTS:** Establishments which include bookstores, motion picture theaters, mini-motion picture theaters, bath houses, massage parlors, modeling and body painting studios, body piercing, cabarets or internet capabilities or any other establishment whose

principal use is to depict, describe, engage in, or relate to, "specified anatomical areas" or "specified sexual activities".

**ADVERTISING SIGN:** See SIGN, ADVERTISING.

**AGENT:** The person designated by the owner as the person in charge and whose identity shall be filed in writing with the Building Inspector upon issuance of the permit.

**AGRICULTURE:** The following principal uses: aquaculture, general farming, dairying, livestock raising, beekeeping, floriculture, raising grain, grass and seed crops, marsh hay, vegetable farming, wild crop harvesting, orchards, horticulture, plant greenhouses and nurseries, and forest and game management and accessory uses customarily incidental to such activities.

**AGRICULTURAL ZONING DISTRICT:** A zoning district established by this chapter that has an "A" followed by a number as its abbreviation (e.g., A-1).

**AIR RIGHTS EASEMENT:** A negotiated right to use the air space extending upward from a lot, building, body of water or right-of-way.

**AIRPORT HAZARD:** Any structure object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off.

**ALLEY:** A public right-of-way, with a width of not more than 24 feet, which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.

**ALTERATION:** A change in size, shape, or use of a building or structure. (See also STRUCTURAL ALTERATION.)

**ALTERNATIVE ENERGY:** Energy fueled in ways that do not use up natural resources or harm the environment such as solar, wind, and geothermal.

**ALTERNATIVE TOWER STRUCTURE:** Manmade towers, water towers, buildings, bell steeples, light poles, electric transmission and distribution structures, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**ANIMAL GROOMING:** The equivalent of a barbershop or beauty salon for animals not associated with a kennel.

**ANIMAL HOSPITAL:** A building or portion thereof designed or used for the care, observation, and treatment of domestic animals.

**ANIMAL UNIT:** A unit of measure used to regulate the number of various types of livestock and other farm animals by type. In Wisconsin, one animal unit is equivalent to one beef cow or

steer (600 lbs. or more) or any combination of other animals based on assigned animal unit factors.

**ANIMAL UNIT EQUIVALENT FACTOR:** A numeric value assigned to various types of livestock and other farm animals in relation to one beef cow or steer (600 lbs. to market). For the purpose of this chapter, the animal unit factors established by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. NR 43, Wis. Admin. Code, are to be used. Those factors as of January 2006 are listed in Table 3-1

**ANTENNA:** Any system of wires, poles, rods or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any building. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

**APARTMENT:** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete housekeeping facilities, permanently installed, must always be included for each apartment.

**APPEAL:** A process initiated by an aggrieved party to review (1) a decision made pursuant to this chapter, or (2) an alleged failure to act as required by this chapter.

**AREA, LAND:** The term "land area", when referring to a required area per dwelling unit, means "net land area", the area exclusive of public rights-of-way and other public open space.

**ARTERIAL STREET:** A public street or highway used or intended to be used primarily for large volume or heavy through traffic. This shall include arterial streets, highways and parkways.

**AUTOMOBILE SERVICE STATION:** A building or portion thereof or premises used for offering for sale to the public, retail fuels, lubricating oil, grease, tires, batteries and accessories for motor vehicles, where repair service is incidental. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage. Automobile service stations do not include open sales lots.

**AUTOMOBILE WRECKING YARD:** See SALVAGE YARD.

**AWNING:** A temporary hood or cover which projects from the wall of a building, which can be retracted, folded or collapsed against the face of a supporting structure.

**BASEMENT:** A story having part but not more than half of its floor to clear-ceiling height below grade. When a basement is used for storage, parking, or other facilities for the common use of

occupants of the rest of the building, it shall not be counted as a story in determining building height. (See also CELLAR.)

**BED & BREAKFAST ESTABLISHMENT:** Any place of lodging that provides six (6) or fewer rooms to rent and is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

**BERM:** A mound or embankment of earth typically installed to provide screening or for aesthetic effect.

**BILLBOARD:** See SIGN, ADVERTISING.

**BLANKETING:** The unreasonable obstruction of view of a sign caused by the placement of another sign.

**BLASTING:** The use of an explosive material to loosen, move, or shatter a mass of earth materials.

**BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or other lines of demarcation. A block may be located in part beyond the boundary lines of the corporate limits of the Town.

**BOARD OF ADJUSTMENT:** The body appointed under authority of s. 59.694, Wis. Stats., to hear and decide administrative appeals, variances, and other matters as allowed by this chapter and state law.

**BOARDING HOUSE:** See ROOMING HOUSE.

**BOATHOUSE:** Any structure designed for the purpose of protecting or storing boats for noncommercial purposes and without provision for human habitation.

**BUFFER STRIP, BUFFERING:** A strip of land, generally adjacent to a property line, in which a screen of plantings is installed. Such screen shall be planted with deciduous or evergreen trees and shrubs in any combination deemed appropriate which is dense enough and high enough to be a visual buffer between properties.

**BUFFER ZONES:** A strip of land adjacent to streams, rivers, lakes and/or drainage ways where development may be prohibited.

**BUILDING CODES:** Those regulations adopted by a municipality or the state that regulate the construction, repair, alteration, and maintenance of buildings.

**BUILDABLE LOT AREA:** That portion of a lot remaining when all required open space and yard space has been excluded.

**BUILDING:** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

**BUILDING, ACCESSORY:** See ACCESSORY BUILDING.

**BUILDING, COMPLETELY ENCLOSED:** A building separated on all sides from the adjacent open space, or from other buildings or structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance and exit doors.

**BUILDING, DETACHED:** A building surrounded by open space.

**BUILDING, HEIGHT OF:** The vertical distance from finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

**BUILDING PERMIT:** Any permit or authorization issued by the Town as a prerequisite for undertaking any development. It includes permits and authorizations customarily known as building permits, zoning or rezoning permits, variances, special permits, plat approvals, or subdivision of large-scale development permits.

**BUILDING, PRINCIPAL:** See PRINCIPAL BUILDING.

**BUILDING, TEMPORARY:** Any building not designed to be permanently located at the place where it is, or where it is intended to be temporarily placed or affixed.

**BUILDING SETBACK LINE:** A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.

**BUILDING SCALE:** The relationship between the mass of a building and its surroundings; including streets, open spaces, and surrounding buildings. Mass is the three-dimensional bulk of a structure: height, width, and depth.

**BULKHEAD LINE:** A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Section 30.11 of the *Wisconsin Statutes*. Filling and development is only permitted to the landward side of such bulkhead line.



**BUSINESS:** An occupation, employment, or enterprise which occupies time, attention, labor, and materials or wherein merchandise is exhibited or sold or where services are offered.

**BUSINESS SIGN:** See SIGN, BUSINESS.

**BY-PASS CHANNEL:** A channel formed in the topography of the earth's surface to carry storm water runoff through a specific area.

**CALIPER:** The diameter of a tree, measured at a point 6 inches above the ground line if the resulting measurement is not more than 4 inches. If the resulting measurement is more than 4 inches, the measurement is taken 12 inches above the ground line. (Commentary: The plant nursery trade uses this measurement standard, while the timber industry uses diameter breast height (DBH).)

**CAMPGROUNDS:** A tract or parcel of land, privately or publicly owned, designated, maintained, intended and used for the purpose of supplying a location for overnight camping.

**CARPORT:** A roofed automobile shelter, with two or more open sides.

**CAR WASH:** A building or portion thereof containing facilities for washing motor vehicles.

**CELLAR:** A space having more than one-half of its floor to clear-ceiling height below average finished grade. A cellar is not counted as a story in determining building height. For purposes of this Ordinance, a dwelling unit designed to be partially underground shall not be considered as a cellar space. (See also BASEMENT.)

**CHANNEL:** Those flood lands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

**CLINIC, MEDICAL OR DENTAL:** A building or portion thereof, the principal use of which is for offices of physicians or dentists, or both, and other health care providers for examination and treatment of persons on an outpatient basis.

**CLOTHING STORES:** Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.

**CLUB OR LODGE, PRIVATE:** A nonprofit association of persons who are bona fide members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises, no license needed provided they are secondary and incidental to the principal use.

**CLUSTER HOUSING:** Development of one-family dwellings on lots which are smaller than would customarily be permitted by this Ordinance; where the density of development is no greater than would otherwise be permitted by conventional lot regulations; and where residual land produced by the smaller lot size is used for common recreation and open space.

**COLLECTOR SURFACE:** Any part of a solar collector that transmits incident solar radiation for passive solar space heating or absorbs incident solar radiation for use in the collector's energy transformation. It does not include such items as frames, supports, and mounting hardware.

**COMMERCIAL:** Using it in or for a business or directly/indirectly for financial gain.

**COMMUNITY LIVING ARRANGEMENT:** The following facilities licensed or operated or permitted under the authority of the *Wisconsin Statutes*: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the *Wisconsin Statutes*, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, the *Wisconsin Administrative Code*, and the provisions of this Ordinance.

**COMPREHENSIVE PLAN:** The document the Winnebago County board of supervisors adopted consistent with s. 66.1001, Wis. Stats.

**CONDITIONAL USES:** Use of a special nature as to make impractical their predetermination as a principal use in a district.

**CONDITIONAL USE PERMIT:** A permit issued by the zoning administrator authorizing establishment of a conditional use consistent with the provisions approved by the Town Board.

**CONDOMINIUM:** A structure having two (2) or more dwelling units, each assigned to individual ownership, but located on a lot having common ownership and use arrangement.

**CONFORMING BUILDING:** A building which: (a) is designed or intended for a permitted or conditional use as allowed in the district in which it is located; and (b) complies with all the regulations of this comprehensive amendment or of any amendment thereof governing lots of the district in which said building or structure is located.

**CONSERVATION STANDARDS:** Guidelines and specifications for soil and water conservation practices and management enumerated in the *Technical Guide*, prepared by the USDA Soil Conservation Service for Winnebago County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment

of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

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

**CONTROLLED ACCESS ARTERIAL STREET:** The condition in which the right to access, light, and air or view in connection with an arterial street is fully or partially controlled by public authority.

**CONVERSION:** Changing the original purpose of a building to a different use.

**CORRIDORS, ENVIRONMENTAL:** Those contiguous lands which contain a significant grouping of sensitive lands, such as wood lots; streams; wildlife areas such as wetlands, marshes, bogs, native vegetation, etc., which form an elongated pattern that tie these lands together into broad corridors having outstanding quality for the enhancement of the scenic and natural environment of the Town.

**DAY CARE FACILITY:** A licensed facility for the care and supervision of children for less than 24 hours a day.

**DAY CARE HOME:** A licensed facility for the care and supervision of up to eight (8) children for less than 24 hours a day in any single family dwelling in a residential district.

**dba:** An abbreviation for decibels, A-weighted.

**DECIBELS, A-WEIGHTED:** A unit for expressing the relative intensity of sounds in air on a scale from zero for the average least perceptible sound to about 130 for the average level at which sound causes pain to humans. The A-weighting system is typically used to measure environmental noise (e.g., noise from aircraft, railroad lines, and roadways).

**DECK:** An above-ground, unroofed platform extending from a building and intended for outdoor living.

**DEVELOPMENT:** Any activity which results in an alteration of either land or vegetation, except farming and normal grading and filling, for purposes of changing to or intensifying existing uses in residential, business, recreational, institutional, or industrial property.

**DEVELOPMENT AGREEMENT:** A contract between a developer and a municipality that describes the obligations of both parties regarding a private development project.



**DISABILITY:** A mental or physical impairment that substantially limits one or more life activity.

**DIRECTIONAL SIGN:** See SIGN, DIRECTIONAL.

**DISTRICT, BASIC:** A part or parts of the Town for which the regulations of this Ordinance governing the use and location of land and building are uniform.

**DISTRICT, OVERLAY:** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

**DRAINAGE:** A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied herein to surface water.

**DRIVE-IN ESTABLISHMENT:** An establishment or part thereof in which are provided facilities for serving patrons sitting in automobiles on the premises.

**DUSK TO DAWN:** The time period extending from 30 minutes after sunset to 30 minutes before sunrise of any given day. (In contrast see dawn to dusk)

**DWELLING:** A building or portion thereof designed, used or intended to be used exclusively for residential purposes, including efficiency, duplex, one-family, two-family, multiple-family, mobile home, condos or condominiums, manufactured homes, town house units but not including trailers or lodging rooms in hotels, motels, or lodging houses.

**DWELLING UNIT:** One or more rooms, located in a dwelling, which are arranged, used or designed to be used as living quarters for one family. A dwelling unit shall include an independent entrance and individual bathroom and kitchen facilities permanently installed to serve only the family occupying such unit.

**DWELLING, ONE-FAMILY:** A permanent structure having one (1) or more rooms with provisions for living, sanitary and sleeping facilities arranged for the use of one (1) or more individuals. The structure shall be located on a private lot and surrounded on all sides by a private yard.

**DWELLING, TWO-FAMILY:** A permanent structure having two (2) dwelling units combined into one structure. The structure shall be located on one (1) private lot and surrounded on all sides by a private yard. In no event shall a mobile home be considered as a two family dwelling.

DWELLING, MULTIPLE FAMILY: A permanent structure having three (3) or more dwelling units combined into one structure for occupancy by three (3) or more families.

DWELLING, TOWN HOUSE: A permanent structure containing three (3) or more dwelling units, each of which has one (1) or two (2) side walls in common with side walls of adjoining dwelling units, and are party or lot line walls. May provide rental or sales housing.

DWELLING, EFFICIENCY: A dwelling unit consisting of one principal room, an individual bath, kitchen facilities and an independent entrance and not exceeding one thousand (1000) square feet in net floor area, exclusive of halls and entryways.

DWELLING, MOBILE HOME: A prebuilt, one-family dwelling constructed prior to June 15, 1976 having the following additional characteristics:

- (a) Manufactured as a relocatable dwelling unit for human occupancy and for installation on a mobile home stand on a foundation with or without a basement;
- (b) Designed to be transported on its own chassis and connected to utilities after placement on a stand or foundation;
- (c) Designed to be installed as a complete single-wide or double-wide unit with only incidental unpacking, expanding and assembling needed.

DWELLING, MANUFACTURED HOME: A factory-built, single-family structure that is manufactured after June 15, 1976 in compliance with the National Manufactured Housing Construction and Safety Standards Act (as evidenced by the presence of a manufacturer's certification label on the unit). Manufactured homes shall be permitted in all districts where conventional site-built, one family dwellings are permitted when:

- (a) The structure shall have no less than one thousand (1,000) square feet of living space and be connected to utilities;
- (b) The structure shall be placed on a properly engineered, permanent foundation that meets applicable dwelling and/or building code requirements. The foundation must be capable of providing adequate support of the home's vertical and horizontal loads and transferring those loads and other imposed forces, without failure, from the home to the undisturbed ground below the frost line;
- (c) A minimum of a 1½ stall garage at least two hundred-eighty (280) square feet in size shall be constructed with each housing unit.
- (d) Individual home sites shall be in separate ownership as opposed to the rental arrangements found in mobile home parks; and

- (e) Exterior finishes and appearances shall be similar to a typical single family housing unit.

**DWELLING, MODULAR HOME:** A factory-built, single-family structure that is manufactured in compliance with the Wisconsin Uniform Dwelling Code and identified with a Wisconsin Insignia. Modular homes shall be permitted in all districts where conventional site-built, one family dwellings are permitted when:

- (a) The structure shall have no less than one thousand (1,000) square feet of living space and be connected to utilities;
- (b) The structure shall be placed on a properly engineered, permanent foundation that meets applicable building code requirements. The foundation must be capable of providing adequate support of the home's vertical and horizontal loads and transferring those loads and other imposed forces, without failure, from the home to the undistributed ground below the frost line; A minimum of a 1½ stall garage at least two hundred-eighty (280) square feet in size shall be constructed with each housing unit.
- (c) Individual home sites shall be in separate ownership as opposed to the rental arrangements found in mobile home parks; and
- (d) Exterior finishes and appearances shall be similar to a typical single family housing unit.

**EASEMENT:** A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs. A utility easement, for example, would allow any person with a right to use the easement to install and maintain utilities across, over, or under the subject land. A road easement would likewise allow the installation and maintenance of a driveway or roadway along with ancillary utilities.

**ELECTRIC DISTRIBUTION CENTER:** A terminal at which electric energy is received for the transmission system and is delivered to the distribution system only.

**ELECTRIC SUBSTATION:** A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

**ENERGY:** Work or heat produced from any source.

**ENERGY AUDIT:** The on-site analysis, computation and written results thereof for an existing structure to determine which solar or energy conservation measures or both are applicable, their estimated installation cost, and estimated energy and cost savings if such measures are installed.

**EQUALIZED ASSESSED VALUE:** The estimated market value of property, including the land and improvements. (Commentary: In Wisconsin, the local assessor determines the assessed value for each property in the municipality. These values are then adjusted using an assessment ratio which is set by the Department of Revenue for that municipality. That value is referred to as the "equalized assessed value.")

**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, electrical, 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 not including buildings used or intended to be used for human habitation.

**ESTABLISHMENT, BUSINESS:** A place of business carrying on a business operation, the ownership or management of which is separate and distinct from any other place of business located on the same or other lot.

**FAA:** An acronym for Federal Aviation Administration.

**FAMILY:** Any number of individuals related by blood, marriage or legal adoption, and including domestic servants living together in a dwelling unit. For purposes of this Ordinance, family also includes not more than two (2) roomers, boarders, or permanent guests (whether or not gratuitous) in addition to related individuals and domestics living together in a dwelling unit who are related by blood, marriage, adoption, or other legal means. A group of unrelated individuals living together as a single housekeeping unit shall also constitute a family.

**FALLOUT SHELTER:** An accessory building and use which incorporates the fundamentals for fallout protection (shielding mass, ventilation, and space to live) and which is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout. Such shelter may also be a part of the principal building.

**FARM:** When used in the context of farmland preservation in the A-1 zoning district, a parcel of land or a collection of 2 or more contiguous parcels of land in common ownership provided more than 50 percent of the entire land area is assigned for property tax purposes to one or more of the following use classifications as defined by the Wisconsin Department of Revenue pursuant to s.70.32(2), Wis. Stats., (1) agricultural land – class 4, (2) agricultural forest – class 5m, and productive forest – class 6. A landowner claiming tax credits must meet various requirements under s.71.613, Wis. Stats, including gross farm revenue.

**FARMING - GENERAL:** General farming shall include floriculture, forest use and game management, livestock raising, orchards, pasturage, raising of grain, grass, mint and seed crops,

raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

**FARM PRODUCTS:** Agricultural, horticultural, and arboricultural crops. Animals considered within the definition of agricultural include livestock, stable animals, bees, poultry, fur-bearing animals, and wildlife or aquatic life.

**FARMLAND PRESERVATION PLAN:** That portion of the county's comprehensive plan adopted consistent with ch. 91, Wis. Stats. that describes the ways the county will encourage preservation of farmland.

**FARMSTEAD:** A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.

**FCC:** An acronym for Federal Communications Commission

**FEDERAL COMMUNICATIONS COMMISSION (FCC):** A federal agency established by the Communications Act of 1934 to regulate broadcast communications (wire, radio, and television) in the United States.

**FENCE:** A structure which is a barrier and used as a boundary or means of protection or confinement.

**FENCE, ARCHITECTURAL or AESTHETIC:** A fence constructed to enhance the appearance of the structure or the landscape.

**FENCE, BOUNDARY:** A fence placed on or within three (3) feet of the property lines of adjacent properties.

**FENCE, OPEN:** A fence including gates which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area is an open space which affords a direct view through the fence.

**FENCE, PICKET:** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

**FENCE, SECURITY:** A fence constructed to enclose a hazard to the public health, safety and welfare.

**FENCE, SOLID:** A fence, including gates, which conceals from view from adjoining properties, streets, or alleys activities conducted behind it.



**FINDING:** A written conclusion or determination that is considered in reaching a decision.

**FLOATING (UNMAPPED) ZONE:** A zoning district whose requirements are fully described in the text of the Ordinance but which is unmapped. It is "anchored" to the land in response to an application for a zoning permit when the standards of the floating district are met. It then overlays the previous zoning designation.

**FLOODPLAIN:** That land which has been or may be covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.

**FLOODWAY:** The channel of a stream and those portions of the floodplain adjoining the channel that is required to carry and discharge the floodwater or flood flows of any river or stream.

**FLOOR AREA:** The total horizontal area contained within the outside perimeter of a building.

**FLOOR AREA (for determining Floor Area Ratio):** The sum of the gross horizontal areas of the several floors, excluding the basement floor of a building, measured from the exterior faces of the exterior walls, or from the center lines of walls separating two buildings. Floor area shall also include the horizontal areas on each floor devoted to: (a) elevator shafts and stairwells; (b) mechanical equipment, except if located on the roof, when either open or enclosed - i.e. bulkheads, water tanks, and cooling towers; (c) habitable attic space as permitted by the Building Code; (d) interior balconies and mezzanines; (e) enclosed porches; and (f) accessory uses.

The floor area of structures used for bulk storage of materials - i.e. grain elevators, petroleum tanks, etc. shall be determined on the basis of the height of such structures with those being one floor for each ten (10) feet of structural height. If such structure measures less than ten (10) feet but not less than five (5) feet over such floor heights intervals, it shall be construed to have an additional floor.

The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the floor area.

**FLOOR AREA (for determining Off-Street Parking and Loading Requirements):** The sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

**FLOOR AREA (for determining Percentage of Lot Covered):** The total ground floor area of principal and accessory buildings which is under a roof or enclosed by a solid fence greater than five (5) feet high. Terraces, patios, porches and steps not under a roof or enclosed shall not be

included in floor area calculations. An awning, trellis, or other open overhead structure shall not be considered a roof insofar as this definition is concerned.

**FLOOR AREA RATIO:** The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for appropriate districts, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot in such district.

**FOSTER FAMILY HOME:** The primary domicile of a foster parent which has four (4) or fewer foster children and which is licensed under Section 48.62 of the *Wisconsin Statutes* and amendments thereto.

**FREIGHT TERMINAL:** A building or area in which freight brought by motor truck or railroad freight cars is assembled or stored for routing in intra-state or inter-state shipment by motor trucks or railroad freight cars.

**FRONTAGE:** The smallest dimension of a lot abutting a public street measured along the street lines.

**FUGITIVE DUST:** The solid airborne particulate matter resulting from any activity conducted on a parcel.

**GARAGE, PRIVATE, ATTACHED:** A garage sharing a common wall with the principal structure, or being attached to the principal structure with a fully enclosed breezeway of at least ten (10) feet in length.

**GARAGE, PRIVATE, DETACHED:** A building, not attached to a dwelling, designed and used for the storage of the private motor vehicles, recreational vehicles, boats, yard equipment, etc. owned and used by the occupants of the dwelling to which it is accessory. Carports shall be considered garages within this definition.

**GARAGE, PUBLIC:** A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, or repairing motor vehicles. Hiring, selling or storing of motor vehicles may be included.

**GARAGE, STORAGE, OR OFF-STREET PARKING:** A building or portion thereof designed or used or land used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

**GARDEN:** Growing of fruit, vegetables and flowers which are not to be sold commercially.

**GRADE:** The average level of the finished surface of the ground adjacent to the exterior walls measured at each of the four corners of a building or structure.

**GROSS DENSITY:** The ratio between total number of dwelling units on a lot and total lot area in acres, the area to include all the land within the lot boundaries including any private roads, recreation areas and drainage ways.

**GROSS FARM REVENUE:** Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. The term includes receipts accruing to a renter, but does not include rent paid to the land owner.

**GROUP FOSTER HOME:** Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.

**GUEST, PERMANENT:** A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel or motel accommodation as his domicile and place of permanent residence.

**HAZARDOUS WASTE:** A waste or combination of wastes that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

**HEAT-PUMP:** Any equipment which directly converts heat from liquids making it available to transfer or store into usable forms of thermal or electrical energy.

**HEDGE:** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

**HIGH WATER ELEVATION:** (Ordinary high water mark) The average annual high water level of a pond, stream, lake, flowage, or wetland referred to on an established datum plane or, where such elevation of the line up to which the presence of the water is so continuous as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristics.

**HOME OCCUPATION:** Any gainful business, occupation or profession conducted within a dwelling, or on a residential lot containing a dwelling and which is not detrimental to the residential character of the lot on which said home occupation is located or of the surrounding neighborhood.

**HOOP STRUCTURE:** A structure with a skeleton frame covered by a tarp, plastic or canvas type skin.



**HOTEL:** A multiple story establishment containing lodging rooms, for occupancy by transient guests which provides customary hotel services and usually contains meeting rooms, dining facilities and small retail shops.

**INCIDENT SOLAR RADIATION:** Solar energy falling upon a given surface area.

**INDUSTRIAL ZONING DISTRICT:** A base zoning district established by this chapter that has an "I" followed by a number as its abbreviation (e.g., I-1).

**INSTITUTION:** A building occupied by a nonprofit corporation wholly for public or semi-public use.

**ISSUING AUTHORITY:** The person, board or committee who has been authorized to issue respective permits.

**JUNK:** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

**JUNKYARD:** See SALVAGE YARD.

**KENNEL:** An establishment wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs.

**KILOWATT (KW):** A unit of power equal to 1,000 watts.

**LABORATORY:** See RESEARCH LABORATORY.

**LAND:** The earth, water, and air, above, below, or on the surface.

**LAND USE:** As the context indicates (1) the development that has occurred on the land, (2) development that is proposed for the land, or (3) the use permitted for the land under this chapter.

**LAND USE, ACCESSORY:** A land use that is incidental and subordinate to and customarily found with a principal land use.

**LAND USE, PERMITTED BY RIGHT:** A land use that is allowed throughout a specified area. Land uses permitted by right may be reviewed through a site review process and shall otherwise be reviewed to ensure that all provisions of local, state, and federal regulations are met.

**LAND USE, PRINCIPAL:** The dominant land use or uses of a parcel of land. (Commentary: In some situations, a parcel of land can have more than one principal land use.)

**LAND USE, TEMPORARY:** A land use which is on a parcel of land for a limited and specified period of time.

**LANDSCAPING PLAN:** A drawing of a subject property that shows existing and/or proposed landscaping elements and other features as required by this chapter. Depending on the nature of the development project, the content of a landscaping plan can be shown on a site plan. (Also see site plan)

**LAND FILLING:** The placing and compacting of dirt and rubble in any area that requires filling so as to be usable for a permitted land use activity.

**LAUNDERETTE:** A business that provides coin-operated self-service type washing, drying, dry-cleaning, and ironing facilities, providing that no pick-up or delivery service is maintained.

**LICENSEE:** A licensee is someone who has been granted a license.

**LIVESTOCK:** Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

**LIVESTOCK WASTE STORAGE STRUCTURE:** An impoundment made by constructing embankments, a pit or dugout, or a structure used to hold agricultural waste. The term does not include equipment used to apply agricultural waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, Wis. Admin. Code, the term does not include a structure used to collect and store agricultural waste under a livestock housing facility or a manure digester consisting of a sealed structure.

**LIVING AREA:** All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

**LOADING AREA:** A space within the principal building or on the same lot as the principal building providing for the standing, loading or unloading of trucks and with access to a street or alley.

**LODGING HOUSE:** A building originally built for use as a one- or two-family dwelling, all or a portion of which contain lodging rooms which are available to accommodate persons who are not members of the keeper's family. Facilities are available for providing lodging or meals or both for compensation for not more than ten (10) persons.

**LODGING ROOM:** A room or suite of rooms rented as sleeping and living quarters, with or without an individual bathroom but without cooking facilities.

**LOT:** A contiguous parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.

**LOT FRONTAGE:** The linear distance a lot abuts on a street right-of-way or other similar feature. As the context would indicate, lot frontage can refer to the minimum required distance, actual distance, or proposed distance. (Commentary: See the applicable section in division 4 of article 8 for a description of how lot frontage is measured.)

**LOT LINES AND AREA:** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

**LOT, CORNER:** A lot situated at the junction of and fronting on two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

**LOT FLAG:** A lot with access provided by a corridor from a street to the bulk of the lot.

**LOT, INTERIOR:** A lot that is not a corner lot.

**LOT, SUBSTANDARD:** A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.

**LOT, THROUGH, DOUBLE FRONTAGE LOT:** A lot having a frontage on two (2) parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. (See FLOOR AREA, for determining percentage of lot covered.)

**LOT DEPTH:** The mean distance between the front lot line and the rear lot line.

**LOT LINE, FRONT:** That boundary of a lot which abuts a street line. On a corner lot, the lot line having the shortest length abutting a street line shall be the front lot line.

**LOT LINE, INTERIOR:** A lot line which does not abut a street.

**LOT LINE, REAR:** That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line and in the case of an irregular or triangular lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE:** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Winnebago County, Wisconsin; or a parcel of land, the deed of which was recorded in the office of the Register of Deeds of Winnebago County, Wisconsin prior to the effective date of this Ordinance.

**LOT REQUIREMENTS:** The term used to indicate the size and setback of buildings or structures, the location of same with respect to one another, and includes the following: (a) size and height of buildings; (b) location of exterior walls; (c) floor area ratio; (d) open space allocated to buildings; and (e) lot area and lot width.

**LOT WIDTH:** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly shaped lots, the width shall be the average width of the lot within five (5) percent of the minimum required width (Average width as defined in *Wisconsin Administrative Code*, Chapter COMM 85.01).

**MAIN BUILDING FACADE:** That portion of a building or structure which is parallel or nearly parallel to the abutting street. For buildings which front on two or more streets the main building facade shall contain the main entrance to such building.

**MANUFACTURED HOUSING:** See DWELLING, MODULAR.

**MANUFACTURING ESTABLISHMENT:** An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or resting of materials, goods, or products.

**MARQUEE OR CANOPY:** A roof-like structure of a permanent nature which projects from the wall of a building.

**(MH):** The abbreviation MH means Mobile Home District.

**MINOR STRUCTURES:** Any small, movable accessory structure under six (6) feet ten (10) inches in height with no more than one hundred (100) square feet of building area.

**MOBILE HOME, DEPENDENT:** A mobile home without inside toilets and bath are prohibited in a mobile home park as defined in this Ordinance.

**MOBILE HOME LOT OR SITE OR SPACE:** A plot of ground within a mobile home park designed for the accommodation or placement of one (1) mobile home and the exclusive use of its occupants.

**MOBILE HOME OWNER:** The person in whose name the mobile home is titled by the State Department of Transportation.

**MOBILE HOME:** See DWELLING, MOBILE HOME.

**MOBILE HOME SUBDIVISION:** A land subdivision, as defined by Chapter 236 of the *Wisconsin Statutes* and any County Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual home sites are in separate ownership as opposed to the rental arrangements in mobile home parks.

**MODEL HOME OR MODEL GARAGE:** A building which is constructed, or located and used as an example of other such buildings which are offered for sale. The model itself is customarily not for sale and may in some instances be only temporarily positioned on the site. The model differs from a "spec" building which is one that is permanently positioned on a site and available for immediate sale.

**MODULAR HOME,** See DWELLING, MODULAR HOME

**MODULAR UNIT:** A modular unit is a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

**MOTEL:** An establishment consisting of attached or detached lodging rooms with separate bathrooms and separate entrances, and where more than 50 percent of the lodging rooms are occupied or designed for occupancy by transient.

**MOTOR FREIGHT TERMINAL:** A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate or interstate shipment by motor truck.

**MULCH:** A nonliving organic or inorganic material customarily used in landscape design to retard erosion, retain soil moisture, maintain even soil temperature, control weeds, and/or enrich the soil. Examples of materials often used include tree bark, wood chips, and decorative stones.

**MULTIPLE FAMILY:** See DWELLING, MULTIPLE FAMILY.

**NAMEPLATE:** A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of any permitted occupation therein.



**NAVIGABLE WATERWAY:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The term does not include a farm drainage ditch if (1) such lands are not adjacent to a natural navigable stream or river, (2) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and (3) such lands are maintained in nonstructural agricultural use. (Commentary: In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly recurring basis. See *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975) and *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).)

**NO-ACCESS STRIP:** A strip of land within and along a rear lot line of a through lot adjoining a street which is designated on a recorded subdivision plat or property deed as land over which motor vehicular travel shall not be permitted.

**NON COMMERCIAL:** Anything other than commercial.

**NONCONFORMING USE:** Any structure, land, or water lawfully used, occupied or erected at the time prior to the effective date of this Ordinance or amendment thereto which does not conform to the regulations of this Ordinance of amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

**NONMETALLIC MINERAL:** A product, commodity, or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc, and topsoil. (Commentary: See s. NR 135.02, Wis. Admin. Code)

**NOXIOUS MATTER OR MATERIAL:** A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

**NURSERY SCHOOL:** A licensed facility for the care and supervision of children for less than 24 hours a day in a one family dwelling, church, school, hospital or similar building.

**NURSING HOME:** A licensed home for aged, chronically ill, care of children, infirm, or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three (3) or more persons, not members of any family residing on the premises, are received and provided with food, shelter and care, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

**OBSTRUCTION:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

**OCCUPANCY:** The purpose for which a building, or part thereof, is used or intended to be used.

**OFFICIAL MAP:** The Official Zoning Map of the Town of Wolf River, Winnebago County, WI will be GIS System from Winnebago County.

**ONE-TIME DISPOSAL:** The disposal of no more than 10,000 cubic yards of approved types of agricultural or demolition solid waste on a one-time basis over a project life of not more than six (6) months. Examples are the disposal of concrete, brick, stone, asphalt, wood, trees, logs, brush and material from demolished buildings.

**OPEN SALES LOT:** Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

**OPEN SPACE:** That part of the lot area not used for buildings or parking. Open space may include lawns, trees, shrubbery, garden areas, footpaths, play areas, pools, water courses, wooded areas and paved surfaces used as access drives but not used for vehicular parking of any kind. See also PERMANENT OPEN SPACE.

**ORDINARY HIGH-WATER MARK (OHWM):** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore of any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

**OVERLAY ZONE:** Zoning requirements that are described in the Ordinance text, mapped, and are imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

**PARKING LOT:** A structure or premises containing ten (10) or more parking spaces open to the public.

**PARKING SPACE:** A graded and surfaced area of not less than one-hundred eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

**PARTIES IN INTEREST:** Includes all abutting property owners, all property owners within three hundred (300) feet, and all property owners of opposite frontages.

**PARTY WALL:** A common wall which extends from its footing below grade to, or through, the roof and divides buildings.

**PASSIVE SOLAR ENERGY SYSTEM:** A solar energy system which operates without mechanical means.

**PASSIVE SOLAR SPACE HEATING:** Heating of the interior of a structure by direct, indirect or isolated gain system consisting of glazing and thermal mass which stores energy overnight and releases energy within the structure by radiation, conduction and/or natural convection.

**PATIO:** An at-grade surfaced area intended for outdoor living that may be next to a building or separate from a building.

**PERFORMANCE STANDARD:** A criteria established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

**PERMANENT OPEN SPACE:** A compact and contiguous land area that is designated on the Official Zoning Map for educational, religious, recreational, and other institutional uses.

**PERMITTEE:** Any person to whom a permit is issued.

**PERSON:** An individual, partnership, firm, corporation, association, trust, affiliation or any other type of business association or combination, whether owner, lessee, licensee or their agent, heir or assign.

**PERSONAL SERVICE ESTABLISHMENT:** A building or facility where personal services are available for profit, including such services as dry cleaning, laundromat, barber shop, beauty parlor, health spa, or tailor.

**PET SHOP:** Any person, partnership or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel, which buys, sells, or boards any species of animal.

**PHOTOVOLTAIC SOLAR ENERGY SYSTEM:** A solar energy system which converts solar energy directly into electricity.



**PIER:** A structure extending into navigable waters from the shore with water on both sides, that is built or maintained for the purpose of but not limited to providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally. (Also see wharf)

**PIERHEAD LINE:** A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Section 30.13 of the *Wisconsin Statutes*. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to Section 30.12 (2) of the *Wisconsin Statutes*.

**PLAN OF OPERATION:** A document describing the operation of a particular enterprise and other related matters as may be required by this chapter. (Also see site plan)

**PLANNING AND ZONING CHAIRPERSON:** The Chairperson of the Town of Wolf River Planning and Zoning Committee.

**PLANNING AND ZONING COMMITTEE:** The committee designated by the Town Board, pursuant to this Ordinance, to administer and enforce this Ordinance.

**PLAYHOUSE:** An accessory building, either at ground level or elevated, or supported by a tree, characteristically used by children for play.

**POLYSTRUCTURE:** A structure having a frame of steel or other material that is covered with plastic, polyurethane, vinyl, canvas, or other flexible sheeting material.

**PORCH:** A part of a building with a roof of its own that covers an entrance.

**PRIME FARMLAND:** Land with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture or is otherwise identified as prime farmland in the county's certified farmland preservation plan.

**PRINCIPAL BUILDING:** A nonaccessory building in which the principal use permitted on the lot is conducted.

**PRINCIPAL USE:** The main use of land or structures as distinguished from a secondary or accessory use.

**PRIVATE OR QUASI-PUBLIC CLUB:** An association of persons organized for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

**PRIVATE ROAD:** Any road or drive other than a public street or highway which serves two (2) or more principal structures and is funded by the property owners served by the road.

**PROTECTED FARMLAND:** Land (1) located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.; (2) covered by a farmland preservation agreement under ch. 91, Wis. Stats.; (3) covered by an agricultural conservation easement under s. 93.73, Wis. Stats.; or (4) otherwise legally protected from nonagricultural development.

**PUBLIC AIRPORT:** Any airport which complies with the definition contained in Section 114.013(3), *Wisconsin Statutes*, or any airport which serves or offers to serve common carriers engaged in air transport.

**PUBLIC NOTICE:** The means that a governmental body uses, or is required to use, to formally notify people and other interested entities of a pending governmental hearing or proposed action.

**QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING:** A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, topsoil and similar material as an industrial or commercial operation and exclusive of the process of excavation and grading in preparation for the construction of a duly authorized building, park or highway.

**R/V:** Acronym for Recreational Vehicle.

**RAILROAD RIGHT-OF-WAY:** A strip of land containing railroad tracks and customary auxiliary facilities for train operations. For the purposes of this Ordinance a "railroad right-of-way" does not include land used or intended to be used for siding tracks, freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards or classification yards.

**RECORDED SOLAR COLLECTOR:** A solar collector for which a solar access recordation certificate has been issued or for which a recordation application is pending.

**RECORDED SOLAR OWNER:** The holder of a solar access recordation issued under this Ordinance.

**RECREATIONAL VEHICLE/ RV:** Any of the following, whether it is "dependent" (requires camp facilities for toilet and lavatory) or "self-contained" (can operate independent of connections to sewer, water and electrical systems:

**CAMPING TRAILER:** A canvas or folding structure mounted on wheels and designed for travel, recreation and vacation use.

**MOTORHOME:** A portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

**PICK-UP COACH:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

**TRAVEL TRAILER:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.

**TENT:** A portable lodge of canvas or strong cloth stretched and sustained by poles.

Any similar vehicle, unit, etc. which is less than forty-five (45) feet in length.

**RENEWABLE ENERGY RESOURCE SYSTEM:** A solar energy system, a waste conversion energy system, a wind energy system or an alcohol fuel production system, but does not include any equipment which would be present as part of a conventional energy system.

**RESEARCH LABORATORY:** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESERVOIR STANDING SPACES:** Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.

**RESIDENTIAL ACCESS STREET:** Lowest order of residential streets. Provides frontage for access to lots and carries traffic having destination or origin on the street itself. Designed to carry the least amount of traffic at the lowest speed.

**RESIDENTIAL COLLECTOR:** Highest order of residential streets. Conducts and distributes traffic between lower-order residential streets and higher-order streets (arterials and expressways). Carries the largest volume of traffic at higher speeds. Function is to promote free traffic flow; therefore, parking and direct access to homes from this level of street should be prohibited.

**RESIDENTIAL SUBCOLLECTOR:** Middle order of residential streets. Provides frontage for access to lots and carries traffic of adjoining residential access streets. Designed to carry somewhat higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood. Is not intended to interconnect adjoining neighborhoods or subdivisions and should not carry regional through traffic.

**RESIDENTIAL ZONING DISTRICT:** A zoning district established by this chapter that has an "R" followed by a number as its abbreviation (e.g., R-1).

**RETAIL:** The sale of goods or merchandise.

**RETENTION BASIN:** A pond-type facility which provides for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.

**REVIEWING AUTHORITY:** As the context would indicate, the zoning administrator, Planning & Zoning Committee, Board of Adjustment, or Town Board.

**RIGHT-OF-WAY:** A strip of land dedicated or acquired for public use.

**ROADWAY:** That portion of a street which is used or intended to be used for the travel of motor vehicles.

**ROOMING HOUSE:** A building other than a hotel or restaurant where meals or lodging and meals are regularly furnished by prearrangement for compensation for four (4) or more persons not members of the resident's family, but not exceeding twelve (12) persons and not open to transient customers.

**RUNOFF:** The portion of precipitation on the land which reaches the drainage system.

**SALVAGE YARD:** An open area of land and any accessory building or structure thereon which are used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery and equipment not in operable condition or parts thereof, and other metals, paper, rags, rubber tires, and bottles. A "salvage yard" does not include an establishment, located in the appropriate manufacturing district, engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in manufacturing of steel or metal alloys.

**SANITARY LANDFILL:** A method of disposing of refuse by spreading and covering such refuse with earth.

**SCREEN:** A feature, such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.

**SETBACK:** A specified horizontal distance between two actual or imaginary features (e.g., property boundary lines, ordinary high-water mark, structures, wells, and septic systems).

**SETBACK LINES:** The interior limits of the minimum required yard areas of a lot.

**SEWAGE SLUDGE:** The residue matter resulting from the treatment of sewage. (Commentary: This definition is based on the corresponding definition in s. 94.64(1) (pm), Wis. Stats.)

**SHADED:** A solar collector is deemed shaded if vegetation or structures block the incident solar radiation that would otherwise reach its collecting surface during solar heating hours. Blockage caused by obstructions exempted at the time of solar access recordation and such insubstantial

shadows as those cast by utility poles, wires, flagpoles, and slender antennas are not deemed to shade for the purposes of this Ordinance. The Town Planning and Zoning Committee may rule on particular cases to further define shading exempted from regulation.

**SHARED PARKING:** One or more parking spaces that partially or entirely meet the parking requirements of two or more land uses.

**SHORE YARD:** A yard extending across the full width or depth of a lot the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the high water elevation of a pond, stream, lake, or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

**SHORELANDS:** Those lands lying within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds, and flowages and three hundred (300) feet from the high-water elevation of navigable streams, or the landward side of the floodplain, whichever is greater.

**SHORELINES:** The intersection of the land surfaces abutting lakes, ponds, streams, flowages, and wetlands with the average annual high-water elevation.

**SIGHT TRIANGLE:** See vision clearance triangle.

**SIGN:** Any words, letter, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway but not including the following:

- Usual board notices in or about church property or any educational or public institution;
- Legal notices required to be posted by municipal, state or federal law; or
- Highway or traffic signs authorized to be erected by municipal, state or federal law.

**SIGN, ADVERTISING:** Any sign portraying information which promotes or directs attention to a person, place, business, product, service, entertainment or other activity not exclusively related to a use on the lot on which such sign is located. A billboard or off-premises sign.

**SIGN, AREA:** As set forth in Section 1.14 of this Ordinance.

**SIGN, BUSINESS:** A sign pertaining to goods sold or manufactured or services rendered on the premises upon which the sign is located.

**SIGN, DIRECTIONAL:** Sign for the purposes of directing patrons or attendants to a business establishment, club, church, or other such organization, off the main traveled highway (without advertising).



**SIGN, DIRECTLY ILLUMINATED:** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

**SIGN, DIRECTORY:** Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.

**SIGN, ELECTRONIC MESSAGE UNIT:** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphic, time, date, temperature, weather, or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.

**SIGN, FLASHING:** An illuminated sign on which the artificial light is not maintained constant or stationary in intensity or color at all times when such sign is in use. Time-temperature signs are not flashing signs as considered in this Ordinance.

**SIGN, GROUND AND/OR POLE:** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free Standing Sign.")

**SIGN, IDENTIFICATION:** Any sign portraying information which promotes or directs attention to a person, place, business, product, service, entertainment or other activity located on the same lot where the sign is installed and maintained.

**SIGN, INDIRECTLY ILLUMINATED SIGN:** Any sign that is illuminated from a source outside of the actual sign.

**SIGN, MARQUEE:** Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

**SIGN, MOVABLE:** Any sign not permanently attached to the ground or a building.

**SIGN, NEON:** Any sign illuminated by neon lighting.

**SIGN, NONCONFORMING SIGN:** Any sign which does not conform to the regulations of this Section.

**SIGN, PORTABLE:** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.



**SIGN, PROJECTING:** Any sign extending more than twelve (12) inches, but less than five (5) feet from the face of a wall or building.

**SIGN, REAL ESTATE:** Any sign which are used to offer for sale, lease, or rent the property upon which the sign is placed.

**SIGN, ROOF:** A sign erected on, against or above a roof and extending above the highest point of the roof. If the sign does not extend above the highest point of the roof, and is single faced, it is considered a wall sign.

**SIGN, STRUCTURE:** Any structure or material which supports has supported or is intended to support or help maintain a sign in a stationary position, including any decorative covers or roofs or embellishments extending above such sign.

**SIGN, TEMPORARY:** Any sign intended to be displayed for a short period of time, including real estate, political or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.

**SIGN, WALL:** A single faced sign which is attached to, erected on, or painted on the wall of any building or structure and projecting not more than twelve (12) inches from such wall.

**SIGN, WINDOW:** A sign installed inside a window for purposes of viewing from outside the premises.

**SITE-BUILT HOME:** A dwelling unit that meets the Wisconsin Uniform Dwelling Code standards and which was largely constructed on-site. Also known as a "conventional home" or stick-built home."

**SITE PLAN:** A drawing of a subject property that shows existing and proposed conditions and other features required by this chapter. (Also see plan of operation and landscaping plan).

**SMOKE UNIT:** The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

**SOLAR:** Having to do with the sun as a source of energy.

**SOLAR ENERGY:** Radiant energy received from the sun.

**SOLAR ENERGY SYSTEM:** Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

**SOLAR ENVELOPE:** A three-dimensional space over a lot representing height restrictions designed to protect access to sunlight for neighboring lots.

**SOLAR EQUIPMENT:** Facilities or equipment, either temporary or permanent in nature, intended to utilize the heat from the sun as a source of energy. It may be either "active" or "passive".

**SOLID BARRIER:** Any obstruction of dense material and composition.

**SOUND LEVEL MATTER:** Shall meet the requirements of the current American National Standard S1.4 for General Purpose Sound Level Matter.

**SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state even if completely or opaquely covered.

**SPECIFIED SEXUAL ACTIVITY:** Any of the following (1) showing of human genitals in a state of sexual stimulation or arousal; (2) the fondling or erotic touching of human genitals, pubic region, anus, or female breasts; (3) the act of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, or cunnilingus; or (4) excretory functions as part of, or in connection with, any of the activities set forth above.

**STOOP:** A raised platform in front of an entrance to a building with one or more steps.

**STORAGE CAPACITY:** The volume of space available above a given cross-section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.

**STORAGE, OUTDOOR:** Land outside any building or roofed area and used for the keeping of goods, supplies, raw material or finished products.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels provided that there are not more than five (5) feet difference in elevation between the different levels of the floor. A mezzanine floor shall be counted as a story when it covers over one-third the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. See also BASEMENT and CELLAR.

**STORY, HALF:** A partial story under a gable, hip or gambrel roof, the wall plates of which at least two opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker of his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

**STREAM:** A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

**STREET (PRIVATE):** The term private street includes the right-of-way of any private road, highway, lane, street, access easement, etc., where the defined street or easement area provides access to more than one parcel or principal structure.

**STREET (PUBLIC):** The term public street includes the right-of-way of any street, road, highway, lane, etc., dedicated to the public which generally provides access to abutting properties.

**STREET FRONTAGE:** Property fronting on one side of street between two intersecting streets or along one side of a dead-end street between an intersecting street and the end of the cul-de-sac.

**STREET LINE:** The street right-of-way line separating the street from abutting property.

**STREET YARD:** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing and proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

**STRUCTURE:** Any erection or construction, such as buildings, towers, masts, booms, signs, decorations, carports, machinery and equipment, and opaque fences. For purposes of this Ordinance, decks and porches shall be considered a part of a building or structure.

**STRUCTURE, ACCESSORY:** A building or portion of a building used for a purpose customarily incidental to the permitted principal use of the lot, or to a principal building, and located on the same lot as the principal use.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**STRUCTURE, PRINCIPAL:** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

**STRUCTURE, TEMPORARY:** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

**SUBSTANDARD LOT:** A lot, with or without a structure, having a lesser dimension or area, or both, than what is required in the zoning district in which it is located.

**SUN CHART:** A drawing plotting the position of the sun in the sky using as coordinates solar altitude in ten degree increments and solar azimuth measured to the east and west of true south in fifteen degree increments. The sun chart shall display the path of the sun during each hour of the

day and each month of the year (seven curves; December 21, January 21/November 21, February 21/October 21, March 21/September 21, April 21/August 21, May 21/July 21, and June 21) for the latitude of the Town.

**SURFACE WATER RUNOFF:** Water that results from precipitation which is not absorbed by the soil or plant material.

**SWIMMING POOL, PRIVATE OR RESIDENTIAL:** An outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than two (2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

**TAVERN:** An establishment where liquors are sold to be consumed on the premises but not including restaurants where the principal business is the serving of food.

**TELECOMMUNICATION FACILITY:** A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

**TEMPORARY STRUCTURE:** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

**TEMPORARY USE:** See land use, temporary

**TOURIST HOME:** A dwelling in which overnight accommodations are provided for no more than 12 transient paying guests.

**TOWER SITE:** The area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with the tower.

**TRAILER, BOAT OR CARGO:** A vehicle designed exclusively for the transportation of one boat of less than 10 foot beam and 30 foot length or, if used for the hauling of cargo, not over 70 square feet in cargo floor area.

**TRAILER, BUSINESS:** Any vehicle or portable structure constructed for use as an accessory building or structure in the conduct of business, trade, or occupation, and which may be used as a conveyance on streets and highways by its own or other motive power.

**TREE:** Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than five (5) feet.

**U.S. ARMY CORPS OF ENGINEERS:** A federal agency within the U.S. Department of Defense that serves the Armed Forces and the nation by providing vital engineering services and capabilities, as a public service, across the full spectrum of operations, from peace to war, in support of national interests.

**USABLE OPEN SPACE:** Space suitable for recreation, gardens, or household service activities, such as clothes drying.

**USE:** The purpose or activity for which the land, or building thereon, is designed, arranged, or intended or for which it is occupied or maintained, including any manner of performance of such activity with respect to the performance standards of the Town Land use or activity.

**USE, LAWFUL:** The use of any building or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements as existing at the time of the enactment of this Ordinance or any amendment thereto, for the building or land that is being examined.

**USE, NONCONFORMING:** See NONCONFORMING USE.

**USE, PERMITTED:** Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and applicable performance standards of this Ordinance for the district in which such use is located.

**USE, PRINCIPAL:** The dominant use of land or buildings as permitted by this Ordinance and as distinguished from a subordinate or accessory use.

**UTILITIES:** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power, substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, gas regulation stations, and sewage disposal plants, but not including municipal incinerators, warehouses, shops and storage yards.

**VARIANCE:** The mechanism by which relief may be granted from the terms of this ordinance where, owing to special physical conditions, a literal enforcement of the height, bulk, setback or other dimensional provisions of this ordinance will result in practical difficulty or unnecessary hardship.

**VEHICLE, MOTOR:** Any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.



**VENDING MACHINE:** A machine for dispensing merchandise or services designed to be operated by the customer.

**VISION CLEARANCE TRIANGLE:** On corner lots and on the right-of-way within the vision clearance triangle, it shall be unlawful to install, to set out, to park or maintain, or to allow such installation, setting out, parking or maintenance of any structures, vehicles, signs, hedges, shrubbery, natural growth or other obstructions are limited so as not to interfere with vision.

**WASTE CONVERSION ENERGY SYSTEM:** Equipment which converts wastes into usable forms of energy but does not include solid fuel-consuming devices used for residential purposes.

**WETLANDS:** Those lands which are level or nearly level and, based upon SWCD soil mapping data, are poorly drained. Such lands are flooded frequently and/or covered with water throughout most of the year. Such lands may be marked by old drainage channels and often may contain small bodies of water in places. The native vegetation in those areas is mainly sedges, rushes, reeds and other water tolerant plants. Both mineral and organic materials are in these lands. These lands occur within the following soil series: Houghton, Willette, Palms, Edwards, Adrian, Udorthents, and Fluvaquents.

**WHARF:** A structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed. (Also see pier)

**WIND ENERGY SYSTEM:** A facility having the meaning given in s. 66.0403(1) (m), Wis. Stats., and is used to convert wind energy to electrical energy.

**WIND TURBINE:** A wind-driven machine that converts the kinetic energy of wind into electrical power; also known as a wind energy conversion system.

**WIND TURBINE TOWER:** The structure on which a turbine is mounted.

**YARD:** An open area on a lot which is open to the sky and unoccupied except as may otherwise be provided in this Ordinance.

**YARD, FRONT:** A yard extending across the entire width of a lot between the front line (street line) and the front yard line.

**YARD, INTERIOR, SIDE:** A side yard which adjoins the side yard of another lot or an alley separating such side yard from the side yard of another lot.



**YARD LINE:** An imaginary line on a lot which is parallel to the lot line along which a required yard extends and which is not nearer to said lot line than the required yard width or depth as set forth in this Ordinance.

**YARD, REAR:** A yard extending across the entire width of the lot between the rear lot line and the rear yard line.

**YARD, SIDE:** A yard extending along the side lot line and bounded by the front yard, the rear yard and the side yard line.

**ZERO LOT LINE:** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

**ZONING ADMINISTRATOR:** A person designated by the Town Board to administer and enforce this Ordinance. Reference to the Zoning Administrator shall be construed to include duly appointed assistants responsible for enforcing and administering all requirement of this Zoning Ordinance. The Zoning Administrator shall attend all Planning and Zoning Committee meetings for the purpose of the Town of Wolf River Zoning Ordinance. Zoning Administrator and Building Inspector may be used interchangeably and may refer.

**ZONING DISTRICTS:** The districts into which the Town has been divided for zoning regulations as set forth on the Zoning District Map.

**ZONING PERMIT:** A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Ordinance are or shall be used in accordance with the provisions of said Ordinance.

**CHAPTER B**  
**GENERAL INFORMATION**

## **CHAPTER B**

### **GENERAL PROVISIONS**

#### **SECTION 1.02 INTRODUCTION**

##### **(1) Authority, Purpose and Intent.**

This Ordinance is adopted under the authority granted by *Sections 60.62, 61.35, and 61.23, Wisconsin Statutes*. The purpose is to promote the health, safety, aesthetics and general welfare of the people of the Town of Wolf River. The general intent is to produce a uniform zoning format for the Town.

##### **(2) Title.**

This Ordinance shall be known as, referred to and cited as the "Town of Wolf River Zoning Ordinance, Winnebago County, Wisconsin" and is hereinafter referred to as the "Ordinance".

##### **(3) Abrogation and Greater Restrictions.**

It is not intended by this Ordinance to interfere with, abrogate or annul any existing easements, covenants or other agreements between parties, nor is it intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises.

##### **(4) Interpretation.**

The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, aesthetics and general welfare of the Town of Wolf River, Winnebago County, Wisconsin and shall be liberally construed in favor of this Ordinance.

##### **(5) Severability.**

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

##### **(6) Effective Date.**

This Ordinance shall be effective as of 12:01 a.m. on the day after the last to occur of the following: enactment by the Town Board of Wolf River; Winnebago County, Wisconsin approval by the County Board of Winnebago County; and notification in the town newspaper.

## **SECTION 1.03 GENERAL PROVISIONS**

### **(1) Jurisdiction.**

The provisions of this Ordinance shall apply to all structures, land, water and air within the Town of Wolf River, Winnebago County, Wisconsin except for lands within the Town subject to Winnebago County shore land, wetland and floodplain zoning.

### **(2) Compliance.**

Unless otherwise provided by this Ordinance, after the effective date of this Ordinance, no structure, land or water shall be developed, and no structure or part thereof shall be located, erected, moved, reconstructed, enlarged, extended, converted or structurally altered without a Zoning/Building Permit and without full compliance with this Ordinance and all other applicable town, county and state regulations; provided, however, that this Ordinance shall not govern normal farming operations on farmland, or normal filling, grading or landscaping of land.

The Town Board, or any owner or owners of property within the Town who are affected by a particular regulation, variance or conditional use under this Ordinance may sue to enforce, by injunction order, compliance with this Ordinance.

### **(3) Land Use Goals**

The following land use goals have been adopted by the Town Board and incorporated in the provisions of this Zoning Ordinance:

- (a) Preserve farmland.
- (b) Maintain the current "rural" atmosphere in relation to open spaces, agricultural and residential development.
- (c) Protect natural resources.
- (d) Maintain wildlife habitat and open space.

### **(4) Control Over Site.**

The following requirements shall apply to all land use sites:

- (a) All lots shall abut upon a public street and shall have the minimum frontage at the street yard setback as prescribed for the particular zoning district in which the lot is located.
- (b) To be buildable, a lot shall comply with the frontage requirements of the zoning district in which it is located.
- (c) All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot.

- (d) No zoning or building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width. Exceptions may be made in the following circumstances:
1. An owned drive;
  2. A dedicated access easement is provided; or
  3. The lot is legally combined under common ownership with another lot that does abut a public street dedicated to its proposed width.
- (e) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be not less than the average of the street yards required in both districts.
- (f) All street setbacks shall be measured from the affected road right-of-way line or from any road widths shown on a duly adopted street width map.
- (g) No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board, upon recommendation of the Town Planning and Zoning Committee, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this Town. The Town Planning and Zoning Committee, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter, the Town Planning and Zoning Committee may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Town Board.
- (h) In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1 ½) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Zoning Administrator, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (i) Aesthetics may only constitute grounds from prohibiting the use if such will

substantially depreciate the value of property in the neighborhood or impose a visual effect upon neighbors or passerby which is clearly offensive to the prevailing taste of the community. In all cases, the Town Board shall serve as the Aesthetic Review Board.

**(5) Control Over Use.**

The following use restrictions and regulations shall apply, and unless otherwise specified, the basic standards of a district shall be minimum standards:

**(a) NEW USES.**

Any use of a building, structure or lot established after the effective date of this Ordinance or any amendment thereto, shall be for a use which is set forth in this Ordinance as a permitted use, or a use permitted with special conditions attached, or a use permitted by a conditional use permit, and shall comply with the regulations applicable to the district in which such building, structure or lot is located.

**(b) EXISTING USES**

1. Where a zoning permit for a building or structure has been duly issued prior to the effective date of this revised Ordinance, and where construction has been begun within one (1) year of such effective date of such permit and is being prosecuted to completion, said building or structure may be completed in accordance with the approved plans, and further, may, upon completion, be occupied under a certificate of compliance for the use originally designated when construction is completed according to approved plans.
2. Where the use of a structure or the use of land existing at the time of the adoption of this Ordinance is made nonconforming by the provisions of this Ordinance, the provisions of Section 1.19 shall apply to such use.

**(c) ACCESSORY USES.**

1. Unless otherwise specified, accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include the following:
  - a. Incidental repairs
  - b. Storage
  - c. Parking facilities
  - d. Domestic help, owner's agricultural laborers and watchman's quarters not for rent.



- e. Private swimming pools
- f. Private emergency shelters
- g. Hooped structures

2. Unless otherwise specified, accessory uses and detached accessory structures are permitted within the buildable area or in the rear yard only. They shall not be closer than ten (10) feet to any other structure, shall not exceed eighteen (18) feet in height, shall not occupy more than twenty (20%) percent of the rear yard area of the particular site, and shall not be closer than three (3) feet to any lot line or five (5) feet to any alley.

(d) **CONDITIONAL USES.**

Conditional uses and their accessory uses require approval and a public hearing process in accordance with Chapter E of this Ordinance.

(e) **TEMPORARY USES.**

Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, and other temporary uses, e.g. mobile homes, emergency housing needed due to natural disaster, etc., may be permitted by the Town Planning and Zoning Committee pursuant to Town Board approval.

(f) **REDUCTION OR JOINT USE.**

No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

**(6) Control Over Structures**

(a) **NEW STRUCTURES.**

New structures shall conform with the requirements established for the district in which each such structure is located.

(b) **EXISTING STRUCTURES.**

Existing structures shall not be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or further conflict with the regulations of this Ordinance for the district in which such structures are located, except under those conditions when conversion is permitted by this Ordinance.

(c) EXISTING LOT OF RECORD.

A lot of record which, at the time of the adoption of this Ordinance, does not meet the requirements of this Ordinance as to area or width, may be used for a use permitted in the district in which it is located, provided it meets all other applicable requirements of this Ordinance and the following additional requirements.

1. The applicant shall furnish with the application for a zoning permit a drawing to scale showing the lot upon which he proposes to develop, and also showing the lots on either side of the said lot with all improvements thereon and widths of adjoining side yards and any projections of buildings or structures therein duly plotted on said drawing. The applicant shall, by affidavit, certify that he is not, and has not been at any time since the effective date of this Ordinance, the owner of any interest, direct or indirect, in a contiguous lot or lots.
2. The Zoning Administrator shall issue a permit for the proposed use upon satisfactory proof that the proposed use will comply with all other applicable provisions of this Ordinance.

(d) HEIGHT OF STRUCTURE.

1. No structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the structure is located, except as noted below.
  - a. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Ordinance.
  - b. Special structures, such as elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, water storage towers or tanks, fire towers, substations, smoke stacks and flag poles are exempt from the height limitations of this Ordinance.
  - c. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
  - d. Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
  - e. Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
  - f. Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may

be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

2. The grade from which structure height is measured shall be the existing or established grade at the building setback line midway between the side lot lines. Where the buildable area has a slope between any two (2) corners, the grade from which the building height is measured shall be at the uphill building line midway between the side lot lines.

(e) TWO OR MORE USES ON ONE LOT.

When two (2) or more permitted or conditional uses are provided in the same building or on the same lot, the required minimum lot area, setback and yard requirements shall be the largest which would be required for any of the uses individually. Minimum off-street parking requirements shall be the total of that required for each use on the lot.

(f) YARDS AND OPEN SPACE.

- a. All yards and open space required by this ordinance shall be located on the same lot as the principal structure or use and shall not be less than the minimum specified for the district and the applicable schedule of bulk requirements, unless a variance has been granted by the Board of Appeals or the provisions of Section 1.19 (Nonconforming Buildings, Structures and Uses) are applicable.
- b. No yard shall be less than the minimum specified in the application schedule of bulk requirements, unless a variance has been granted by the Board of Appeals, except that side and rear yard setbacks may conform with existing conditions.
- c. Except as may be otherwise provided for in Section 1.19 of this Ordinance, no yard allocated to a building, structure or use existing on the effective date of this Ordinance shall be subsequently reduced so as to be less than the applicable yard requirements of this Ordinance. When a structure existing on the effective date of this Ordinance extends into a yard which adjoins a street, the setback line established by such structure may be extended provided that on a corner lot, no such extension is closer than twenty (20) feet from the intersection of the rights-of-way lines of the intersecting streets. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
- d. Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projections shall not exceed two (2) feet.
- e. Residential fences are permitted on the rear and side property lines in residential districts but shall not in any case exceed a height of six (6) feet and shall not be closer than two (2) feet to any street right-of-way.

- f. Security fences are permitted in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- g. Accessory uses according to Section 1.03(4) (c) and detached accessory structures according to Section 1.16 are permitted.
- h. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- i. Landscaping and vegetation are not exempt from the yard requirements of this Ordinance when safety and vision are a factor.
- j. Yard areas that are not readily identifiable due to irregular lot shape, unique lot location, etc. shall be designated by the Zoning Administrator and all applicable basic district standards shall apply.
- k. Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- l. Required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side, but in no event to less than fifteen (15) feet in any residential district and five (5) feet in any business district for street yards.

(g) THROUGH LOTS.

On through lots both street right-of-way lines shall be front lot lines, and front yard setbacks shall apply. For purposes of siting accessory buildings and other yard obstructions, the requirements for rear yards may be applied to one front yard area, determined by the Board of Appeals, in each individual case.

(h) FRONT YARD SETBACK.

Where at least forty percent (40%) of the lots fronting on a street within a block have established front yard building setbacks which are less than required by this Ordinance for the zoning district in which such lots are located, the minimum setback requirement for new development in such block shall be no less than the front yard depth of the lot which has the least degree of nonconformity. In cases where established front yard setbacks are less than required by this Ordinance, the minimum required setback shall be the average of the nearest adjacent nonconforming setbacks.

(i) **SCREENS AND BUFFERS.**

1. **Required Screens and Buffers.** Where screens or buffers are required by this Ordinance or recommended by the Planning and Zoning Committee for Town Board approval, to reduce the impact of proposed uses on adjacent properties, the following standards shall be followed. Buffer yards and screens may be required jointly or separately.
2. **Buffer Yards.** Buffer yards are horizontal separations along lot lines that are intended to increase the physical separation between incompatible uses. The width of the required buffer yard shall be determined by the Town Planning and Zoning Committee with Town Board approval. The minimum width shall be ten (10) feet.
3. **Screens.** Screens are barriers located in a limited space of ten (10) feet or less intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms or similar techniques. Plant screens shall be sufficient to provide a year-round screen within three (3) years of installation. Walls or earth berms shall be required where noise reduction is necessary. Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months.

**(7) Prohibited Wastes.**

No waste shall be introduced into or onto public or private lands, ditches, tiling systems, creeks, marshes or waterways which shall interfere with the health, safety or welfare of persons, fowl, livestock, crops or wildlife unless governmental and Town Board approval for such release has been obtained in advance, except in a designated dump or landfill area. Specifically, the following wastes shall not be introduced:

- a. Wastes which create a fire or explosion hazard.
- b. Wastes which will cause corrosive structural damage to persons, fowl, livestock, crops, wildlife, buildings or facilities or natural growth, but in no case wastes with a pH lower than 5.0 unless the dump or designated landfill facility is designed to accommodate such wastes.
- c. Solid or viscous wastes in amounts which would flow in sewers, creeks, ditches or tiling systems. Such wastes shall include the generic term "sludge", excessive surface runoff as a result of poor farming practices and human waste.
- d. New wastes or increased volumes or quantities of wastes which are hereafter determined to be harmful to persons, fowl, livestock, crops, wildlife or natural vegetation.



## **(8) Surface Water Drainage.**

The Storm water drainage and erosion control requirements of Winnebago County, Wisconsin shall be complied with where applicable.

It is required that:

**All owners maintain existing drainage and/or tile systems, drainage and/or tile systems hereafter installed, and natural drainage ditches on their land which are not located in a public right-of-way in all agricultural districts.** The maintenance required shall be that which accords with "good farming practices," and shall include repairing clogged systems within a reasonable time period and brushing ditches to prevent the accumulation of debris from impending natural flow. It is not the intent of this section to take land areas out of use for the sole purpose of storing excess surface water nor to restrict land use or increase development costs. The basic purpose of this is to eliminate the storage or transportation of excess surface water in or through habitable structures. The use of "natural" paths of this storm water runoff to form the "bypass" channel and the restriction of this channel to form storage areas is encouraged. Since political and ownership boundaries often make the use of "natural" drainage patterns difficult, the earthmoving that is accomplished to create the maximum land usage should also be planned to provide a "bypass" channel for storm water that will not create a diversion of storm water drainage or radically change the watershed boundaries.

### **(a) SURFACE WATER DESIGN CONSIDERATIONS - GENERAL.**

1. Where required by this Section, a complete surface water management system shall be provided in all areas within the development site for handling surface water runoff that flows into or across the site from the outside, without undesired additional flooding of any other lands in the drainage basin.
2. Soil types shall be coefficients within the basins involved.
3. The system shall be designed in accordance with accepted engineering principles for design floods resulting from rain storms of the maximum intensity predicted for the Town area at twenty-five (25) year intervals.
4. All increased runoff due to development of the land which exceeds the capacity of the percolation areas, up to and including the runoff from a twenty-five (25) year storm, shall be diverted into retention areas for future percolation areas, seepage basins and retention areas to handle the runoff from storms which exceed the twenty-five (25) year storm in duration and severity.

### **(b) SURFACE WATER DESIGN CONSIDERATIONS - SUBDIVISIONS.**

1. Subdivision plans shall not be approved unless all lands intended for use as building sites can be assured positive drainage.
2. Unless other arrangements are made with the Town, the developer shall construct, install



and furnish all necessary drainage structures to include pipes, catch basins, ditches, etc., as required. Construction shall conform to all Town specifications.

3. The drainage system shall tie generally to existing drainage facilities covered by Town easement or into already established natural drains not covered by Town easements where there is no question that the natural drain served the area within the development, and that said drainage will not result in damage to any property rights of others.
4. Discharge onto adjacent properties where there is no existing drainage outlet or where no natural drains exist will not be permitted without the developer acquiring the necessary easements, as determined by the Town.
5. Developer must show documentation that the proposed development will not adversely impact other areas of the town including adjacent landowners.
6. Lots shall be developed to maximize the amount of natural drainage which is percolated into the soil and to minimize direct overland runoff into adjoining streets and water courses.
7. Storm water runoff from roofs and other impervious surfaces should be diverted into swales, or terraces on the lot when possible.
8. Where a positive outfall is unavailable or inadequate, and the installation or revision of the outfall is not economically practical, a retention-seepage basin may be included in the drainage system. The basin shall be designed using accepted engineering practices. In all cases, the basin shall be designed and located in such a manner as to cause the least amount of damage when the design storm is exceeded. Sufficient drainage right-of-way shall be set aside to allow for egress, ingress, and continuous maintenance around the perimeter of the basin.
9. Reference Wisconsin State Statutes 88 for Drainage of Lands.
10. Reference Town of Wolf River Culvert ordinance.

**(9) Control Over Corner-Lot Sight Lines.**

- (a) At all street intersections where there is no traffic light control, no obstruction of vision shall be erected, installed, planted, parked or otherwise placed on any lot between two-and-one-half (2.5) and ten (10) feet above the grade of such streets and within the vision clearance triangle as defined in Section 1.17 of this Ordinance.
- (b) Allowable installations within the vision clearance triangle are: utility and street light poles when no safer alternative is available; trees with growth characteristics which develop no significant foliage which will obstruct view in the vision clearance area; official signs and signals; and on-street parking when traffic controls exist which permit decreased sight lines.

**(10) Mobile Homes, Trailers, Boats, Snowmobiles, Etc.**

- (a) Mobile homes, travel trailers, recreational vehicles or camping trailers shall be occupied for dwelling purposes only when in compliance with the regulations set forth in this Ordinance. No more than one camping trailer, travel trailer or motor home may be parked or stored in the open on a lot in a residential district and then only at the side or rear of the principal building.
- (b) Trailers shall not be permanently affixed to the ground as a principal or accessory structure on a lot in any district except a business trailer meeting the requirements of the building code may be permitted by special permit.
- (c) Temporary parking and use of a travel trailer or R.V. shall be permitted when a temporary permit has been issued by the Zoning Administrator for the following purposes:
  - 1. Use for temporary lodging on a lot containing a dwelling, provided such Travel Trailer or R.V. is not parked or used thereon for more than fourteen days (14) in any consecutive thirty 30-day period.
  - 2. Use for a temporary office or storage incidental to construction of a building development provided such travel trailer or R.V. is located on the same or contiguous lot as said building development and moved promptly at the end of construction or upon notice by the Zoning Administrator.
  - 3. Use as an interim dwelling during construction of a permanent residence or in the event a permanent residence has been damaged or destroyed. Any request for extension must be made in writing and state the causes that require an extension. The Building Inspector's approval of the extension must also be made in writing.
- (d) Tents shall not be erected, used or maintained on any lot, except such small tents as are customarily used for recreation purposes and are located on the same lot as a dwelling. Temporary use permits shall be required for tents for religious, amusement and recreation, business or manufacturing purposes that will be in place for more than four (4) days.
- (e) Boats, snowmobiles, cargo trailers, recreation vehicles and similar vehicles may be parked or stored in the open when customary in the operation of a lawfully established principal use, and such vehicle may be stored or parked on a residential lot provided that it is not located in any required front yard and no major repair, disassembly or rebuilding operations are conducted thereon.
- (f) Semi-trucks, semi-trailers, and school buses shall not be permitted to be parked in a driveway in any residential district without a conditional use permit.
- (g) No more than one (1) vehicle at a time may be offered for sale by owner.

**(11) Exemption For Public Utilities.**

The following public utility installations are permitted in any district: poles, towers, wires, cables, conduits, underground vaults, laterals, pipes, mains, valves or any other similar distributing installations. However, such installations shall conform with applicable Federal, State, County and Town laws.

**(12) Storage of Junk, Refuse, and Disabled or Damaged Motor Vehicles.**

The open storage of junk, refuse, scrap, disabled or damaged motor vehicles, whether awaiting repair or not, is prohibited in all zoning districts. Enclosed storage, when permitted within a zoning district, shall be completely surrounded by a solid fence or wall which completely obscures vision of the storage from beyond the property.

## **SECTION 1.04 ZONING DISTRICTS AND DISTRICT MAP**

### **(1) Establishment of Districts.**

(a) DISTRICTS. For the purpose of this Ordinance, present and future, provision is hereby made for the division of the Town of Wolf River into the following basic zoning districts:

1. A-1 Agri-Business District –Section 1.05(1) (a)
2. A-2 General Farming District - Section 1.05 (1) (b)
3. A-3 Small Farming District – Section 1.05 (1) (c)
4. R-1 Residential District - Single Family, Low Density, Unsewered Section 1.06 (1) (b)
5. R-2 Residential District - Single Family, High-Density, Sewered Section 1.06 (1) (c)
6. R-3 Residential District - Multiple Family Section 1.06 (1) (d)
7. G Garage Lot District (Floating) Section 1.07
8. B Business District – Section 1.08
9. I-1 Industrial District - Section 1.09 (1) (d)
10. I-2 Industrial District - Section 1.09 (1) (c) (overlay)
11. P-1 Public, Institution and Recreation District – Section 1.10
12. MH Mobile Home District – Section 1.11 (1) (b)
13. MHP Mobile Home Park District – Section 1.11 (1) (c)
14. SA Solar Access Recordation - Section 1.12 (overlay)
15. HP Heat Pumps – Section 1.13 (overlay)
16. WE Wind Energy - Section 1.14 (overlay)
17. C Camps and Camping Resorts – Section 1.15 (overlay)

**(2) Vacation of Streets.**

Unless otherwise specified in the vacation action, vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

**(3) Zoning Map.**

- (a) The Town of Wolf River is hereby divided into zoning districts as shown upon a map designated as the Official Zoning Map of the Town of Wolf River, adopted and made a part of this Ordinance. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Ordinance and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and will be the Winnebago County, WI, GIS system.
- (b) The district boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any question as to the interpretation of such boundary lines, the Planning and Zoning Committee shall interpret the map according to the reasonable intent of this Ordinance. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the centerlines of streets, highways, railways or alleys.

**(4) Rules For Interpretation of District Boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the Winnebago County GIS system the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Town boundaries shall be construed as following town boundaries.
- (d) Boundaries indicated as parallel to, or extension of, features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

**CHAPTER C**  
**ZONING DISTRICT REGULATIONS**



## **CHAPTER C**

### **ZONING DISTRICT REGULATIONS**

#### **SECTION 1.05 AGRICULTURAL DISTRICTS**

##### **(1) Intent.**

###### **(a) (A-1) AGRI-BUSINESS DISTRICT**

The purpose of the A-1 Agri-Business District is to qualify lands in the district or under this classification for eligibility under the Wisconsin State Farmland Preservation program and to conserve productive farming areas, assure a proper economic and physical environment for continued agricultural use of land, maintain an open rural character; assure compatible types and densities of development on lands that are useable for agricultural pursuits; minimize other land uses incompatible with farming, and prevent the uncontrolled spread of residential development. It is designed to meet the requirements of the certified farmland preservation zoning ordinance under ch.91, Wis. Stats. See Town of Wolf River Farmland Preservation Ordinance, Ordinance # 36.

###### **(b) (A-2) GENERAL FARMING DISTRICT**

The intent of the (A-2) General Farming District is to allow the development of farming activities characterized by the mixed crop of the traditional "family" farm along with residences consistent with farming operations, although agriculture is to be recognized as the dominant activity in the district.

###### **(c) (A-3) SMALL FARMING DISTRICT**

The intent of the (A-3) Small Farming District is to allow the development of small scale farming activities characterized by raising small numbers of animals, either domestic or wild, and the growing of crops. All animals allowed on A-2 are allowed on A-3 only on a smaller scale.

##### **(2) Special Agricultural Districts Provisions.**

A zoning permit shall not be issued for those land uses or activities listed in Schedule 1.05-A as requiring a Conditional Use Permit (CUP) until a Conditional Use Permit has been granted by the Planning and Zoning Committee and approved by the Town Board. In addition, the following are required conditions for the specified uses/activities requiring a Conditional Use Permit. Other, additional conditions may be imposed:

(a) DISPOSAL, ONE-TIME.

Permitted with a Conditional Use Permit, subject to Department of Natural Resources approval. Permitted in Floodplain/Shore land District, subject to receiving DNR permit.

(b) EXISTING DWELLINGS.

Permitted when:

Establishment of lot(s) for existing dwellings not accessory to any farm operation and farm dwellings remaining after consolidation of neighboring farms are permitted, providing the lot shall comply with all the provisions of the applicable Zoning District.

Existing dwellings may be permitted in the A-1 district provided they existed before January 1, 2014. If a farm residence is separated from an existing farm tract and the residence and tract are no longer under common ownership, the dwelling becomes a non-farm residence, requiring a conditional use permit in accordance with s.91.46(2) or to be rezoned out of the district

(c) MOBILE HOMES or MANUFACTURED HOMES

Permitted when:

The mobile home or manufactured home is an accessory use to the farm operation, in which case it shall be required that the occupant(s) provide the following:

1. A signed statement from the farm operator that he/she will remove the mobile home or manufactured home if it ever ceases to be an accessory use to the farm operation; and
2. The conditional use permit applies until farming operations ceases. Refer to section 1.24

(d) ROADSIDE STAND.

Permitted when:

One (1) roadside stand shall be permitted on any one (1) farm, provided it will be used only for the sale of farm products raised on said farm.

(e) SIGNS.

Permitted when the sign meets the provisions of Section 1.18 B.

(f) SINGLE FAMILY RESIDENCES (A-1 AGRICULTURAL DISTRICT ONLY).

"Farm residence" means any of the following structures located on a farm:

- (a) A single-family or duplex residence that is the only residential structure on the farm.
- (b) A single-family or duplex residence that is occupied by any of the following:
  - 1. An owner or operator of the farm.
  - 2. A parent or child of an owner or operator of the farm.

(g) STORAGE AND MAINTENANCE OF CONSTRUCTION EQUIPMENT AND VEHICLES.

Permitted when:

The storage area for all such equipment and vehicles is at least six hundred (600) feet from residential districts. The use shall comply with all of the applicable zoning district

(h) UTILITIES AND ASSOCIATED STRUCTURES.

Permitted when all principal structures and uses are not less than fifty (50) feet from any residential district lot line. The use shall comply with all provisions of the applicable zoning district.

### (3) Schedule 1.05-A Land Uses or Activities – Agriculture Districts

A-1 - Exclusive Agri-Business A-2 - General Farming A-3 – Small Farming	P = Permitted CUP = Permitted with Conditional Use Permit X = Site Plan Approval Necessary Blank = Not Permitted
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Land Use or Activity	A-1*	A-2	A-3
1. Above ground storage of flammable liquids or materials	CUP <sup>1</sup>	CUP	CUP
2. Agricultural uses including aquaculture, general farming, dairying, livestock raising, beekeeping, floriculture, raising grain, grass and seed crops, marsh hay, vegetable farming, wild crop harvesting, orchards, horticulture, plant greenhouses and nurseries, forest and game management and other uses of a similar nature.	P	P	P
3. Airports, airstrips, and landing fields.	CUP <sup>2</sup>	CUP	
4. Alternative energy installations, no-commercial	P	P	P
4a. Alternative energy, commercial	CUP <sup>3</sup>	CUP	CUP
5. Bed and breakfast establishments	CUP <sup>1</sup>	CUP	CUP
6. Commercial boarding of stable animals.	CUP <sup>1</sup>	CUP	CUP
7. Commercial butchering of animals.	CUP	CUP	CUP
8. Condenseries.	CUP	CUP	
9. Contractors facility including material and equipment storage	CUP <sup>4</sup>	CUP	CUP
10. Convent, monastery, seminary	CUP, X <sup>5</sup>	CUP, X	CUP, X
11. Conversion of existing dwelling into less than four (4) dwelling units	CUP, X <sup>6</sup>	CUP, X	CUP, X
12. Creameries.	CUP	CUP	
13. Day care facility	CUP, X <sup>1</sup>	CUP, X	CUP, X
14. Day care home	CUP, X <sup>1</sup>	CUP, X	CUP, X
15. Disposal, one-time.	CUP	CUP	CUP
16. Dwelling single family.	P <sup>7</sup>	P	P

17. Dwelling two (2) family	CUP <sup>6</sup>	CUP	CUP
18. Excavation, grading or filling	CUP, X <sup>9</sup>	CUP, X	CUP, X
19. Extraction of sand, gravel, soil or other aggregate	CUP <sup>9</sup>	CUP	CUP
20. Feed manufacturer	CUP	P	P
21. Garage, private detached – with principal structure	P	P	P
21a. Garage, private without principal structure	CUP	CUP	CUP
22. Governmental and cultural uses.	CUP <sup>5</sup>	CUP	
23. Harvesting of wild crops such as, marsh hay, ferns, berries, tree fruits and seeds in a manner that is not injurious to the natural reproduction of such crops.	P	P	P
24. Home occupation (A-1 see Town Ordinance # 36)	P	CUP	CUP
25. Hunting parks, private or public.	CUP <sup>8</sup>	CUP	
26. Manufactured and mobile homes - See section 2C 1.05(2)(c)	CUP <sup>6</sup>	CUP	
27. Migratory laborer housing.	CUP	CUP	
28. Open space areas and conservation uses including Public <sup>5</sup> and private parks <sup>11</sup> , historic and scientific areas, outdoor education areas, wildlife refuges and public boat launching ramps and attendant access roads	CUP	CUP	CUP
29. Public and semi-public non-profit uses such as churches, schools, colleges, universities, cemeteries, crematories and libraries.	CUP, X <sup>5</sup>	CUP, X	CUP, X
30. Recreational Unit Storage	CUP <sup>1</sup>	CUP	CUP
31. Roadside stand.	P	P	P
32. Sanitary Landfills	CUP, X <sup>5</sup>	CUP, X	
33. Signs	CUP	CUP	CUP
34. Temporary building or fence	CUP, X	CUP, X	CUP, X
35. Town halls, town offices and town fire stations.	CUP, X <sup>5</sup>	CUP, X	CUP, X
36. Utilities and associated structures, (including settling ponds).	CUP, X <sup>3</sup>	CUP, X	CUP, X
37. Warehouse	CUP <sup>10</sup>	CUP	CUP

- 1 This use must meet s. 91.01(1) (d), Wis. Stats.
- 2 This use must meet ss. 91.01(1) (d) or 91.46(4).
- 3 This use must meet s. 91.46(4), Wis. Stats.
- 4 This use must meet the A-1 district definition of "agriculture-related use" or be required to meet s.91.46, depending on type.
- 5 This use must meet s. 91.46(5), Wis. Stats.
- 6 This use must meet ss. 91.24(2) and/or 91.46(3) if non-farm.
- 7 This must meet the A-1 district definition of "farm residence" or be in existence as of 1.1.14.
- 8 This use must meet ss. 91.46(5) or 91.44(1) (e), Wis. Stats.
- 9 This use must meet s. 91.46(6)
- 10 This use must meet s. 91.01(d), Wis. Stats, or meet the A-1 district definition of "agriculture-related use"
11. This must meet ss.91.46 (5) or 91.44(1) (e)
- \* A-1 parcels must comply with the rules and regulations that are found in the Town of Wolf River Ordinance # 36.

#### (4) Schedule 1.05-B Lot Requirements<sup>1</sup> - Agriculture Districts

	A-1*	A-2	A-3
Minimum Lot Area	N/A	10 or more acres	3 to 9.99 acres
Minimum Lot Width (Feet) <sup>1</sup>	200	300	200
Minimum Yard Setbacks			
Front	75	75	
One Side	15	15	75
Total Side	30	30	15
Rear	50	50	30
			50
Maximum Building Height (1)	None	None	None

#### Notes:

- 1 Lot requirements for uses permitted with Conditional Use Permit may vary from this schedule.
- \* A-1 parcels must comply with the rules and regulations that are found in the Town of Wolf River Ordinance # 36



## **SECTION 1.06 RESIDENTIAL DISTRICTS**

### **(1) Intent.**

#### **(a) GENERAL.**

The general intent of this Section is to set forth land uses or activities which are permitted in residential areas in the Town, to specify the zoning district in which each use or activity will be permitted, with or without special conditions, and to establish density and lot regulations within each district.

The residential zoning standards of this Ordinance have been divided into those suitable for home sites with public sewer and those for home sites dependent upon onsite sewage disposal systems.

#### **(b) (R-1) RESIDENTIAL DISTRICT.**

The intent of the (R-1) Residential District is to set forth those land uses and activities which are permitted in areas where limitation on the use of land and density of development is necessary to minimize environmental impacts and where low-density, un-sewered single family housing is the desired land use.

#### **(c) (R-2) RESIDENTIAL DISTRICT.**

The intent of the (R-2) Residential District is to set forth those land uses and activities which are permitted in areas where limitation on the use of land and density of development is necessary to minimize environmental impacts and where high-density, sewerred single family housing is the desired land use.

#### **(d) (R-3) RESIDENTIAL DISTRICT.**

The intent of the (R-3) Residential District is to set forth those land uses and activities which are permitted in areas where two-family and multiple-family, sewerred housing development is the desired predominant land use.

### **(2) GENERAL PROVISIONS.**

#### **(a) SCHEDULE OF REGULATIONS.**

Restrictions and controls for land uses or activities permitted in residential districts, or land uses or activities having special conditions attached to them are set forth in Schedule 1.06-A. Regulations for lot size, yards and similar lot requirements are set forth in Schedule 1.06-B.

#### **(b) EXCLUDED USES OR ACTIVITIES.**

A land use or activity not set forth in the attached schedule is not permitted in residential districts in the Town (see section 1.06A).

(c) REQUIRED OPEN SPACE.

In all residential districts, the total area of all structures on a lot shall not exceed the maximum percentage of lot coverage as specified in Schedule 1.06-A. At least sixty-five (65) percent of any required front yard area shall remain open space and shall not be used for parking and driveways.

(d) SPACING BETWEEN STRUCTURES.

When two (2) or more multiple-family dwelling structures are adjacent, the following separations between exterior walls shall be maintained:

1. Front or rear wall of one structure facing front or rear wall of another: not less than 60 foot separation.
2. End wall of one structure facing end wall of another: not less than 30 foot separation.
3. End wall of one structure facing front or rear wall of another: 45 foot separation.

The above minimum separations may be modified by the Town Board when site plan review determines that building design, site layout, landscaping treatment or unusual site conditions warrant such modification. When buildings are not parallel, the average separation shall be as specified above but in no case shall the closest separation of non-parallel buildings be less than half of the required separation.

(e) SITE PLAN APPROVAL.

If a site plan is required by Section 1.06-A, the Zoning Administrator shall not issue a building permit for the development or expansion of a land use or activity permitted in a Residential District until a final site plan conforms to the provisions of this Ordinance.

(f) DIMENSIONS AND GENERAL OCCUPANCY REQUIREMENTS.

1. Floor Space

a. Minimum Total Floor Space. Every dwelling unit shall contain at least 500 square feet of floor space for the first occupant and at least 150 additional square feet of floor space for every additional occupant, in addition to the floor area included in water closet compartments, bathrooms and halls or passageways. The structure must have a minimum total floor space of one thousand (1,000) square feet.

b. Sleeping Rooms. Every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for one occupant, or 50 square feet of floor space for each occupant if more than one. (70 sq ft =1, 100 sq ft =2)

2. Ceiling Height of Habitable Rooms. At least one-half the floor area of every habitable room shall have a ceiling height of not less than 7 feet of unfinished ceiling height. The floor area of any part of a room where the ceiling height

is less than 5 feet shall not be considered part of the required floor area.

3. Basement. Except as herein provided, no basement space may be used as a habitable or dwelling unit.

a. Where the entire floor of the basement is below grade and the basement is utilized for sleeping, at least two exits shall be provided. The two exits shall not be accessed by the same stairway and shall be in accordance with the following:

- 1) One of the exits shall be a stairway which leads to the first floor.
- 2) The second exit may be a stairway which leads to grade, or a door located at the basement level which leads to grade via an exterior stairs outside window which can be opened from the inside without the use of tools. The window shall not be less than 20 inches in width, 24 inches in height and 5.4 square feet in area, with the bottom of the sill located not more than 44 inches above the floor. If a window is provided as the second exit, a window shall be located in each bedroom. If the window is located below grade, an areaway shall be provided. The width of the areaway shall be 1½ times the depth of the areaway. The areaway shall be a minimum of 3 (three) feet measured perpendicular from the wall. The areaway shall be constructed to prevent rainfall flowing into the areaway from entering the bedroom.

(g) ANIMAL RESTRICTIONS.

Refer to Town of Wolf River Dog Ordinance.

(h) IMPACT FEES.

At the point in the future when residential, commercial and/or industrial development occurs at such a level so as to cause the town to incur a substantially increased cost for improving public improvements such as, streets and highways, sewage treatment facilities, storm and surface water handling facilities, water facilities, parks and other recreational facilities, solid waste and recycling facilities, fire and police facilities, emergency medical facilities and libraries, the Town may enact an impact fee ordinance. In order to enact an impact fee ordinance, the Town shall prepare a needs assessment for the public facilities that the Town anticipates imposing impact fees. This assessment will include the following:

1. An inventory of existing public facilities, which identifies existing deficiencies in the quantity or quality of those public facilities.
2. An identification of the level of service for public facilities within the Town, including an examination of service levels in light of growth projections for the Town.

3. A detailed estimate of the capital costs of providing the additional public facilities.

Following this assessment, the Town shall enact an impact fee ordinance according to *Wisconsin Statutes*, Chapter 66.55.

### **(3) SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN RESIDENTIAL DISTRICTS.**

A zoning permit shall not be issued for those land uses or activities listed in Schedule 1.06-A as requiring a Conditional Use Permit (CUP) until the Conditional Use Permit has been granted by the Planning and Zoning Committee and approved by the Town Board. In addition, the following are required conditions for the specified uses/activities requiring a Conditional Use Permit. Other, additional conditions may be imposed:

#### **(a) BUSINESS USE.**

Requirements:

1. Within multi-family developments of 80 (eighty) or more units or within multifamily buildings for the elderly of 50 (fifty) or more units, 10 (ten) percent of the first floor area of any one building may be devoted to commercial use designed to serve only the residents of the complex. Examples of such commercial uses might include beauty or barber shop, laundry, snack bar, etc.

#### **(b) CONVERSION OF EXISTING DWELLINGS INTO ADDITIONAL DWELLING UNITS.**

Permitted when:

1. The area of the lot is at least equal to the minimum lot area which would be required for construction of an equivalent number of new dwelling units in the district.
2. The setback and yard requirements of the districts, which would be required for new construction, can be complied with.
3. The minimum frontage of the district can be provided.
4. Parking and open space requirements of the district are complied with.
5. Each of the dwellings thus created contains not less than 750 square feet of habitable floor area.

(c) DISPOSAL, ONE-TIME.

One (1) Permitted with a Conditional Use Permit and DNR approval.

(d) DWELLING, EFFICIENCY.

One efficiency dwelling is permitted when such dwelling is included within the structure of an owner-occupied single family dwelling and does not occupy more than thirty (30) percent of the total usable floor area not to exceed three hundred, seventy-five (375) square feet of such one family dwelling.

(e) DWELLING, MULTIPLE FAMILY ABUTTING R-1 OR R-2 DISTRICT.

Permitted when:

1. A lot in the (R-3) Multiple Family District abuts or is across a street from a lot in an R-1 or R-2 Single Family District, the building setback requirements of the R-1 or R-2 District shall be applicable in the (R-3) District and a landscaped buffer strip at least 10 feet wide (see Definitions) shall be established adjacent to the R-1 or R-2 lot line and approved as part of site plan approval.
2. Trash receptacles are located not less than five (5) feet from any property line and are appropriately screened.
3. Approved facilities are provided for the outdoor or indoor storage of seasonal vehicles, recreation equipment, and similar items.

(f) EXCAVATION, GRADING OR FILLING.

Permitted only when such activity is carried out in conjunction with the construction of a building, subdivision, planned development, recreation area or parking area. No topsoil shall be stripped from any lot for commercial purpose except by Conditional Use Permit.

(g) FENCES.

Fences will be permitted on the property line. On the side and rear yard, the height shall not exceed six (6) feet. In the street yard, the fence shall be an open type, shall not exceed four (4) feet in height, and shall be no closer than two (2) feet to a road right-of-way. Also See: FENCE ORDINANCE

(h) GARAGES.

Permitted when they are in compliance with Section 1.15 of this Ordinance.

(i) HOME OCCUPATIONS.

Permitted when:

1. The home occupation is conducted only within the enclosed area of the dwelling unit or an attached garage. If such occupation is conducted in an attached garage, it cannot displace the enclosed storage of property maintenance and recreational equipment.
2. There are no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted below.
3. Only one (1) sign is used to indicate the type of occupation or business and may not be illuminated. The sign may not exceed two thousand (2,000) square inches in size. Refer to Section 1.18.
4. No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation is visible outside any structure located on the premises.
5. No use creates smoke, odor, glare, noise, dust, vibration, fire hazard, environmental hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
6. The use does not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
7. The occupation or activity is conducted by the person residing in the dwelling or persons related to this individual and also living in the dwelling and not more than one additional person.
8. The space required by the occupation or activity is no greater than 25 percent of the gross floor area of the dwelling on the lot or 300 square feet of an attached garage.
9. Sale or transfer of the property shall cause the conditional use permit to be null and void.

(j) LODGING OR ROOMING HOUSE.

Permitted when:

1. Cooking facilities are not in the lodging room (see Definitions).
2. Bathroom facilities must conform to all State housing and health codes.
3. One (1) on-site, off-street parking space shall be required per lodging room. If on-site parking spaces cannot be provided, required parking may be provided within 200 feet of the property where the lodging rooms are located.
4. All *Wisconsin Administrative Code* requirements shall be met and are hereby adopted by reference.



5. Lodging rooms shall be permitted at a density not to exceed one unit for each 2,000 square feet of lot area.

(k) NONCOMMERCIAL AGRICULTURAL USES.

The following uses provided that they shall be of a noncommercial nature: are subject to a Conditional Use Permit.

1. Raising and keeping of stable animals and all other domestic livestock.
2. Nurseries and orchards.
3. Raising and keeping of dogs - not to include breeding or boarding. See the Town of Wolf River Dog Ordinance.
4. Raising and keeping of domestic fowl including gallinaceous birds.
5. Smaller "hobby"-type animals such as, rabbits, hares, etc. - not to include those animals of such size or character as to normally be considered to be big game (e.g. lions, tigers, bears) and not to include fur bearing animals (e.g. mink, chinchilla) except rabbits.

The above uses are permitted when:

1. There is a minimum lot area of three (3) acres for the raising and keeping of stable animals and domestic livestock.
2. If the applicant intends to raise and keep stable animals or domestic livestock or develop orchards or nurseries, the applicant must reserve sufficient area for the relocation of the residential structure's drain field. Such reserved area must be verified as suitable by a Certified Soil Tester, or by detailed soil maps. Furthermore, the reserved area must be safe-guarded from heavy traffic and shall be located so as to comply with the setback standards as defined in *Wisconsin Administrative Code*, Chapter COMM 85.01 and the Winnebago County Sanitary Ordinance - both for existing and future structures.
3. The number of animals or fowl to be kept shall be established in the conditional use approval.
4. The permanent confinement of animals, the placement of pens, and the location of structures for same shall be a minimum of seventy-five (75) feet from any adjoining residence.

(l) NURSERY, GREENHOUSE, TRUCK GARDEN.

Permitted when:

1. No offensive odors and dust are created.
2. Retail sales are limited to products grown on the premises and sold in the open or from a structure that is removed at the end of the growing season.

(m) OUTDOOR LIGHTING.

Outdoor lighting installations shall be permitted in yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(n) PLACES OF RELIGIOUS WORSHIP.

Permitted when:

1. No structure is located less than thirty (30) feet from any residential lot line.
2. A heavily landscaped buffer strip at least twelve (12) feet wide is provided along all adjacent residential lot lines.

(o) SIGNS.

Permitted when they are in compliance with Section 1.18 of this Ordinance.

(p) TEMPORARY BUILDING OR FENCE.

Permitted when such building or fence is related to a construction project and located on the same lot where such construction is being undertaken or on a contiguous lot.

(q) UTILITIES AND ASSOCIATED STRUCTURES.

Permitted when all principal structures and uses are not less than one hundred (100) feet from any residential district lot line.

**(4) Schedule 1.06-A Land Uses or Activities – Residential Districts**

P = Permitted CUP = Permitted with Conditional Use Permit X = Site Plan Approval Necessary Blank = Not Permitted			
<b>Land Use or Activity</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
1. Alternate energy installations.	CUP, X	CUP, X	CUP, X
2. Art gallery and museum.	CUP, X	CUP, X	CUP, X
3. Bed and Breakfast establishment.	CUP	CUP	CUP
4. Business use.			CUP, X
5. Convent, monastery, seminary.	CUP, X	CUP, X	CUP, X
6. Conversion of existing dwelling into less than four (4) dwelling units.			CUP, X
7. Conversion of existing dwelling into (4) four or more dwelling units.			CUP, X
8. Day care facility.	CUP, X	CUP, X	CUP, X
9. Day care home.	CUP, X	CUP, X	CUP, X
10. Disposal, one-time.	CUP	CUP	CUP
11. Duly authorized philanthropic and/or charitable institution.			CUP, X
12. Dwelling, one family(excluding mobile homes).	P	P	P
13. Dwelling, two family.			P
14. Dwelling, multiple family.			P
15. Dwelling, efficiency.	CUP	CUP	
16. Dwelling, townhouse.			CUP, X
17. Dwelling for community living arrangement.	CUP	CUP	CUP
18. Excavation, grading or filling	CUP,X	CUP,X	CUP, X

**(4) Schedule 1.06-A Land Uses or Activities – Residential Districts**

P = Permitted  
CUP = Permitted with Conditional Use Permit  
X = Site Plan Approval Necessary  
Blank = Not Permitted

Land Use or Activity	R-1	R-2	R-3
19. Family care home.	CUP	CUP	CUP
20. Garage, private detached.	P	P	P
21. Government service.	CUP	CUP	CUP
22. Home occupation.	CUP	CUP	CUP
23. Library, public.	P, X	P, X	P, X
24. Lodging or rooming house.			CUP, X
25. Multi-family housing for the elderly & handicapped.			CUP, X
26. Noncommercial garden.	P	P	P
27. Noncommercial agricultural uses.	CUP	CUP	CUP
28. Nursery, greenhouses, truck garden.	CUP	CUP	CUP
29. Nursing home (intermediate care).	CUP, X	CUP, X	CUP, X
30. Nursery school.	CUP, X	CUP, X	CUP, X
31. Planned unit development.	CUP, X	CUP, X	CUP, X
32. Sign. (See Section 1.18)	CUP	CUP	CUP
33. Temporary building or fence.	CUP, X	CUP, X	CUP, X
34. Utility, local service.	CUP, X	CUP, X	CUP, X
35. Utility, substation.	CUP, X	CUP, X	CUP, X
36. Utility, transmission line.	CUP, X	CUP, X	CUP, X

**(5) Schedule 1.06-B LOT Requirements (1) - Residential Districts**

District	Use or Activity	Minimum Lot Area (Sq ft)(1)	Minimum Lot Width (Ft)	Minimum Yard Setbacks (1)				Maximum Building Height (1)	Maximum % of Lot Covered (1)
				Front	One Side	Total Side	Rear		
R-1 <sup>(2)</sup> un-sewered	One-family dwelling.	1 acre	200	30	10	17	25	35	25
R-2 sewered	One-family dwelling.	½ acre	200	30	10	17	25	35	25
R-3 unsewered	Two-family dwelling	1 acre	200	30	10	17	25	35	35
R-3 sewered	Two-family dwelling.	½ acre	200	30	10	17	25	35	35
	Townhouse	½ acre	200	30	10	17 <sup>(3)</sup>	25	35	40
	Multi-family dwelling.	½ acre	200	30	10	17	25	35	40
	Conversion of existing dwelling	See Section 1.06(3)(b)	--	--	--	--	--	--	--
	Non residential	½ acre	200	30	10	17	25	40	50

Notes: <sup>1</sup> Lot requirements for uses permitted with Conditional Use Permit vary from this schedule.

<sup>2</sup> Land areas less than three (3) acres are considered Residential (R-1), and all characteristics of lot requirements apply.

<sup>3</sup> Side yards required only for end units in the row. All interior units have zero side yard requirements.

## **SECTION 1.07 GARAGE LOT DISTRICT (FLOATING)**

### **(1) INTENT.**

The general intent of this District is to allow the establishment of Garage lots in conjunction with existing residential lots not having sufficient area, width, or depth to allow construction of a garage. This District will allow the establishment of such a garage lot directly across the road from an existing residential lot. Principal uses shall include one (1) detached garage as an accessory use to an existing residential lot.

### **(2) GENERAL PROVISIONS.**

#### **(a) LOT REQUIREMENTS.**

1. Garage lot must align directly across from an existing residential lot and width shall be equal to that of a house lot.

#### **(b) STRUCTURE REQUIREMENTS.**

1. Maximum height shall be 18 feet.
2. Maximum floor area shall be 2,000 square feet, plus 1% for all lot area over 20,000 square feet.
3. Minimum front setback shall be 50 feet from road right-of-way.
4. Minimum rear setback shall be 10 feet.
5. Minimum side setback shall be 10 feet on one side, with total sides at 25 feet.
6. Minimum shore setback shall be 75 feet.

#### **(c) OTHER REQUIREMENTS.**

Prior to the issuance of a zoning permit, the garage lot and existing related residential lot shall be deed restricted so as to treat use and transfer of ownership of the two lots as one (1) parcel.



## **SECTION 1.08 BUSINESS DISTRICT**

### **(1) INTENT.**

#### **(a) GENERAL.**

The general intent of this Section is to set forth land uses or activities which are permitted in business and commercial areas in the Town, to specify the zoning district in which each use or activity will be permitted, with or without special conditions, and to establish lot regulations for lots within the business district.

#### **(b) (B) BUSINESS DISTRICT.**

The intent of the (B) Business District is to set forth those land uses and activities which are permitted to provide a wide range of shopping, convenience goods, personal services, and entertainment businesses located throughout the Town.

### **(2) GENERAL PROVISIONS.**

#### **(a) SCHEDULE OF REGULATIONS.**

Restrictions and controls for land uses or activities permitted in the Business District, or land uses or activities having special conditions attached to them are set forth in Schedule 1.08-A. Regulations for lot size, yards and similar lot requirements are set forth in Schedule 1.08-B.

#### **(b) ENCLOSURE OF OPERATION.**

All business, servicing or processing shall be conducted within completely enclosed buildings except for:

1. Off-street parking or loading. Loading docks may project in any yard but not exceed six (6) feet and not closer than three (3) feet to any lot line.
2. Drive-in type operations.
3. Outdoor display or sales activity which is normally associated with the operation of a permitted use or for which a conditional use permit has been issued.
4. The temporary sale of Christmas trees and Christmas greenery may be conducted in open lots in the Business District for a period not to exceed 60 sixty days.
5. Garbage or trash storage must be stored in suitable containers.

(c) PERFORMANCE STANDARDS.

1. Intent. It is the intent of this Section to use performance standards for the regulation of business and commercial uses to facilitate a more objective and equitable basis for control and to insure that the town is adequately protected from potential nuisance-like effects.
2. Noise. No operation or activity shall transmit any noise exceeding 85 dba from 7:00 a.m. to 10:00 p.m. and 75 dba from 10:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:
  - a. Noises not directly under the control of the property owner.
  - b. Noises from temporary construction or maintenance activities during daylight hours.
  - c. Noises from emergency, safety or warning devices.
3. Vibration. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.
4. External Lighting. No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the boundary of a Business District.
5. Odor. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in *Wisconsin Administrative Code*, Chapter NR 154.18.
6. Particular Emissions. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in *Wisconsin Administrative Code*, Chapter NR 154.11.
7. Visible Emissions. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in *Wisconsin Administrative Code*, Chapter NR 154.11(6).
8. Hazardous Pollutants. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to

human health or property, and all emissions of hazardous substances shall not exceed the limitations established in *Wisconsin Administrative Code*, Chapter NR 154.19.

9. When doubt exists as to conformance with such standards, a professional opinion shall be obtained before a zoning certificate is issued.

(d) **PARKING LIMITATIONS.**

1. Parking of trucks when accessory to the conduct of a permitted use shall be limited to vehicles having not over one and one-half (1½) tons capacity, except for pick-up or delivery services during normal business hours.
2. When a commercial activity requires that a truck in excess of one and one-half (1½) tons capacity be parked in the open within 150 feet of an adjacent residence district line, such parking area shall be screened from view from the residential property by a dense barrier of evergreens which will grow to a height of at least eight (8) feet.

(e) **SCOPE OF OPERATIONS.**

All business establishments shall be wholesale or retail trade or service establishments dealing directly with consumers. Any assembly or production shall be clearly incidental to the basic use.

(f) **SITE PLAN APPROVAL.**

The Zoning Administrator shall not issue a building permit for the development or expansion of any commercial or business establishment until a final site plan conforms to provisions of this Ordinance.

**(3) Special Conditions for Certain Land Uses or Activities in Business Districts.**

A zoning permit shall not be issued for those land uses or activities listed in Schedule 1.08-A as requiring a Conditional Use Permit (CUP) until a Conditional Use Permit has been heard by the Planning and Zoning Committee and granted by the Town Board. In addition, the following are required conditions for the specified uses/activities requiring a Conditional Use Permit. Other, additional conditions may be imposed:

(a) **ADULT ESTABLISHMENTS.**

Permitted when they are more than fifteen hundred (1,500) feet from schools, churches, campgrounds, day care centers, nursery schools, family day care homes, residences, parks, playgrounds and other community facilities.

(b) **DISPOSAL, ONE-TIME.**

Permitted with Conditional Use Permit and subject to DNR approval.

(c) DWELLING UNITS.

Other provisions of the Ordinance to the contrary notwithstanding, a dwelling unit may be permitted in a business district as follows:

1. In the (B) District, one (1) attached dwelling unit or lodging room shall be permitted when located above the ground floor, or, if on the ground floor, not less than (50) fifty feet from the front line if it meets the following requirements:
  - a. The occupant must be the owner or employee of the business.
  - b. The living quarters must be an integral part of the design of the commercial activities, not exceeding sixty (60) percent of the floor area of the structure.
  - c. No ground floor shall be used exclusively for dwelling units, nor shall ground floor dwelling units face a public street.
  - d. All dwelling units shall conform to all housing, building, heating, electrical and plumbing codes which are in effect at that time and apply to new construction.
  - e. Required fire walls between buildings shall not be altered. If any such required fire wall has been previously altered, it shall be brought into compliance.
  - f. The commercial activity shall not involve the use, storage or sale of large quantities of explosive or highly flammable materials.
  - g. No dwelling shall be located above a commercial establishment unless the dwelling occupancy, and exits there from, are separated from the commercial occupancy by construction having a fire resistance of at least one (1) hour, or unless the commercial occupancy is protected by automatic sprinklers.
  - h. All dwelling units shall have all required accesses separate from commercial accesses.
  - i. Off-street parking spaces required in this Ordinance shall be provided. If any or all of the required parking cannot be provided on the same lot, the owner of the dwelling units may lease parking in any for-lease parking lot to satisfy the requirements of this ordinance. It shall be the responsibility of the owner of the dwelling units to provide such leased parking space on a continuing basis and such owner shall provide proof at time of approval that the leased parking area shall always remain available for parking. Failure to maintain the required number of parking spaces shall necessitate the vacating of all living units for which no parking is provided.

2. In a (B) District, a dwelling unit may be located in an office building if it meets the following requirements:
  - a. Any such dwelling unit shall be an efficiency or one (1) bedroom, except that in those cases where the operator of the office business lives in such dwelling unit, more than one (1) bedroom is permitted.
  - b. Any such dwelling unit shall have access which is separate from the office use access.
  - c. The parking requirements of this ordinance for both office use and dwelling use are met.
3. In a permitted hotel, motel, convent, monastery, parsonage or rectory.

(d) GARAGES AND STORAGE BUILDINGS.

Permitted when:

1. The buildings are used for storage of vehicles, supplies, equipment, etc. used in conjunction with the operation of the business.

(e) OUTDOOR LIGHTING INSTALLATIONS.

Permitted in all yard areas when the installation is:

1. No closer than three (3) feet to an abutting property line.
2. Is adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining property owners.

(f) PUBLIC PASSENGER TRANSPORTATION TERMINALS, EXCEPT AIRPORTS, AIRSTRIPS, AND LANDING FIELDS.

Permitted when:

1. All principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

(g) SECURITY FENCES.

Permitted when the fence:

1. Is on the property line.
2. Does not exceed ten (10) feet in height.
3. Is of an open type similar to woven wire or chain link fencing.

(h) SIGNS.

Permitted when they are in compliance with Section 1.18 of this Ordinance.

(i) UTILITIES AND ASSOCIATED STRUCTURES.

Permitted when all principal structures and uses are not less than one hundred (100) feet from any residential district lot line.

(j) VEHICLE SERVICE, WASHING, REPAIR STATIONS, GARAGES, TAXI STANDS, PUBLIC PARKING LOTS, SELF-SERVICE AND FULL-SERVICE GAS STATIONS.

No building or use shall be constructed or established unless it conforms to the following design standards:

1. Gas Pump Yards - Each yard, (30) thirty feet minimum.
2. Canopy Yards - Street, (18) eighteen feet minimum.



**(4) Schedule 1.08-A****Land Uses or Activities  
Business Districts**

P = Permitted  
 CUP = Permitted with Conditional Use Permit  
 X = Site Plan Approval Necessary

<b>Land Use or Activity</b>	<b>B</b>
1. Adult establishments. (see Wolf River Ordinance # 24)	CUP
2. Antique and craft shop.	P
3. Antique and used furniture sales.	CUP
4. Archery range, golf driving range, ice skating /roller rink.	CUP, X
5. Automobile engine repair, service garage, and body shop	CUP
6. Automobile sales, new and used.	CUP
7. Automobile service station	CUP
	CUP
9. Automotive parts and accessories	CUP
10. Bakery.	CUP
11. Bank and financial institution, incl. branch bank and drive-in.	CUP, X
12. Battery and tire sales and service.	CUP
13. Bed and breakfast establishment.	CUP
14. Bicycle sales, rental and repair.	P
15. Blueprinting and photo stating.	P
16. Boat sales and repair.	CUP
17. Bottling and distribution.	CUP
18. Bulk fuel and ice sales.	CUP, X
19. Business machine and equipment sales and service.	P
20. Catering establishment.	P
21. Church, chapel, temple, convent, monastery, rectory.	CUP, X
22. Club or lodge.	CUP, X
23. Cocktail lounge, dance hall, tavern.	CUP, X
24. Day care facility.	P

**(4) Schedule 1.08-A****Land Uses or Activities  
Business Districts**

P = Permitted  
 CUP = Permitted with Conditional Use Permit  
 X = Site Plan Approval Necessary

<b>Land Use or Activity</b>	<b>B</b>
25. Disposal, one-time.	CUP
26. Drive-in restaurant including drive-through facilities, i.e., bank, laundry, bakery, etc.	CUP, X
27. Dry cleaning and laundry facility including linen, towel or diaper service.	P
28. Dwelling units.	CUP
29. Eating and drinking establishments except drive-in restaurants.	CUP
30. Feed store.	CUP
31. Fraternal, philanthropic and charitable institution.	P
32. Fraternity and sorority for university or college	CUP, X
33. Frozen food and locker facility.	CUP
34. Funeral and undertaking parlor.	CUP, X
35. Furrier shop.	CUP
36. Game Farm/Hunting (Public & Private)	CUP, X
37. Golf Course	CUP, X
38. Governmental service.	P
39. Greenhouse.	CUP
40. Hobby shop.	CUP
41. Hospital.	CUP, X
42. Household appliance, radio, and TV sales and service.	P
43. Indoor amusement and recreation facility.	CUP
44. Indoor cinema or theater.	P
45. Interior decorating.	P
46. Landfill.	CUP, X
47. Library & Museums.	P
48. Liquor store.	P
49. Loan office.	P
50. Machine, sheet metal and welding shop.	CUP

**(4) Schedule 1.08-A      Land Uses or Activities  
Business Districts**

P      = Permitted  
CUP   = Permitted with Conditional Use Permit  
X      = Site Plan Approval Necessary

<b>Land Use or Activity</b>	<b>B</b>
51. Meat and fish market.	P
52. Medical, dental and optical clinic.	P
53. Meeting and exhibition hall.	CUP
54. Miniature or par-3 golf course, go-kart track.	CUP, X
55. Motel and hotel.	CUP
56. Newspaper office.	P
57. Newsstand.	P
58. Nursery school.	P
59. Outdoor amusement and recreation facility.	CUP, X
60. Parcel delivery.	P
61. Personal service facility i.e.; barbers & beauty shop, tailor shop, self-service laundromat, shoe and clothing repair.	CUP
62. Pet shop.	CUP
63. Photography studio.	P
64. Physical culture and health facility; spa.	CUP
65. Planned unit development.	P
66. Printing and publishing shop.	CUP
67. Private parking, storage facility not accessory to another use.	CUP
68. Professional or business office including optical and dental laboratory.	P
69. Public utility for transmission of local service.	CUP
70. Radio and TV studio.	P
71. Rental service facility.	CUP
72. Research laboratory.	P

**(4) Schedule 1.08-A Land Uses or Activities  
Business Districts**

P	= Permitted
CUP	= Permitted with Conditional Use permit
X	= Site Plan Approval Necessary

<b>Land Use or Activity</b>	<b>B</b>
73. Sale and display of art objects, art and school supplies, candy, ice cream; gift shop; picture framing shop.	P
74. Sale of convenience goods such as groceries, pharmaceutical, sundries, photographic supplies, variety.	CUP
75. Sales and service of plumbing, electrical or heating fixtures and appliances.	CUP
76. Sales and service of recreation vehicles, motorcycle and similar vehicles.	CUP
77. Sales of building materials.	CUP
78. Secondhand store and rummage sale.	CUP
79. Sign.	CUP
80. Supermarket, department store, variety store; sale of clothes, shoes, furniture, hardware, flowers, jewelry, toys, china and glassware, carpet and floor coverings, luggage and leather goods, dry goods, paint and wallpaper, office supplies, sporting goods.	CUP, X
81. Swimming pool, tennis court, shuffleboard courts and similar facilities.	CUP, X
82. Tent and awning sales and production.	P
83. Ticket and travel agency.	P
84. Upholstering shop.	P
85. Utility transmission line and substation. <sup>1</sup>	CUP, X
86. Vehicle body shop.	CUP
87. Veterinary office and animal hospital or grooming shop.	CUP
88. Wholesale and warehouse facility.	CUP

<sup>1</sup> Transformers not to be in front yard.

**(5) Schedule 1.08-B      Lot Requirements  
Business District**

Land Use or Activity		All permitted uses except when special conditions state otherwise.
Minimum Lot Size		Subject to town board approval <sup>1</sup> .
Minimum Lot Width		Subject to town board approval <sup>1</sup> .
Minimum Yards <sup>2</sup>	Front	30 feet.
	Side	7 feet, one yard; 17 feet total both yards 20 feet from an existing street right-of-way 20 feet when adjacent to a residence district.
	Rear	25 feet
	Shore	75 feet
Maximum Building Height		3 stories or 45 feet, whichever is less.

Notes:

<sup>1</sup> This does not preclude prior consideration by the Planning and Zoning Committee.

<sup>2</sup> Lot requirements for uses permitted by Conditional Use Permit may be modified as Town Board deems appropriate in its review of a proposal.

## **SECTION 1.09 INDUSTRIAL DISTRICTS**

### **(1) Intent.**

#### **(a) GENERAL.**

The general intent of this Section is to set forth land uses or activities which are permitted in industrial areas in the Town, with or without special conditions and to establish regulations for lots within this district.

#### **(b) (I-1) INDUSTRIAL DISTRICT.**

The intent of the (I-1) Industrial District is to set forth those land uses and activities which are permitted to provide for industrial and related development within the framework of industrial and manufacturing growth goals of the Town. It is further intended that regulations in the Industrial District be such as to prevent intrusion of structures and uses that are inimical to and not compatible with the use of land for desired industrial development.

In addition, it is intended that performance standards be established to provide specific controls for governing tolerable levels of emission of noise, smoke, and particulate matter, odors and other potential nuisances and for providing adequate landscaped yards and other open areas in order to maintain the desired environmental qualities within the Industrial District and the entire Town and its environs.

#### **(c) (I-2) INDUSTRIAL DISTRICT**

The intent of the (I-2) Industrial District is to provide a means of properly regulating and reclaiming sites which are located primarily by their geological characteristics rather than as a result of a planning and zoning process. Principal uses shall include mineral, rock, gravel, or sand extraction operations that are presently in existence.

### **(2) GENERAL PROVISIONS.**

#### **(a) SCHEDULE OF REGULATIONS.**

Restrictions and controls for land uses or activities permitted in the Industrial District, or land uses or activities having special conditions attached to them, are set forth in Schedule 1.09-A. Regulations for lot requirements, yards and similar requirements are set forth in Schedule 1.09-B.

#### **(b) EXCLUDED USES OR ACTIVITIES.**

A land use or activity not set forth in Schedule 1.09-A is not permitted in the Industrial District in the Town except that uses and activities which are similar to those which are permitted in a district may be permitted by conditional use permit.



(c) ENCLOSURE OF OPERATION.

All operations shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading when conforming with regulations set forth in this Ordinance. Loading docks may project in any yard, but may not exceed six (6) feet or be closer than three (3) feet to any line.
2. Establishments of the drive-in type offering goods and services to customers waiting in parked automobiles.
3. Servicing, repairing, testing, cleaning and other operations of railroads and other transportation facilities customarily conducted out-of-doors.
4. Storage and testing areas located not less than 500 feet from a Residential District. Such areas, when located within 500 feet of a Residential District, shall be completely enclosed behind a solid fence or wall or chain-link fence faced with dense plantings of trees or shrubs which in the case of a wall or fence shall be not less than six (6) feet or more than eight (8) feet in height.
5. Other uses customarily conducted in the out-of-doors such as open sales lots for retail sales and out-of-doors recreation facilities. Such facilities shall be clearly incidental and secondary to the manufacturing use.

(d) SETBACKS ALONG DISTRICT LINES.

1. In the (I) District, no building or structure, the principal use of which is manufacturing, fabricating, assembly, repairing, cleaning, servicing or testing of materials, products or goods, shall be located less than 30 feet from a Residential District boundary line. All buildings and accessory uses shall be setback 30 feet from street rights-of-way.
2. Off-street parking and permitted outdoor storage may be located in such setback areas except that no parking or storage shall be located less than 30 feet from a lot line adjoining a street.
3. From an interior lot line, which line is also a boundary of a Residential District, all off-street parking or outdoor storage shall be effectively screened from such Residential District by a buffer strip at least 12 feet wide and planted to provide an effective visual screen.
4. When industrial buildings or structures which exist on the effective date of this Ordinance have setbacks from a Residential District of less dimension than is required herein, any expansion of said buildings or structures shall, in lieu of the above requirements, be required to provide setbacks from a Residential District as determined by the Zoning Administrator in its site plan review.

(e) SITE PLAN APPROVAL.

If a site plan is required by 1.09-A, The Zoning Administrator may not issue a building permit for the development or expansion of any permitted use in the Industrial District until a final site plan conforms to the provisions of this Ordinance.

(f) EXISTING SETBACK LINES.

Where existing setback lines are less than required by this code, such setbacks may be continued so long as all parking, loading, and screening requirements can be met for the total development.

1. Intent. It is the intent of this Section to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects.
2. Noise. No operation or activity shall transmit any noise exceeding 85 dba from 7:00 a.m. to 10:00 p.m. and 75 dba from 10:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:
  - a. Noises not directly under the control of the property owner.
  - b. Noises from temporary construction or maintenance activities during daylight hours.
  - c. Noises from emergency, safety or warning devices.
3. Vibration. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

4. External Lighting. No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the boundary of a Industrial District.
5. Odor. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in *Wisconsin Administrative Code*, Chapter NR 154.18.
6. Particular Emissions. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess

of the limitations established in *Wisconsin Administrative Code*, Chapter NR 154.11.

7. Visible Emissions. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in *Wisconsin Administrative Code*, Chapter NR 154.11(6).
8. Hazardous Pollutants. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in *Wisconsin Administrative Code*, Chapter NR 154.19.
9. When doubt exists as to conformance with such standards, a professional opinion shall be obtained before a zoning certificate is issued.

### **(3) SPECIAL CONDITIONS FOR CERTAIN LAND USE OR ACTIVITIES IN INDUSTRIAL DISTRICTS.**

A zoning permit shall not be issued for those land uses or activities listed in Schedule 1.09-A as requiring a Conditional Use Permit (CUP) until a Conditional Use Permit has been heard by the Planning and Zoning Committee and granted by the Town Board. In addition, the following are required conditions for the specified uses/activities requiring a Conditional Use Permit. Other, additional conditions may be imposed:

(a) **ABOVE GROUND STORAGE OF FLAMMABLE LIQUIDS OR MATERIAL.**

Permitted by special use in the Industrial Districts only when such use has been reviewed and approved by the Fire Department having jurisdiction over the area involved.

(b) **DISPOSAL, ONE-TIME.**

Permitted with a Conditional Use Permit subject to receiving a DNR permit.

(c) **LABOR HALL AND OFFICE.**

Off-street parking shall be provided for each four (4) seats or ninety (90) lineal inches of seating space in the main assembly hall.

- (d) MANUFACTURING, FABRICATING, ASSEMBLY, REPAIR, STORAGE, PROCESSING, CLEANING, SERVICING AND TESTING ESTABLISHMENTS.

Permitted in the (I-1) District only when:

1. Such land use or activity is in compliance with applicable performance standards for noise, vibration, smoke and particulate matter, toxic matter, noxious and odorous matters, fire and explosion hazard, glare and heat, radiation hazard and similar standards as administered by the Town.
2. Any use involving the storage, use or manufacture of materials or products which decompose by detonation has been specifically approved by the Town Board or is customarily incidental to the operation of a principal use and in conformance with applicable performance standards set by the Town.

- (e) SIGN.

Permitted when they are in compliance with Section 1.18 of this Ordinance.

- (f) TEMPORARY BUILDING OR FENCE.

Permitted for construction purposes for a period not to exceed such construction and when located on the same lot where such construction is being undertaken or a lot contiguous thereto.

- (g) UTILITIES AND ASSOCIATED STRUCTURES.

Permitted when all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

- (h) WATCHMAN'S DWELLING.

Permitted in the Industrial Districts if such dwelling is located on the premises where the said watchman is employed.

#### **(4) STANDARDS FOR LAND USES IN (I-2) INDUSTRIAL DISTRICT.**

- (a) GENERAL DISTRICT STANDARDS.

The general standards in this District shall be controlled by those of the underlying district unless more restrictive standards are established in the conditional use approval. Also, excavations or fill areas within two hundred (200) feet from any right-of-way or property line shall not be permitted unless the Planning and Zoning Committee determines that the operational plans adequately provide for:

1. Safety of abutting land uses and for safe ingress to, egress from and traffic flow past the site.
2. Aesthetic screening from abutting properties.
3. Dust control from the operation and/or any stockpiling.
4. Staging of the operation to produce a minimal time frame between commencing of operations and restoration within this two hundred (200) foot area.

The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period not to exceed two (2) years. Modifications or additional conditions may be imposed upon application for renewal. Operational requirements shall include the following where applicable:

1. Fencing or other suitable barriers shall be erected as necessary to protect the public.
2. Machinery, roads and equipment used in the extractive operation shall be constructed, maintained and operated in such a manner as to minimize dust.
3. Crushing, washing, refining or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit.
4. Planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Planning and Zoning Committee.
5. Hours of operation may be established.

In addition, the owner or operator shall, prior to the issuance of a permit, submit to the Planning and Zoning Committee a plan for such restoration in the form of the following:

1. A physical restoration plan showing the proposed contours after restoration (no greater than five (5) foot intervals), plantings and other special features of restoration and the method by which such restoration is to be accomplished.
2. A bond, certified check, or other financial guarantee in an amount sufficient to secure the performance of the restoration agreement.
3. Restoration shall proceed as soon as practical after exhaustion of the site.
4. At any stage during the restoration, the plan may be modified by mutual written agreement between the Town Board and the owner or operator.
5. Where there is any backfilling with material other than soil, all material used and method of filling shall have prior DNR approval. In any case, the finished grade

of the restored area except for rock faces, outcroppings, water bodies, or areas of proposed building or paving construction, shall be of sufficient depth of earth to support plant growth.

6. Within one year after the cessation of the operation, all temporary structures (excepting fences), equipment, stockpiles, rubble heaps, or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition.
7. In any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of two (2) horizontal to one (1) vertical. However, in no case shall the slope exceed the normal angle of slippage of the material involved.



**(5) Schedule 1.09-A Land Uses or Activities  
Industrial Districts**

P = Permitted  
CUP = Permitted with Conditional Use Permit  
X = Site Plan Approval Necessary  
Blank = Not Permitted

Land Use or Activity		I-1	I-2
1.	Above ground storage of flammable liquids or materials.	CUP	
2.	Ambulance service.	P	
3.	Asphalt, coal, or tar manufacture.		CUP
4.	Bottling works.	P	
5.	Car wash.	P	
6.	Cement, lime, gypsum manufacture.		CUP
7.	Cemetery monument creation and sales.	CUP	
8.	Contractor's facility, including material and equipment storage.	P	
9.	Disposal, one-time.	CUP	
10.	Express and parcel delivery.	P	
11.	Feed manufacture.	P	
12.	Fuel and ice retail sales.	P	
13.	Governmental service.	CUP	
14.	Greenhouse and nursery.	P	
15.	Heliport.	CUP	
16.	Knitting mills.	CUP	
17.	Labor hall and office.	CUP	
18.	Landfill.		CUP, X
19.	Laundry.	P	
20.	Lumberyard, mill work.	P	
21.	Mail order house.	P	
22.	Manufacturing, fabricating, assembly, repair, storage, processing, cleaning, servicing and testing establishment.	CUP, X	

**(5) Schedule 1.09-A      Land Uses or Activities  
Industrial Districts**

P        = Permitted  
CUP    = Permitted with Special Conditions  
X       = Site Plan Approval Necessary  
Blank   = Not Permitted

Land Use or Activity	I-1	I-2
23. Milk distribution sales.	CUP	
24. Mining, quarrying or extraction of sand, gravel, soil or other aggregate.		CUP, X
25. Motor freight terminal, air and rail freight terminal.	CUP	
26. Offices with accessory research, testing, warehousing, fabricating or assembly.	CUP	
27. Off-street parking.	CUP	
28. Packing and crating.	P	
29. Painting and enameling.	P	
30. Planned unit development.	CUP	
31. Plumbing and heating shops.	P	
32. Public or private park.	CUP, X	
33. Public utility.	CUP	
34. Publishing and printing.	P	
35. Railroad switching and repair facility.	P	
36. Sheet metal working, tinsmithing, blacksmithing.	P	
37. Sign.	CUP	CUP
38. Slaughterhouse, stockyard.	CUP	
39. Smelting.	CUP	
40. Storage or use of materials which decompose by detonation.	CUP, X	CUP, X
41. Temporary building or fence.	CUP	CUP
42. Trade school.	P, X	
43. Utilities.	CUP	
44. Vehicle repair, including painting, body and motor work.	P	
45. Warehouse.	CUP	
46. Watchman's dwelling.	CUP	
47. Wholesale or jobbing establishment.	CUP	

(6) Schedule 1.09 - B Lot Requirements<sup>1</sup>  
Industrial Districts

District	Land Use or Activity	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Floor Area Ratio	Minimum Yards Setbacks <sup>1</sup>			Maximum Building Height
					Front	Side	Rear	
I-1	All permitted uses except when special conditions state otherwise.	Subject to Town Board Approval.	Subject to Town Board Approval.	0.6	30 feet	7 Feet one yard; 17 feet total. 30 feet when adjacent to a street. None required when adjacent to a railroad right-of-way.	25 Feet, except none required when adjacent to a railroad right-of-way.	75 feet
I-2	All permitted uses except when special conditions state otherwise.	Subject to Town Board Approval.	Subject to Town Board Approval.	0.6	30 feet	7 feet on yard; 17 feet total. 30 feet when adjacent to a street. None required when adjacent to a railroad right-of-way.	25 feet except none required when adjacent to a railroad right-of-way.	75 feet

1. Lot requirements for uses permitted by Conditional Use Permit may be modified as Town Board deems appropriate in its review of a proposal.

## **SECTION 1.10 PUBLIC, INSTITUTION AND RECREATION DISTRICT**

### **(1) Intent**

The intent of the Public, Institution and Recreation (P-1) District is to provide an area for public and private institutional and recreational uses. The areas utilized for such a district should be such that they are compatible with, and an asset to the surrounding land use.

### **(2) General Provisions**

#### **(a) SCHEDULE OF REGULATIONS**

Restrictions and controls for land uses or activities permitted in the P-1 District, or land uses or activities having special conditions attached to them, are set forth in Schedule 1.10-A. Regulations for lot size, yards and similar lot requirements are set forth in Schedule 1.10-B. Both schedules are hereby adopted and made part of this Ordinance.

#### **(b) EXCLUDED USES OR ACTIVITIES:**

A land use or activity not set forth in the attached schedule is not permitted in residential districts in the town except that uses and activities which are similar to those which are permitted in a district may be permitted by conditional use permit.

#### **(c) SITE PLAN APPROVAL**

If a site plan is required by Section 1.10-A, the Zoning Administrator shall not issue a building permit for the development or expansion of a land use or activity permitted in a Residential District until a final site plan conforms to the provisions of this Ordinance.

### **(3) Special Conditions for Certain Land Uses or Activities in the P-1 District.**

A zoning permit shall not be issued for land uses or activities listed in Schedule 1.10-A as requiring a Conditional Use Permit (CUP) until a Conditional Use Permit has been heard by the Planning and Zoning Committee and granted by the Town Board. In addition, the following are required conditions for the specified uses/activities requiring a Conditional Use Permit. Other, additional conditions may be imposed:

#### **(a) EXCAVATION, GRADING OR FILLING.**

Permitted only when such activity is carried out in conjunction with the construction of a building, subdivision, planned development, recreation area or parking area. No topsoil shall be stripped from any lot for commercial purpose except by Conditional Use Permit.

#### **(b) FENCES.**

Fences will be permitted on the property line. On the side and rear yard, the height shall not exceed six (6) feet. In the street yard, the fence shall be an open type, shall not exceed four (4) feet in height, and shall be no closer than two (2) feet to a road right-of-way.

(c) OUTDOOR LIGHTING.

Outdoor lighting installations shall be permitted in yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(d) LANDSCAPING

A landscaped buffer strip at least twelve (12) feet wide shall be provided along all adjacent residential lot lines for all uses in the P-1 District.

(e) SIGNS

Permitted when they are in compliance with Section 1.18 of this Ordinance.

(f) TEMPORARY BUILDING OR FENCE.

Permitted when such building or fence is related to a construction project and located on the same lot where such construction is being undertaken or on a contiguous lot.

(g) UTILITIES AND ASSOCIATED STRUCTURES.

Permitted when all principal structures and uses are not less than one hundred (100) feet from any residential district lot line.

**(4) Schedule 1.10-A Land Uses or Activities**

**Public, Institution and Recreation District**

P = Permitted  
CUP = Permitted with Conditional Use Permits  
X = Site Plan Approval Necessary

Land Use or Activity	P-1
1. Cemeteries.	P, X
2. Colleges and universities.	CUP, X
3. Parks, playgrounds, recreational areas (public and not-for-profit).	P, X
4. Places of religious worship.	P, X
5. Schools, elementary and secondary.	P, X
6. Utilities and associated structures, (including, settling ponds).	CUP, X

**(5) Schedule 1.10-B Lot Requirements**

**Public, Institution and Recreation District**

Land Use or Activity		As listed in Schedule 1.10-A
Minimum Lot Size		1 acre
Minimum Lot Width		200 feet
Minimum Yards <sup>1</sup>	Front	75 feet.
	Side	15 feet each 30 feet from existing street right-of-way 30 feet when adjacent to a residence district
	Rear	50 feet
	Shore	75 feet
Maximum Building Height		50 feet.

Notes: 1 Lot requirements for uses permitted by Conditional Use Permit may be modified as Town Board deems appropriate in its review of a proposal.



## **SECTION 1.11 MOBILE HOME DISTRICTS**

### **(1) Intent.**

#### **(a) GENERAL**

It is the intent of this Ordinance that mobile homes be parked or used only within (MH) Mobile Home District or (MHP) Mobile Home Park Districts. Except as provided in Section 1.05(2), it shall be unlawful for any person to park or use any mobile home on any street, alley, highway or road or other public place, or on any parcel of land or other space within the Town on any property not zoned (MH) or (MHP).

#### **(b) (MH) MOBILE HOME DISTRICT**

The intent of the (MH) District is to set forth those regulations governing the location and placement of mobile homes on individually-owned lots that have been developed and recorded according to Chapter 236, Wisconsin Statutes.

#### **(c) (MHP) MOBILE HOME PARK DISTRICT**

The intent of the (MHP) District is to set forth those regulations governing parcels of land under single ownership that have been planned and improved for the rental of space and placement of mobile homes for dwelling purposes.

### **(2) Uses Allowed in (MH) Mobile Home District**

The (MH) Mobile Home District provides for the placement of mobile homes on individually-owned lots that have been developed and recorded according to Chapter 236, Wisconsin Statutes.

- (a) **PERMITTED USES:** All permitted uses allowed by Schedule 1.06-A for the R-2 District.
- (b) **CONDITIONAL USES:** All uses allowed with a Conditional Use Permit by Schedule 1.06-A for the R-2 District.

### **(3) General Provisions of (MH) Mobile Home District**

- (a) **LOT REQUIREMENTS:** As provided in Schedule 1.06-B.
- (b) **ADDITIONAL STRUCTURAL REQUIREMENTS:** All mobile homes located on individual lots for residential use in the MH District shall meet the following requirements:
  - 1. The mobile home shall have no less than eight hundred-forty (840) square feet of

living space and be connected to utilities.

2. The mobile home shall be placed on a properly engineered, permanent foundation that meets applicable dwelling and/or building code requirements. The foundation must be capable of providing adequate support of the home's vertical and horizontal loads and transferring those loads and other imposed forces, without failure, from the home to the undisturbed ground below the frost line;
3. A minimum of a 1½ stall garage at least two hundred-eighty (280) square feet in size shall be constructed for each mobile home.

#### **(4) Uses Allowed in (MHP) Mobile Home Park District.**

The (MHP) Mobile Home Park District provides for parcels of land under single ownership that have been planned and improved for the rental of space and placement of mobile homes for dwelling purposes.

- (a) PERMITTED USES: Mobile home parks.
- (b) CONDITIONAL USES: None.

#### **(5) General Provisions of (MHP) Mobile Home Park District.**

- (a) MASTER PLAN: At the time of application for rezoning to the (MH) District and application for a mobile home park license under this Code or State law, the applicant shall submit a preliminary master plan to the Town containing the following:
  1. The names and addresses of all owners and developers of the proposed mobile home park.
  2. The legal description and size, in acres, of the proposed mobile home park.
  3. The location and approximate sizes of all mobile home sites, storage areas, recreation areas and facilities, and proposed roadways and their width, sidewalks and permanent buildings.
  4. Existing landscaping features and proposed landscaping concepts.
  5. The location and size of all public roadways abutting the mobile home park and all street and sidewalk accesses from such streets and sidewalks to the mobile home park.
  6. A drawing of a typical mobile home site showing the placement of the home, parking area, garage, setbacks, lighting, and a typical landscaping plan.

7. Other pertinent information pertaining to the proposed mobile home park as required by the Planning and Zoning Committee.
- (b) AREA REQUIREMENTS: Each mobile home park shall comply with the following standards:
1. A mobile home park shall have a minimum of ten (10) acres in area.
  2. The minimum setback for a mobile home park building, structure or unit shall be 50 feet from the right of way line of a street or highway which abuts the development.
  3. Except for public utility structures, no structure or pavement of any type shall be placed closer than twenty (20) feet from the exterior property line.
- (c) SITE REQUIREMENTS: Each mobile home site shall have:
1. A minimum of 6,000 square feet of land area for a single mobile home for the exclusive use of the residents of the mobile home located on the site with an average width of 60 feet and a minimum depth of 100 feet.
  2. A minimum of 6,500 square feet of land area for a double mobile home for the exclusive use of the residents of the mobile home located on the site with an average width of 65 feet and a minimum depth of 100 feet.
  3. A minimum frontage for cul-de-sac sites shall be twenty (20) feet measured along the pavement edge.
  4. Mobile home sites with their long axis parallel to the roadway (parallel lots) shall be a minimum 100 feet wide and 60 feet deep for a single unit, and 100 feet wide and 65 feet deep for a double-wide unit.
  5. Each space shall be numbered.
- (d) YARD REQUIREMENTS: All mobile homes shall comply with the following yard requirements:
1. No mobile home shall be parked closer than fifteen (15) feet to the front site line nor ten (10) feet to the rear site line. Cul-de-sac lots shall provide a minimum 15-foot setback from the roadway edge.
  2. There shall be an open space of at least twenty (20) feet between adjacent mobile homes and twenty (20) feet between adjacent mobile homes on the rear of the site lines.

(e) **PARKING:** The following are minimum parking requirements for mobile home parks:

1. Each mobile home site shall have hard-surfaced off-street parking space for two (2) automobiles. The parking spaces shall total a minimum of 360 square feet in area.
2. Access drives off roads to all parking spaces and mobile home spaces shall be hard-surfaced in bituminous concrete or portland cement concrete designed to accommodate normal traffic.

(f) **UTILITIES:** The following minimum requirements for utilities shall be maintained:

1. There shall be no permanent obstructions impeding the inspection of plumbing, electrical facilities, utilities or other related equipment.
2. Garbage, waste, and trash disposal plans must conform to all State and local health and pollution control regulations.
3. The owner of a mobile home park shall pay all required sewer and utility fees or assessments to the Town Clerk or appropriate utility.
4. Each mobile home site shall be provided with a sewer receptacle at least four (4) inches in diameter which shall be connected to receive the waste from the shower, bath, tub, flush toilet, lavatory and kitchen sink of the mobile home harbored on such site having any or all of such facilities. The sewer in each site shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances. Each unit shall be subject to a sewer service charge according to the license agreement with the Town Board.
5. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home sites within the park, to meet the requirements of the park.

(g) **INTERNAL STREETS:** All internal streets shall meet the following minimum requirements:

1. Streets shall be hard surfaced with bituminous concrete or portland cement concrete to conform to the structural requirements of Town streets as approved by the Town Board.
2. All streets shall be developed with a street surface of not less than 24 feet in width. On-street parking on one side may be allowed (except at park entrance) if the street width is at least 28 feet wide. Streets shall be at least 32 feet wide if on-street parking is permitted on both sides.

3. Streets shall be designed to provide suitable drainage without on-street ponding of stormwater. The Town Board may require curb, gutter, and/or storm sewers based on the natural characteristics of the site and the public health, safety and welfare.
- (h) SIDEWALKS: A 36-inch wide portland cement concrete sidewalk shall be built and maintained by the owner or operator providing access from roadways to all recreational areas, common use buildings, and common storage areas.
- (i) LIGHTING: Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities for occupant's use. The mobile home park, streets, and pedestrian areas shall be lighted from sunset to sunrise. Entrance roads intersecting with adjacent public streets shall be lighted with either public street lights or private entrance lights or a combination of both as required by the Planning and Zoning Committee.
- (j) RECREATIONAL AREAS: All mobile home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and shall, where the topography permits, be centrally located. The size of such recreational areas shall be based on a ratio of providing a minimum of one and one-half ( $1\frac{1}{2}$ ) acres of recreational area for each one-hundred (100) mobile home sites. At least one-half ( $\frac{1}{2}$ ) of the recreational area shall be concentrated in one site, and the remaining balance may be distributed throughout the park in several smaller sites. All recreational equipment installed in such area shall be owned and maintained by the owner or operator of the mobile home park at his expense.
- (k) LANDSCAPING: The following minimum landscaping requirements shall be maintained in all mobile home parks:
  1. Each space shall be properly landscaped with at least two (2) trees. All yards shall be sodded or planted in grass. Trees, grass and landscape materials shall be properly maintained and replaced as needed to conform to the initially approved landscaping.
  2. All mobile home parks constructed under this ordinance shall have a greenbelt or buffer strip at least twenty (20) feet wide along all boundaries. This area shall be landscaped with permanent plantings and/or berms to establish a screening effect. Where the adjoining property is also a mobile home park, such screening or buffer strip shall not be required on that side of the property.
  3. All areas shall be landscaped and the landscaping shall be shown on a typical mobile home individual site plan and also shall be shown in concept on the overall master plan.
- (l) MOBILE HOME STANDS REQUIRED: All mobile homes shall be placed and leveled on stands consisting of either 8-inch by 16-inch by 4-inch block, or 16-inch

by 16-inch by 4-inch square solid base, minimum, with a double tier of alternately crossed 8-inch block ascending; no I-beam or any portion of the mobile home frame shall rest directly on the concrete block. Wood shimmying shall be used. No second or medium grade of concrete block may be used, and all block must be installed with the hollow core in a vertical position.

- (m) **TIE DOWNS AND ANCHORS REQUIRED:** All mobile homes shall be equipped with straps and anchoring equipment capable of resisting an allowable working load of not less than 3,150 pounds and capable of withstanding a 50 percent overload (4,750 pounds) without failure.
- (n) **SKIRTING:** All mobile home units shall have skirts around the entire mobile home made of plastic, fiberglass or other comparable materials and shall be of a permanent color, or painted to match the appropriate mobile home so as to enhance the general appearance thereof.
- (o) **ACCESSORY STORAGE BUILDINGS OR GARAGES:** Any accessory storage building or garage in a mobile home park shall comply with other applicable Town codes. Accessory storage buildings shall be anchored.
- (p) **SERVICE BUILDINGS:**
  - 1. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
  - 2. The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof materials which may be painted woodwork as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1st to May 1st. The floors of the service buildings shall be of water impervious materials. Washing and drying machines may be installed according to needs of the park.
  - 3. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- (q) **FIRE PROTECTION:** Service buildings shall be equipped with fire extinguishers and the park with water hydrants of such type, size and number and so located within the park to comply with the regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. All municipal codes regulating open fires shall be enforced.
- (r) **REGISTER OF OWNERS:** The manager of a mobile home park shall keep a registration list of mobile home owners available to the Town or its agents for inspection at reasonable times.



**(7) Management.**

- (a) In every mobile home park, there shall be located the office of the person in charge of said mobile home park. In instances where the mobile home park is owned by the same persons owning other mobile home parks within the Town, only one (1) office shall be required.
- (b) The licensee or permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park and its facilities and equipment in a clean, orderly and sanitary condition.
- (c) It is the duty of the mobile home park owner or operator, together with any attendants or person in charge of a mobile home park, to:
  - 1. Keep a register of all principal occupants of mobile homes to be open at all times to inspection by federal, state and local officials.
  - 2. Maintain the mobile home park in a clean, orderly and sanitary condition at all times.
  - 3. At the time of entry into the mobile home park, obtain a signed application form, stating year in which mobile home was new, together with size and make, last prior address and current employer, plus number of and ages of children in family.
  - 4. Inform new residents of the location of the nearest available public tornado shelter(s).
  - 5. All mobile home parks established after the effective date of this revised zoning ordinance of the Town of Wolf River Zoning Ordinance should provide a tornado shelter for the mobile home residents.

**(8) Licenses.**

- (a) LICENSE REQUIRED.

It shall be unlawful for any person to construct, alter, or extend any mobile home park within the Town of Wolf River unless he holds a valid license. All applications for licenses shall contain the following:

- 1. Name and address of applicant.
- 2. Location and legal description of the mobile home park.
- 3. A complete plan of the park in the conformity with the requirements of this ordinance.

- (s) Once a mobile home is moved from a lot in an existing mobile home park, the new mobile home which is moved onto this lot must conform with all regulations in Section 1.11 of the Zoning Ordinance.

**(6) Detailed Site Plans and Information Required.**

After (MH) District zoning has been granted, detailed plans and information covering that portion of the total project which is intended for construction shall be submitted for approval by the Planning and Zoning Committee prior to the start of construction of the subject mobile home park. The detailed plans and information shall conform substantially to the preliminary plans and to all other conditions required at the time of zoning approval. All required detailed plans and information shall be submitted to the Planning and Zoning Committee at least ten (10) business days prior to the requested date of approval. The detailed plans and information shall include:

- (a) A master plan showing the entire mobile home park area including plan elements as approved by the Planning and Zoning Committee.
- (b) Plans and specifications for:
  - 1. Sanitary sewer service.
  - 2. Water service.
  - 3. Stormwater drainage facilities.
  - 4. Roadway construction.
  - 5. Permanent buildings and support structures.
- (c) Operational plans including:
  - 1. Method of garbage and refuse disposal.
  - 2. Grounds maintenance procedures.
  - 3. Staging and timing of construction.
- (d) The square footage of each mobile home site shall be depicted on the site plan. Verification of the mobile home site square footage shall be the responsibility of the mobile home park owner.
- (e) Other plans and information as required by the Planning and Zoning Committee.

4. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
5. Application for initial mobile home park license shall be filed with the Town Clerk and, subject to approval by the Town Board, be issued by the permit issuing authority. The application shall be in writing, signed by the applicant.
6. An annual renewal of the license shall be obtained as described below.

(b) APPLICATION FOR RENEWAL OR TRANSFER OF LICENSE.

1. Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, and upon review, the issuing authority shall issue a certificate renewing such license for another year.
2. Upon application in writing for transfer of a license and payment of the transfer fee, the issuing authority shall issue a transfer.

(c) REVOCATION OF LICENSES OR PERMITS.

The issuing authority may, following an administrative hearing, revoke any license to maintain and operate a mobile home park when the licensee has been found guilty by a court of competent jurisdiction of violating any provisions of this ordinance. After such revocation, the license may be re-issued if the circumstances leading to revocation have been remedied and the mobile home park is being maintained and operated in full compliance with this ordinance.

(d) POSTING OF LICENSE OR PERMIT.

The license certificate or special permit shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

## **SECTION 1.12 SOLAR ACCESS RECORDATION**

### **(1) Policy.**

The Town finds that the State of Wisconsin restricts the Town of Wolf River's ability to regulate solar and wind energy systems, therefore the Town of Wolf River will comply with the State of Wisconsin laws. The Town of Wolf River requires compliance of applicable setbacks and required permits.

## **SECTION 1.13 HEAT PUMPS**

No heat pumps that discharge water shall be installed in any facility in the Town of Wolf River unless and until the proposed installation is reviewed by the Planning and Zoning Committee to determine that adequate and satisfactory means is being provided for the discharge and return of water used by the installation. It shall be necessary to show that the discharge does not (a) have a substantial effect on lowering the water table in the area, and/or (b) will not have a substantial effect on neighboring properties with respect to surface water runoff. If the Planning and Zoning Committee is satisfied that such conditions are met, and such other conditions as may hereafter be established are satisfied, the heat pump installation may proceed, and the Zoning Administrator shall note the location of such installation.

## **SECTION 1.14 WIND ENERGY**

The Town finds that the State of Wisconsin restricts the Town of Wolf River's ability to regulate solar and wind energy systems, therefore the Town of Wolf River will comply with the State of Wisconsin laws. The Town of Wolf River requires compliance of applicable setbacks and required permits.

## **SECTION 1.15 CAMPGROUNDS AND CAMPING RESORTS**

The Town of Wolf River hereby adopts in its entirety Chapter HSS 178 of the Wisconsin Administrative Code dealing with "Campgrounds and Camping Resorts."

**CHAPTER D**  
**SUPPLEMENTARY REGULATIONS**

**CHAPTER D**  
**SUPPLEMENTARY REGULATIONS**

**SECTION 1.16 ACCESSORY USES AND STRUCTURES. (also see Section 1.03 (5) (c))**

**(1) General.**

- (a) Garages and accessory building shall be compatible with, and incidental to, the principal building or use and shall not be established prior to establishment of the principal building or under construction.
- (b) In all districts on a lot where the principal use is residential, garages and accessory structures shall conform to the following:
  - 1. No detached private garage shall exceed a height of eighteen (18) feet;
  - 2. The floor area for garages and accessory structures in R-1, R-2, MH-1 districts on lots with an R-1 use and with a lot size up to twenty thousand (20,000) square feet shall not exceed two thousand (2,000) square feet in area, neither singularly or combined. Where the lot exceeds twenty thousand (20,000) square feet in area, the floor area of garages and accessory buildings may be increased by one percent (1%) of the amount by which the lot area exceeds twenty thousand (20,000) square feet.
  - 3. The floor area for a garage and accessory structure on an R-3 lot with a duplex use shall not exceed two thousand (2,000) square feet per duplex unit for a single garage or accessory structure, nor shall any combined total exceed four thousand (4,000) square feet.
  - 4. Two (2) or more garages or accessory structures on any one lot having a residential use shall have a minimum of ten (10) feet between them.

**(2) Outside Storage – General. (Also see Section 1.03 (12))**

No manure, rubbish, inoperable vehicles, salvage material or miscellaneous refuse may be stored within any residential district when the same may be construed as a menace to the public health or safety or may be held to have a depressing influence upon property values in the area. Junk shall be placed in properly zoned junkyards only.



## **SECTION 1.17 TRAFFIC VISIBILITY, PARKING, AND LOADING**

### **(1) Traffic Visibility.**

No obstructions, such as structure, parking, or vegetation, shall be permitted in any district between a height of two and one-half (2-1/2) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by the intersection of the centerlines of any two existing or proposed intersecting town roads, streets, railways or alleys, or any combination thereof, and a line joining points on such lines located a minimum of sixty-five (65) feet from the intersection of centerlines. In the case of federal, state or county highways, or combination thereof, intersecting with any roadways or railways, the corner cutoff distances establishing the triangular vision clearance space shall be one hundred and five (105) feet on both the federal, state, or county highway, and the intersecting roadway or alleyway (See Figures 1 and 2 on the following pages).

### **(2) Loading Requirements.**

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

### **(3) Parking Requirements.**

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, extended or enlarged, off-street parking stalls for all vehicles in accordance with the following:

- (a) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one and two family dwellings and a minimum of twenty-four (24) feet for all other uses.
- (b) Each parking space shall be not less than nine (9) feet in width and not less than one hundred eighty (180) square feet in area exclusive of the space required for ingress and egress.
- (c) Location to be on the same lot as the principal use and not over four hundred (400) feet from the principal use. No parking stall or driveway except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.
- (d) All off-street parking areas shall be graded and properly drained.

#### **(4) Number of Parking Spaces Required.**

Except in single and two family residential districts, curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

<b>Land Use or Activity</b>	<b>Parking Spaces Required</b>
Two family dwellings.	2 stalls for each dwelling unit
Hotels and motels.	1 stall for each guest room
Manufacturing and processing plants, laboratories and warehouses.	1 stall for each 3 employees Plus: 1 stall for each 2 employees during any 12-hour period
Financial institutions and business, governmental, and professional offices.	1 stall for each three hundred (300) square feet of floor area

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.

#### **(5) Driveways.**

No direct access shall be permitted to the existing or proposed rights-of-way of: expressways, freeways or interstate highways; any other road, street or highway without permission of the authority maintaining the facility; vehicle entrances and exits to banks, restaurants, motels or vehicular sales, service, washing and repair stations. Public garages or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.

**(6) See the Town of Wolf River Culvert Ordinance**

**SECTION 1.18 SIGNS AND BILLBOARDS (also refer to Section 1.05(2) (e), Schedule 1.05 A # 32 and Schedule 1.06A # 32).**

**(1) Intent.**

The purpose of this section is:

- (a) To establish the relationship between standards used in the design, erection and display of signs, and public safety and the value and economic stability of property;
- (b) To enhance and protect natural beauty, aesthetic quality and neighborhood values;
- (c) To acknowledge that the reasonable display of signs is appropriate as a public service and necessary to the conduct of competitive commerce and industry; and
- (d) To set forth minimum standards regulating the design, erection and display of signs based on the use of land and intensity of development permitted in the zoning districts established by the Ordinance.

**(2) General Provisions.**

The provisions contained in this Section shall apply to all signs and all zoning districts, regardless of designation, in the Town, unless otherwise provided herein.

- (a) **PERMIT REQUIRED.** Except as specified elsewhere in this Section, no sign shall be erected, relocated or structurally modified until a sign permit has been issued by the Zoning Administrator after application therefore has been properly made. Written notice of any denial action shall be given by the Zoning Administrator along with a brief written statement of the reasons for denial.
- (b) **CONFORMITY.** No certificate shall be issued by the Zoning Administrator for a sign on any lot unless such sign is designed, erected and displayed in conformance with the provisions set forth in this Section and all other applicable provisions of this Ordinance.
- (c) **EXCEPTIONS.** The provisions of this Section shall not apply to signs erected and maintained pursuant to and in discharge of any function of government, or required by law, including public or quasi-public signs which are intended to welcome visitors to the Town or advertise the Town, provided that such signs are designed, erected and maintained in a

manner so as to be compatible with the surrounding development.

- (d) **NUMBER OF SIGNS.** The total number of signs permitted on any lot shall be as set forth in Schedule 1.18-B.
- (e) **MAXIMUM SIZE OF SIGN.**
  - 1. Up to a twenty percent (20%) increase in maximum permitted sign size as set forth in Schedule 1.18-B may be permitted by the Board of Appeals upon approval of a variance application as provided in Section 1.23. Such approval may be contingent upon provisions for landscaping, simplification of design, and other considerations set forth by the Board of Appeals.
  - 2. Up to a thirty percent (30%) increase in the height of freestanding signs may be permitted by the Board of Appeals upon approval of a variance application as provided in Section 1.23 when it is determined that there is a significant grade differential between the adjacent street and site, it shall be the intent of this Ordinance, and that the Board of Appeals shall consider and make the determination that such height variances do not result in signs which appear out of proportion with adjacent signs or the area in general.
  - 3. Up to a forty percent (40%) increase in height may be permitted by the Board of Appeals upon approval of a variance application as provided in Section 1.23 where it can be conclusively documented that there is an unusual problem with grade differentials between the site and adjacent streets, not to include limited access highways.
  - 4. When more than one (1) sign of any type (ground, wall, projecting) is permitted on a single lot, as set forth in the attached schedule, the total aggregate area of all permitted signs shall not exceed the maximum permitted gross surface area as specified in the attached schedule.
- (f) **PROJECTING WALL SIGNS.** Signs affixed to a building wall shall not extend beyond the property line. Such signs shall not project from the surface to which the sign or sign structure is attached a horizontal distance greater than specified in Schedule 1.18-B, nor shall such signs extend above the building wall more than 1/5 the total height of said wall. No part of any projecting sign shall be less than ten (10) feet above the ground except as may be set forth in Schedule 1.18-B. Wall signs may project 12 inches from the wall of buildings including instances when a building is set on a zero lot line.
- (g) **PAINTED SIGNS.** Signs shall not be painted or affixed on the wall or roof of any building which does not apply to the business of the particular building.

- (h) **ILLUMINATED SIGNS.** In no event shall an illuminated sign or lighting device be so placed or so directed as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, waterway, or air corridor, or premises adjacent to any of these as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- (i) **VISION CLEARANCE.** Signs shall not be placed so as to violate the vision clearance standards of Section 1.17(1).
- (j) **ROOF SIGNS.** Roof signs shall not be permitted in any zoning district.
- (k) **REMOVAL.** In any district, all on-premises signs must be removed by the owner or lessee of the premises on which said signs and their pylons or other structural members are located when the business or activity identified or advertised by such signs has not been conducted for a period of six (6) months or more. Removal shall be accomplished within 60 days from the date of mailing of a removal notice by the Building Inspector. If not removed by the owner or lessee within the 60 day period such signs may be removed by the Town at the owner's expense.
- (l) **OPEN LOTS.** Where the land use involves an open lot rather than a building and the maximum gross surface area of permitted signs is specified as a percentage of the main building facade, the maximum gross surface area permitted shall be one-half (1/2) of that specified in Schedule 1.18-B multiplied by the width of the lot in feet but in no case shall the area of such sign exceed the maximum size set forth in Schedule 1.18-B.
- (m) **HEIGHT.** No sign shall exceed the maximum specified height above the grade of the adjacent street.
- (n) **SIGN AREA.** Sign area shall be calculated as follows:
  - 1. For ground and wall signs: that area of the smallest rectangle or circle that can be placed over the entire sign, including all sections or modules and all lettering, pictorial matter or devices, frame and decorative moldings along its edges, and all background if of different color than the predominate color surrounding the sign but excluding any strictly structural supports outside such rectangle or circle.
  - 2. For individual letters, pictorial matter or devices not attached to a frame or free-standing: that area defined by the smallest rectangle or rectangles that can be placed over each individual word, pictorial matter or devices which can be considered as a unit.

3. For double-faced signs where message is the same on both sides: the area of only one entire side of the sign, calculated as above.
4. For multiple-sided signs: the maximum area visible from any one point of view, calculated as above.
5. For signs on other than flat surfaces: the maximum actual surface area visible from any one point of view, as calculated above.

### **(3) Signs Permitted In All Zoning Districts Without A Sign Permit.**

In any zoning district the following signs are permitted without obtaining a sign permit provided that they do not encroach on any public right-of-way and that all conditions set forth in this Section regarding such signs are complied with in all respects.

- (a) REAL ESTATE. One real estate sales or lease sign for each frontage street provided such sign is located entirely on the property to which it relates. The area of such sign shall not exceed six (6) square feet in any residential zone and 32 square feet in all other zones.
- (b) CONSTRUCTION. Three (3) signs identifying a construction project and listing other pertinent information about such project are permitted, provided that there is not more than one (1) sign per premises and that such signs do not exceed 96 square feet in area. Construction signs shall be removed immediately upon completion of the project or after a period of 18 months from the date of issuance of a zoning permit for the project, whichever may come first.
- (c) SMALL IDENTIFICATION SIGNS. Nameplates denoting the name and address of occupants of the premises when such signs do not exceed 168 square inches.
- (d) DIRECTIONAL AND INSTRUCTIONAL. Signs which provide direction and instruction (entrance, exit, parking, etc.) and are located entirely on the property to which they relate. Such signs shall not exceed four (4) in number, and none shall exceed three (3) square feet in area or over four (4) feet in height. No more than 30 percent of the area of any such sign shall be used to advertise a business, logo or product.
- (e) TEMPORARY SIGNS. Signs of a temporary nature such as special events posters, political posters, banners and similar signs may be erected, without a permit, for a period not exceeding 40 days, provided the consent of the property owner or occupant is obtained and that such signs do not overhang a public right-of-way and are not attached to fences, trees, utility poles, or the like and that such signs are not



illuminated or placed in such a position as may obstruct or impair vision or traffic or in any manner create a nuisance, hazard, or disturbance to the health and welfare of the general public. All such signs must identify the name and address of the sponsoring person or organization which shall be responsible for their removal.

- (f) **MEMORIAL SIGNS AND PLAQUES.** Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material which is not more than four (4) square feet in area.
- (g) **INSTITUTIONS.** Signs customarily related to bonafide places of worship, libraries, museums, historic agencies, social clubs or societies, when such signs are not illuminated, do not exceed 25 square feet in area and are located on the premises of such institution.
- (h) **AWNINGS.** Awnings with signs consisting of one line of copy of the border and a logo or symbol on the awning proper.

#### **(4) Prohibited Signs.**

Prohibited in the Town are signs which:

- (a) Bear or contain statements, words or pictures of an obscene or pornographic nature as defined in Town of Wolf River Ordinance No. 9 - Cabaret License.
- (b) Operate or employ any stereopticon or photographic projection or media in conjunction with any advertisements.
- (c) Emit audible sound, odor or visible matter.
- (d) Purport to be or are an imitation of, or resemble an official traffic sign or signal or bears the words "Stop", "Go Slow", "Caution", "Danger", or similar words.
- (e) May be confused with or construed as a traffic control sign, signal or device.

#### **(5) Design Standards For Signs Requiring A Sign Permit.**

- (a) In this Ordinance signs are categorized according to function as follows:
  - 1. Identification signs (on premises and related to specific land use).
  - 2. Advertising signs (off premises).
  - 3. Special signs and devices.

- (b) Schedules 1.18-A and 1.18-B set forth design standards which must be complied with before a zoning permit will be issued for any sign in any zoning district and the zoning districts in which signs are permitted, by category.

**(6) Special Signs and Devices.**

The regulations set forth in this Section shall apply to special signs and sign-like devices as these might be appropriate in the Town. Unless such special signs and devices shall be included in Section 1.18(3) of this Ordinance, a sign permit shall be required.

- (a) **NEW DEVELOPMENT.** Signs advertising a new subdivision or residential or nonresidential development shall not exceed two (2) in number, the total aggregate area of which shall not exceed 64 square feet. Such signs may be illuminated and, if self supported, shall be set back at least ten (10) feet from any property line. New development signs shall be removed within one (1) year following the first occupancy in the development or within three (3) months after final occupancy of the development, whichever is sooner.
- (b) **SUBDIVISION OR NEIGHBORHOOD NAME.** In addition to the New Development sign permitted above, a subdivision containing more than 20 lots, or an identified neighborhood, may erect one permanent sign which designates the place-name of the development or area. Such sign shall not exceed 20 square feet in area, exclusive of any masonry walls or posts associated therewith, shall not be illuminated, and shall be placed in a landscaped location. Such sign shall be at least five (5) feet from any property line.
- (c) **STREAMERS, PENNANTS AND SIMILAR DEVICES.** No sign or part thereof shall contain or consist of streamers, pennants, ribbons, spinners or similar waving, fluttering or revolving devices unless such sign is temporary as provided in Section 1.18(3) of this Ordinance.
- (d) **PORTABLE OR MOBILE SIGN.** No illuminated portable or mobile sign shall be permitted on any premises unless authorized by the Town Board. Such portable or mobile signs shall not be flashing, shall be authorized only in a nonresidential district and only for a special community event. No portable or mobile sign shall remain on any premises for more than 15 days.
- (e) **MARQUEES.** Where otherwise permitted in this Ordinance, marquees and canopies shall be subject to review by the Planning and Zoning Committee and shall be permitted only after a finding that:

1. The marquee or canopy is structurally safe and will not impair or endanger public safety or traffic movement, and
2. The marquee or canopy either:
  - a. is accessory to a use such as a hotel, theater, restaurant, transportation terminal or large office building which by the nature of its operation is likely to have a high frequency of customers dropped off or picked up by private passenger vehicle, bus or taxi,
  - b. is set back at least 24 inches from the vertical line of any curb face and is a minimum of ten (10) feet in height, and
  - c. has received necessary air rights easements, special insurance or other requirements which may be deemed appropriate.

## **(7) Construction and Maintenance Standards**

### **(a) CONSTRUCTION SPECIFICATIONS.**

1. All ground signs shall be self-supporting and permanently attached to a foundation. For signs over eight (8) feet in height, such foundations shall be installed below the frost line.
2. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members.
3. The owner, designer or installer of a self-supporting or projecting sign must demonstrate that such sign will be constructed to withstand wind loads of at least 30 pounds per square foot of the largest exposed surface.

### **(b) MAINTENANCE.**

1. All signs must be kept clean, in good order and repair and free from all hazards such as faulty wiring and loose fastenings and must be maintained at all times in safe condition so as not to be detrimental to public health or safety.
2. If the Zoning Administrator finds that any sign regulated by this Section is unsafe or insecure or is a hazard to the public, he shall give written notice to the named owner of the sign and the named owner of the land upon which the sign is erected to remove or repair the said sign within 14 days from the date of such notice. If the said sign is not removed or repaired the Zoning

Administrator shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign, and shall assess all costs and expenses incurred in such removal or repair against the land or building on which such sign was located. The Zoning Administrator may cause any sign which is a source of immediate peril to person or property or any temporary sign not removed at the expiration of 30 days to be removed summarily and without notice and the same assessment procedure shall apply.

**(8) Nonconforming Signs.**

**(a) SIGNS ELIGIBLE FOR CHARACTERIZATION AS LEGAL**

**NONCONFORMING.** Any sign located within the Town boundaries of the date of adoption of this Ordinance is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:

1. The sign was covered by a proper sign permit prior to the date of adoption of this sign ordinance.
2. If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this sign ordinance.

**(b) LOSS OF LEGAL NONCONFORMING STATUS.** A sign loses its nonconforming status if one (1) or more of the following occurs:

1. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Section than it was before alteration;
2. The sign is relocated;
3. The sign fails to conform to the Town requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
4. On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Section with a new permit secured therefor or shall be removed.

**(c) LEGAL NONCONFORMING SIGN MAINTENANCE AND REPAIR.** Nothing in this Section shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Section regarding safety, maintenance and repair of signs.

**(9) Revocation.**

In the event of a violation of any of the foregoing provisions, the Zoning Administrator shall give written notice specifying the violation to the named owner of the sign and the named owner of the land on which the sign is located. The sign shall thereupon, be brought into conformance by the owner, or removed, within 90 days from the date of said notice. In the event the violation is not corrected within said 90 day period, the Zoning Administrator may thereupon revoke the permit. Within 30 days after notice of permit revocation has been mailed, the sign shall be removed by the owner or by the Town at the owner's expense.

**(10) Schedule 1.18-A Permitted Signs by District and Category of Sign**

<b>District Sign Category</b>	<b>Identification Signs (On Premises)</b>	<b>Advertising Signs (Off Premises)</b>	<b>New Development</b>	<b>Subdivision</b>	<b>Streamers, Pennants, Etc.</b>	<b>Portable or Mobile Signs</b>	<b>Canopies and Marquee</b>
A - 1	P						
A - 2	P						
A - 3	P						
R - 1	P		P	P			
R - 2	P		P	P			
R - 3	P		P	P			
G *	P						
B	P	P	P		P	P	P
I - 1	P	P	P		P	P	P
I - 2	P	P	P		P	P	P
MH	P		P				
P	P	P			P	P	

G\* - See Section 1.07

Blank boxes mean not permitted



**(11) Schedule 1.18-B**

D i s t r i c t						Ground Sign				
			Maximum Gross Surface Area Permitted (a) (In Square Ft)		Projection Sign	Height (d)		Minimum Setback (c)		Lighting
	Use	Total Number of Signs Permitted on Any Lot	Wall and/or Projecting Sign (b)	Ground Sign (b)	Maximum Projection from Wall (C)	Maximum	Minimum (c)	From Front Line	From Side Line	Permitted Yes/No
A l l  D i s t r i c t s	* 1 & 2 Family Dwelling	1 ground sign OR 1 wall sign per lot.	2 [except as set forth in Subsection 1.06(3)]	2 [except as set forth in Sub-section 1.18(2)]	18"	5'	--	5'	5'	No
	Home Occupation	1 ground sign OR 1 wall sign or 1 projecting sign per lot.	See Section 1.06(3)3	See Section 1.06(3)(i)3	18"	5'	--	5'	5'	No
	Educational and Institutional	1 ground sign OR 1 wall sign or 1 projecting sign facing each street.	.01 per lineal foot of the longest street lot line with a TOTAL maximum of 50.	.01 per lineal foot of the longest street lot line with a TO-TAL maximum of 25. [See Subsection 1.18(2)]	36"	10'	--	5'	5'	Yes
	Private Parking	1 ground sign OR 1 wall sign OR 1 projecting sign facing each street.	.01 lineal foot of the longest street line with a TOTAL maximum of 25.	.01 per lineal foot of the longest street lot line with a TO-TAL maximum of 25.	40"	20'	9'	5'	5'	Yes
	*Other Uses Not Included Below	Determined by Conditional Use Permit authorized by Town Board.	Determined by Conditional Use Permit authorized by the Town Board.	Determined by Conditional Use Permit authorized by the Town Board.	36"	10"	--	5'	5'	No
R-3 MH	Multiple Family Dwelling/ Mobile Home Park	1 ground sign PLUS: 1 wall sign	15	0.5 per dwelling unit with a TOTAL maximum of 25.	--	10'	–	10'	10'	Yes

<b>B</b>	Business and Office	1 wall sign PLUS 1 projecting sign for each establishment.	0.5 per lineal foot of main building facade with a TOTAL maximum of 25 <sup>sq</sup> . per establishment. On the side street side of a corner lot or on a side adjacent to a parking lot, wall signs shall be allowed at 0.5 square feet per lineal foot of building facade, but shall in no case exceed the square footage allowed on the main building facade.	1.0 per lineal foot of main building facade with a maximum of 75. For lots with a frontage of 150' or more, a maximum of 100 square feet.	40"	20'	9'	5'	5'	Yes
<b>I-1 and I-2</b>	*Manufacturing	2 ground signs PLUS: Wall signs OR 1 projecting sign facing each street.	1.0 per lineal foot of main building facade. On the side street side of a corner lot or on a side adjacent to a parking lot, wall signs shall be allowed at 1.0 square feet per lineal foot of building facade, but shall in no case exceed the square footage allowed on the main build- ing facade.	1.0 per lineal foot of the lon- gest street with a TOTAL maximum of 150.	40"	20'	9'	10'	10'	Yes

#### Remarks for Schedule 1.18-B

- (a) Board of Appeals may allow an increase of up to 50 percent of maximum gross surface area for special design consideration.
- (b) When more than 1 sign is permitted on any lot the TOTAL aggregate gross area of all signs shall not exceed the maximums stated in Columns 3 and 4.
- (c) Signs projecting beyond a property line are not permitted.
- (d) Height to be measured from center line of adjacent street.
- (e) Minimum height to bottom of sign.
- (f) Within the vision triangle the bottom of all signs must be a minimum of 10' above ground. Outside the vision triangle there shall be no height minimum except that any ground sign located within ten (10) feet of a driveway shall have a clearance of ten (10) feet above ground.

\*See also Section 1.18(7)

## **SECTION 1.19 NONCONFORMING BUILDINGS, STRUCTURES AND USES**

### **(1) Intent.**

The regulations of this Section are intended to provide controls over nonconforming uses, buildings, and structures and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses may be continued or shall be discontinued when the nonconforming use ceases by discontinuance or abandonment, in accordance with the authority granted by Wisconsin Statutes. Nonconforming uses located within the shore lands shall be regulated by Winnebago County and applicable sections of the Wisconsin Statutes.

### **(2) Authority To Continue Existing Nonconforming Buildings, Structures and Uses.**

#### **(a) EXISTING NONCONFORMING USE.**

The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; provided, however, that only that portion of the land or water in actual use may be so continued, and that the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

For the purpose of this Ordinance, a nonconforming use shall begin as of the time it was made nonconforming by the terms of a preceding Ordinance, of this Ordinance or of any amendment to this Ordinance.

#### **1. STRUCTURAL REPAIRS AND ALTERATIONS.**

Current structural repairs or alterations shall not exceed fifty (50) percent of the equalized full assessed value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.

#### **2. NEW EQUIPMENT.**

Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring use.

(b) **EXISTING NONCONFORMING STRUCTURES.**

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

**(3) Discontinuance of Use of Nonconforming Building or Structure.**

When use of a nonconforming structure, land or water has been discontinued or abandoned for a period of twelve (12) consecutive months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. One six (6) month extension to the time limit may be granted by the Board of Appeals.

**(4) Restoration Of Damaged Nonconforming Buildings or Structures.**

A nonconforming building or structure which is partially destroyed may be rebuilt or restored with the same, or less, floor area and cubic content and with the same, or an improved, general site layout as that of the original structure. Board of Appeals approval of reconstruction or restoration plans shall be required, and the Board may impose conditions on such approval if such conditions would improve an otherwise bad situation and bring the nonconforming building or structure more in conformity with the regulations for the district in which it is located.

Application for Board of Appeals approval for reconstruction or restoration shall be made within three (3) months from the date of damage or destruction and work commenced within six (6) months, and completed within 18 months, from the date of Board of Appeals approval. Failure to meet these time limits shall terminate the nonconforming use except that a six (6) month extension to any of the time limits may be granted by the Board of Appeals.

**(5) Moving Of A Nonconforming Building or Structure.**

No nonconforming building or structure may be moved in whole or in part to any other location unless every portion of such building or structure and the use thereof is designed and used or intended for a use permitted in the district to which it is moved and there is conformance with all other regulations of such district.

**(6) Signs and Billboards.**

Notwithstanding any other provision of this Section to the contrary, no nonconforming advertising sign or identification sign shall be replaced or restored, if damaged or destroyed by any cause greater than fifty (50) percent of equalized value except in compliance with the applicable provisions of this Ordinance.

**(7) 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 Board of Appeals 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 Board of Appeals.

**CHAPTER E**  
**ADMINISTRATION**



## **CHAPTER E ADMINISTRATION**

### **SECTION 1.20 GENERAL ADMINISTRATIVE SYSTEM**

#### **(1) Intent.**

This Ordinance contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Ordinance require action by the Planning and Zoning Committee and/or the Town Board as set forth below. A Board of Appeals is also created to assure proper administration of the Ordinance and to avoid arbitrariness.

#### **(2) Zoning Administrator.**

A Zoning Administrator shall be appointed by the Town Board at a rate of compensation and will serve at the pleasure of the Town Board. When practicable, the Zoning Administrator shall be a resident of the Town. The Zoning Administrator shall attend meetings of the Town Board and the Planning and Zoning Committee.

##### **(a) GENERAL POWERS AND DUTIES.**

1. The Zoning Administrator shall accept applications, issue or deny Zoning Permits, give notice of violations and enforce the provisions of this Ordinance.
2. The Zoning Administrator shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this Ordinance, applicable town, county or state regulations.
3. The Zoning Administrator shall have the authority to interpret the Ordinance and halt any location, erection, moving, reconstruction, enlargement, extension, conversion or structural alterations of a structure, or use of land, which is not in compliance with this Ordinance. In furtherance of this authority, the Zoning Administrator may revoke any zoning permits issued that pertain to any nonconforming matter by notice in writing to the holder of such permit.
4. Notwithstanding any other provision of this Ordinance, where a Zoning Permit has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within one (1) year after such effective date and diligently pursued to completion, the subject of such permit may be completed in accordance with the approved plans on the basis on which the permit was issued.

### **(3) Town Board**

#### **(a) GENERAL POWERS AND DUTIES.**

1. The Town Board shall adopt and periodically review a schedule of fees, payable by applicants, for the review and processing of permits, applications for variances, applications for amendments to this ordinance (text or map), and appeals of decisions of the Zoning Administrator.
2. The Town Board shall approve, approve with changes, or disapprove, after due consideration of any recommendations made by the Planning and Zoning Committee, any application of an amendment to this ordinance, including applications for amendment to the officially adopted zoning map.
3. The Town Board shall approve, approve with conditions, or disapprove, after due consideration, any of the recommendations made by the Planning and Zoning Committee as set forth within this Ordinance.
4. The Town Board shall take such other action not delegated to other bodies that may be desirable and necessary to implement the provisions of this ordinance.

### **(4) Board of Appeals.**

- (a) CREATION. A Board of Appeals is established to carry out the general duties delegated to it through the provisions of this Ordinance. The appointment of members and alternates, terms of appointment, filling of vacancies, use of alternates and other provisions related to the creation and membership of the Board of Appeals shall operate in accordance with *Section 62.23(7) (e), Wisconsin Statutes* as amended from time to time.
- (b) ORGANIZATION. The Board of Appeals shall have power to adopt rules and regulations for its own governance consistent with the provisions of this or any other ordinance of the Town.
  1. Meetings of the Board of Appeals shall be held at the call of the Chair of the Board of Appeals or at such other times as the Town Board may determine necessary.
  2. All meetings of the Board of Appeals shall be public. The Board of Appeals shall keep minutes of its proceedings showing its action and the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

3. The presence of three (3) members of the Board of Appeals shall constitute a quorum. The concurring vote of two (2) members shall be required to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance. The grounds of every such determination shall be based on evidence presented in the record.
4. The Board of Appeals may call on the Zoning Administrator or other administrative officials for assistance in the performance of its duties, and it shall be the duty of such officials to provide such assistance as is reasonably requested.

**(c) GENERAL POWERS AND DUTIES.**

1. The Board of Appeals shall hear and decide applications, in specific cases, for variances from this Ordinance.
2. The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
3. To hear and decide all other matters referred to it upon which it is required to act under this Ordinance.

**(5) Planning and Zoning Committee.**

- (a) The Planning and Zoning Committee under this ordinance is the Planning and Zoning Committee that has been duly created by the board members of the Town of Wolf River. It is the responsibility of the Planning and Zoning Committee to implement and enforce this ordinance as set hereafter. The Planning and Zoning Committee shall consist of seven (7) members appointed by the Town Board Chair and subject to approval by the Town Board, selected for their knowledge of and interest in matters pertaining to this ordinance. Members shall serve three (3) year terms, except that of those first appointed; then one shall serve for one year, two for two years and two for three years. Annually, the Town Board Chair shall appoint a Committee Chair. The members of the Planning and Zoning Committee shall thereafter elect other officers as may, in their judgment, be necessary.
- (b) **ORGANIZATION.** The Planning and Zoning Committee shall have power to adopt rules and regulations for its own governance consistent with the provisions of this or any other ordinance of the Town
  1. Meetings of the Planning and Zoning Committee shall be held at the call of either the Committee chair, the Zoning Administrator or at such times as the Town Board may determine necessary.
  2. All meetings of the Planning and Zoning Committee shall be public. The Planning and Zoning Committee shall keep minutes of its proceedings showing its action and the vote of each member upon questions requiring a

vote or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions.

3. The presence of four (4) members of the Planning and Zoning Committee shall constitute a quorum. The concurring vote of three (3) members shall be required to any matter upon which it is required to pass under this ordinance. The grounds of every such determination shall be based on evidence presented in the record.
4. The Planning and Zoning Committee may call on the Zoning Administrator or other administrative officials for assistance in the performance of its duties, and it shall be the duty of such officials to provide such assistance as is reasonably requested.

**(c) GENERAL POWERS AND DUTIES.**

1. To initiate, hear, review and offer its recommendations to the Town Board on applications for amendments to this Ordinance, including applications for amendments to the officially adopted zoning map.
2. To hear, review and offer its recommendations to the Town Board on applications for Conditional Use Permits.
3. To hear, review and offer its recommendations to the Town Board on all other matters referred to it upon which it is required to act under this Ordinance.
4. At the request of the Town Board, to prepare and recommend to the Town Board a comprehensive plan for the Town and from time to time to recommend to the Town Board such amendments to the plan as it deems appropriate.
5. To aid and assist the Town Board in implementing the Town's adopted land use through the use of the Town of Wolf River Comprehensive Plan in the planning, developing, and completing of specific projects.

## **SECTION 1.21 ZONING / BUILDING PERMITS**

### **(1) Application.**

An application for a Zoning/Building Permit shall be made in writing to the Zoning Administrator on forms which shall include the following description of the subject site by:

- (a) Names and addresses of the applicant, owner of the site and architect, professional engineer and contractor, if any.
- (b) Description of the subject site by its legal description according to the Winnebago County, Wisconsin, Registry or land survey in accordance with Winnebago County, Wisconsin, Land Division Ordinance.

- (c) Address of the subject site.
  - (d) Type of structure.
  - (e) Existing and proposed operation of the structure or site.
  - (f) Number of employees or occupants.
  - (g) Plot plan showing the location, property boundaries and dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed sanitary facilities and well; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed yards; and finished grades.
1. The proposed finished grade for the principal structure shall be a grade twelve inches above the crown of any adjacent public road at the center of said structure or such other grade as may be established on a plat or certified survey map.
  2. Where any alternative elevation would better suit the existing or proposed uses surrounding the site, the Zoning Administrator shall have authority to set an alternative finished grade elevation at the time of application for a zoning permit; provided, however, that such alternative grade shall be noted on the zoning application by the Zoning Administrator.

## **(2) Objectives.**

A Zoning Permit shall not be issued until the Zoning Administrator has determined that the proposed use or structure will not interfere with one or more of the land use goals and objectives adopted by the Town Board, as set forth in Section 1.03(3).

## **(3) Issuance of Permit.**

A Zoning/Building Permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days after filing of the application with the Zoning Administrator. Where public sewer is unavailable, no permit shall be issued without the prior approval of sanitary plans and issuance of a Sanitary Permit by the Winnebago County, Wisconsin, Sanitary Inspector. Except for barns, silos and similar farm buildings, no permit shall be issued for any addition, reconstruction, enlargement or conversion of a principal structure where sanitary facilities are not provided in accordance with the Winnebago County, Wisconsin, Sanitary Ordinance and *Wisconsin Administrative Code*, Chapter COMM 85.01. Where public sewer is available, no zoning permit shall be issued until a permit to hook-up is issued by the sanitary district.

#### **(4) Expiration.**

A Zoning/Building Permit shall expire one (1) year after date of issue unless substantial work has been commenced and diligently pursued within that period.

#### **(5) Certification of Compliance.**

Where a Zoning/Building Permit is required under this Ordinance, no development or structure shall be used or occupied until a Certificate of Compliance has been issued by the Zoning Administrator. Such Certificate shall state that the development or structure is in compliance with the applicable standards for this Ordinance. An application for a Zoning Permit is deemed an application for a Certificate of Compliance.

### **SECTION 1.22 APPEALS OF ADMINISTRATIVE DECISIONS**

#### **(1) Application.**

Any person, firm, corporation or governmental unit materially affected by an administrative decision of the Zoning Administrator may appeal such decision. The appeal must be filed with the Town Clerk no more than thirty (30) days after the Zoning Administrator issues the decision being appealed. An appeal must be in writing and contain the following:

- (a) A brief statement as to how the appellant is materially affected by or interested in the matter appealed;
- (b) A brief statement of the appellant's issues on appeal, noting appellant's *specific* exceptions and objections to the decision being appealed.
- (c) The relief requested, such as reversal or modification;
- (d) Signature, address, and phone numbers of the appellant, and name and address of appellant's designated representative, if any. In the event an organization is the appellant, one person shall be designated as the contact person for all procedural matters related to the appeal; and
- (e) Any documentation supporting appellant's position on appeal.

#### **(2) Procedure.**

The Board of Appeals shall hold a public hearing on the application within a reasonable time from the filing date of the application. A Class 2 notice of the public hearing shall be provided in accordance with applicable requirements of Wisconsin Statutes. The notice shall specify the date, time and place of the public hearing and the matters to come before the Board of Appeals.



### **(3) Decision Criteria.**

The order, determination or decision of the Zoning Administrator may be reversed or modified if appellant affirmatively demonstrates any of the following:

- (a) The decision is an erroneous interpretation of this ordinance.
- (b) The decision is not supported by substantial evidence; or
- (c) The decision is outside the authority of the Zoning Administrator.

## **SECTION 1:23 VARIANCES**

### **(1) Purpose.**

Variances are the mechanism by which the Town may grant relief from the terms of this ordinance where, owing to special physical conditions, a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

### **(2) Application.**

All applications for a variance shall be made in writing to the Board of Appeals on a form furnished by the Zoning Administrator. The application should provide the following information where applicable:

- (a) Names and addresses of the applicant, owner of the subject site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (b) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district in which the subject site lies.
- (c) Additional information, such as ground surface elevations, basement and first floor elevations, utility elevations, roads, contours, historic and probable future floodwater elevations, areas subject to inundation by floodwaters, depths of inundation, flood-proofing measures, soil types slope boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its effects of flood flows;
- (d) Any other information necessary to demonstrate how the application meets the variance standards for review set forth below.

### **(3) Procedure.**



The Board of Appeals shall hold a public hearing on the application within a reasonable time from the filing date of the application. A Class 2 notice of the public hearing shall be provided in accordance with applicable requirements of Wisconsin Statutes. The notice shall specify the date, time and place of the public hearing and the matters to come before the Board of Appeals. The Board of Appeals shall approve, approve with conditions, or deny the application within 30 days of the public hearing.

**(4) Standards for Review.**

The variance may be approved, or approved with conditions, if:

- (a) Owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in practical difficulty or unnecessary hardship;
- (b) The variance will not permit the establishment of a use which is not permitted or permissible in the zoning district in which the subject property is located;
- (c) The need for a variance has not arisen from actions taken or proposed by the applicant;
- (d) The variance is consistent with this and all other Town Ordinances.

**(5) Expiration.**

A Variance shall expire one (1) year after date of issue unless substantial work has been commenced and diligently pursued within that period. See Section 1.05 (2) (c).

**SECTION 1.24 CONDITIONAL USE PERMITS**

**(1) Purpose.**

The Conditional Use Permit is a mechanism by which the Town may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property.

**(2) Application.**

Applications for a Conditional Use Permit shall be made in writing to the Planning and Zoning Committee on a form furnished by the Zoning Administrator and shall include the same information as required for variance applications under Section 1.23 above. At a minimum the application should provide information necessary to demonstrate how the request meets the Conditional Use Permit standards for review set forth below.

**(3) Procedure.**

The Planning and Zoning Committee shall hold a public hearing on the application within a reasonable time from the filing date of the application. A Class 2 notice of the public hearing shall be provided in accordance with applicable requirements of the Wisconsin Statutes. The notice shall specify the date, time and place of the public hearing and the matters to come before the Planning and Zoning Committee. The Planning and Zoning Committee shall make a report and a recommendation of approval, approval with conditions, or denial of the application within thirty (30) days of the public hearing to the Town Board. Within forty-five (45) days of the Planning and Zoning Committee's action, the Town Board shall act to approve or deny the application by resolution.

#### **(4) Standards for Review.**

A Conditional Use Permit may be granted, or granted with conditions, if:

- (a) The use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property;
- (b) Adequate provisions are made for roads, water, fire protection, sewage disposal and other necessary facilities;
- (c) The use will not be materially detrimental to uses or property adjacent to the subject property;
- (d) In the case of a Conditional Use Permit for the construction or use of buildings, structures or other improvements for public utility uses reasonably necessary for the public convenience and welfare, that the use or improvement shall meet a demonstrable public need and provide a public benefit; and
- (e) The use complies with this and all other Town ordinances.

#### **(5) Expiration.**

A Conditional Use Permit shall expire one (1) year after date of issue unless substantial work has been commenced and diligently pursued within that period.

### **SECTION 1.25 AMENDMENTS**

#### **(1) Purpose**

The amendment process provides a method for making changes to the text of this ordinance or the adopted zoning map to allow for changes in existing conditions or the direction of development, the preservation of property values, the protection of natural resources, or to correct ordinance language, operation or procedures when deemed necessary, all to promote the health, safety, morals or the general welfare of the entire Town. On each anniversary of the date of adoption of this Ordinance, The Planning and Zoning Committee and/or Zoning Administrator

shall evaluate this Ordinance to determine if it is meeting the Town's needs and is helping to accomplish the Town's stated land use goals and objectives. If it is determined that this Ordinance is not meeting the Town's needs or goals and objectives, amendments to the Zoning Ordinance will be recommended by the Planning and Zoning Committee to the Town Board pursuant to the procedures set forth below

## **(2) Application.**

- (a) *Text Amendment.* Text Amendments may be initiated by resolution of the Town Board, by the Planning and Zoning Committee on its own initiative, or by a property owner or resident of the Town. A property owner or resident shall file an application in writing with the Town Board on forms furnished by the Zoning Administrator. At a minimum, the application should provide information necessary to demonstrate how the request meets the applicable decision considerations set forth below. The Zoning Administrator shall refer all applications and accompanying materials to the Planning and Zoning Committee.
- (b) *Map Amendment.* Map amendments (rezones) may be initiated by resolution of the Town Board, by the Planning and Zoning Committee on its own initiative, or by the owner(s) of the particular property to be rezoned. Property owner(s) shall file an application in writing with the Town Board on forms furnished by the Zoning Administrator. At a minimum, the application should also provide information necessary to demonstrate how the request meets the applicable decision considerations set forth below. The Zoning Administrator shall refer all applications and accompanying materials to the Planning and Zoning Committee.

## **(3) Procedures.**

The Planning and Zoning Committee shall hold a public hearing on the proposed amendment no more than forty-five (45) days from the filing date of the application or resolution, and shall forward a written recommendation to the Town Board no later than sixty (60) days from the filing date of the application. A Class 2 notice of the Planning and Zoning Committee's public hearing shall be provided in accordance with applicable requirements of Wisconsin Statutes. The notice shall specify the date, time and place of the public hearing and the matters to come before the Planning and Zoning Committee. In making its recommendation to the Town Board, the Planning and Zoning Committee shall consider any relevant evidence gathered at the public hearing, any applicable decision consideration and any other applicable ordinance provisions.

The Town Board shall hold a public hearing on the application no more than thirty (30) days from the receipt of the Planning and Zoning Committee's recommendation or, if the Planning and Zoning Committee fails to forward such recommendation, no later than ninety (90) days from the filing date of the application. Notice of the Town Board's public hearing shall be mailed to the parties of interest. A Class 2 notice of the public hearing shall be provided in accordance with applicable requirements of Wisconsin Statutes. The notice shall specify the date, time and place of the public hearing and the matters to come before the Town Board. The Town

Board shall issue its decision on the application no later than thirty (30) days from the date of the Town Board's public hearing. In making its decision, the Town Board shall consider any relevant evidence gathered at the public hearings, the recommendation of the Planning and Zoning Committee, any applicable decision considerations and any other applicable ordinance provisions. If the Town Board action is to approve the amendment, or approve the amendment with modifications, it shall further act to formally adopt the amendment by ordinance. In the case where the Planning and Zoning Committee unanimously recommended denial of the change, or in the case where a valid protect as addressed in *Section 62.23(7)(d)(2), Wisconsin Statutes* is filed prior to or at the public hearing, a two thirds (2/3) vote of the Town Board members is required for approval of the amendment.

**(4) Decision Considerations.**

- (a) Regarding property changes/use the amendments must agree with the Town of Wolf River Comprehensive Land Use Plan.
- (b) Text Amendments. In deciding on a proposed text amendment, the Planning and Zoning Committee and Town Board should consider and address whether the amendment will promote the health, safety, morals and general welfare of the Town.
- (c) Map Amendments. In deciding on a proposed map amendment, the following factors should be considered:
  - 1. Whether the proposed amendment is warranted because of changed circumstances or a need for additional land in the proposed zone and the proposed designation is appropriate for reasonable development of the subject property;
  - 2. Whether the subject property is suitable for development in general conformance with the zoning standards of the proposed zoning designation;
  - 3. Whether the proposed amendment will be materially detrimental to uses or property adjacent to the subject property.
  - 4. Whether provisions are or can be made for roads, water, fire protection, sewage disposal and other necessary facilities that are adequate for the density and use to which the subject property is being rezoned;
  - 5. Whether the proposed amendment will promote the health, safety, morals or general welfare of the Town.

**(5) Special Standards for Rezoning in A-1 Agri-Business District.**

In accordance with Wisconsin Statutes, Chapter 91.77(1) and (3), decisions on petitions for rezoning areas zoned A-1 Agri-Business District to another district classification; it shall be based on findings which consider the following:

- (1) **Except as provided in sub. (2), the town may not rezone land out of a farmland preservation zoning district unless the town does all of the following prior to the**

**rezoning:**

(a) Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
2. The rezoning is consistent with any comprehensive plan, adopted by the town, which is in effect at the time of the rezoning.
3. The rezoning is substantially consistent with the Winnebago County farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

**(2) Subsection (1) does not apply to any of the following:**

- (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
- (b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Winnebago County farmland preservation plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

The Zoning Administrator shall notify the Department of Agriculture, Trade and Consumer Protection of the State of Wisconsin of any rezoning's under this Section. Land rezoned under this Section shall be subject to the lien provided under Chapter 91.20(8) (10) of the *Wisconsin Statutes*, for the amount of the tax credits paid on the land rezoned.

By March 1 of each year, the Town of Wolf River shall submit to DATCP report of the number of acres rezoned out of A-1 Agri-Business District during the previous year and a map that clearly shows the location of those areas A copy of this report shall also be provided to the Winnebago County Zoning Department

**6) Bulk Electric Generation Facilities.**

This Ordinance shall be considered a "local ordinance" for the purposes of Chapter 196.491(3) of the *Wisconsin Statutes*. Gas and electric utility uses not requiring authorizations under Chapter 196.491(3) are conditional uses in the A-1 district, and do not conflict with agricultural use for purposes of the Farmland Preservation Law, but shall require the same application and approval of any other conditional uses authorized in this Ordinance.



## **SECTION 1.26 ENFORCEMENT, VIOLATIONS, PENALTIES, FEES**

### **(1) Enforcement.**

It shall be the duty of the Zoning Administrator to enforce this ordinance.

### **(2) Violations.**

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Zoning Administrator, the Town Planning and Zoning Committee, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Ordinance. An injunction may be sought from a court of competent jurisdiction by any of such parties to enforce this Ordinance. Every structure, fill or development placed or maintained in floodplains in violation of this Ordinance is a public nuisance; and the creation thereof may be enjoined and maintenance thereof may be abated by an action instituted by the Town or any citizen who lives in or within five hundred (500) feet of the flood land.

### **(3) Penalties.**

Any person, firm or corporation who fails to comply with the provisions of this Ordinance or any order of the Zoning Administrator, Planning and Zoning Committee, Board of Appeals or Town Board issued in accordance with this Ordinance or resists enforcement shall, upon conviction thereof, be subject to a penalty which shall be as follows:

#### **(a) FIRST OFFENSE.**

Any person who shall violate any provision of this Ordinance shall upon conviction thereof, forfeit not less than five dollars (5) nor more than five hundred (500) dollars, together with the cost of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County jail until such forfeiture and costs are paid, but not to exceed ninety (90) days.

#### **(b) SECOND OFFENSE.**

Any person found guilty of violating any provision of the Ordinance who has previously been convicted of a violation of the same Ordinance within one year shall, upon conviction thereof, forfeit not less than ten dollars (10) nor more than five hundred (500) dollars for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and cost shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding six (6) months.

#### **(c) CONTINUED VIOLATION.**

Each violation and each day a violation continues shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.



(d) EXECUTION AGAINST DEFENDANT'S PROPERTY.

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any provision of this Ordinance, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(e) NOLO CONTENDRE PLEA AND STIPULATED FORFEITURE.

A person to whom a citation, summons or order of any person authorized by the Town Board to issue a citation to enforce the provisions of this Ordinance, may appear before the issuing officer not less than seventy-two (72) hours prior to the time established for appearance in court and enter a plea of nolo contendere to such charges and, forfeit the sum of one hundred (100) dollars plus the penalty assessment, court costs, jail assessment, municipal fee, and automation fees set by Chapters 165.87, 814.63, 53.46(1), and 814.635 of the *Wisconsin Statutes*.

**(4) Fees.**

Fees for permits and inspections shall be imposed as they are, from time to time, established by the Town Board as it may in its discretion deem appropriate.

**SECTIONS 2.0 REPEAL OF EXISTING ORDINANCES**

All existing Town Ordinances, parts of ordinances and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed

**SECTION 3.0 SEVERABILITY**

If any section, clause, provision or portion of this ordinance is adjudged thereto in conflict with any of the provisions of the ordinance are hereby repealed. If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remaining shall not be affected thereby

**SECTION 4.0 EFFECTIVE DATE**

This ordinance shall be effective as of 12:01 am on the day after the last to occur of the following enactment by the Town Of Wolf River Town Board, Winnebago County, WI and notification in the Town's newspaper.