

# **Town of Hubbard**

Dodge County, Wisconsin

## **Zoning Ordinance**

October 1, 2010

Revised January 26, 2015



**Town of Hubbard  
Dodge County, Wisconsin  
Zoning Ordinance  
Table of Contents**

<b>Section 1: Introduction.....</b>	<b>1-1</b>
1.1 Title .....	1-1
1.2 Authority .....	1-1
1.3 Purpose and Intent .....	1-1
1.4 Repeal.....	1-2
1.5 Adoption and Effective Date.....	1-2
<b>Section 2: Jurisdiction, Compliance and Application.....</b>	<b>2-1</b>
2.1 Jurisdiction .....	2-1
2.2 Federal, State and Local Agencies Regulated .....	2-1
2.3 Compliance.....	2-1
2.4 Application of Ordinance to Existing Uses .....	2-2
2.5 Application of Ordinance to Permits Issued Prior to Effective Date .....	2-2
2.6 Application of Ordinance to Pending Permit Applications .....	2-3
2.7 Abrogation and Greater Restrictions.....	2-4
2.8 Interpretation.....	2-5
2.9 Severability.....	2-5
2.10 Warning and Disclaimer of Liability .....	2-5
<b>Section 3: General Provisions and Regulations .....</b>	<b>3-1</b>
3.1 Rules of Construction.....	3-1
3.2 Minimum Requirements Established.....	3-1
3.3 Permits Required and Property Owner Responsibility .....	3-1
3.4 Lot and Site Restrictions .....	3-2
3.5 Use Restrictions .....	3-4
3.6 Lots of Record .....	3-7
<b>Section 4: Zoning Districts and Use Requirements and Limitations.....</b>	<b>4-1</b>
4.1 Establishment of Zoning Districts .....	4-1
4.2 Relationship to and Implementation of the Land Use Plan.....	4-1
4.3 Zoning District Maps .....	4-2
4.4 District Boundaries.....	4-2
4.5 Zoning of Streets, Alleys, Publicways, Waterways, and Railroad Rights-of-Way ....	4-3
4.6 Zoning of Detached Land .....	4-3
4.7 GA: General Agricultural District.....	4-3

4.8	AI: Agricultural Industry District.....	4-12
4.9	RRL: Rural Residential Large Lot District .....	4-15
4.10	RRS: Rural Residential Small Lot District .....	4-18
4.11	URO: Urban Residential Open Space District.....	4-21
4.12	NB: Neighborhood Business District .....	4-27
4.13	HB: Highway Business District.....	4-29
4.14	IM: Industrial and Manufacturing District .....	4-31
4.15	PR: Park and Recreational District .....	4-33
4.16	QE: Quarrying and Extractive District .....	4-38
4.17	C: Conservancy District .....	4-43
<b>Section 5:</b>	<b>Accessory Use, Building and Structure Requirements and Limitations .....</b>	<b>5-1</b>
5.1	Requirements and Limitations.....	5-1
5.2	Restrictions and Limitations for Specific Accessory Uses Allowed On Residential Property .....	5-3
<b>Section 6:</b>	<b>Conditional Use Requirements and Limitations .....</b>	<b>6-1</b>
6.1	Permit Required .....	6-1
6.2	Standards for Approval .....	6-1
6.3	Zoning District Regulations and Conditions of Approval .....	6-2
6.4	Limitations on Conditional Use Permits.....	6-3
6.5	Conditional Use Permit Application.....	6-4
6.6	Permit Review and Processing Procedures.....	6-6
<b>Section 7:</b>	<b>Non-Conforming Use, Structure and Lot Requirements and Limitations .....</b>	<b>7-1</b>
7.1	Existing Non-Conforming Uses.....	7-1
7.2	Existing Non-Conforming Structures .....	7-1
7.3	Existing Substandard Lots .....	7-1
7.4	Continuance of Use.....	7-3
7.5	Discontinuance of Use .....	7-3
7.6	Repairs and Alterations.....	7-4
7.7	Damage and Destruction .....	7-4
7.8	Additions and Enlargements.....	7-5
7.9	Changes and Substitutions.....	7-5
7.10	Exempt Uses and Structures .....	7-6
<b>Section 8:</b>	<b>Vehicle Access, Parking and Loading Requirements and Standards.....</b>	<b>8-1</b>
8.1	Street and Highway Access .....	8-1
8.2	Parking Requirements.....	8-3
8.3	Loading Requirements .....	8-7

<b>Section 9: Landscaping, Bufferyard and Lighting Requirements and Standards .....</b>	<b>9-1</b>
9.1 Reserved.....	9-1
<b>Section 10: Performance Standards .....</b>	<b>10-1</b>
<b>Section 11: Sign Requirements and Standards .....</b>	<b>11-1</b>
11.1 Intent.....	11-1
11.2 Compliance.....	11-1
11.3 General Requirements and Restrictions .....	11-1
11.4 Signs Permitted In All Districts Without a Permit.....	11-3
11.5 Signs Permitted in All Residential Districts With a Permit.....	11-5
11.6 Signs Permitted in All Agricultural and Open Use Districts With a Permit.....	11-6
11.7 Signs Permitted in All Business Districts With a Permit.....	11-7
11.8 Portable Signs/Temporary Signs .....	11-9
11.9 Sign Permit Application.....	11-9
11.10 Enforcement.....	11-10
11.11 Existing Signs .....	11-10
<b>Section 12: Site and Operation Plan Requirements and Limitations .....</b>	<b>12-1</b>
12.1 Plan Approval Required .....	12-1
12.2 Plan Commission Standards of Review.....	12-1
12.3 Site and Operation Plan Application.....	12-2
12.4 General Design Principles .....	12-4
12.5 Plan Commission Review .....	12-6
12.6 Financial Sureties Required.....	12-7
12.7 Time Limitations.....	12-7
12.8 Appeals.....	12-7
<b>Section 13: Zoning Ordinance Text and Map Amendments .....</b>	<b>13-1</b>
13.1 Authority .....	13-1
13.2 Initiation .....	13-1
13.3 Petitions .....	13-1
13.4 Public Hearing .....	13-2
13.5 Plan Commission Recommendation .....	13-2
13.6 Town Board Action.....	13-2
13.7 Protest.....	13-2
13.8 Dodge County Board Approval Required.....	13-2
13.9 Resubmittal .....	13-3

<b>Section 14: Zoning Ordinance Administration and Procedures.....</b>	<b>14-1</b>
14.1 Zoning Administrator Designated .....	14-1
14.2 Notice of Public Hearings.....	14-1
14.3 Protest.....	14-2
14.4 Certificate of Zoning Compliance (Zoning Permit).....	14-2
14.5 Zoning Ordinance Text Amendments and Zoning Map Revision (Rezoning) Petitions 14-6	
14.6 Conditional Use Permit Applications .....	14-6
14.7 Site and Operation Plan Approval Applications.....	14-6
14.8 Sign Permit Applications .....	14-6
14.9 Zoning Variance and Appeal Petitions .....	14-6
14.10 Application, Review and Processing Fees .....	14-6
14.11 Sureties .....	14-7
14.12 Violations .....	14-7
14.13 Penalties and Remedies .....	14-7
<b>Section 15: Plan Commission .....</b>	<b>15-1</b>
15.1 Establishment.....	15-1
15.2 Membership.....	15-1
15.3 Organization.....	15-1
15.4 Powers.....	15-2
15.5 Duties .....	15-3
15.6 Referrals .....	15-4
<b>Section 16: Board of Zoning Appeals .....</b>	<b>16-1</b>
16.1 Establishment.....	16-1
16.2 Membership.....	16-1
16.3 Organization.....	16-2
16.4 Powers.....	16-2
16.5 Appeals and Applications.....	16-3
16.6 Public Hearing .....	16-4
16.7 Findings .....	16-4
16.8 Decision.....	16-5
16.9 Notice to DNR and Dodge County Planning and Development Department .....	16-5
<b>Section 17: Definitions .....</b>	<b>17-1</b>
17.1 Definitions of Specific Words and Phrases .....	17-1

## **Section 1: Introduction**

### **1.1 Title**

This Ordinance shall be known as, referred to, or cited as the "Town of Hubbard Zoning Ordinance" (hereafter the "Ordinance").

### **1.2 Authority**

The provisions, regulations, requirements and limitations contained in this Ordinance are adopted under the authority granted by Section 60.62, Wisconsin Statutes, which grants Towns authorized to exercise Village powers the ability to adopt zoning ordinances under Section 61.35, Wisconsin Statutes, which in turn grants the same powers and duties that apply to Cities under Section 62.23 upon Villages and Towns with Village powers; and finally, Section 62.23(7), Wisconsin Statutes, and amendments thereto, which grants Cities, Villages, and Towns with Village powers the ability to create a Plan Commission and Board of Zoning Appeals each with specific functions and responsibilities, and to adopt zoning ordinances.

Therefore, the Town Board of the Town of Hubbard, Dodge County, Wisconsin does ordain as follows.

### **1.3 Purpose and Intent**

The purpose of this Ordinance is to promote the health, safety, morals, comfort, aesthetics, prosperity, and general welfare of the Town. In addition, this Ordinance is intended to regulate and restrict the use of all land, structures, and waters in the Town order to:

- (1) Guide future growth of and development in the Town in accordance with the Town's Comprehensive Plan, or parts thereof, including the development goals, objectives, and policies of the land use plan and Future Land Use Plan Map.
- (2) Regulate lot coverage, size, and location so as to provide for adequate light air, sanitation, drainage, and privacy to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (3) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public facilities and services.
- (4) Regulate vehicle parking, loading, access, and promote and protect the safe use and efficient function of streets, roads and highways in the Town.
- (5) Encourage the protection, preservation, conservation, and wise use of the Town's natural resources including soils, steep slopes, wetlands, floodlands, shorelands,

water resources, woodland and forests in order to preserve the rural character, integrity, stability, and natural beauty of the Town and the value of the land therein.

- (6) Encourage compatibility between different land uses through the separation of land uses into districts and the use of buffering between and within such districts in order to protect and stabilize the value of all property in the Town from the encroachment and impact of incompatible land uses and development.
- (7) Provide the most beneficial relationship between the use and development of land and the provision of safe and efficient vehicle access and traffic circulation throughout the Town, having particular regard to the avoidance of congestion in the streets and highways and the proper location and width of public street and highway rights-of-way and access thereto.
- (8) Avoid premature, excessive, incomplete, and scattered division and subsequent development of land by permitting the development of land only when such development is necessary to provide for uses of land for which market demand exists, are consistent with the Town's Comprehensive Plan, or parts thereof, and are in the public interest.
- (9) Establish reasonable standards of design and procedures for permitting development in order to further the orderly layout and development of land.
- (10) Provide for the administration and enforcement of this Ordinance and penalties for violations.

#### **1.4 Repeal**

The Town of Hubbard Zoning Ordinance adopted on August 15, 1962, and all subsequent amendments thereto relating to the zoning of land is hereby repealed and all other Ordinances of the Town of Hubbard inconsistent or conflicting with this Ordinance are hereby repealed.

#### **1.5 Adoption and Effective Date**

##### **(1) Public Hearings**

The Town of Hubbard Plan Commission and Town Board held a joint public hearing on the "Town of Hubbard Zoning Ordinance", including the text of this Ordinance and an official zoning map for the Town of Hubbard, pursuant to the requirements of Sections 60, 61.35 and 62.23 of the Wisconsin Statutes on July 26, 2010.

##### **(2) Plan Commission Recommendation**

The Plan Commission made a recommendation to the Town Board to adopt the "Town of Hubbard Zoning Ordinance" and official zoning map at a meeting held on July 26, 2010.



(3) Town Board Approval

The Town Board of the Town of Hubbard concurred with the recommendation of the Plan Commission and adopted the "Town of Hubbard Zoning Ordinance", at a meeting held on September 5, 2010.

(4) Effective Date

This Ordinance shall take effect upon passage and adoption by the Town Board and the filing of proof of posting or publication in the Office of the Town Clerk.

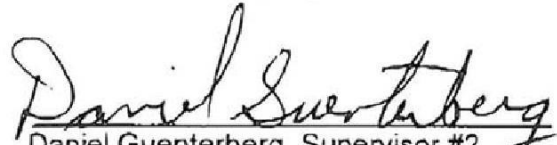
Date of Publication and Posting: September 30, 2010

Effective Date: October 1, 2010


Town Board, Town of Hubbard, Dodge County, Wisconsin

  
Kenneth Schulz, Chairman

  
James E. Persha, Supervisor #1

  
Daniel Guenterberg, Supervisor #2

ATTEST:

  
Naomi Kriewald, Town Clerk

## **Section 2: Jurisdiction, Compliance and Application**

### **2.1 Jurisdiction**

The jurisdiction of this Ordinance shall apply to all buildings, structures, lands, waters, and air within the corporate limits of the Town of Hubbard, Dodge County, Wisconsin, outside the limits of incorporated villages and cities, and including those under the jurisdiction of the Dodge County, Wisconsin Zoning Ordinance shoreland and floodplain provisions. In those areas under dual jurisdiction of both this Ordinance and the shoreland and floodplain provisions of the Dodge County Zoning Ordinance, both ordinances shall be in effect and all requirements of this Ordinance and the shoreland and floodplain provisions of the Dodge County Zoning Ordinance.

### **2.2 Federal, State and Local Agencies Regulated**

Unless specifically exempted by law, all cities, villages, towns, counties, and federal, state, and county agencies are required to comply with the provisions, regulations, and limitations of this Ordinance.

### **2.3 Compliance**

Unless otherwise provided for in Section 2.4 below, no building, structure, development, land, water or air shall hereafter be used and no building or structure or part thereof be located, erected, moved, reconstructed, substantially improved, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance. In addition, where applicable, provisions of the following shall be complied with as provide for therein:

- (1) Rules of the Wisconsin Department Administration regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- (2) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a state trunk highway or connecting street.
- (3) Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection setting water quality standards for preventing and abating pollution and for regulating development within floodland, wetland, and shoreland areas, and all rules and regulations of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
- (4) The Town of Hubbard Comprehensive Plan, or portions thereof, and any other plans prepared by state, regional, county, or municipal agencies having

jurisdictional responsibility within the town that have been duly adopted and/or otherwise recognized by the Town of Hubbard.

- (5) Town of Hubbard Land Division Ordinance and other applicable ordinances, codes, and regulations.
- (6) Dodge County Zoning Ordinance, Sanitary Ordinance, Subdivision Control Ordinance, and all other applicable County ordinances, codes, and regulations.
- (7) All other applicable federal and state laws, codes, and regulations, including, but not limited to, the requirements of the "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" as documented in the Federal Register.

## **2.4 Application of Ordinance to Existing Uses**

### **(1) Conforming and Non-Conforming Buildings, Structures, and Uses**

Subject to the provisions of Section 7, any lawfully established building, structure, or use of any building, structure, development, land, water or air existing on the effective date of this Ordinance may be continued even though such building, structure or use does not conform to the provisions of this Ordinance. "Lawfully established" buildings, structures, and uses include those permitted or otherwise allowed under the provisions of previous zoning ordinances, regulations, and rules provided that such buildings, structures or uses were lawfully and properly approved, permitted and subsequently constructed, erected, improved, extended, enlarged, converted, structurally altered, or otherwise begun in accordance with the provisions of said ordinances, regulations, and rules.

### **(2) Changes to Non-Conforming Buildings, Structures and Uses**

Except as may otherwise be provided in Section 7, any addition, enlargement, expansion, relocation, or structural alteration to a non-conforming building, structure or use of land, water or air shall comply with the provisions of this Ordinance, including specific regulations and/or limitations applicable to the zoning district(s) in which such building, structure, or use is located.

## **2.5 Application of Ordinance to Permits Issued Prior to Effective Date**

### **(1) When Ordinance Shall Apply**

All work, structures, and uses authorized by permits issued prior to the effective date of this Ordinance or any amendment thereto shall not be affected by this Ordinance.

Except as provided in Sections 2.5(2), 2.6(3) and 2.5(4), no permits and/or approvals shall be issued or granted following the effective date of this Ordinance unless the work, structure, or use for which the permit or approval is sought is made to fully comply with the applicable provisions of this Ordinance.

(2) Right to Complete Construction Pursuant to Approved Plans and Permits

Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any structure if a Building Permit and/or Certificate of Occupancy for such structure was lawfully and properly issued prior to the effective date of this Ordinance and such Building Permit and/or Certificate of Occupancy had not by its own terms expired prior to such effective date of this Ordinance and construction pursuant to such permit had commenced prior to the expiration date of such permit.

(3) Building Permits

Where a Building Permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within ninety (90) days of such effective date and the exterior of the building or structure is completed within twelve (12) months of such effective date, said building or structure may be completed in accordance with the approved plans on the basis of which the Building Permit has been issued. Further, upon completion, said building or structure may be occupied under a Certificate of Occupancy by the use for which originally designated, subject thereafter to the provisions of this Ordinance.

(4) Right to Occupy as Non-Conformity

Upon completion, a building or structure for which a Building Permit has been issued may be occupied by and a Certificate of Occupancy shall be issued for, the use designated on such Certificate of Occupancy, subject thereafter to the provisions of this Ordinance relating to nonconforming uses, buildings and structures.

## **2.6 Application of Ordinance to Pending Permit Applications**

(1) When Ordinance Shall Apply

This Ordinance shall apply to all permit and other applications requiring approval that are pending and not finally decided on the effective date of this Ordinance if such applications were filed on or after such effective date. However, nothing in this Ordinance shall be deemed to require any change in any Preliminary Subdivision Plat, Final Subdivision Plat, or Certified Survey Map that has been submitted prior to such effective date and which said Preliminary Subdivision Plat, Final Subdivision Plat, or Certified Survey Map application is processed in accordance with the standards and requirements that were in effect on the date such application was filed. Further, this Ordinance shall not apply to any zoning variance application that was on file and complete in all material respects prior to such effective date, and which zoning variance application shall be processed in accordance with the standards and requirements that were in effect on the date such application was filed.

(2) Administration

Within thirty (30) days after the effective date of this Ordinance the Zoning Administrator shall inform each applicant to which this Ordinance applies that said application is subject to the provisions of this Ordinance (except as provided in Section 2.6(1) above), and will be processed in accordance therewith; that the applicant may within thirty (30) days after the mailing of such notice refile (without additional fees) an application on the basis of this Ordinance; and, that if the applicant does not refile the application may be denied for noncompliance with the provisions of this Ordinance.

(3) Applicant Responsibility

Notwithstanding the provisions of Section 2.6(2) above, it shall be the responsibility of each applicant having an application pending on the effective date of this Ordinance to modify such application in accordance with the terms and provisions of this Ordinance and the failure to do so, whether or not the procedures of said Section have been followed, may result in the denial of such application for failure to comply with this Ordinance. Any modification or refiling of an application pending on such effective date in order to comply with the provisions of this Ordinance shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.

(4) Processing of Pending Applications

Upon the refiling of any pending application as herein provided, or upon notification from the applicant that it will not refile or modify its application, or upon the expiration of sixty (60) days after the effective date of this Ordinance, whichever occurs first, said pending application shall be processed in accordance with the terms of this Ordinance; provided, however, that the application requirements, hearing requirements, and procedural requirements set forth in this Ordinance shall not apply to any such pending application and each application shall be processed in accordance with the application, hearing, and procedural requirements that were in effect on the date that such application was filed. Notwithstanding any other provision of this Section, the Zoning Administrator shall have the authority to request additional data, information, or documentation for pending applications when, in the Zoning Administrator's judgment, such additional data, information, or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application.

## **2.7 Abrogation and Greater Restrictions**

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

## **2.8 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The provisions of this Ordinance shall be liberally and broadly construed in favor of the Town to promote the purposes for which they are adopted and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

## **2.9 Severability**

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

## **2.10 Warning and Disclaimer of Liability**

The purpose and intent of this Ordinance is to protect the Town from undue hazards. It is recognized, however that the Ordinance and the staff administering the Ordinance may encounter conditions that were not foreseen in the drafting of the Ordinance. Accordingly:

- (1) The Town does not imply that development will not result in increased traffic which will require transportation improvements. This Ordinance shall not assume liability on the part of, or a cause of action against the Town of Hubbard or any office or employee thereof for any increase in traffic volumes, increased congestion, or personal or property damages caused by traffic accidents.
- (2) The Town does not imply that development will not have an impact on groundwater quality or the capacity of groundwater to serve private wells. This Ordinance shall not assume liability on the part of, or a cause of action against the Town of Hubbard or any office or employee thereof for any impact on groundwater quality or capacity.

## **Section 3: General Provisions and Regulations**

### **3.1 Rules of Construction**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural and the plural includes the singular.
- (2) The present tense includes the past and future tenses, and the future tense includes the past.
- (3) The word "shall" is mandatory, the word "may" is permissive, and the word "should" is advisory.
- (4) The masculine gender includes the feminine and neuter genders.
- (5) The words "person", "applicant", "petitioner", and "property owner" shall include firm, association, partnership, trust, company, or corporation, as well as an individual.
- (6) The word "Ordinance" shall mean this Zoning Ordinance of the Town of Hubbard, Dodge County, Wisconsin. The word "Town" shall mean the Town of Hubbard, Dodge County, Wisconsin.

### **3.2 Minimum Requirements Established**

The provisions, regulations, and limitations contained in this Ordinance are deemed to be minimum requirements as they apply to buildings, structures, or uses unless otherwise stated herein. Buildings, structures, and uses not specifically permitted or otherwise allowed by the provisions, regulations, or limitations of this Ordinance are prohibited.

### **3.3 Permits Required and Property Owner Responsibility**

It is the responsibility of the property owner to apply for and secure all permits, certificates, and approvals required pursuant to the provisions of this Ordinance.

No building, structure, development, land, water or air shall hereafter be used and no building or structure or part thereof be located, erected, moved, reconstructed, substantially improved, extended, enlarged, converted, or structurally altered without the owner, operator, or responsible entity first obtaining the necessary permits, certificates, or approvals required pursuant to this Ordinance.

Depending on the type, size, and/or location of a particular building, structure, or land use and the zoning district(s) within which such building, structure or use is proposed, one or more of the following permits, certificates, and approvals may be required by this Ordinance:

- (1) Certificate of Zoning Compliance (Zoning Permit);
- (2) Rezoning Petition Approval;
- (3) Conditional Use Permit;
- (4) Site Plan Operation Plan Approval;
- (5) Zoning Variance or Appeal;
- (6) Building Permit;
- (7) Certificate of Occupancy;
- (8) Sign permit; or
- (9) Plan Commission review and approval required as a prerequisite to obtaining one of the above.

Further, compliance with other Town ordinances, regulations, rules, etc. required pursuant to the provisions of this Ordinance, e.g. the Land Division Ordinance, may result in the need to obtain other additional permits or approvals, e.g., certified survey map (CSM) or subdivision plat approval.

Finally, it is the responsibility of the property owner to apply for and secure all permits and approvals required by any and all other federal, state, and county agencies concurrent with or prior to application to the Town of Hubbard. This includes, but is not limited to, the Wisconsin Department of Natural Resources (DNR), Wisconsin Department of Administration, Wisconsin Department of Safety and Professionals Services, Wisconsin Department of Transportation (WisDOT), U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Dodge County Land Conservation Department, and Dodge County Planning and Development Department.

### **3.4 Lot and Site Restrictions**

Unless otherwise provided in this Ordinance, the following shall apply to all sites, lots, or parcels of lands and the buildings, structures, and uses thereon located in all zoning districts:

#### **(1) Site Suitability**

No site, lot or parcel of land shall be used or building or structure erected thereon when and where the site, lot or parcel (or the use and/or development thereof) is deemed to be unsuitable for such use, building or structure by the Plan Commission, Zoning Administrator, or other authorized representative for the Town by reason of one or more of the following:

- (a) Flooding, concentrated runoff, or inadequate drainage



- (b) Adverse topography.
- (c) Adverse soil composition or rock formation.
- (d) Erosion susceptibility.
- (e) Significant and unduly burdensome impacts on groundwater, drainage and stormwater features and facilities, roads and other capital infrastructure and facilities, and public services provided in the Town.
- (f) Other features or characteristics of the site, lot parcel of land or its use that is/are likely to be harmful to the health, safety, property, aesthetics and general welfare of the community.

When applying the provisions of this Ordinance the Plan Commission, Zoning Administrator or other authorized representative for the Town having the responsibility for reviewing permit, certificate and other applications for approval required pursuant to the provisions of this Ordinance, shall document in writing the particular facts upon which it bases its determination that such site, lot or parcel of land is not suitable for certain buildings, structures, and/or uses. The property owner shall have an opportunity to present evidence contesting a determination that a site, lot or parcel of land is unsuitable as part of the appropriate application process. Upon review of such evidence, the Plan Commission, Zoning Administrator, or other appropriate representative for the Town shall affirm, modify, or withdraw its determination of unsuitability.

(2) Minimum Public Street, Road or Highway Frontage

Except as otherwise provided herein, all lots or parcels of land shall abut a public street, road or highway with a minimum continuous frontage of sixty-six (66) feet on all Town roads and streets and sixty-six (66) feet on all state or county highways.

(3) Use of Residentially Zoned Property for Access

No site, lot or parcel which is located in a residential zoning district shall be used, in whole or in part, for vehicular or pedestrian access purposes to any abutting and separate site, lot or parcel which is in a non-residential zoning district; except for an existing access way, e.g., driveway, walkway, etc. serving the development or use of an abutting site, lot or parcel that was in existence on the effective date of this Ordinance.

(4) Minimum Water and Sewage Disposal Requirements

Except for sites, lots or parcels developed and/or used for agricultural or recreational purposes, in whole or in part, no buildings or structures intended for human occupancy shall be erected, expanded, or moved unless such buildings or

structures are connected to a public, community, or individual on-site water supply and sanitary sewerage system.

(5) Principal Building, Structure and Use Limitations

Except as otherwise provided herein, only one (1) principal building, structure or use shall be allowed per site, lot or parcel of land located in any residential zoning district. The Town Plan Commission may approve more than one principal building, structure or use on a non-residential site, lot or parcel located in any other zoning district with a conditional use permit where more than one is either needed or deemed suitable for the orderly and efficient development and use of such site, lot or parcel.

Where more than one principal building, structure or use is allowed on a site, lot or parcel, the Plan Commission may impose additional and/or more stringent requirements and limitations including, but not limited to, setback, yard, spacing, buffer yard, landscaping, and parking requirements.

(6) Joint Use or Reduction of a Site, Lot or Parcel of Land

- (a) Except as otherwise provided herein, no site, lot or parcel of land shall be developed and/or used where such development or use relies or is dependent upon the joint use or sharing of some component of a development (except shared driveways) on or use of a separate site, lot or parcel, in whole or in part, in order to meet the provisions of this Ordinance.
- (b) Except as otherwise provided herein, no lot, yard, or other requirement or limitation set forth in this Ordinance shall be reduced below the minimum or expanded beyond the maximum on any site, lot or parcel of land in order to meet any other provision of this Ordinance.

### **3.5 Use Restrictions**

(1) Allowable Uses

One or more of the following types of "uses", including all buildings, structures and essential services, e.g. utilities, necessary to conduct or carry on such use(s) may be allowed on a given site, lot or parcel of land subject to the provisions of the zoning district within which such site, lot or parcel is located and all other provisions of this Ordinance:

(a) Principal Uses

Principal uses are those uses that are the primary or predominant use of a site, lot or parcel of land. Principal uses are allowed "by right" and, subject to the site design and development provisions of this ordinance do not require

additional or special review or approval by the Plan Commission and/or Town Board.

(b) Accessory Uses

Accessory uses, including accessory buildings and structures, are subordinate and incidental to a principal use of the same site, lot or parcel of land. Given the relationship between a principal use and an accessory use, accessory uses are only allowed after or concurrent with the principal use and/or development of a site, lot or parcel of land has commenced. Accessory uses are allowed "by right" and, subject to the site design and development provisions of this ordinance do not require additional or special review or approval by the Plan Commission and/or Town Board.

Specific provisions, regulations, and limitations for certain accessory uses are contained in Sections 5 of this Ordinance.

(c) Conditional Uses

Conditional uses are those that, although similar to the principal or accessory uses allowed in a particular zoning district, have the potential of being incompatible with those other principal and accessory uses by virtue of the potential impact associated with or generated by that particular conditional use on the surrounding property and community as a whole, or, by virtue of certain characteristics and/or limitations of the site, lot or parcel of land upon which the "conditional use" is proposed. Applications for conditional uses are subject to a public hearing before the Plan Commission and Town Board and, the imposition of specific conditions, regulations, or limitations deemed necessary by the Plan Commission and Town Board and contained in a conditional use permit.

Specific provisions, regulations, and limitations for conditional uses are contained in Section 6 of this Ordinance.

(d) Temporary Uses

Temporary uses may or may not be similar to the principal, conditional, or accessory uses allowed in a particular zoning district but are conducted for a limited and predetermined time period. Temporary uses are those that do not involve the construction of permanent buildings or structures and typically are incidental to special event-type activities, e.g., carnivals, Christmas tree sales, etc., or are incidental to the development of a particular principal use or building, e.g. on-site storage of equipment or materials.

Determinations made by the Zoning Administrator and Plan Commission concerning temporary uses shall be made following the same application and review procedures established for zoning permits as set forth in Section 14.

(e) Unclassified or Unspecified Uses

When a particular use is not specifically listed as a "Principal Use", "Accessory Use", "Conditional Use", or "Temporary Use", such use shall be considered to be prohibited unless the Plan Commission determines that such use is similar in character, intensity, operation, and potential impact associated with and/or generated by the principal, accessory, conditional or temporary uses allowed in the same zoning district within which the site, lot or parcel of land for which such "unclassified" use is proposed.

Determinations made by the Zoning Administrator and Plan Commission concerning unclassified and unspecified uses shall be made following the same application and review procedures established for conditional uses as set forth in Section 6.

(2) Maintenance of Yard and Setback Areas

Yard and setback areas shall be kept clean and free from the accumulation of debris or refuse, and shall not be used for the storage or display of equipment, products, vehicles, and other materials.

(3) Undesirable Storage of Vehicles and Equipment

Except for agricultural machinery, equipment and implements associated with an ongoing farm or other agricultural operation, abandoned, dismantled, unlicensed, inoperable, wrecked, or junked vehicles, vehicles under repair, equipment and other items such as household appliances, construction materials, and other similar materials shall not be parked or stored on a lot or parcel for a period of time exceeding thirty (30) days unless said items are completely enclosed indoors or screened outdoors, or, one or more of the following has occurred:

- (a) A conditional use permit or other appropriate permit or approval for use of the lot or parcel for such purposes or approval has been issued pursuant to the requirements of this Ordinance.
- (b) Use of the lot or parcel for such purposes has been deemed to be a legal non-conforming salvage operation or junk yard.

(4) Hazardous Uses

No use which is hazardous, harmful, noxious, offensive, or a nuisance shall be permitted. Uses which become hazardous, harmful noxious, or a nuisance shall be corrected, improved, or removed.

(5) Parking of Mobile Homes

No mobile home intended to be occupied as a dwelling unit shall be permitted to be located on a lot or parcel unless said mobile home is in a licensed mobile home

park or on lands lying in the GA: General Agricultural District for which a conditional use permit has been issued allowing use of a mobile home for seasonal migratory farm laborers. This restriction is not intended to affect existing mobile homes located on lots or parcels located outside of a licensed mobile home park on the effective date of this Ordinance nor the future replacement of said mobile homes.

### **3.6 Lots of Record**

An existing legal lot or parcel of land located in any zoning district which may contain less area than a new lot or parcel created pursuant to the minimum provisions of this Ordinance may be used as, or a building or structure or other developed feature thereon constructed, provided that such use, building, structure or developed feature is allowed in the zoning district within which the lot or parcel of land is located subject to the following limitations:

- (1) The minimum lot size requirements set forth in each zoning district apply to the creation of new lots and do not affect existing legally created lots or parcels, provided the lot is a lot of record in the Dodge County Register of Deeds Office prior to the effective date of this Ordinance.
- (2) Vacant lots or parcels of record can be used as a building site provided the lot or parcel has the minimum frontage on and access to a public street as required by Section 3.4 of this Ordinance. If an existing structure on a lot of record were to be damaged or destroyed, it would be allowed to be rebuilt only in accordance with this Ordinance and other applicable town, county, state and federal regulations.
- (3) All principal and accessory buildings, structures and uses of a site, lot or parcel of land are required to meet the setback and other yard requirements in the applicable zoning district regulations and all other provisions of this Ordinance. A building proposed with lesser dimensions and requisites than those stated in the code shall be issued upon issuance of a variance to such requirements by the Board of Zoning Appeals.
- (4) If two (2) or more legal lots of record under the same ownership as of the effective date of this Ordinance each have continuous public street frontage and where one or more of which contains less land area or width than required by this Ordinance, such lots shall be considered to be one (1) individual parcel for use and/or development pursuant to all applicable provisions of this Ordinance.

## Section 4: Zoning Districts and Use Requirements and Limitations

### 4.1 Establishment of Zoning Districts

In order to carry out the stated purposes of this Ordinance, the Town is hereby divided into the following twelve (12) zoning districts:

#### Agricultural Districts

- (1) GA        General Agricultural District
- (2) AI        Agricultural Industry District

#### Residential Districts

- (1) RRL       Rural Residential Large Lot District
- (2) RRS       Rural Residential Small Lot District
- (3) URO       Urban Residential Open Space District

#### Business Districts

- (1) NB        Neighborhood Business District
- (2) HB        Highway Business District
- (3) IM        Industrial & Manufacturing Business District

#### Open Use Districts

- (1) PR        Park & Recreational District
- (2) QE        Quarry & Extractive District
- (3) C         Conservancy District

### 4.2 Relationship to and Implementation of the Land Use Plan

A stated purpose of this Ordinance is to regulate the use and development of all land and structures in the Town and, in so doing, guide the future growth of and development in the Town in accordance with the Town's Comprehensive Plan including the development goals, objectives, and policies of the Town's Land Use Plan.

As a means of implementing the development policies of the Town's Land Use Plan and to further define the specific land uses and types of development that are allowed within each of the generalized land use categories presented on the Town's Future Land Use Plan Map, the assignment of zoning districts to land in the Town coincides with the

Future Land Use Plan Map categories as presented in the following table. While the assignment of a particular zoning district to an already developed property may be inconsistent with the generalized Land Use Map category within which that property is located, it is intended that this table be used by the Town Plan Commission and Board when considering whether a proposed change in land use, zoning and/or land development is consistent with the development policies of the Town's Land Use Plan.

Town of Hubbard Future Land Use Plan Map Categories		Single Family Residential	General Residential	Commercial	Industrial	Utilities & Community Services	Recreation	Conservancy	Agriculture
Zoning Districts									
GA:	General Agriculture	✓	✓			✓			✓
AI:	Agricultural Industry		✓						
RRL:	Rural Residential Large Lot	✓	✓	✓	✓	✓			✓
RRS:	Rural Residential Small Lot	✓	✓			✓			
URO:	Urban Residential Open Space	✓	✓			✓			
NB:	Neighborhood Business	✓	✓				✓		
HB:	Highway Business								
IM:	Industrial & Manufacturing Business			✓		✓			
PR:	Park & Recreation			✓		✓			
QR:	Quarrying & Extractive				✓	✓			
C:	Conservancy	✓	✓	✓	✓	✓	✓	✓	
					✓				✓
		✓	✓	✓	✓	✓	✓	✓	✓

### 4.3 Zoning District Maps

The location and boundaries of the districts established by this Ordinance are set forth in the Official Zoning Map, which is incorporated herein and hereby made a part of this Ordinance. . This map, together with everything shown thereon, and all amendments thereto shall be as much a part of this Ordinance as though fully set forth and described herein.

### 4.4 District Boundaries

When uncertainty exists with respect to boundaries of the various districts shown on the zoning maps, the following rules shall apply:

- (1) Where the designation of the Official Zoning Map indicates that various zoning

districts are approximately bounded by a street, alley, railroad, lot line, or stream, such lot line or the centerline of such street, alley, or railroad right-of-way, or



centerline of the main channel of such stream, said approximate boundaries shall be construed to be the zoning district boundary line.

- (2) In unsubdivided property, the location of the zoning district boundary lines shown on the Official Zoning Map shall be determined by the use of the scale on such map or shall be in accordance with the dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter-section, or division lines, or centerlines of streets, highways, or railroad right-of-way unless otherwise indicated.
- (3) The division of newly created lots or parcels into more than one (1) zoning district shall not be allowed.

#### **4.5 Zoning of Streets, Alleys, Publicways, Waterways, and Railroad Rights-of-Way**

All streets, alleys, publicways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, publicways, waterways, and railroad right-of-ways. Where the centerline of a street, alley, publicway, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

#### **4.6 Zoning of Detached Land**

Any additions to the Town resulting from disconnection from incorporated areas in Dodge County shall be automatically classified in the GA General Agricultural District until otherwise classified by amendment.

#### **4.7 GA: General Agricultural District**

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

The General Agricultural District is intended to provide for the preservation and protection of agricultural land currently used for crop production, raising of livestock, or other agricultural uses. In addition to larger farm units and operations, lands in the General Agricultural District include smaller farm units suitable for specialized agricultural activities, including: truck farming and cash cropping, hobby farming, orchards, the keeping and raising of horses for boarding, breeding and riding, the keeping and raising of domestic and exotic livestock, and other suitable agricultural uses.

Further, the provisions of this district are intended to allow a limited number of non-farm, low-density residential lots or parcels to develop after review and approval of a conditional use permit and in a manner that (1) minimizes the costs of providing public facilities and services to scattered non-farm uses and (2)

minimizes potential conflicts with existing agricultural uses by limiting the density, lot size and location of non-farm uses and by "clustering" non-farm residential uses on those areas within farm parcels or tracts where soil productivity and topography are less suited for agriculture uses and well suited for on-site sewage systems.

Existing residential and farm lots and parcels of record that are at least ten (10) acres in area and that were created by CSM or subdivision plat prior to the effective date of this Ordinance are included in the General Agricultural District.

(2) Principal Uses and Structures

(a) All forms of agricultural uses and activities permitted under and defined in Chapter 91.01(1), Wis. Stats. (the Farmland Preservation Statute), including, but not limited to:

1. Grain, seed and vegetable crop production.
2. Raising livestock.
3. Dairying.
4. Egg production.
5. Sod farming.
6. Ornamental tree, landscaping, plant nurseries and greenhouses.
7. Fish or fur farming.
8. Beekeeping.
9. Commercial feedlots.
10. Forest and game management.
11. Grazing.
12. Orchards and other fruit, nut and berry raising.

(b) Farm buildings and facilities including, but not limited to, barns, silos, sheds, storage bins, animal confinement facilities and structures, and storage of farm implements, machinery and related equipment.

(c) Two (2) single-family farm dwellings or one (1) two-family farm dwelling and ancillary structures, facilities and utilities on one lot, parcel, or tract operating as a farm necessary for occupancy by at least one person who earns a substantial portion of his/her gross income and livelihood from farm

operations on the lot, parcel or tract, or, is a member of the family of the farm operator.

- (d) Roadside stands or similar structures less than three-hundred (300) square feet in area for the seasonal or temporary sale of farm products where at least 60 percent are grown, produced or processed on the premises.
- (e) Dwellings and ancillary structures, facilities and utilities on separate non-farm lots or parcels remaining as a result of the consolidation of two or more farms.
- (f) Raising and/or sheltering of common domestic livestock for agribusiness, breeding, boarding, show, or riding and ancillary structures.
- (g) Commercial feed, fertilizer, and other agricultural product warehousing, sales and storage.
- (h) Single-family, two-family, and mobile home farm and non-farm dwellings and ancillary structures, and facilities and utilities in existence on the effective date of this Ordinance.

(3) Conditional Uses and Structures (See Section 6)

- (a) Additional single-family or two-family residential dwellings located on separate non-farm lots divided by certified survey map (CSM) or subdivision plat subject to the following minimum provisions and requirements (additional requirements may be required by the Plan Commission and Town Board as set forth in the conditional use permit):
  - 1. In order to protect agricultural uses on land within the General Agricultural District, the creation of non-farm lots resulting from the division of farm 'parent tracts" shall be limited to provide for the retention of farm tracts of sufficient size to be retained and used for agricultural purposes. Each parent tract containing at least (30) acres shall be permitted a maximum number of non-farm lots/residential units based on a density of one (1) lot/unit per thirty (30) gross acres. For example: A parent tract of 60 acres could allow the creation of two (2) new non-farm lots for single-family homes or the creation of one (1) new non-farm lot for a two-family home. In either case the density is limited to one (1) non-farm residential unit per thirty (30) gross acres. All land that has been or will be dedicated and/or reserved for street, road, highway, railroad, and utility rights-of-way can be included in the determination if and how many non-farm lots/units can be created.
  - 2. Lot size restrictions for all non-farm lots created by division from a farm parent tract shall be limited as follows with a preference for smaller

lots except where soil and other land characteristics necessitate larger lots in order to accommodate safe and efficient septic system location, vehicle access, and land division:

Minimum: 1.0 acre

Maximum: 2.0 acres

Farm dwellings and other accessory structures remaining as the result of farm consolidation may be located on non-farm lots having a minimum area of one (1) acre but not more than ten (10) acres.

3. All non-farm lots created by division of a farm parent tract shall be included in the certified survey map (CSM) or subdivision plat approving such division. Restrictions limiting further division of said lots and parcels shall be placed upon said CSM or subdivision plat to ensure compliance with the provisions of this section.
4. Non-farm lots shall be located on that area of a parent tract that is relatively less suitable for agricultural use by virtue of wooded areas, topography, shape of the parcel, and soil characteristics and where residential uses and residents will not limit nor adversely affect agricultural operations and where agricultural operations would not adversely affect residential uses and residents.
5. The configuration or layout of and access driveways to non-farm lots should follow existing tree lines, stone fences, and similar features, preserve such features as a natural buffer between said lots and agricultural uses of adjacent areas, and, where necessary, accommodate existing buildings and structures. The length of shared property lines between farm and non-farm lots shall be minimized.
6. The provisions of this section shall apply to all farm parent tracts as of the effective date of this Ordinance. For purposes of this section, a "farm parent tract" is defined as a tract of land meeting or exceeding the minimum requirements for land in the General Agricultural District held in single and separate ownership; all contiguous lands under the same ownership shall be considered as one (1) parent tract.
7. CSM's and/or subdivision plats creating non-farm lots pursuant to this section shall contain an "agricultural nuisance disclosure" stating that: 'the owners and/or residents of such non-farm lots may be subjected to the inconvenience, discomfort and possible damage to property and health resulting from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the

operation of farm machinery, the storage, disposal and application of manure and fertilizer, herbicides, and pesticides".

8. Keeping or raising of horses and other livestock for family consumption or enjoyment (but not for the principal use, sale or rent as part of an ongoing business operation) in appropriate barn and stable facilities. The number of animals kept shall not exceed the equivalent of one (1) livestock unit per whole acre where a livestock unit shall be the equivalent of one of the following:
  - a) One (1) cow, steer or buffalo
  - b) Two (2) horse, llama or camel
  - c) Three (3) pigs or hogs
  - d) Five (5) sheep or goats
  - e) Five (5) ostrich or emu
  - f) Twenty (20) poultry
  - g) One (1) other similar or specialty animals or fowl not specifically listed above
- (b) Farm-Related Businesses permitted under and defined in Section 91.75(8), Wis. Stats., subject to the following regulations:
  1. Such use shall involve the processing, storage, and sale of products or services related to agricultural operations;
  2. No more than two (2) acres of land shall be devoted to such use including areas used for buildings, parking, and storage;
  3. No more than fifty (50) percent of the area occupied by or devoted to such use shall be covered by buildings, parking, or other impervious surfaces;
  4. Other than persons residing on the farm, no more than two (2) persons who are not residents on the farm may be employed in the farm- related business;
  5. Wind energy conversion systems, i.e., windmills.
- (c) Housing for seasonal or migratory farm laborers subject to the following regulations:

1. Lots, parcels, or tracts devoted to the farm operation upon which such housing is located shall be not less than one-hundred (100) acres;
  2. Is only occupied by farm laborers;
  3. Notwithstanding other provisions in this Ordinance regulating their use and placement, mobile homes or other similarly removable dwelling structures shall be used.
- (d) Government-operated or other public uses, services and buildings, including but not limited to:
1. Public, private, and parochial schools
  2. Churches and cemeteries
  3. Government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters
  4. Airports, airstrips, aircraft landing fields, heliports
  5. Farms for the disposal of sewage, or offal
- (e) Public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance and that do not conflict nor impair agricultural use. Such uses may include, but not be limited to:
1. Sewage treatment facilities
  2. Commercial communication towers and relay facilities
  3. Electricity, natural gas and other essential service and facility transmission equipment
- (f) Roadside stands or similar structures greater than three-hundred (300) square feet in area for the seasonal or temporary sale of farm products where at least 50 percent are grown, produced, or processed on the premises.
- (g) Storage of commercial and recreational vehicles and other non-farm equipment in enclosed farm buildings existing on the effective date of this Ordinance where such use does not interfere or conflict with agricultural uses or operations and, if conducted as or part of a separate business, shall be subject to all regulations and requirements for farm-related or residential businesses.

- (h) Bed and breakfast establishments.
- (i) Private hunting, fishing and other sportsmen's clubs and organizations; including, but not limited to game farms.
- (j) Raising and/or sheltering of exotic or other non-traditional livestock, including but not limited to, llama, emu, and buffalo, for agribusiness, breeding, or boarding and ancillary structures.
- (k) Animal kennels.
- (l) Private airstrips, heliports, and landing fields.
- (m) Short-term mineral extraction and mining activities.
- (n) Residential Businesses subject to the following minimum regulations:
  - 1. Such use shall be conducted entirely within the confines of a principal or accessory building, or, in the rear or side yard of a site, lot or parcel and properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences.
  - 2. No more than two (2) acres of land shall be devoted to such use including areas used for buildings, parking, and storage.
  - 3. Storage of all items shall be in the rear or side yard of a site, lot or parcel and shall either be within the confines of a building or a properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences.
  - 4. Other than persons residing on the site, lot or parcel, no more than three (3) non-related persons may be employed in the residential business.
- (o) Expansion of mobile home parks and subdivisions existing on the effective date of this Ordinance onto abutting land under the same ownership or control subject to the following minimum provisions and requirements (additional requirements may be required by the Plan Commission and Town Board as set forth in the conditional use permit):
  - 1. Maximum Density: One (1) mobile home per acre.
  - 2. Minimum Recommended Park/Subdivision Expansion Area and Width: 25 acres and 600 feet.

3. Minimum Open Space Area: 25 percent (excluding lots, streets, and public purpose areas such as parking or recreation areas).
  4. Minimum Lot or Site Area and Width: Three-quarter (3/4) acre and 125 feet.
  5. Minimum Building Setback:
    - a. Street Yard: 50 feet
    - b. Side Yard: 30 feet
    - c. Rear Yard: 50 feet
  6. Minimum Dwelling Area: 720 square feet.
  7. Maximum Floor Area Ratio: 20 percent.
  8. All mobile home park or subdivision expansions shall meet applicable county and/or state regulations and requirements.
- (p) Other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (4) Accessory Uses and Structures (See Section 5)
- (5) Non-Conforming Uses, Structures, and Lots (See Section 7)
- (6) Farm and Non Farm Parcel Area, Width and Public Street Frontage
- (a) Minimum Farm Parcel Area: 35 acres (except to allow for the creation of residential non-farm parcels in accordance with Section 4.7(3)(a).
  - (b) Minimum Farm Parcel Width: 600 feet
  - (c) Minimum Farm Parcel Public Street Frontage: 300 feet
  - (d) Minimum and Maximum Non-Farm Parcel Area: 1 acre minimum, 2 acres maximum.
  - (e) Minimum Non-Farm Parcel Width: 150 feet measured at the actual street yard building setback.
  - (f) Minimum Non-Farm Parcel Public Street Frontage: 66 feet
  - (g) Notwithstanding the above, farm dwellings and other accessory structures remaining as the result of farm consolidation be located on non-farm lots



having a minimum area of one (1) acre but not more than ten (10) acres and a minimum width of not less than 175 feet.

- (h) When land in the C: Conservancy District lies adjacent to lands in the GA: General Agricultural District and under the same ownership, lands in the C: Conservancy District may be counted toward meeting up to eighty percent (80%) of the lot area requirements of the GA: General Agricultural District.

(7) Building Height

- (a) Maximum: 35 feet (dwellings and non-farm buildings), 60 feet (farm buildings)
- (b) Barns, Elevators, Grain Dryers, Silos and Other Farm Structures: Height shall not exceed distance from nearest property line.
- (c) Non-Habitable Structures, including Communication Towers: Height shall not exceed .75 times the distance from nearest point of base of structure to property line.

(8) Building and Site Area Restrictions

- (a) Minimum Dwelling Area: 1,200 square feet
- (b) Maximum Floor Area Ratio: 10 percent (farm parcel), 25 percent (non-farm lots).

(9) Building Setbacks

- (a) Minimum Street Yard: 65 feet (town streets and roads), 75 feet (state and county roads and highways).
- (b) Minimum Side Yard:
  - 1. 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
- (c) Minimum Rear Yard:
  - 1. 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
- (d) Minimum Building Separation:
  - 1. Dwelling-to-Dwelling: 25 feet

2. Dwelling-to-Farm Building: 50 feet
3. Other: 10 feet

- (10) Vehicle Access, Parking, and Loading (see Section 8)
- (11) Landscaping, Bufferyard, and Lighting (see Section 9)
- (12) Performance Standards (see Section 10)
- (13) Signs (see Section 11)
- (14) Site Plan Review (see Section 12)

#### **4.8 AI: Agricultural Industry District**

(1) Intent

The Agricultural Industry District is intended to provide for the location and operation of manufacturing, processing, packaging, marketing, warehousing, storage, and service uses and activities that are necessary for, dependent upon or related to farming, raising livestock, and other agricultural activities.

The Agricultural Industry District is appropriate for suitable land designated as "Agriculture Preservation Open Space" on the Town's Future Land Use Plan Map and, with adequate buffering and screening from adjacent land uses, lands designated as Commercial or Industrial.

(2) Principal Uses and Structures

- (a) All forms of agricultural uses and activities permitted in the General Agriculture District.
- (b) Farm buildings and facilities including, but not limited to, barns, silos, sheds, storage bins, animal confinement facilities and structures.

(3) Conditional Uses and Structures (See Section 6)

- (a) Commercial stables for breeding, boarding, show, or riding and ancillary structures.
- (b) Commercial feed, fertilizer, and other agricultural product warehousing, sales and storage.
- (c) Farm implement, machinery and related equipment.
- (d) Veterinary clinics and animal hospitals.

- (e) Animal kennels.
- (f) Milk and milk product processing, manufacturing, and storage.
- (g) Farm machinery, implement and related equipment sales, repair and storage.
- (h) Grain, feed and fertilizer preparation, production, packaging and storage.
- (i) Fruit, vegetable and farm produce sorting, processing, canning, drying, and packing.
- (j) Commercial greenhouse, nursery, and landscape operations.
- (k) Government-operated or other public uses, services and buildings, including but not limited to:
  - 1. Public, private, and parochial schools.
  - 2. Churches and cemeteries.
  - 3. Government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters.
  - 4. Airports, airstrips, aircraft landing fields, heliports.
- (l) Public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance. Such uses may include, but not be limited to:
  - 1. Sewage treatment facilities.
  - 2. Commercial communication towers and relay facilities.
  - 3. Electricity, natural gas and other essential service and facility transmission equipment.
- (m) Storage of commercial and recreational vehicles and other non-farm equipment in enclosed farm buildings existing on the effective date of this Ordinance where- such use does not interfere or conflict with agricultural uses or operations and, if conducted as or part of a separate business, shall be subject to all regulations and requirements for farm-related businesses under Section 3.7(3)(a) of this Ordinance.
- (n) Other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.

- (4) Accessory Uses and Structures (See Section 5)
- (5) Non-Conforming Uses Structures and Lots (See Section 7)
- (6) Parcel Area Width and Public Street Frontage
  - (a) Minimum Area: 3 acres
  - (b) Minimum Width: 200 feet at the actual building setback
  - (c) Minimum Public Street Frontage: 100 feet
- (7) Building Height
  - (a) Maximum: 35 feet (no-farm buildings), 60 feet (farm buildings)
  - (b) Barns, Elevators, Grain Dryers, Silos and Other Farm Structures: Height shall not exceed distance from nearest property line.
  - (c) Non-habitable Structures, including Communication Towers: Height shall not exceed .75 times the distance from nearest property line up to a maximum of 300 feet in height.
- (8) Building and Site Area Restrictions
  - (a) Maximum Floor Area Ratio: 25 percent.
  - (b) Maximum Impervious Surface: 50 percent.
- (9) Building Setbacks
  - (a) Minimum Street Yard: 65 feet (town streets and roads), 75 feet (State & County roads and highways)
  - (b) Minimum side yard: 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
  - (c) Minimum rear yard: 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
  - (d) Minimum Building Separation: 25 feet
- (10) Vehicle Access, Parking and Loading (See Section 8)
- (11) Landscaping; Bufferyard and Lighting (See Section 9)
- (12) Performance Standards (See Section 10)

(13) Signs (See Section 11)

(14) Site Plan Review (See Section 12)

#### **4.9 RRL: Rural Residential Large Lot District**

(1) Intent

The Rural Residential Large Lot District is intended to regulate the use and orderly development of larger residential "estate" lots and parcels that range from three (3) to 10 acres in area. This zoning shall not be applied to new lots created within areas planned for long-term agricultural use.

(2) Principal Uses and Structures

- (a) Single-family dwellings and accessory structures, facilities and essential utilities and services.
- (b) Foster homes and community living arrangements.
- (c) Family day-care homes as set forth in Section 66.304, Wis. Stats.
- (d) Existing farmstead dwellings.
- (e) Public and private parks, open space recreation areas, hiking, biking, skiing and equestrian trails, prairies, wetlands, woodlots, and other active and passive recreation areas that do not require significant grading or the construction or installation of buildings, structures, or facilities on open space areas or outlets.
- (f) Natural and man-made stormwater management areas, facilities, and structures.
- (g) General farming, including grain, seed and vegetable crop production, and orchards.
- (h) Keeping or raising of horses and other livestock for family consumption or enjoyment (but not for the principal use, sale or rent as part of an ongoing business operation) in appropriate barn and stable facilities subject to the following provisions:
  - 1. The number of animals kept shall not exceed the equivalent of one (1) livestock unit per whole acre where a livestock unit shall be the equivalent of one of the following:
    - a. One (1) cow, steer or buffalo
    - b. Two (2) horse, llama or camel

- c. Three (3) pigs or hogs
- d. Five (5) sheep or goats
- e. Five (5) ostrich or emu
- f. Twenty (20) poultry
- g. One (1) other similar or specialty animals or fowl not specifically listed above

(i) Home occupations and professional home offices.

(3) Conditional Uses and Structures (See Section 6)

- (a) Public and private parks, open space recreation areas, hiking, biking, skiing and equestrian trails, prairies, wetlands, woodlots, and other active and passive recreation areas that require significant grading or the construction or installation of buildings, structures, or facilities on open space areas or outlets.
- (b) Government-operated or other public uses; services and buildings on parcels not less than two (2) acres in area, including but not limited to:
  - 1. Public, private, and parochial schools.
  - 2. Churches and cemeteries.
  - 3. Government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters.
- (c) Public, quasi-public, and private utilities and related building, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance. Such uses may include, but not be limited to:
  - 1. Commercial communication towers and relay facilities.
  - 2. Electricity, natural gas, and other essential service and facility transmission equipment.
- (d) Game farms.
- (e) Horses and livestock exceeding the amount indicated in Section 4.9(2)(h).

- (f) Other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (g) Residential Businesses subject to the following minimum regulations:
  - 1. Such use shall be conducted entirely within the confines of a principal or accessory building, or, in the rear or side yard of a site, lot or parcel and properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
  - 2. No more than one (1) acre of land shall be devoted to such use including areas used for buildings, parking, and storage;
  - 3. Storage of all items shall be in the rear or side yard of a site, lot or parcel and shall either be within the confines of a building or a properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
  - 4. Other than persons residing on the site, lot or parcel, no more than three (3) non-related persons may be employed in the residential business.
- (4) Accessory Uses and Structures (See Section 5)
- (5) Non-Conforming Uses, Structures, and Lots (See Section 7)
- (6) Parcel Area, Width and Public Street Frontage
  - (a) Minimum Area: Three (3) acres
  - (b) Maximum Area: 10 acres. Where two or more zoning districts apply to a single lot or parcel, the maximum lot size provisions of the more intensive zoning district shall apply
  - (c) Minimum Width: 125 feet measured at the actual street yard building setback
  - (d) Minimum Public Street Frontage: 66 feet
- (7) Building Height
  - (a) Maximum: 35 feet (principal building or structure), 20 feet (accessory building or structure).
- (8) Building and Site Area Restrictions

- (a) Minimum Dwelling Area: 1,200 square feet
- (b) Maximum Floor Area Ratio: 20 percent
- (9) Building Setbacks
  - (a) Minimum Street Yard: 40 feet (town streets and roads), 50 feet (state and county roads and highways)
  - (b) Minimum Side Yard: 30 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
  - (c) Minimum Rear Yard: 40 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
  - (d) Minimum Building Separation: 10 feet
  - (e) Accessory structures less than 192 square feet may be permitted no closer than ten (10) feet to any side or rear yard property line. Accessory structures greater than 192 square feet shall meet or exceed building setbacks for principal structures.
- (10) Vehicle Access, Parking, and Loading (See Section 8)
- (11) Landscaping, Bufferyard, and Lighting (See Section 9)
- (12) Performance Standards (See Section 10)
- (13) Signs (See Section 11)
- (14) Site Plan Review (see Section 12)

#### **4.10 RRS: Rural Residential Small Lot District**

(1) Intent

The Rural Residential Small Lot District is intended to regulate the use and orderly development of small-sized residential lots and parcels, i.e., up to three (3) acres in area.

This district is intended for existing and planned clusters or "hamlets" of small-sized residential lots in the Town, such as those found in the unincorporated area of Neda, and the waterfront areas around Lake Sinnissippi. This zoning shall not be applied to new lots created within areas planned for long-term agricultural use.

(2) Principal Uses and Structures



- (a) Single-family dwellings and accessory structures, facilities, utilities, and essential services.
  - (b) Foster homes and community living arrangements.
  - (c) Family day care homes as set forth in Section 66.304, Wis. Stats.
  - (d) Existing farmstead dwellings.
  - (e) Home occupations and professional home offices.
- (3) Conditional Uses and Structures (see Section 6)
- (a) Public and private parks, open space recreation areas, hiking, biking, skiing and equestrian trails, prairies, wetlands, woodlots, and other active and passive recreation areas that require significant grading or the construction or installation of buildings, structures, or facilities on open space areas or outlots.
  - (b) Government-operated or other public uses, services and buildings on parcels not less than two (2) acres in area, including but not limited to:
    - 1. Public, private, and parochial schools.
    - 2. Churches and cemeteries.
    - 3. Government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities, and shelters.
  - (c) Public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance. Such uses may include, but not be limited to:
    - 1. Commercial communication towers and relay facilities.
    - 2. Electricity, natural gas and other essential service and facility transmission equipment.
  - (d) Residential businesses subject to the following minimum regulations:
    - 1. Such use shall be conducted entirely within the confines of a principal or accessory building, or, in the rear or side yard of a site, lot or parcel and properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences.

2. No more than one (1) acre of land shall be devoted to such use including areas used for buildings, parking, and storage.
  3. Storage of all items shall be in the rear of side yard of a site, lot or parcel and shall either be within the confines of a building or a properly screened and/or landscaped area so as to be completely obstructed from the view of all public right-of-ways and surrounding residences.
  4. Other than persons residing on the site, lot or parcel, no more than two (2) non-related persons may be employed in the residential business.
- (e) Other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (4) Accessory Uses and Structures (See Section 5)
- (5) Non-Conforming Uses, Structures, and Lots (See Section 7)
- (6) Parcel Area, Width and Public Street Frontage
- (a) Minimum Area: 10,000 square feet (served by public sewer) 30,000 square feet (served by on-site septic)
  - (b) Maximum Area: Three (3) acres. Where two or more zoning districts apply to a single lot or parcel, the maximum lot size provisions of the more intensive zoning district shall apply.
  - (c) Minimum Width: 60 feet (served by public sewer) 125 feet (served by on-site septic)
  - (d) Minimum Public Street Frontage: 66 feet.
- (7) Building Height
- (a) Maximum: 36 feet (principal building or structure), 20 feet (accessory building or structure)
- (8) Building and Site Area Restrictions
- (a) Minimum Dwelling Area: 1,200 square feet
  - (b) Maximum Floor Area Ratio: 30 percent
- (9) Building Setbacks
- (a) Minimum Street Yard (Town Roads and Streets)

1. Lots Served by Public Sewer: 30 feet
  2. Lots Served by On-Site Septic: 40 feet
  - (b) Minimum Street Yard (State and County Highways)
    1. Lots Served by Public Sewer: 40 feet
    2. Lots Served by On-Site Septic: 50 feet
  - (c) Minimum Side Yard
    1. Lots Served by Public Sewer: 8 feet on one side, 20 feet total both sides
    2. Lots Served by On-Site Septic: 10 feet on one side, 25 feet total both sides
  - (d) Minimum Rear Yard
    1. Lots Served by Public Sewer: 20 feet
    2. Lots Served by On-Site Septic: 40 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
  - (e) Minimum Building Separation: 10 feet
  - (f) Accessory structures less than 192 square feet may be permitted no closer than ten (10) feet to any side or rear yard property line. Accessory structures greater than 192 square feet shall meet or exceed building setbacks for principal structures.
- (10) Vehicle Access, Parking, and Loading (See Section 8)
- (11) Landscaping, Bufferyard, and Lighting (See Section 9)
- (12) Performance Standards (See Section 10)
- (13) Signs (See Section 11)
- (14) Site Plan Review (See Section 12)

#### **4.11 URO: Urban Residential Open Space District**

- (1) Intent

The Urban Residential Open Space District is intended to regulate and provide for the orderly development of single-family residential "open space" subdivisions served by public or other centralized sanitary sewer systems (only). Further, the URO District is intended to: (1) satisfy the increasing demand for non-farm, single-family development in the Town; (2) minimize the impact of such development on adjacent farm land; and (3) further the goal of preserving the rural character, lifestyle and open spaces of the Town by regulating the density, extent, and location of such development. Generally, the provisions of this district require that:

- (a) The minimum area recommended per subdivision is twenty-five (25) acres.
- (b) The maximum density of development allowed does not exceed one (1) single-family dwelling unit per one (1) gross acre when a minimum of twenty-five (25) percent of the entire subdivision area is preserved as open space (Option 1) and 1.25 single-family dwelling units per one (1) gross acre when a minimum of fifty (50) percent of the subdivision area is preserved as open space (Option 2).
- (c) The minimum area required per residential lot is  $\frac{2}{3}$  acre (30,000 square feet) when the subdivision is developed under Option 1 with a minimum of 25 percent open space and  $\frac{1}{3}$  acre (15,000 square feet) when the subdivision is developed under Option 2 with a minimum of 50 percent open space.
- (d) The subdivision layout is designed to preserve, protect and minimize disturbance of any natural resource features and environmentally sensitive areas within the subdivision tract by "clustering" the developed home sites away from such features and on lands more suitable for urban development and less likely to adversely affect (or be affected by) agricultural operations on adjacent or nearby land.

The Urban Residential Open Space District shall not be applied to areas planned for long-term agricultural use. This District is only allowed in areas planned for urban services and only when adequate urban services and facilities including centralized sanitary sewer is or will be made available prior to or concurrent with the development of such land.

(2) Principal Uses and Structures

- (a) Single-family dwellings and accessory structures, facilities, utilities and essential services.
- (b) Foster homes and community living arrangements.
- (c) Family day-care homes as set forth in Section 66.304, Wis. Stats.

- (d) Existing farmstead dwellings.
  - (e) Public and private parks, open space recreation areas, hiking, biking, skiing and equestrian trails, prairies, wetlands, woodlots, and other active and passive recreation areas that do not require significant grading or the construction or installation of buildings, structures, or facilities on open space areas or outlets.
  - (f) Natural and man-made stormwater management areas, facilities, and structures.
  - (g) General farming, including grain, seed and vegetable crop production, and orchards.
  - (h) Home occupations and professional home offices.
- (3) Conditional Uses and Structures (See Section 6)
- (a) Golf courses, playfields, parks, and other active recreational uses requiring or involving the development of buildings, structures or facilities.
  - (b) Public and private parks, open space recreation areas, hiking, biking, skiing and equestrian trails, prairies, wetlands, woodlots, and other active and passive recreation areas that require significant grading or the construction or installation of buildings, structures, or facilities on open space areas or outlets.
  - (c) Government-operated or other public uses, services and buildings on parcels not less than two (2) acres in area, including but not limited to:
    - 1. Public, private, and parochial schools.
    - 2. Churches and cemeteries.
    - 3. Government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters.
  - (d) Other uses and structures determined by the Plan Commission to be Similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (4) Accessory Uses and Structures (See Section 6)
- (5) Non-Conforming Uses, Structures, and Lots (See Section 7)
- (6) Subdivision and Parcel Density, Area, Width and Public Street Frontage

- (a) Maximum Subdivision Dwelling Unit/Homesite Density: One (1) per 1.0 acres (Option 1), one (1) per 1.25 acres (Option 2)
  - (b) Minimum Recommended Subdivision Area: 25 acres (subdivision tract)
  - (c) Minimum Lot Area: 30,000 square feet (Option 1), 15,000 square feet (Option 2)
  - (d) Minimum Lot Width: 125 feet measured at the actual street yard building setback.
  - (e) Minimum Public Street Frontage: 66 feet
- (7) Building Height
- (a) Maximum: 35 feet (principal building or structure), 20 feet (accessory building or structure)
- (8) Building and Site Area Restrictions
- (a) Minimum Dwelling Area: 1,200 square feet
  - (b) Maximum Floor Area Ratio: 25 percent
- (9) Building Setbacks
- (a) Minimum Street Yard: 30 feet (Town streets and roads), 40 feet (state and county roads and highways)
  - (b) Minimum Side Yard: 10 feet one side (25 feet both sides)
  - (c) Minimum Rear Yard: 20 feet
  - (d) Minimum Building Separation: 10 feet
  - (e) Accessory structures less than (192) square feet may be permitted no closer than five (5) feet to any side or rear yard property line. Accessory structures greater than (162) square feet shall meet or exceed building setbacks for principal structures.
- (10) Vehicle Access, Parking and Loading (See Section 8)
- (11) Landscaping, Bufferyard, and Lighting (See Section 9)
- (12) Performance Standards (See Section 10)
- (13) Signs (See Section 11)

(14) Site Plan Review (See Section 12)

(15) Open Space Area Requirements

- (a) A minimum percentage of the total/gross area of a subdivision tract shall be preserved as open space in accordance with the following:

Option 1: Twenty-five (25) percent; or

Option 2: Fifty (50) percent.

Said open space shall be established in one or more open space areas that are either designated, dedicated, reserved, or restricted for public or private use or enjoyment by property owners and/or occupants of adjoining land in the subdivision. Said open space shall not include areas required for public highways, road or streets.

- (b) Open spaces areas shall be comprised of:

1. Undevelopable and indivisible outlets owned in equal undivided interest by the owners of the other lots or parcels within the subdivision plat or certified survey map (CSM) as tenants in common (see Open Space Area Ownership and Maintenance Requirements below) and designated as such on the, subdivision plat or certified survey map (CSM) for the parcel being developed and in the deed of conveyance for each lot or parcel.

(16) Open Space Area Ownership and Maintenance Requirements

- (a) Open space areas may be dedicated to and accepted by the Town, county or state if said open space areas are contained in an adopted Park/Open Space/Conservancy Plan.
- (b) Unless otherwise dedicated for public use as provided herein, all open space areas counted toward the satisfaction of the minimum open space requirements shall be subject to conservation and/or other open space preservation easements regulating the protection of said open space areas from further development and/or division. Such easements shall be reflected on the subdivision plat or certified survey map (CSM) and contained in a restrictive covenant or other legal instrument reviewed and approved by legal counsel for the Town. Said instruments shall ensure that all such easements are held privately and in perpetuity by the individual property owner or a non-profit membership corporation or other legal entity, e.g., homeowner's association, and that the developer, individual property owner, or other legal entity is responsible for the ownership, perpetuation, care, and maintenance of all such open space areas.

- (c) Said instrument shall legally describe and identify as to location, size, use and maintenance of the open space area(s) subject to the conservation or other open space preservation easement, compulsory membership and compulsory assessment provisions for all property owners within the subdivision (when applicable) for the perpetual care and maintenance of said open space area(s).

(17) Cluster Development Design Criteria

The design and layout of residential lots or parcels and open space outlets should, to the greatest extent possible, satisfy the following:

- (a) Individual lots shall be designed and arranged in order to minimize the destruction or alteration of natural resource features located within the parcel(s) proposed for development. In order of priority, open space outlets containing the following natural resource, open space and agricultural features in whole or in combination in order to maximize preservation of the Town's rural character.
  - 1. Lakes, ponds, rivers, streams, wetlands, shorelands and floodplains.
  - 2. Woodlots and forests.
  - 3. Steep slopes (greater than 12%).
  - 4. Other areas located within Environmental Corridors as designated on the Town's Future Land Use Plan Map.
  - 5. Other areas comprised of wet, poorly drained and organic soils.
  - 6. Prairies.
  - 7. Primary, secondary and other farmlands as may be designated in the Dodge County Farmland Preservation Plan.
  - 8. Other drainage and stormwater facilities.
- (b) Open space areas should be designed and arranged as contiguous areas having a minimum area not less than 10 percent of the total gross area of the parcel(s) being developed.
- (c) Open space areas to be owned in common by all lot owners within the development should be design and arranged to:
  - 1. Provide a perimeter buffer not less than 50 feet in width between residential lots within the subdivision and adjoining property.



2. Provide for the continuation of and cross-access between crating and future open space areas on adjoining properties.
  3. Provide at least one (1) pedestrian-type accessway or easement from each public subdivision street to each open space area within the development that is not less than 30 feet in width.
- (d) Residential lots should be arranged within the parcel(s) being developed in order to:
1. Minimize potential conflicts with adjoining agricultural uses and operations.
  2. Minimize the number of abutting residential lots so no more than two (2) lots abut any other lot.
  3. Maximize the number of lots that abut and have access to the open space areas provided with the development.
  4. Locate on those areas within the subdivision that are best suited for on-site sewage systems.
- (e) Individual lots, parcels and outlots should be designed and arranged to minimize the amount of land required for additional public roads while providing for the future extension of public streets to adjoining vacant land.

#### **4.12 NB: Neighborhood Business District**

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

The Neighborhood Business District is intended to provide for the orderly development of retail trade and customer service establishments developed on individual small-sized lots or groupings of individual buildings intended to serve and be compatible with nearby residential areas.

The Neighborhood District is appropriate for land designated as "Commercial" on the Town's Future Land Use Plan Map and, specifically, to guide the orderly redevelopment of the locally historic "hamlet" of Neda.

##### **(2) Principal Uses and Structures**

- (a) Retail trade establishments which supply convenience and specialized goods and services, including, but not limited to: groceries, bakeries, antique and consignment stores and shops, bars, taverns and restaurants (sit-down but not drive through), gift shops, hardware, paint and similar retail sales and service establishments.

- (b) Personal and professional service establishments performing services on or off the premises, including, but not limited to: general offices, beauty parlors and barber shops, banks and other financial institutions, real estate services, art and photography studios, museums, small appliance and equipment repairs and sales, plumbing, heating, electrical and other similar business service establishment.

(3) Conditional Uses and Structures

- (a) Auto, truck, and other service operations, including gasoline and accessory sales and repair services.
- (b) Churches and other houses of worship.
- (c) Animal clinics, hospitals and kennels.
- (d) Motels and bed and breakfast establishments.
- (e) One (1) single-family residence or residential quarters located within or attached to a principal use building and occupied by the owner or operator of said use.
- (f) Government-operated or other public uses, services and buildings, including but not limited to:
  - 1. Public, private, and parochial schools.
  - 2. Government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters.
- (g) Uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.

(4) Accessory Uses and Structures (See Section 6)

(5) Non-Conforming Uses and Structures (See Section 7)

(6) Parcel Area, Width, and Public Street Frontage

- (a) Minimum Area: Two (2) acres; except for lots or parcels existing on the effective date of this Ordinance and located within a designated activity center provided adequate off-street parking can be provided.
- (b) Minimum Width: 200 feet; except for lots or parcels existing on the effective date of this Ordinance and located within a designated activity center.
- (c) Minimum Public Street Frontage: 100 feet.

(7) Building Height

- (a) Maximum: 35 feet.
- (b) Non-habitable structures, including communication towers: height shall not exceed .75 times the distance from nearest property line.

(8) Building and Site Area Restrictions

- (a) Maximum Floor Area Ratio: 40 percent
- (b) Maximum Impervious Surface: 60 percent

(9) Building Setbacks

- (a) Minimum Street yard: 40 feet (Town streets and roads), 75 feet (State and county roads and highways)
- (b) Minimum Side Yard: 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
- (c) Minimum Rear Yard: 75 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
- (d) Minimum Building Separation: 15 feet

(10) Vehicle Access, Parking, and Loading (See Section 8)

(11) Landscaping, Bufferyard and Lighting (See Section 9)

(12) Performance Standards (See Section 10)

(13) Signs (See Section 11)

(14) Site Plan Review (See Section 12)

**4.13 HB: Highway Business District**

(1) Intent

The Highway Business District is intended to provide for the regulation and orderly development of highway-oriented commercial trade and service establishments along the State and County highways through the Town that are intended to serve the traveling public, or, are generally dependent upon such highways for successful operation.

The Highway Business District is appropriate for land designated as "Commercial" on the Town's Future Land Use Plan Map and, specifically, the commercial corridors located on Highway 33 and Highway 67.

(2) Principal Uses and Structures

- (a) Auto, truck, and farm implement and accessory equipment sales and service; including the retail sale of gasoline or diesel fuel.
- (b) Hotels and motels.
- (c) Establishments for the temporary storage and/or transfer of freight and vehicles used in the transport of goods and materials.
- (d) Building supply and construction service establishments; including storage yards and offices.
- (e) General offices for personal and professional services, including, but not limited to land surveying services, legal, accounting, engineering, and medical services, banks and other financial institutions and services, real estate services.
- (f) Retail trade establishments which supply convenience and specialized goods and services, including, but not limited to: groceries, bakeries, antique and consignment stores and shops, bars, taverns and restaurants (with or without drive through facilities), gift shops, hardware, paint and similar retail sales.

(3) Conditional Uses and Structures (See Section 6)

- (a) Government-operated or other public uses, services and buildings, including but not limited to:
  - 1. Public, private, and parochial schools.
  - 2. Government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters.
- (b) Uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.

(4) Accessory Uses and Structures (See Section 5)

(5) Non-Conforming Uses, Structures and Lots (See Section 7)

(6) Parcel Area, Width and Public Street Frontage

- (a) Minimum Area: 3 acres.
- (b) Minimum Width: 200 feet.
- (c) Minimum Public Street Frontage: 100 feet.
- (7) Building Height
  - (a) Maximum: 35 feet.
- (8) Building and Site Area Restrictions
  - (a) Maximum Floor Area Ratio: 40 percent
  - (b) Maximum Impervious Surface: 60 percent
- (9) Building Setbacks
  - (a) Minimum Street Yard: 40 feet (Town streets and roads), 75 feet (State and County roads and highways)
  - (b) Minimum Side Yard: 50 feet
  - (c) Minimum Rear Yard: 75 feet
  - (d) Minimum Building Separation: 15 feet
- (10) Vehicle Access, Parking and Loading (See Section 8)
- (11) Landscaping, Bufferyard, and Lighting (See Section 9)
- (12) Performance Standards (See Section 10)
- (13) Signs (See Section 11)
- (14) Site Plan Review (See Section 12)

#### **4.14 IM: Industrial and Manufacturing District**

(1) Intent

The Industrial & Manufacturing District is intended to provide for the regulation and orderly development of limited industrial, manufacturing and warehousing uses operations.

The Industrial & Manufacturing District is appropriate for land designated as "Industrial" on the Town's Future Land Use Plan Map. This district may also be assigned to properties outside the designated planned areas upon which existing

uses were in operation on the effective date of this Ordinance in order to avoid or at least minimize the creation of non-conforming lots and structures.

(2) Principal Uses and Structures

- (a) Establishments for manufacturing, fabricating, processing, packaging, and/or assembly of products or materials conducted within enclosed buildings.
- (b) Establishments for the wholesale and/or storage of goods and materials where such goods and materials are kept within enclosed buildings or in outside storage yards that are completely screened from view from adjacent properties, streets and highways.
- (c) General offices accessory to manufacturing and industrial establishments and for personal and professional services, including, but not limited to land surveying services, legal, accounting, engineering, and medical services, banks and other financial institutions and services, real estate services.
- (d) Building supply and construction contractor service establishments; including storage yards and offices.

(3) Conditional Uses and Structures (See Section 6)

- (a) Junk, salvage or scrap storage yards.
- (b) Establishments for manufacturing, fabricating, processing, packaging, and/or assembly of chemicals, explosives, paint, or other potentially harmful products or materials conducted within enclosed buildings.
- (c) Public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance. Such uses may include, but not be limited to:
  - 1. Commercial communication towers and relay facilities.
  - 2. Electricity, natural gas and other essential service and facility transmission equipment.
- (d) Uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.

(4) Accessory Uses and Structures (See Section 5)

(5) Non-Conforming Uses, Structures, and Lots (See Section 7)

(6) Parcel Area, Width and Public Street Frontage

- (a) Minimum Area: 3 acres
- (b) Minimum Width: 350 feet
- (c) Minimum Public Street Frontage: 150 feet

(7) Building Height

- (a) Maximum: 50 feet, except for specific building components necessary for mechanical and structural functions, limited to 80 feet in height.

(8) Building and Site Area Restrictions

- (a) Maximum Floor Area Ratio: 50 percent
- (b) Maximum Impervious Surface (75 percent)

(9) Building Setbacks

- (a) Minimum Street Yard: 65 feet (Town streets and roads), 75 feet (State and County roads and highways)
- (b) Minimum Side Yard: 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
- (c) Minimum Rear Yard: 75 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
- (d) Minimum Building Separation: 25 feet

(10) Vehicle Access, Parking, and Loading (See Section 8)

(11) Landscaping, Bufferyard, and Lighting (See Section 9)

(12) Performance Standards (See Section 10)

(13) Signs (See Section 11)

(14) Site Plan Review (See Section 12)

**4.15 PR: Park and Recreational District**

(1) Intent

The Park Recreational District is intended to provide for areas where the outdoor recreational needs of the community can be met without undue disturbance of the Town's natural resources and adjacent land uses.

The Park & Recreational District is appropriate for suitable land located within all areas designated on the Town's Future Land Use Plan Map.

(2) Principal Uses and Structures

- (a) All forms of agricultural uses and activities permitted in the GA: General Agriculture Districts.
- (b) Bicycle and recreational trails.
- (c) Botanical gardens and arboretums.
- (d) Forest reserves (wilderness refuges).
- (e) Golf courses (without country club or restaurant facilities).
- (f) Hunting and fishing (without meeting buildings or facilities)
- (g) Historic and monument sites.
- (h) Ice skating (outdoor).
- (i) Picnicking.
- (j) Playfields, athletic fields, soccer fields, or outdoor courts (without permanent held lighting or buildings and structures).
- (k) Playgrounds.
- (l) Skiing, sledding and tobogganing areas (without lifts, tows, restaurant buildings or facilities).
- (m) Swimming beaches and swimming pools.
- (n) Tennis and racquetball courts.

(3) Conditional Uses and Structures (See Section 6)

- (a) Country club, banquet hall, or other restaurant facilities associated with an accessory to an existing principal or permitted conditional use allowed in this district.
- (b) Golf driving ranges, miniature golf and other golf-related facilities and operations not associated with an approved golf course.



- (c) Private resorts, country clubs, gymnasiums, tennis court and athletic clubs, hunting, fishing and other sportsmen's clubs.
- (d) Archery and firearm ranges.
- (e) Indoor and outdoor, single- or multiple-use recreation centers, including roller skating, ice skating, and skate boarding.
- (f) Marinas, boat rentals and boat access sites.
- (g) Playfields, athletic fields, soccer fields, or outdoor courts (with permanent field lighting or buildings and structures).
- (h) Skiing, sledding and tobogganing areas (with lifts, tows, restaurant buildings or facilities).
- (i) Government-operated or other public uses, services and buildings, including but not limited to:
  - 1. Public, private, and parochial schools.
  - 2. Churches and cemeteries.
  - 3. Government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters.
  - 4. Buildings for special events, gatherings and other public events such as museums, amphitheaters, arenas, exhibition halls, fairgrounds, field houses.
- (j) Public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance and that do not conflict nor impair agricultural use. Such uses may include, but not be limited to:
  - 1. Sewage treatment facilities.
  - 2. Commercial communication towers and relay facilities.
  - 3. Electricity, natural gas and other essential service and facility transmission equipment.
- (k) Public and private campgrounds and travel trailer and recreational vehicle parks subject to the following minimum provisions and requirements (additional requirements may be required by the Plan Commission and Town Board as set forth in the conditional use permit).

1. Campgrounds and parks, including those providing for travel trailers, recreational vehicles, cabins and tents shall have a minimum site area of thirty (30) contiguous acres.
  2. The maximum number of campsites shall not exceed fifteen (15) per net acre.
  3. Each campsite shall provide a minimum area of twenty-five hundred (2,500) square feet; be separated by yard area not less than ten (10) feet in width; and be improved with an abutting parking space of not less than ten (10) feet by twenty-five (25) feet in addition to the access drive.
  4. One (1) additional parking space shall be provided for each five (5) campsites provided and conveniently located throughout the campground or park adjacent to access drives and/or recreational or service facilities.
  5. Passive and active recreation areas shall be provided within the campground in an amount equal to one-hundred (100) square feet per campsite.
  6. Public utilities shall be placed underground and all access and circulation drives internal to the campground shall be a minimum twelve (12) feet in width for one-way drives; twenty-four (24) feet for two-way drives; and surfaced with minimum of five (5) inches of road gravel covered by a minimum of three (3) inches asphalt surfacing.
  7. The Plan Commission may require additional fencing and/or landscaping as a means to discourage trespassing.
  8. Recreational facilities, laundry buildings, and one (1) convenience-type retail store/lodge providing items for sale, rent or use for the benefit of the campground and not exceeding four thousand (4,000) square feet in total floor area, manager's office and storage buildings, sanitary facilities, and fences, may be permitted by the Plan Commission.
- (l) Uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (4) Accessory Uses and Structures (See Section 5)
- (5) Non-Conforming Uses, Structures and Lots (See Section 7)
- (6) Parcel Area, Width and Public Street Frontage

- (a) Minimum Area: 2 acres.
- (b) Minimum Width: 300 feet.
- (c) Minimum Public Street Frontage: 100 feet.
- (d) When land in the C: Conservancy District lies adjacent to lands in the Park & Recreation District and under the same ownership, such lands may be counted toward meeting up to twenty-five (25) percent of the lot area requirements of this district.

(7) Building Height

- (a) Maximum: 35 feet (no-farm buildings) 60 feet (farm buildings)
- (b) Barns, elevators, grain dryers, silos and other farm structures: Height shall not exceed distance from nearest property line.
- (c) Non-habitable structures, including communication towers: Height shall not exceed 0.75 times the distance from nearest property line.

(8) Building and Site Area Restrictions

- (a) Maximum Floor Area Ratio: 20 percent
- (b) Maximum Impervious Surface: 35 percent.

(9) Building Setbacks

- (a) Minimum street yard: 65 feet (lawn streets and roads) 75 feet (state and county roads and highways)
- (b) Minimum side yard: 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
- (c) Minimum rear yard: 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
- (d) Minimum Building Separation: 15 feet

(10) Vehicle Access, Parking and Loading (See Section 8)

(11) Landscaping, Bufferyard and Lighting (See Section 9)

(12) Performance Standards (See Section 10)

(13) Signs (See Section 11)

(14) Site Plan Review (See Section 12)

#### **4.16 QE: Quarrying and Extractive District**

(1) Intent

The Quarrying & Extractive District is intended to accommodate the orderly operation and restoration of existing quarries and mineral extraction operations, as well as, for new quarries and mineral extraction operations in a manner that will allow the mining and processing of essential rock, sand, soil and other mineral resources while safeguarding the natural environment and adjacent land uses.

The Quarrying & Extractive District is appropriate for suitable land designated as "Agriculture" and "Industrial" on the Town's Future Land Use Plan Map.

(2) Principal Uses and Structures

- (a) All forms of existing agricultural uses and activities permitted in the GA: General Agriculture Districts.

(3) Conditional Uses and Structures (See Section 6)

- (a) Rock, sand, gravel, crushed and broken stone quarrying.
- (b) Crushing and processing of minerals indigenous to the site.
- (c) Peat and soil removal (borrow pits).
- (d) Stockpiles (when accessory to quarrying operations).
- (e) Washing, refining, or processing of rock, gravel, soil, sand and other minerals.
- (f) Aggregate, ready-mix, and asphalt plants.
- (g) Manufacture of concrete building blocks or other similar concrete products.
- (h) Public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot or should not be located on land in other zoning districts provided in this Ordinance. Such uses may include, but not be limited to:
  - 1. Sewage treatment facilities.
  - 2. Farms for the disposal of sewage or offal.

3. Commercial communication towers and relay facilities.
- (i) Other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other conditional uses permitted in this district.
- (4) Accessory-Uses and Structures (also see Section 5)
  - (a) The following facilities and structures when accessory to an approved conditional use(s):
    1. Garages for storage of vehicles used in conjunction with the operation of the principal use.
    2. Ground-mounted and building-mounted earth station dish and terrestrial antennas.
    3. Maintenance tailings.
    4. Off-street parking and loading areas provided that they are properly screened.
    5. Offices, storage, power supply, and other uses normally auxiliary to the principal use.
    6. Weighing scales.
    7. Any other facility or structure determined by the Plan Commission to be similar in character and/or function to the other accessory uses specified above.
- (5) Non-Conforming Uses, Structures and Lots (See Section 7)
- (6) Parcel Area, Width and Public Street Frontage
  - (a) Minimum Area: 5 acres
  - (b) Minimum Width: 350 feet
  - (c) Minimum Public Street Frontage: 200 feet
- (7) Building Height
  - (a) Maximum: 35 feet.
  - (b) Non-habitable structures and equipment including communication towers: Height shall not exceed .75 times the distance from nearest property line.

(8) Building and Site Area Restrictions

- (a) Maximum Floor Area Ratio: 5 percent.
- (b) Maximum Impervious Surface: 35 percent.

(9) Building, Area of Excavation, Disposal, Stockpile or Storage Setbacks

- (a) Minimum street yard: 250 feet (Town streets and roads), 280 feet (state and county roads and highways)
- (b) Minimum Side and Rear Yard:
  - 300 feet (residential property)
  - 250 feet (agricultural property)
  - 200 feet (commercial/industrial property)
  - 500 feet (conservancy property)
- (c) Minimum Building Separation: 25 feet

(10) Vehicle Access, Parking and Loading (See Section 8)

(11) Landscaping, Bufferyard, and Lighting (See Section 9)

(12) Performance Standards (See Section 10)

(13) Signs (See Section 11)

(14) Site Plan Review (See Section 12)

(15) Special Requirements

- (a) Operation Plan: Each applicant for a conditional use in the QE: Quarrying and Extractive District shall submit an operation plan for the proposed use. The operational plan shall specify:
  - 1. A timetable for operation of the quarry including the date on which the quarrying, extractive, or other operation will begin and the planned date of the completion of the operation.
  - 2. A phasing plan showing the location and timing on all proposed phases.
  - 3. Hours of operation and days of operation for the quarrying, extractive, or other operation.

4. The means by which noise, dust, and other potential nuisances will be controlled.
  5. The means by which the applicant will control stormwater runoff and erosion to protect watersheds and groundwater aquifers.
  6. The location, height, and type of all proposed fences.
  7. Machinery and equipment to be used and/or stored during the quarrying, extractive, or other operation, and the location thereof.
  8. A transportation plan identifying the mode of transportation to be used, the size and types of vehicles to be used, the number and frequency of trips to and from the site, and the routes to be used by trucks or locomotives.
  9. The location and type of landscaping to be used to screen the quarrying, extractive, or other operation from adjacent land use and public rights-of-way.
  10. Other information required by the Plan Commission.
- (b) Restoration Requirements: In order to insure that the area of quarrying, extractive, or related operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall submit to the Plan Commission a plan for such restoration in the form of the following. Existing quarry operations shall submit a restoration plan within two years following the adoption of this Ordinance:
1. An agreement with the Town Board whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the Town Board.
  2. A physical restoration plan showing existing topography (at a contour interval specified by the Plan Commission) and the proposed contours after restoration, plantings and other special features of restoration, and the method by which such restoration is to be accomplished. Every two years following the initial conditional use 'permit issuance, or adoption of this Ordinance, whichever is applicable, the applicant or his successor shall submit an update to the restoration plan showing restoration progress and existing topography of the quarry site.
  3. A bond, letter of credit, certified check, or other financial guarantee satisfactory to the Town Board in an amount sufficient to secure the performance of the restoration agreement may be required.

4. Such agreement and financial guarantee shall be in a form approved by the Town Board.
  - a. If applicant fails to fulfill the agreement such bond, check or other financial guarantee shall be deemed forfeit for the purpose of enabling the Town Board to perform the restoration.
  - b. Restoration shall proceed as soon as practicable and at the order and direction of the Town Board. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than two years.
  - c. At any stage during the restoration the plan may be modified by mutual agreement between the Town Board and the owner or operator.
  - d. The restoration plan shall specify what fill material will be used, the method and extent of compaction, and the depth of topsoil upon completion of the quarry, extractive, or related operation. In all cases, fill shall consist of clean earth, and no more than 26 percent by volume per truckload of building stone or concrete, and no more than five (5) percent by volume per truckload of incidental asphalt. Where there is back filling, the method of backfilling shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility, or unsightliness. In any case, the finished condition 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.
  - e. Within one (1) year after the cessation of the operation or any phase of the operation, all temporary structures (except fences), equipment, stockpiles, rubble heaps or other debris shall be removed or backfilled into excavation so as to leave the premises in a neat and orderly condition.
  - f. 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 one and one-half horizontal to one vertical. In no case shall any slope exceed the normal angle of slippage of the material involved.
  - g. Upon completion of quarry operations, the quarry operator shall be required to submit a restoration report prepared by a



registered professional engineer certifying that the restoration plan has been fully complied with.

5. Restoration shall proceed as soon as practical and at the order and direction of the Town Board. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than two years. Aerial photographs of the quarry site shall be provided at least every other year and topographical data, to a detail required by the Plan Commission, shall be required at least every six years. The quarry operator shall be required to submit restoration progress reports and a final restoration report prepared by a registered professional engineer certifying that the restoration plan has been fully complied with.
- (c) Nonconforming Quarrying Uses: Any nonconforming quarrying use in operation on the effective date of this Ordinance shall apply to the Plan Commission for a conditional use permit within one (1) year after said effective date. The Plan Commission may require a plan of operation, final restoration plan, intermediate restoration plans as deemed necessary, and may impose such restrictions upon the use of such site, the height and bulk of any structure as may be reasonable and not unduly burdensome or onerous under the particular circumstances, provided that such restrictions shall not be more restrictive than the current requirements (if any) established for the operation and are consistent with all applicable county and state regulations.

#### **4.17 C: Conservancy District**

(1) Intent

The Conservancy District is intended to prevent the destruction of the Town's valuable natural resources; including woodlands, wetlands, floodlands, shore lands, rivers, perennial and intermittent streams, water table recharge areas, areas with poor soils or high groundwater, areas of steep topography, wildlife habitat and native vegetation areas, and other areas of natural scientific, geographic, and historic significance.

Further, the provisions of this district are intended to promote the use of those lands containing and/or abutting a significant combination and/or extent of these important natural resource features in a manner that will protect and preserve such features and, in turn, protect and preserve the natural beauty and rural character of the Town. Uses and structures in this district may be subject to the shoreland and floodplain provisions of the Dodge County Zoning Ordinance and other applicable ordinances. Review and approval of all uses and/or development

shall be obtained from the Dodge County Planning and Development Department and other applicable agencies, e.g., Wisconsin Department of Natural Resources (DNR), Army Corp. of Engineers, etc. as may be required under applicable federal, state, and county regulations, ordinances and rules.

The Conservancy District is appropriate for all land in the Town and, in particular, those lands designated as "Conservancy" on the Town's Future Land Use Plan Map.

(2) Principal Uses and Structures

- (a) Continuation of existing agricultural and pasturing activities and operations provided that cultivated and pasture areas are not extended unless such activities and extensions are conducted in accordance with County Soil and Water Conservation District regulations and standards.
- (b) Forest and game management area.
- (c) Harvesting of wild crops, including marsh hay, rice, berries, tree fruits and seeds.
- (d) Hunting fishing, trapping, and boating.
- (e) Park and open space recreation areas, trails and activities, including hiking, biking, skiing, and equestrian trails.
- (f) Natural and man-made stormwater management areas, facilities, and structures.
- (g) Non-habitable buildings and structures used in conjunction with the keeping and raising of waterfowl, minnows, and other lowland fowl and fish.
- (h) Sustained yield forests, including the silviculture practices such as the planting, thinning, and harvesting of timber.

(3) Conditional Uses and Structures (See Section 6)

- (a) Golf courses, parks, and other active recreational uses requiring or involving any grading, filling, and/or development of buildings or structures.
- (b) Sod farms, landscaping, plant nurseries and greenhouses.
- (c) One (1) single-family dwelling per individual lot or parcel not under the same ownership or control as adjacent lots or parcels lying in other districts within which single-family dwellings are permitted as a principal or conditional use.

- (d) Other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (4) Accessory Uses and Structures (See Section 5)
- (5) Non-Conforming Uses, Structures, and Lots (See Section 7)
- (6) Parcel Area Width and Public Street Frontage
  - (a) Minimum Area: 25 acres.
  - (b) Minimum Width: 200 feet.
  - (c) Minimum Public Street Frontage: 100 feet.
  - (d) When land in the C: Conservancy District lies adjacent to land in the GA: General Agricultural District and is under the same ownership, land in the C: Conservancy District may be counted toward meeting up to eighty (80) percent of the lot area requirements of the GA: General Agricultural District. When land in the C: Conservancy District lies adjacent to land in any other District and is under the same ownership, land in the C: Conservancy District may be counted toward meeting up to twenty-five (25) percent of the lot area requirements that District.
- (7) Building Height
  - (a) Maximum: 35 feet (no-farm buildings), 60 feet (farm buildings)
  - (b) Barns, elevators, grain dryers, silos and other farm structures: height shall not exceed distance from nearest property line.
  - (c) Non-habitable structures: height shall not exceed 0.75 times the distance from nearest property line.
- (8) Building and Site Area Restrictions
  - (a) Maximum Floor Area Ratio: 5 percent.
  - (b) Maximum Impervious Surface: 30 percent.
  - (c) Minimum Dwelling Area: 1,200 square feet.
- (9) Building Setbacks
  - (a) Minimum street yard: 30 feet.

- (b) Minimum side yard: 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
  - (c) Minimum rear yard: 50 feet (may be reduced by a maximum of 10 feet by the Plan Commission and Town Board upon approval of a conditional use permit)
  - (d) Minimum Building Separation: 25 feet
- (10) Bufferyards (See Section 9)
- (11) Vehicle Access, Parking, and Loading (See Section 8)
- (12) Signs (See Section 11)
- (13) Performance Standards (See Section 10)
- (14) Site Plan Review (See Section 12)

## **Section 5: Accessory Use, Building and Structure Requirements and Limitations**

### **5.1 Requirements and Limitations**

Accessory uses are allowed "by right" in all zoning districts subject to any specific requirements or limitations set forth in the applicable zoning district regulations and the following:

- (1) Accessory uses, buildings and structures are permitted only after the principal use, building or structure has commenced or is already present on the site, lot or parcel. This does not apply to customary accessory structures related to agricultural use.
- (2) Accessory uses, buildings, and structures are allowed only in the rear and/or side yards of a site, lot or parcel of land except for the following:
  - (a) Gardens, landscaping and associated structures and items, e.g. trellis, flagpoles, bird baths, wishing wells, lawn sculptures and statues, fountains, etc.;
  - (b) Basketball, volleyball, and tennis courts, and other recreation courts, fields, etc. that do not include a habitable building or structure;
  - (c) Fences in accordance with the provisions set forth herein;
  - (d) Rummage, garage and estate sales provided such sales do not exceed four (4) consecutive days and do not occur on more than four (4) separate occasions in a consecutive 365-day period;
  - (e) Driveways and parking areas meeting the setback and landscaping provisions (if applicable) set forth in this Ordinance;
  - (f) Ground or building-mounted (excluding portable) satellite and other earth station dish-type antennas less than twenty-four (24) inches in diameter;
  - (g) Essential service and/or utility structures, e.g. electrical boxes, poles, refuse collection equipment provided such location is set out immediately before and removed immediately after such equipment is emptied.
- (3) The following accessory uses, buildings and structures are allowed to be located not less than ten (10) feet from a property line in the appropriate yard:
  - (a) Accessory uses that do not include a building or structure.
  - (b) Accessory buildings and structures that are less than 192 square feet in area including utility garden and equipment storage sheds, gazebos, pet enclosures, etc.

- (c) Swimming pools, Jacuzzis, and hot tubs and related decks and patios.
  - (d) Childrens' playsets and equipment.
  - (e) Compost piles that do not exceed six (6) feet in height and 100 square feet in area.
  - (f) Firewood piles provided all wood is neatly stacked and does not exceed six (6) feet in height (unless stacked against or within an accessory building or appropriate support structure).
  - (g) Essential service and/or utility structures, e.g., electrical boxes, poles, refuse collection equipment provided such location is set out immediately before and removed immediately after such equipment is emptied.
- (4) The following accessory uses, buildings and structures are required to meet all yard and setback requirements set forth in the applicable zoning district regulations:
- (a) Accessory buildings and structures that are greater than 192 square feet in area, including utility garden and equipment storage sheds, attached and detached garages and storage buildings, gazebos, etc.
  - (b) Air conditioning equipment including compressors.
  - (c) Ground or building-mounted and portable satellite and other earth station dish-type antennas greater than twenty-four (24) inches in diameter.
- (5) Except as otherwise provided herein, accessory buildings and structures shall be located not less than ten (10) feet away from any other principal or accessory building or structure.
- (6) Except as otherwise provided herein, accessory buildings shall not exceed twenty (20) feet in height.
- (7) Accessory buildings intended for the storage of equipment and vehicles on lots or parcels located in all residential districts and on all non-farm residential lots and parcels located in the agricultural and conservancy districts shall be limited to the maximum number and area of accessory buildings set forth in the following table based on the total net area of the lot or parcel upon which said structures are to be located. Vehicle and equipment storage garages, whether detached or attached to the principal building shall adhere to the maximum area requirements. Accessory buildings exceeding the allowable area within these districts may be permitted by the Plan Commission and Town Board upon approval of a conditional use permit. Accessory buildings on lots or parcels located in the agricultural, business and open use districts shall meet all area, height, etc. requirements set forth in the applicable district regulations:

Lot Size (Acres)	Garden and Equipment Storage Buildings		Accessory and Vehicle Storage Garage	
	Maximum No.	Area (SF)	Maximum No.	Area (SF)
Less than 1.0 acre	1	192	1	720
1.0 – 1.5 acres	1	192	1	870
1.51 – 2.0 acres	1	192	1	1,020
2.01 – 2.5 acres	1	192	1	1,170
2.51 – 3.0 acres	1	192	1	1,320
3.01 – 4.0 acres	1	192	1	1,470
Greater than 4.01 acres	2	Total area (SF) for all accessory buildings not to exceed 1.5% of total lot area	2	Total area (SF) for all accessory buildings not to exceed 1.5% of total lot area

- (8) Construction of accessory structures on a lot or parcel under the same ownership of an abutting lot or parcel upon which a principal permitted use structure is located or under construction may be permitted by the Plan Commission and Town Board upon approval of a conditional use permit.

## 5.2 Restrictions and Limitations for Specific Accessory Uses Allowed On Residential Property

The following are detailed standards, restrictions and limitations for certain accessory uses, building, and structures allowed on sites, lots or parcels located in the residential zoning districts and sites, lots or parcels used for residential purposes but located in other non-residential zoning districts:

### (1) Fences

- (a) All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. No fence may be constructed or maintained which is detrimental to human life or safety or causes a traffic hazard. All fences shall be constructed and maintained straight, plumb, and of an even height along its length, except for such deviations as required by grade.
- (b) No advertising signs shall be permitted on any fence.
- (c) No materials shall be stored between a fence located adjacent to a site, lot or parcel of land and the property line.

- (d) Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or public street.
- (e) Temporary snow fencing will only be permitted between November 1 and April 1 of each year.
- (f) Fencing up to six (6) feet or less in height may be located on property lines within the required side and rear yard areas on sites, lots or parcels but shall not extend into the front or street yard.
- (g) Decorative fencing, e.g. split-rail, wrought iron, woven wire, etc. may be located within the front yard provided such fencing is located not closer than five (5) feet from the property line and not more than three and one-half (3 ½) feet in height.
- (h) Fencing that is proposed as part of a comprehensive landscaping plan for a residential subdivision or other unified development plan may exceed these requirements and include perimeter fencing, walls, or berms located in landscape easements and/or common open space and provided such fencing is reviewed and approved by the Plan Commission.
- (i) Barbed wire, chicken wire, or electrically charged fences shall be prohibited on all sites, lots or parcels in or abutting residential zoning districts.
- (j) Solid fences shall be placed a minimum of three (3) feet from any property line, all others may be placed on the property line.

(2) Sale of Used Vehicles and Equipment

The sale of used vehicles and equipment from lots or parcels is allowed as an accessory use provided:

- (a) Not more than three (3) motorized vehicles, including but not limited to automobiles, trucks, boats, recreational vehicles, or other similar vehicles or accessory items shall be displayed at any one time; and
- (b) The vehicles or equipment are owned and/or licensed to the resident occupant or property owner of said lot or parcel.



## **Section 6: Conditional Use Requirements and Limitations**

### **6.1 Permit Required**

The Town Board may authorize the Zoning Administrator to issue a permit granting approval for and subsequent development of a particular site, lot or parcel of land with a conditional use allowed in the zoning district within which such site, lot or parcel is located subject to review by the Plan Commission and approval by the Town Board.

With few exceptions; the grant of a conditional use permit does not authorize or allow the immediate conduct of the proposed use nor development of the subject site, lot or parcel. The granting of a conditional use permit merely authorizes the property owner/applicant to move on to the next appropriate step in the development process and apply for all other permits or approvals that may be required by the provisions of this Ordinance or other ordinances, e.g. site plan approval, subdivision plat approval, certified survey map (CSM) approval.

### **6.2 Standards for Approval**

The Plan Commission shall base their recommendation and the Town Board base their decision to grant a permit, on the potential impact of such conditional use and the health, safety, and general welfare of the surrounding neighborhood and the community as a whole. Specific consideration should be given to whether or not the proposed use, including all buildings, structures and other development features on the site, lot or parcel, would (or could if specific conditions of approval were satisfied):

- (1) Be generally consistent with and/or further the general purposes for which this Ordinance was enacted, with the specific purposes for and provisions of the zoning district within which the use is proposed, and with the purpose and intent of the Town of Hubbard Comprehensive Plan or portions thereof.
- (2) Not endanger the public health, general welfare or safety, and, not have a substantial or undue adverse impact that would diminish or impair the character and/or property values, of adjacent or abutting property.
- (3) Be developed, constructed, arranged, operated or otherwise conducted on the site, lot or parcel so as to not interfere with the ongoing and future use and development of surrounding properties in accordance with the zoning district(s) within which the surrounding properties are located, and, not establish a precedent of or otherwise encourage significantly more intensive or incompatible uses of surrounding properties.
- (4) Be served by or provided with adequate essential services and public facilities, e.g., streets, potable water, sanitary sewer, police and fire protection, refuse disposal, parks, school; etc.

- (5) Not result in the loss, destruction of or damage to water quality and quantity control features or facilities, or any other natural, historic, scenic resource, including floodplains, floodways, rivers, streams, soil and vegetation.

### **6.3 Zoning District Regulations and Conditions of Approval**

#### **(1) Modification of Zoning District Provisions and Limitations**

The specific regulations, provisions, limitations, etc. contained in the zoning district regulations that apply to a proposed conditional use may be modified or waived, in whole or in part, by the Town Board upon recommendation by the Plan Commission if it is determined that the modification or waiver of such provisions, limitations, etc. would be appropriate or necessary to further regulate the proposed use in a manner that would allow, further or otherwise improve compatibility between the proposed use and that of surrounding properties, and, have the effect of minimizing potential impacts of the proposed conditional use.

If no recommendation for a modification or waiver is specifically identified or enumerated as part of the conditional use permit granted by the Town Board, the proposed conditional use shall meet and conform to all of the provisions, limitations, etc. set forth in the specific zoning district regulations that apply to the property upon which the conditional use is proposed and any additional conditions and limitations upon which the conditional use permit is granted.

#### **(2) Conditions of Approval**

The Plan Commission may recommend and the Town Board may impose such additional conditions and limitations deemed appropriate and necessary to ensure the proposed use, including all buildings, structures and other development features on the site, lot or parcel, meets or exceeds the "standards for approval" set forth in Section 6.2. Such conditions and limitations may include, but not be limited to, the following:

- (a) Permitted and prohibited principal, accessory and temporary uses.
- (b) Site layout and developed features including building and structure setbacks, location, design, orientation, height, landscaping, lighting, screening, access, etc.
- (c) Sureties.
- (d) Hours of operation, deed restrictions.
- (e) Specific sanitary sewer and potable water supply and/or disposal facilities.

Violations of any condition(s) set forth in the conditional use permit may constitute grounds for the imposition of additional and/or revised conditions, or, revocation

of the conditional use permit. Such violations shall also be deemed to be a violation of this Ordinance and subject to all applicable penalties.

#### **6.4 Limitations on Conditional Use Permits**

(1) Time Limitations

Unless otherwise stated as a condition of approval and made part of the conditional use permit, no permit shall remain valid for a time period longer than twelve (12) months unless the use has commenced within the twelve (12) month time period, or, a building permit (or other necessary permits required by this Ordinance or any other agency as a prerequisite to obtaining a building permit) has been obtained and the property owner/applicant is diligently pursuing completion of the development in order that the proposed use can commence prior to expiration of the time period for which such building permit (or other agency permit) remains valid.

(2) Discontinuation of Use

The granting of a conditional use permit shall be deemed to authorize only the use(s) subject of the conditional use permit issued. Such permit shall automatically expire and cease to be of any force or have any effect if such use shall, for any reason, be discontinued for a period of twelve (12) consecutive months, or, thirty- six (36) cumulative months. Upon such expiration, all use(s) shall conform to the provisions, limitations, etc. contained in the applicable zoning district.

(3) Revocation

A conditional use permit shall remain in effect provided that the terms and conditions set forth therein have been and continue to be met in the manner set forth in the permit and/or this Ordinance or until expiration of the permit. In the event that the property owner, applicant and/or operator fails to comply with the terms and conditions of conditional use permit or the provisions of this Ordinance, the permit may be revoked by the Town Board after giving twenty (20) days notice to the property owner, applicant or operator. The property owner, applicant or operator shall be entitled to a hearing before the Town Board concerning any questions, concerns, or circumstances surrounding the matter of revocation and grounds for such revocation. Reinstatement of a conditional use permit that has been revoked shall require review and approval by the Plan Commission and Town Board following the same procedures followed when the initial permit was granted.

(4) Permit Runs with the Property

Except as may be otherwise provided in the conditional use permit, a conditional use permit shall be deemed to relate to and be of exclusive benefit to the site, lot

or parcel of land subject to the permit and not the property owner/applicant, or operator of such use or land.

(5) Additions, Enlargements, or Other Revisions to a Permitted Use

Except as may be otherwise provided in the conditional use permit, any addition, enlargement, expansion, or other revision or change to the use, buildings, structures, or other development features comprising the use subject to a conditional use permit shall only be authorized pursuant to the same review and approval procedures set forth in this Ordinance.

(6) Re-Application Restricted

Whenever the Town Board has taken final action on a conditional use permit application, whether it be approved or denied, the Plan Commission shall not accept any reapplication or new application(s) for a conditional use on any site, lot or parcel of land, in whole or in part, for a period of six (6) months.

## 6.5 Conditional Use Permit Application

An application for a conditional use permit, including new uses and the enlargement, expansion, addition or other revision to an existing conditional use, shall be filed with the Town Clerk on forms provided or prescribed by the Town Clerk.

Conditional use permit applications shall be accompanied by the following information, plans, data, and other items deemed pertinent and necessary by the Zoning Administrator in order for the Plan Commission and Town Board to properly review the permit application and make a determination and subsequent recommendation as to whether or not the proposed use would be in compliance with the provisions of this Ordinance and whether or not a permit shall be granted:

- (1) Name(s) and mailing address(es) of the property owner(s) applicant(s), and authorized agent(s).
- (2) Names and mailing addresses of all owners of property abutting and/or within five- hundred (500) feet of all property lines of the property subject of the permit application.
- (3) Address (if any) and legal description of the subject property by lot, block and recorded subdivision, certified survey map (CSM) or metes and bounds survey.
- (4) Zoning district within which the subject property is located.
- (5) Name of the project (if any) and a detailed narrative description of the specific uses(s) and operational characteristics of the proposed use, including but not limited to, the following:

- (a) Hours of operation.
  - (b) Number of employees.
  - (c) Estimate of vehicle traffic and trips generated by the proposed use.
  - (d) Estimate of water consumption and wastewater generated by the proposed use.
  - (e) Type of materials and equipment used and stored as part of the proposed use.
  - (f) Methods of handling solid and liquid waste, site and building maintenance, security.
- (6) Plat of Survey or Site Plan (drawn to and including an appropriate scale) containing a plan view of all existing and proposed features of the site, lot or parcel of land as necessary, including but not limited to, the following:
- (a) All property lines, right-of-way lines, access driveways, and easements.
  - (b) Existing and proposed topography shown at a contour level of not less than two (2) feet on a topography/grading plan.
  - (c) Location and number of parking, loading and storage areas and spaces (including solid waste).
  - (d) Location of existing and proposed septic systems, disposal fields, holding tanks, storm sewers, drainage basins and other stormwater facilities.
  - (e) Location of all buildings, structures, fences, walls, landscaping, and lighting features.
- (7) Description and/or architectural plans or drawings necessary to adequately present the type, dimensions, height, density, intensity, structure, and materials for all proposed buildings, structures, fences, walls, landscaping, lighting and other developed features.
- (8) Copies of all other permits or approvals granted by all County, State or Federal agencies.
- (9) Any other information, data, plans, evaluations, studies, etc. required by the Zoning Administrator or Plan Commission each deems necessary.

## **6.6 Permit Review and Processing Procedures**

### **(1) Public Hearing**

The Plan Commission and Town Board shall conduct a public hearing, either individually or jointly, concerning each conditional use permit application after giving proper notice as, prescribed in Section 14.2 of this Ordinance. Any party may appear in person or by agent or attorney.

The report of the Zoning Administrator (if any) shall be made prior to the close of the public hearing. The property owner applying for the conditional use permit subject of the public hearing shall have the right to cross-examine persons presenting testimony, to respond to any conditions presented by any testimony or other evidence presented during the public hearing, and to respond to the staff report prior to the close of the public hearing. All testimony submitted during the public hearing shall be under oath or affirmation.

### **(2) Plan Commission Review, and Recommendation to the Town Board**

Upon completion of the public hearing and other investigations deemed necessary, including but not limited to the conduct of a site review on the subject property, the Plan Commission shall formally review and consider the permit application, including all plans, information, data, and other and supporting documentation, appropriate information provided or gained as part of or resulting from comments made during the public hearing before making its determination.

The Plan Commission shall evaluate the proposed use and make a determination as to whether or not the proposed use meets or exceeds the "standards for approval" set forth in Section 6.2. The Plan Commission shall report to the Town Board all findings upon which its determination is based, whether such determination is the basis for recommending approval or denial. The Plan Commission shall include in its report a recommendation to approve, conditionally approve, or deny the permit application. If conditional approval is recommended, said report shall include any and all conditions, stipulations, limitations, and guarantees the Plan Commission deems are necessary in order for the proposed use to meet the "standards of approval" and ensure ongoing compliance with such standards and conditions, stipulations, and limitations contained in the permit.

The report and recommendation of the Plan Commission required by this Ordinance shall be advisory only and shall not be binding on the Town Board.

### **(3) Town Board Action**

Upon receipt of the Plan Commission's recommendation, the Town Board shall render a decision to either grant or deny a conditional use permit application. The Town Board shall formally review and consider the permit application, including all plans, information, data, and other and supporting documentation, appropriate

information provided or gained as part of or resulting from comments made during the public hearing before making its determination.

The Town Board shall evaluate the proposed use and make a determination as to whether or not the proposed use meets or exceeds the “standards for approval” set forth in Section 6.2. The Town Board may approve, conditionally approve, or deny the permit application. If approved conditionally, the ordinance granting the permit shall include any and all conditions, stipulations, limitations, and guarantees the Town Board deems necessary in order for the proposed use to meet the 'standards of approval and ensure ongoing compliance with such standards and conditions, stipulations, and limitations contained in the permit.

## **Section 7: Non-Conforming Use, Structure and Lot Requirements and Limitations**

### **7.1 Existing Non-Conforming Uses**

The lawful nonconforming use of a structure, land, or water existing on the effective date of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance and the specific zoning district within which the land upon which Bed use occurs provided that:

- (1) Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, substituted, or moved, except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- (2) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.

### **7.2 Existing Non-Conforming Structures**

The lawful use of a nonconforming structure existing on the effective date of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along streets or the yard, height, parking, loading, access, floor area ratio, and lot area provisions of this Ordinance provided that:

- (1) Total lifetime structural repairs or alterations to a nonconforming structure shall not exceed fifty (50) percent of the municipality's equalized assessed value of the structure at the time of its becoming a nonconforming structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- (2) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the non-conforming use or structure with the neighboring uses.
- (3) For regulations pertaining to repairs and alterations to nonconforming buildings and structures located in floodlands, Dodge County Floodplain Ordinance provisions regulating such uses shall prevail.

### **7.3 Existing Substandard Lots**

#### **(1) Residential Substandard Lots**

A lot located in a residential district which does not contain sufficient area to conform to the dimensional requirements of this Ordinance may be used as a building site for one (1) single-family principal residence and accessory structures provided that:



- (a) The use is permitted in the zoning district;
- (b) The lot is slot of record in the Dodge County Register of Deeds Office prior to the effective date of this Ordinance;
- (c) Use and/or development meets all other applicable state, county regulations and requirements, including, but not limited to, on-site sanitary code requirements; and
- (d) The Board of Zoning Appeals shall determine all applicable setback and other dimensional requirements and/or limitations that will apply to development of said lot.

(2) Nonresidential Substandard Lots

A lot located in a nonresidential zoning district which does not contain sufficient area to conform to the dimensional requirements of this Ordinance may be used as a building site for the development of one (1) principal structure or use provided that:

- (a) The use is permitted in the zoning district;
- (b) The lot is a lot of record in the Dodge County Register of Deeds Office prior to the effective date of this Ordinance;
- (c) Use and/or development meets all other applicable state, county regulations and requirements, including, but not limited to, on-site sanitary code requirements; and
- (d) The Board of Zoning Appeals shall determine all applicable setback and other dimensional requirements and/or limitations that will apply to development of said lot.

(3) Setback and Yard Requirements

Substandard lots granted permits under this Ordinance shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions shall be issued only after a variance is granted by the Board of Zoning Appeals.

(4) Substandard Lots with Continuous Frontage

If two (2) or more substandard lots or other adjacent lands share continuous frontage and have the same ownership as of the effective date of this Ordinance, said adjacent lots or land involved shall be considered to be a single parcel for the purpose of this Ordinance.

## 7.4 Continuance of Use

### (1) Legal Non-Conforming Use

Any lawfully established use of a building or land that does not conform to the use regulations for the district in which it is located on the effective date of this Ordinance shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

### (2) Continuation of Legal Non-Conforming Uses

Any legal nonconforming buildings or structures may be continued in use provided there are no physical changes other than necessary maintenance and repair, except as otherwise permitted herein.

### (3) Buildings and Uses Where Permit Has Been Granted

Any building or use for which a zoning permit, conditional use permit, or building permit has been lawfully granted may be completed in accordance with the approved plans, provided construction is started within ninety (90) days and the exterior of the building or use is completed within six (6) months of the effective date of this Ordinance. Such building or use shall thereafter be deemed a lawfully established building or use.

## 7.5 Discontinuance of Use

### (1) Building, Structure or Land Occupied by a Non-Conforming Use Changed to or Replaced by a Conforming Use

Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.

### (2) Discontinuance of Non-Conforming Use

Whenever a nonconforming use or part thereof has been discontinued for a period of twelve (12) consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the zoning district in which the use is located.

### (3) Discontinuance of Non-Conforming Use Where No Enclosed Building Is Involved

Where no enclosed building is involved, discontinuance of a nonconforming use for a period of twelve (12) months shall constitute abandonment, and shall not thereafter be used in a non-conforming manner.

## **7.6 Repairs and Alterations**

### **(1) Normal Maintenance Permitted**

Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

### **(2) No Structural Alteration**

No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

- (a) When the alteration is required by law.
- (b) When the alteration will actually result in elimination of the nonconforming use.
- (c) When a building is located within a residential zoning district and said building contains residential nonconforming uses, said building may be altered in any way to improve livability, provided that any structural alterations made do not increase the number of dwelling units or create a greater nonconformity.

## **7.7 Damage and Destruction**

### **(1) Damaged or Destroyed Building Containing a Non-Conforming Use**

If a building or other structure containing a nonconforming use is damaged or destroyed by any means, to the extent of fifty (50) percent or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the zoning district in which it is located. In the event the damage or destruction is less than fifty (50) percent of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use may be continued.

### **(2) Damaged or Destroyed Building or Other Structure in a Floodland Containing a Non-Conforming Use**

For regulations pertaining to repairs and alterations to nonconforming buildings and structures located in floodlands, Dodge County Floodplain Ordinance provisions regulating such uses shall prevail.

## **7.8 Additions and Enlargements**

### **(1) Non-Conforming Building Shall Not Be Extended**

A non-conforming building shall not be extended unless the entire building is thereafter devoted to a conforming use and said extension meets applicable Ordinance requirements, and is made to conform to all the regulations of the zoning district in which it is located.

### **(2) Buildings Partially Occupied By a Non-Conforming Use**

No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

### **(3) Limitations on the Expansion of a Non-Conforming Use**

No nonconforming use may be extended in such away as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this Ordinance, or to displace any conforming use in the same building or on the same parcel of land.

### **(4) Building or Structure Non-Conforming with Bulk Regulations**

A building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

### **(5) Additions and Enlargement Located in Floodlands**

For regulations pertaining to repairs and alterations to nonconforming buildings and structures located in floodlands, Dodge County Floodplain Ordinance provisions regulating such uses shall prevail.

## **7.9 Changes and Substitutions**

### **(1) Non-Conforming Use Changed to Conforming Use or Substandard Structure Altered to Comply with this Ordinance**

Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with this Ordinance, it shall not revert back to a non-conforming use or substandard structure.

### **(2) Substitution of More Restrictive Non-Conforming Use for Existing Non-Conforming Use**

Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Board.

### **7.10 Exempt Uses and Structures**

Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of the zoning district in which it is located, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of this section.

(1) Dwelling Structure Non-Conforming Only as to the Number of Dwelling Units Contained

In any residential zoning district where a dwelling structure is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.

(2) Business or Industrial District Where the Use is Less Distance from a Residential Zoning District than Specified

In any business or industrial district, where the use is less distant from a residential zoning district than that specified in the regulations for the district in which it is located.

(3) Other

In any zoning district where an established building, structure, or use is nonconforming with respect to the standards prescribed herein for any of the following:

- (a) Lot coverage
- (b) Yard setbacks
- (c) Off-street parking and loading
- (d) Lot area
- (e) Building height
- (f) Gross floor area
- (g) Landscaping, landscape bufferyards, and open space requirements (where applicable)

(4) Enlargement, Extension or Expansion of a Non-Conforming Structure or Use May be Allowed by the Board of Zoning Appeals

The enlargement, extension or expansion of a nonconforming structure or use may be allowed by the Board of Zoning Appeals following a public hearing duly noticed and held by the Board of Zoning Appeals and provided that the Board of Zoning Appeals shall, in addition to all other required findings and determinations, determine and set forth in writing that:

- (a) Such enlargement, extension or expansion is consistent with the public interest, health, welfare and safety.
- (b) Such enlargement, extension or expansion will not have a deleterious effect on abutting property or on property in the surrounding neighborhood on account of visual appearance, increased traffic (pedestrian or vehicular), noise, smoke, light, odor, or other factors.
- (c) Such enlargement, extension or expansion shall meet all building height, yard, coverage, and off-street parking and loading requirements of this ordinance for the district in which such use is located.

Notwithstanding the above, no nonconforming structure or use may be enlarged, extended or expanded in gross floor area or lot area by more than fifty (50) percent of the area in existence on the effective date of this Ordinance, regardless of whether or not such enlargement, extension or expansion occurs as the result of one or successive actions.

In the event that a formal written protest, signed and acknowledged by the owners of seventy-five (75) percent of the property immediately adjoining or across an alley therefrom, or by the owners of seventy-five (75) percent of the frontage directly across the street therefrom, is filed with the Board of Zoning Appeals against any enlargement, extension or expansion of a nonconforming structure or use, such enlargement, extension or expansion shall not be allowed, except by a unanimous vote of the Board of Zoning Appeals.

## Section 8: Vehicle Access, Parking and Loading Requirements and Standards

### 8.1 Street and Highway Access

No direct private access (driveway) shall be permitted to the existing or proposed rights-of-way of any state or county highways without permission of the highway agency that has access control jurisdiction. In addition, direct public or private access (driveways) to all streets and highways shall be permitted in accordance with the following:

#### (1) Driveway Location, Spacing and Sight Distance

- (a) Driveways on state and county highways and designated arterial streets shall be located a minimum of 400 feet from a street intersection unless the lot width is less than 400 feet in which case the Plan Commission shall determine the driveway location. Said setback shall be measured from the intersection of the right-of-way on the two streets. Driveways on all other Town roads and streets shall be located a minimum of 50 feet from a street intersection. Said setback shall be measured from the intersection of the right-of-way on the two streets. All non-shared driveways shall be located not less than ten (10) feet from a property line.
- (b) No obstructions, including buildings, structures, signs, parking facilities, landscaping shall be permitted between the height of three (3) feet and ten (10) feet within the vision triangle formed by any two intersecting streets.
- (c) Access driveways planned to be located along property lines, or within five (5) feet of a property line shall be shared vehicular access points with the abutting parcel. The centerline may be the property line between two (2) lots or parcels of land OR may be a mutually agreed upon land access easement.
- (d) The spacing of driveways located along such highways and arterial streets shall be determined as a function of the operating speeds along such highways and streets as set forth in the following table:

Posted Speed Limit (mph)	Minimum Driveway Spacing (feet)
25	105
30	125
35	150
40	185
45	230
50	275

- (e) Minor public streets and private driveways along both sides of a collector and/or arterial street shall be aligned to assist in reducing the number of driveways needed and to improve safety conditions related to access to the street system.
- (f) Unless a greater minimum sight distance is required by the appropriate agency having jurisdiction, the placement of access driveways on state and county highways and designated arterial streets shall be such that an exiting vehicle has a minimum unobstructed sight distance based on the operating speeds of such highways and arterial streets as set forth in the following table:

Posted Speed Limit (mph)	Minimum Sight Distance (feet)
30	200
35	225
40	275
45	325
50	350

(2) Number of Driveways Permitted

One (1) access driveways shall be permitted to any one lot or parcel from any state or county highway or town road if such a lot or parcel has less than four hundred (400) feet of continuous frontage. One (1) additional driveway access may be permitted by the Plan Commission if a lot or parcel has more than four hundred (400) feet of continuous frontage. When a shared vehicular access point is used by two (2) or more abutting lots, said shared vehicular access point shall be considered as one (1) single vehicular access point for each lot or parcel served.

(3) Driveway Widths

The width of all driveways providing ingress and egress to a lot or parcel in the following districts shall be a minimum of twelve (12) feet and a maximum as set forth below for lots or parcels in the following districts:



Zoning District(s)	Maximum Width at the Right-of-Way Line (feet)	Maximum Width at the Curbline or Pavement Edge (feet)
GA, RRL, RRS, URO, PR, C	24'	34'
AI, NB, HB, IM, QE	40'	40'

(4) Driveway Surfacing

Driveways serving lots or parcels located in the agricultural and residential districts shall be graded and surfaced to be dust free and properly drained. Driveways in all other districts shall be paved with an asphalt or concrete surface within eighteen (18) months after issuance of a building permit.

## 8.2 Parking Requirements

In connection with every use and/or development of a lot or parcel, adequate off-street parking areas, spaces, or stalls for all vehicles shall be provided in accordance with the following:

(1) Minimum Dimensions

Off-street parking spaces or stalls shall be a minimum nine (9) feet by nineteen (18) feet, except for parking spaces provided for use by physically disabled persons as hereinafter set forth.

(2) Parking Spaces for Physically Disabled Persons

Off-street parking areas open to the public providing more than five (5) parking spaces, except for parking areas restricted to use by employees only, shall provide and reserve parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the requirements of Section 346.503 of the Wisconsin Statutes.

(3) Parking Location and Setback

- (a) Off-street parking areas shall be located on the same lot or parcel as the principal use, building, or structure for which parking is provided. Parking for business and industrial uses shall not be located in a residential district.
- (b) Parking areas, including aisles, in manufacturing, industrial, quarrying, and landfill districts shall be setback a minimum of 50 feet from the base setback line and a minimum of five (5) feet from other lot lines for providing area for landscaping, drainage, vehicle overhang, and sign placement. Parking areas, including aisles, in other districts shall be set back a minimum of 10 feet from

the base setback line and a minimum of five (5) feet from other lot lines. Setbacks may be required to be greater due to, but not limited to, the need for snow storage, preservation of existing vegetation, slopes, drainage, vision triangles, vehicular turning radius, the effect of street salting, and utility location.

(4) Surfacing

Off-street parking areas and ingress/egress aisles in all business districts shall be paved with an asphalt or concrete surface within eighteen (18) months after issuance of a building permit. The Plan Commission may require an appropriate financial surety to guarantee that the required paving will be completed.

(5) Landscaping Requirement

Off-street parking areas required to have a minimum of twenty (20) spaces or stalls shall include landscaped islands, peninsulas and/or perimeter buffer yards within and around said parking area that total not less than ten (10) percent of the surfaced parking area and driveways. The minimum size of each landscape area shall be one hundred fifty (150) square feet. Landscaped areas shall consist of a combination of shrubs, trees, flowers, similar plantings, and other landscaping material. The location of landscape areas, the type and minimum planting size of plant materials, curbing, and other related features shall be subject to review and approval by the Plan Commission. Landscaped areas shall be dispersed throughout the off-street parking area. Islands and peninsulas should be located at the ends of parking rows and aisles, around light poles, signs, existing trees, and along entryways. Landscape islands and peninsulas should also be used to break up long aisles of parking. Any landscaped area that is less than 150 square feet in area shall not be counted towards the landscaping requirement. Landscape plans for off-street parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.

(6) Screening Requirement

Off-street parking areas provided on lots or parcels located in business districts that adjoin an existing residential use, vacant property zoned for a residential use, and public rights-of-way shall be screened from such use(s) and rights-of-way by a landscaped bufferyard or area comprised of berms, fences, walls, evergreen and/or deciduous trees and shrubs or ornamental trees and shrubs providing an adequate buffer as determined by the Plan Commission or as set forth in Section 9 of this Ordinance. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers, large equipment, and for screening overhead doors, and truck loading areas and docks.

(7) Curbs and Barriers

Curbs and other barriers used to define a parking area shall be installed a minimum of ten (10) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.

(8) Minimum Off-Street Parking Required

The minimum number of off-street parking areas, spaces, or stalls are required for the following uses. In the case of uses that are not specified, a number of spaces specified for a use which is similar shall be required. In developments involving the establishment of two or more uses on one lot or parcel, the number of spaces required for each use shall determine the total number of spaces required.

(a) Residential Uses

1. Single Family and Two-Family Dwellings: Two (2) spaces per dwelling unit. A minimum of 400 square feet of parking area per dwelling unit shall be provided in a garage.

(b) Commercial, Office and Recreational Uses

1. Retail Sales and Service Establishments (w/o drive-through facilities): One (1) space per 150 square feet of gross area plus one (1) space per 200 square feet of storage and/or office gross area.
2. Animal Hospitals: Three (3) spaces per doctor or technician plus one (1) space per employee.
3. Vehicle Repair, Maintenance, and Service Establishments: One (1) space per 300 square feet of gross area plus one (1) space per service bay plus one (1) space per employee.
4. Convenience Stores: One (1) space per fifty (50) square feet of gross area.
5. Drive-through Restaurants and Service Establishments: One (1) space per 150 square feet of gross area plus an area for a minimum of five (5) stacking spaces per drive-through service lane for a financial institution; eight (8) spaces per drive-through service lane for a restaurant.
6. Motels and Hotels: One (1) space per room plus one (1) space per every two (2) employees plus one (1) space per three (3) persons of maximum capacity of each public meeting and/or banquet room.
7. Lodges and Clubs: One (1) space per 500 square feet of gross area.

8. Vehicle and Equipment Sales Establishments: Two (2) spaces per employee plus one (1) space per 500 square feet of gross area.
9. Plant Nurseries and Landscaping Supply Establishments: One (1) space per 500 square feet of gross floor area of inside sales or display area plus one (1) space per employee.
10. Restaurants, Taverns and Other Entertainment Establishment (w/o drive-through facilities): One (1) space per 100 square feet of gross area plus one (1) space per employee.
11. Shopping Centers (less than 30,000 gross square feet): One (1) space per 200 square feet of gross area.
12. Shopping Centers (greater than 30,000 gross square feet): One (1) space per 350 square feet of gross area.
13. Medical, Dental, and Other Health Service Offices: One (1) space per 200 square feet of gross area plus one (1) parking space per employee.
14. Government and Other Professional Offices: One (1) space per 350 square feet of gross area plus one (1) space per employee.
15. Bowling and Other Ball Sport Establishments: Five (5) spaces per lane, court or hole plus one (1) space per employee.

(c) Industrial and Warehousing Uses

1. Manufacturing, Processing, and Fabrication Establishments: One (1) space per 500 square feet of gross area plus one (1) space per two (2) employees.
2. Industrial (and Wholesale) Warehousing: One (1) space per 1,000 square feet of gross area plus one (1) space per employee.
3. Mini-Warehousing (Retail): Two (2) spaces per employee plus adequate loading and access space to each storage cubicle.
4. Extractive and Quarrying Operations: One (1) space per employee.

(d) Institutional Uses

1. Churches and Other Places of Worship: One (1) space per three (3) seats based on the maximum capacity of the facility.
2. Nursing Homes and Other Adult Care Facilities: One (1) space per three (3) patient beds for visitors plus one (1) space per employee.

3. Public and Private Schools: One (1) space for each teacher and staff member plus one (1) space for each five students 16 years of age and older.
4. Children's Day Care Establishments: One (1) space per employee plus one (1) space per five (5) students at the highest class attendance period. In-home family day care facilities may include off-street driveway area toward meeting this requirement.

### **8.3 Loading Requirements**

Off-street loading and unloading space meeting the following requirements shall be provided in addition to the required off-street parking area for every building in excess of 3,000 square feet used for commercial or industrial purposes.

- (1) Each individual loading space shall be at least 12 feet wide by 65 feet long and have a minimum clearance of 14 feet.
- (2) One (1) loading space per 5,000 square feet gross area shall be provided.
- (3) No building for commercial or industrial purposes shall be erected on a lot in a manner that would result in the maneuvering of trucks or other service vehicles and loading and unloading activities on and/or directly from an abutting public street.

## **Section 9: Landscaping, Bufferyard and Lighting Requirements and Standards**

### **9.1 Reserved**

## **Section 10: Performance Standards**

### **10.1 Applicability**

This Chapter permits specific uses in specific districts; and performance standards are designed to limit, restrict, and prohibit any effects of those uses outside their premises or district. All structures, land, air, and water, shall hereafter, in addition to their use, site and sanitary regulations, comply with the performance standards as set forth by those county, state and federal agencies or departments having regulatory jurisdiction concerning air pollution, fire and explosive hazard; glare and heat; water quality, noise; radioactivity and electrical disturbances; and vibration. Permits for the construction or location of certain industrial, commercial, institutional and other specific uses may require prior review and approval by one or more of the aforementioned agencies or department(s) and in reviewing complaints regarding any of the concerns listed above, the Zoning Administrator may require formal technical review and recommendation from such agencies or departments prior to making a decision on the matter.

## Section 11: Sign Requirements and Standards

### 11.1 Intent

The intent of this section is to provide for and regulate the location and safe construction of signs in a manner to ensure that all signs are compatible with the surrounding land uses and are well maintained. All sign permits, unless otherwise specified, shall be approved by the Plan Commission and issued by the Zoning Administrator.

### 11.2 Compliance

No sign shall hereafter be located; erected, moved, reconstructed, extended, enlarged, converted or structurally altered, nor shall the face of a sign be changed without conforming with the provisions of this Ordinance. In considering a sign application, the Plan Commission shall consider the following:

- (1) Purpose of the message or advertising on the sign.
- (2) The appearance, location, lighting, height and size of the sign.
- (3) Affects, if any; on the safety of operators of vehicles upon the adjoining streets and highways.
- (4) The effect of the sign on property values within the immediate area.
- (5) The effect of such sign with respect to the scenic beauty of the vicinity in which the sign is proposed to be located.
- (6) The effect of such sign and advertising with respect to enforcing state laws, county and city ordinances.
- (7) The effect of the sign with respect to the danger to human life because of potential structural defects or other hazards.
- (8) The effect of such sign and advertising with respect to the general welfare, morals, and the conserving of the taxable value of land and building located within the Town and in the immediate area adjacent to the proposed location of the sign

### 11.3 General Requirements and Restrictions

#### (1) Sign Setback and Location

- (a) Unless otherwise provided for herein, no sign shall be constructed, erected or maintained anywhere in the Town that is located within or closer to the traveled portion of a street or highway than a minimum of five (5) feet from the established (i.e., ultimate) right-of-way line for said street or highway.



- (b) Except as otherwise provided for herein, no new sign should be located in a manner that would obstruct the vision clearance triangle near any public street or highway intersection. For purposes of this section, the following vision triangles shall apply to the following types of intersecting roads:
1. Town Road Intersecting a Town Road: 150 feet by 150 feet (measured from and along centerlines).
  2. Town Road Intersecting a County or State Highway: 150 feet by 300 feet (measured from and along centerlines)
  3. County/State Highway Intersecting a County/State Highway: 300 by 300 feet (measured from and along centerlines)

Signs that are permitted to be located in vision clearance triangles shall be higher than 10 feet at the lowest point of the sign or lower than three (3) feet at the highest point of the sign to provide clear vision either under or over the sign (as measured from height at road centerline grade).

- (c) Any sign constructed, erected, placed, or otherwise located in any street or highway right-of-way shall be at the owner's risk and subject to removal by the town, county or state highway department.

(2) Lighting and Color

- (a) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or other traffic and regulatory signs, signals, or devices.
- (b) Signs shall not be externally or internally lighted in any manner that would emit glare or otherwise impair driver visibility upon public ways. Signs may be illuminated but may not flash. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical.
- (c) No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any building or structure so as to hinder or prevent free ingress or egress through any door, doorway, window, or fire escape or so as to hinder or prevent the raising or placing of ladders against such building by emergency service personnel or equipment.

(3) Construction and Maintenance Standards

- (a) Signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.
- (b) Free-standing ground signs shall be securely built, constructed, and erected upon posts and standards sunk at least four (4) feet below the natural surface of the ground.

- (c) Signs shall be maintained and repair including any necessary restoring, repainting, or replacement of worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass. Restoration or painting which changes the name, size, or location of a sign will require a new permit.

#### **11.4 Signs Permitted in All Districts without a Permit**

The following signs are permitted without a permit, subject to the following and all other regulations:

(1) Temporary Property/Real Estate Sale Signs

One temporary information or promotional sign not to exceed six (6) square feet in area in a residential, agricultural and open use district or thirty-two (32) square feet in all business districts, advertising or promoting the sale, rental, or lease of the property or real estate upon which the sign is located provided such sign is removed no later than the date such property has been sold.

(2) Rummage Sale and Garage Sale Signs

(a) On-Premises Signs

One temporary sign not to exceed six (6) square feet in area may be erected on the property having the sale.

(b) Off-Premises Signs

Additional signs advertising and/or directing prospective patrons to rummage and garage sales provided such signs do not exceed four (4) square feet in area.

All on- and off-premises rummage and garage sale signs shall be removed within two (2) days after the last day of the sale.

(3) Memorial Signs

Memorial signs, tablets, building nameplates, etc. when such signs are cut into a masonry surface or when constructed of metal or other non-masonry material, affixed flat against the building or structure.

(4) Flagpoles

Flagpoles are regulated as signs not requiring a permit and are permitted in any yard provided that:

- (a) No more than three (3) flagpoles are permitted on any lot.
- (b) Flagpole height shall not exceed the minimum distance from the base of the flagpole to the nearest property line.
- (c) Flagpoles shall not display any advertising or business logo; flagpoles displaying business logos are considered to be pole signs and subject to the limitations set forth in this Ordinance.
- (d) Flagpoles shall be setback at least 10 feet from all property lines in residential districts and at least 20 feet in all other districts.

(5) Traffic Regulatory and Official Directional Signs

Official signs such as traffic control signs, parking restriction signs, and directional signs for town, county, state and federal government public buildings, parks, and facilities, may be erected and may encroach upon street or highway right-of-way provided that such signs will not cause a hazard to traffic or adjoining property.

(6) Election Campaign Signs

Permission shall be obtained from the property owner, renter or lessee prior to their placement; and provided that such sign shall not be erected prior to the first day of the election campaign period as defined, in Section 12.04 of the Wisconsin Statutes, as it may be amended from time to time, and shall be removed within seven (7) days following the election. No election campaign sign shall be located in a street right-of-way or on public property.

(7) Window Signs

Window signs not exceeding twenty-five (25) percent of total window surface area, including glass and frame components, may be placed only on the inside of buildings and shall not be illuminated, fluorescent or flashing. Signs displayed inside buildings and inside of the glass shall not be subject to the limitations on the number of signs.

(8) Home Occupation and Professional Home Office Signs

One sign or name plate to identify the approved business conducted on the property subject to the following requirements:

- (a) Shall not exceed six (6) square feet in area.
- (b) Shall be mounted flush against the dwelling or in the yard with Plan Commission approval.

- (c) Shall not be closer than five (5) feet to any property line and shall not be illuminated in any manner.

(9) Homestead/Farm Estate Sign

Up to three (3) signs identifying the name of a homestead property or farm estate owner and/or organization(s) or affiliation(s) of a farm or residents of a farm dwelling provided each sign shall not exceed twenty (20) square feet and fifty (50) square feet in total area for all such signs.

(10) Agricultural Test Plot Sign

Individual row or test plot signs provided such signs are located within twenty-five (25) feet of the perimeter of the test plot or row and removed within ten (10) days after harvest but not later than November 1 of each year.

### **11.5 Signs Permitted in All Residential Districts with a Permit**

The following signs are permitted in any residential district upon the granting of a permit and are subject to the following regulations:

(1) Permanent Real Estate Development Signs

Permanent ground identification signs displaying the name of a residential subdivision placed at the entrance to such development and subject to the following requirements:

- (a) Shall contain only the name of the subdivision or development.
- (b) Shall not be less than five (5) feet from any property line.
- (c) Provisions have been made assigning responsibility for the ongoing maintenance of such signs by the developer, subdivision homeowner's association, or other acceptable entity other than the Town.
- (d) Maximum area to be determined by the Plan Commission based on the design of the sign and its compatibility with adjacent land uses, but in no case shall the sign exceed fifty (50) square feet in area per side up to two (2) sides per sign.
- (e) Shall be constructed of stone, wood, or other natural materials, brick, textured or other split-faced masonry, shall have muted or earth-tone colors, and be surrounded by an abutting landscaped area that is equal to or greater in total surface area than that of the sign. Said area shall be landscaped with a sufficient number, size and variety of deciduous and evergreen trees, shrubs, bushes, grasses and other plants necessary to enhance visual appearance.

(2) Temporary Lot/Property Sale Sign

In addition to permanent real estate signs, one (1) temporary informational or promotional "property for sale" or "lot for sale" or other similar sign located at the entrance(s) to an approved and platted or recorded subdivision or similar multi-lot or parcel development provided such sign shall not exceed thirty-two (32) square feet in area and shall be removed no later than the date such property or lot has been sold at least once.

**11.6 Signs Permitted in All Agricultural and Open Use Districts with a Permit**

The following signs are permitted in any agricultural district upon the granting of a permit and are subject to the following regulations:

(1) Home Occupation, Professional Home Office, and Farm-Business Signs

One sign or name plate to identify the approved business conducted on the property subject to the following requirements:

- (a) Shall not exceed twelve (12) square feet in area if mounted flush against the dwelling or six (6) square feet in area if located in a yard with Plan Commission approval.
- (b) Shall not be closer than five (5) feet to any property line and shall not be illuminated in any manner.

(2) Off-Premises Directional/Promotional Signs

Off-premises directional/promotional signs subject to the following requirements:

- (a) One (1) sign per property or tract under single or common ownership having a minimum of 500 feet of continuous street or highway frontage provided where:
  - 1. Not more than one (1) sign shall be permitted for each 2,640 feet of continuous street or highway frontage across said property or properties under single or common ownership.
  - 2. No off-premises directional/promotional sign is located closer than 1,320 feet from any other existing off-premises directional/promotional sign.
- (b) Shall only contain the copy, text, messages, logos, etc. required to provide the name, direction, travel distance and/or time, and principal activity, function, or use of the business, operation, or destination subject of the sign;

- (c) Shall not exceed twenty (20) square feet in area but may be increased one (1) square foot in area for each additional five (5) feet the sign is setback from the minimum sign setback established herein (as measured from the nearest point of any portion of the sign to the nearest perpendicular point along said setback line) up to a maximum of twenty (20) additional square feet for a total not to exceed forty (40) square feet;
- (d) Shall not exceed twenty (20) feet in height (as measured from that point along the base or supporting structure as it enters the ground to the highest point of any portion of the sign or supporting structure) provided that the highest point of any portion of the sign or supporting structure does not exceed fifty (50) feet above the centerline grade elevation of the nearest street or highway along which the advertising or message contained on the sign is oriented.
- (e) Shall be a minimum of one-half (½) mile from the nearest access entrance to the business, operation, or destination.

(3) On-Premises Sale Signs

On-premises signs advertising the sale or lease of any building, land, farm equipment or animals subject to the following requirements:

- (a) Shall not exceed thirty-two (32) square feet in area.
- (b) Are located not less than twenty-six (26) feet from the right-of-way of any street or highway.
- (c) Shall be removed no later than ten (10) days after closing of the sale.

**11.7 Signs Permitted in All Business Districts with a Permit**

The following on-premises signs identifying and/or advertising the business or operation whereupon the sign is located are permitted in any business and open use district upon the granting of a permit and are subject to the following regulations:

(1) Wall-Mounted Building Signs

Signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches beyond the wall surface of a building. Shall not exceed twenty-five (25) square feet in area for each separate business (in multi-tenant buildings) and shall not exceed the height or project above the building. Roof-mounted signs are prohibited.

(2) Marquee and Canopy Signs

Signs affixed flat to the surface of a marquee or canopy are permitted in lieu of a wall sign provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. A marquee or canopy may extend up to twelve (12) feet beyond the building to which it is affixed, but shall not extend into a required front yard, side yard, or rear yard. Marquee and canopy signs shall not exceed twenty-five (25) square feet in area. A name sign not exceeding two (2) square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee or canopy provided that the name sign is at least eight (8) feet above any public walkway.

(3) Ground and Pole Signs

Signs constructed or otherwise erected on a base, pole or other ground-mounted supports shall not exceed fifteen (15) feet in height above the finished grade elevation at the base of the sign, and, shall not exceed twenty-five (25) feet above mean centerline street grade or lot grade, whichever is lowest, and shall not exceed twenty (20) square feet in area on one side but may be increased one (1) square foot in area for each additional foot the sign is set back beyond the required five (5) feet sign setback up to a maximum total area of forty (40) square feet.

(4) Time and Temperature Devices

Signs erected as wall signs, projecting signs, ground signs, or pole signs may include devices displaying the time, temperature and activities occurring on the premises but shall not revolve, flash or be animated.

(5) Number of Signs

The maximum number of signs on any one premise shall be limited as follows:

- (a) Two (2) signs in combination of building, ground, pole, or marquee/canopy signs provided no two (2) signs are of the same type; except that separate wall, marquee or canopy signs may be allowed for each tenant in a retail shopping center subject to approval by the Plan Commission of an overall coordinated sign plan for the shopping center. Size of wall signs approved in this manner shall be figured using the width of the bay occupied by each retail tenant.
- (b) Developments with multiple street frontages may have one (1) additional ground or pole sign to identify the development upon Plan Commission review and approval.
- (c) Ground-mounted directional signs less than six (6) square feet in area which contain no advertising or product display shall not count toward the limitation on the numbers of signs, but shall require Plan Commission review

and approval. Directional signs include, but shall not be limited to, those that read "enter," "exit," "shipping," and "receiving."

### **11.8 Portable Signs/Temporary Signs**

The Plan Commission may permit the temporary use of up to two (2) portable signs, such as banners, pennants, portable "trailer" signs, excluding inflatable balloon-type signs, for temporary promotional purposes in any district subject to the following requirements:

- (1) Sign shall not be located in any public right-of-way.
- (2) Sign shall not be located closer than twenty-five (25) feet from any property line.
- (3) Sign shall not exceed thirty-two (32) square feet in area, shall not exceed twenty-five (25) feet in height (as measured from the finished grade elevation at the base of the sign) and shall not be illuminated with flashing or intermittent lighting.
- (4) A temporary sign permit shall be valid for a period of time not to exceed thirty (30) consecutive days commencing on the date the permit is issued.
- (5) No more than two (2) permits for portable/temporary signs shall be issued per property per year (defined for purposes of this section as a consecutive 365-day period commencing on the date the first temporary sign permit is issued).

### **11.9 Sign Permit Application**

An application for a sign permit, including the enlargement, expansion, addition or other revision to an existing sign, shall be filed with the Town Clerk on forms provided or prescribed by the Town Clerk.

Sign permit applications shall be accompanied by the following information, plans, data, and other items deemed pertinent and necessary by the Zoning Administrator to properly review the permit application and make a determination as to whether or not the proposed sign would be in compliance with the provisions of this Ordinance and whether or not a permit shall be granted:

- (1) Name(s) and mailing address(es) of the property owner(s), applicant(s), and authorized agent(s).
- (2) Address (if any) and legal description of the subject property by lot, block and recorded subdivision, certified survey map (CSM) or metes and bounds survey.
- (3) Zoning district within which the subject property is located.
- (4) Narrative description of the proposed sign including purpose, location, materials, method of construction, fabrication and support.



- (5) Plat of Survey or Site Plan (drawn to and including an appropriate scale) containing a plan (i.e., overhead) view and elevation (i.e., side) views of existing and proposed features of the site, lot, parcel, building or structure upon which the sign is to be located including the following:
  - (a) All property lines, right-of-way lines, access driveways, and easements.
  - (b) Location of all buildings, structures, fences, walls, landscaping, and lighting features.
- (6) Other and more detailed plans or drawings necessary to adequately present the type, size, dimensions, height, support structure, and materials for the proposed sign, including structures, fences, walls, landscaping, lighting and other developed features associated with the proposed sign;
- (7) Copies of other permits or approvals required and subsequently granted by any county, state or federal agencies;
- (8) Any other information, data, plans, evaluations, studies, etc. required by the Zoning Administrator.

#### **11.10 Enforcement**

##### **(1) Signs Subject to Removal**

- (a) **Unlawful Signs:** No sign shall advertise a business which is in violation of the Zoning Ordinance, or for which no zoning, occupancy, and/or building permit has been issued. If the Zoning Administrator finds that any sign or other advertising structure regulated herein has been constructed or erected, or is being maintained in violation to this Ordinance, the sign shall be removed.
- (b) **Unsafe or Hazardous Signs:** Any sign which is hereinafter found to be unsafe or insecure, or is a menace to the public, or by reason of its location creates a traffic hazard or is dangerous to persons and property as determined by the Zoning Administrator.
- (c) **Abandoned Signs:** Any sign which does not advertise a bona fide business, or product, or which is dilapidated or out of repair shall be removed.

#### **11.11 Existing Signs**

Signs lawfully existing at the time of the adoption of this Ordinance may be continued although the use, size or location does not conform with the provisions of this section. However, such signs shall be deemed to be legal “non-conforming” structures and subject to the applicable non-conforming structure provisions of this Ordinance. Any legal non-conforming sign hereafter relocated, moved, damaged reconstructed, extended, enlarged, changed (including changing the sign face), altered, or modified

shall be made to comply with the provisions of this Ordinance. By maintaining an existing sign in an established right-of-way of an adjoining street or highway, the owner does so at his own risk and no damages will be awarded if the removal is required for public use or safety or right-of-way acquisition.

## **Section 12: Site and Operation Plan Requirements and Limitations**

### **12.1 Plan Approval Required**

For the purpose of promoting compatible development, to prevent the impairment or depreciation of property values, preserve the rural character and quality of the built and natural environment, protect public investment, and improve the attractiveness and utility of the community as a place to live and work, no non-residential or non-agricultural use or development shall commence on a site, lot or parcel in any zoning district, and, any use or development in the following zoning districts without first obtaining approval from the Plan Commission of a detailed site and operation plan application as set forth in this Ordinance:

- (1) AI: Agricultural Industry District
- (2) NB: Neighborhood Business District
- (3) BB: Highway Business District
- (4) IM: Industrial & Manufacturing Business District
- (5) PR: Park & Recreation District
- (6) QB: Quarry & Extractive

### **12.2 Plan Commission Standards of Review**

The Plan Commission shall review the characteristics and natural resource features of the site, intensity of the site and proposed use, building location, density of buildings, floor area, impervious surface area, existing and proposed buildings and structures, site, operations, landscaping, lighting, signage and architectural plans, the uses of neighboring and abutting properties and the potential impute of each on each other, proposed landscaping and buffering, off-street parking, access, loading, circulation, accessibility, traffic generation, drainage, water and sewer impacts, and the proposed operation.

The Plan Commission may approve a site and operation plan application after determining that the proposed use, development and operation, including buildings, structures and other features of development would:

- (1) Be generally consistent with and/or further the general purposes for which this Ordinance was enacted, with the specific purposes for and provisions of the zoning district within which the use is proposed, and with the purpose and intent of the Town of Hubbard Comprehensive Plan or portions thereof.

- (2) Not endanger the public health, general welfare or safety, and, not have a substantial or undue adverse impact that would diminish or impair the character and/or property values, of adjacent or abutting property.
- (3) Meet the dimensional restrictions, e.g., area, yard, setback, and height, of the applicable zoning district.
- (4) Have or provide adequate site ingress and egress and internal circulation within the site and between the site and the adjacent street system in order to ensure convenient, safe, and efficient vehicular and pedestrian traffic.
- (5) Provide adequate drainage and erosion control facilities and measures before, during and after development to prevent or minimize adverse impacts on adjoining and surrounding properties.
- (6) Retain natural resource and landscape features to enhance the development and provide adequate buffering between adjoining properties and public right-of-way.
- (7) Not be deemed “unsuitable” as provided for in this Ordinance.
- (8) Be served by or provided with adequate essential services and public facilities, e.g. streets, water, sanitary sewer, police and fire protection, refuse disposal, parks, schools, etc.
- (9) Not result in the loss, destruction or damage of any natural, historic, scenic or feature or resource.

### **12.3 Site and Operation Plan Application**

An application for site and operation plan approval, including the enlargement, expansion, addition or other revision to an existing site, shall be filed with the Town Clerk on forms provided or prescribed by the Town Clerk.

Site and operation plan approval applications shall be accompanied by the following information, plans, data, and other items deemed pertinent and necessary by the Zoning Administrator in order for the Plan Commission to properly review the permit application and make a determination and subsequent recommendation as to whether or not the proposed use would be in compliance with the provisions of this Ordinance and whether or not the site and operation plan shall be approved:

- (1) Name(s) and mailing addresses) of the property owner(s), applicant(s), and authorized agent(s).
- (2) Address (if any) and legal description of the subject property by lot, block and recorded subdivision, certified survey map (CSM) or metes and bounds survey.
- (3) Zoning district within which the subject property is located.

- (4) Name of the project (if any) and a detailed narrative description of the specific uses(s) and operational characteristics of the proposed use, including but not limited to, the following:
  - (a) Hours of operation.
  - (b) Number of employees.
  - (c) Estimate of vehicle traffic and trips generated by the proposed use.
  - (d) Estimate of water consumption and wastewater generated by the proposed use.
  - (e) Type of materials and equipment used and stored as part of the proposed use.
  - (f) Methods of handling solid and liquid waste, site and building maintenance, security.
- (5) Plat of Survey Site Plan (drawn to and including an appropriate scale) containing a plan view of all existing and proposed features of the site, lot or parcel of land as necessary, including but not limited to, the following:
  - (a) All property lines, right-of-way lines, access driveways, easements, building setbacks.
  - (b) Existing and proposed topography shown at a contour level of not less than two (2) feet on a topography/grading plan.
  - (c) Location and number of parking, loading and storage areas and spaces (including solid waste).
  - (d) Location of existing and proposed septic systems, disposal fields, holding tanks, storm sewers, drainage basins and other stormwater facilities.
  - (e) Location of all buildings, structures, fences, walls, landscaping, and lighting features.
- (6) Description and/or architectural plans or drawings necessary to adequately present the type, dimensions, height, density, intensity, structure, and materials for all proposed buildings, structures, fences, walls, landscaping, lighting and other developed features.
- (7) Tabular summary and narrative description of all landscaping and lighting features (i.e., "landscaping and lighting plan").

- (8) Copies of all other permits or approvals granted by all county, state or federal agencies.
- (9) Stormwater management plan including run-off calculations and a detailed description and plans for all retention/detention basins, swales, etc. proposed or required.
- (10) Any other information, data, plans, evaluations, studies, etc. required by the Zoning Administrator or Plan Commission each deems necessary. Special studies, e.g., traffic impact and circulation analysis, may be required when deemed appropriate by the Zoning Administrator or Plan Commission.

#### **12.4 General Design Principles**

The following principles and requirements are established in order to provide a clear, consistent approach to the design, review and approval of site and operation plan approval. These design principle and the overall review process is intended to be flexible. Applicants with proposed development subject to these provisions are expected to address these design principles by either designing the proposed development in conformance with these principles, or, proposing innovative and creative alternatives. These design principles will be used by the Plan Commission when reviewing and considering approval of a site and operation plan application.

##### **(1) Lot Size, Width, Yard and Building Setbacks**

- (a) The location and orientation of all buildings shall meet the individual lot size, width, setback and yard requirements set forth in the applicable zoning district regulations.

##### **(2) Building Layout, Configuration and Site Organization**

- (a) Buildings shall be arranged on a site and in a configuration that does not impede traffic accessibility and circulation to/from adjacent streets and adjoining sites developed with similar non-residential uses. Individual building pads or parcels intended for freestanding uses separate train the primary building(s) shall be arranged to provide and/or accommodate readily accessible cross-access from within and across parking areas to enhance on- site circulation.
- (b) Buildings shall he arranged to reduce visibility of service areas from public streets, customer parking areas, and adjacent properties.
- (c) Service yards and facilities, including storage areas (if permitted) and docking and loading facilities, shall be easily accessible by service vehicles, separated from the primary parking access and circulation functions, centrally located to serve multiple establishments and tenants (if any), and integrated into the overall design of the building(s) and landscaping features so the visual and

acoustic impacts of these functions are located out of view from public streets and adjacent agricultural and residential-zoned areas through the use of architectural extensions of buildings, walls, fences, landscaping features and plantings, or a combination thereof.

- (d) Existing natural resources and topographic features of a site should be preserved where such features contribute to the beauty and utility of a development site. Buildings should be located to take advantage of a site's natural topography and drainage, existing vegetation and other natural features. Modifications to such features may be permitted when required for safety purposes, or where modification contribute to and further visual appearance, function and utility of the site.
- (e) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty and aesthetics of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the
- (f) Beauty and general enjoyment of existing structures on adjoining properties.
- (g) Utility services shall be underground to reduce visual clutter.

(3) Building Elements, Style, Exterior Materials and Finishes

- (a) All facades and roof lines of a building that are visible from a public street, main customer parking area, and adjoining residential areas (that are either already zoned or designated as such on the Future Land Use Plan Map) shall integrate design features and characteristics similar to the front facade. Architectural standards within a development shall be applied consistently on all exterior building sides visible from public streets.
- (b) Each building shall have a clearly defined, highly visible customer entrance with features such as canopies, porticos, arcades, arches, and/or integrated planters. Facade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity, metallic, black or fluorescent colors is prohibited. Building trim may feature brighter colors but neon tubing is not allowed as an accent material or feature.
- (c) Roof lines, fascia, overhangs, parapets, and other architectural features and treatments shall be extended to the rear of a building. Variations in roof lines and features, e.g., parapets, eaves, sloped roofs, differing roof slope planes, for large buildings are required in order to reduce massive scale, avoid monotony, and add visual interest.

- (d) Roof-mounted mechanical equipment and utility units shall be screened from view with parapet walls, mansard roof, or other architectural features, that are, at minimum, equal to or greater in height of the unit provided that all such equipment is entirely screened from view from all points along a property line of the subject property abutting all public street and adjoining residential areas (that are either already zoned or designated as such on the Future Land Use Plan Map).
- (e) Facades having uninterrupted lengths in excess of fifty (50) feet shall be avoided. Uninterrupted facades in excess of fifty (50) feet should incorporate windows, recesses, projections, or other building and/or architectural features comprising a minimum of twenty-five (25) percent of the facade area.
- (f) Exterior building materials must be of a high, durable quality necessary to ensure stability, easy and low maintenance, and long-life. Exterior building materials should have good architectural character and detailing. Buildings comprised entirely or predominantly of pre-fabricated steel panels or other similar materials is prohibited.

At a minimum, the following exterior building materials or other similarly material deemed acceptable by the Plan Commission shall comprise at least fifty (50) percent of the total exterior wall surface area (excluding window, door, and roof area):

1. Brick
  2. Vinyl or Wood Siding (excluding wood sheathing, e.g. T-111 plywood, or other similar material)
  3. Stone
  4. Textured concrete masonry
  5. Architectural precast concrete
- (g) Architectural design shall create visual interest by use of different textures, complementary colors, shadow lines and contrasting shapes. Use of a single color, minimal detailing, and blank walls is likewise prohibited.

## 12.5 Plan Commission Review

The Plan Commission shall review the site and operation plan application, information, data, and all supporting plans and documents at a meeting within sixty (60) days of the date the application was received or deemed complete by the Zoning Administrator, whichever is later. The Plan Commission may request changes, revisions, additions, deletions, reductions, etc. of certain features of the use, operation, buildings, structures



or other proposed features when it deems such modifications are necessary to ensure compliance with the provisions of this Ordinance.

The Plan Commission shall not approve a site and operation plan application unless a determination can be made that the proposed use and development is or can be found to be consistent with the “standards of review” found in Section 12.2, the general design principles found in Section 12.4, and the provisions of this Ordinance.

#### **12.6 Financial Sureties Required**

The Plan Commission may impose time schedules for the completion of buildings, improved streets, off-street parking and loading areas, landscaping, and any other developed feature proposed as part of the site and operation plan application. The Plan Commission may require the posting of appropriate financial sureties, e.g., bonds, letters of credit, etc., deemed necessary to ensure compliance with and completion of such features approved as part of the site and operation plan application.

For Public Improvements, the developer will provide the security of a bond. The amount of security shall not be more than 120 percent of the estimated total cost of the improvements. The security may not be required for more than 14 months after the improvements are substantially completed. Thereafter, any withheld security may not be more than the cost to finish the uncompleted improvements plus 10 percent of the total cost of the already completed improvements.

#### **12.7 Time Limitations**

Unless otherwise provided for in this Ordinance, or, as a condition of approval made part of any conditional use permit, no site and operation plan approval shall remain valid for a time period longer than twelve (12) months unless the use has commenced within the twelve (12) month time period, or, a building permit (or other necessary permits required by this Ordinance or any other agency as a prerequisite to obtaining a building permit) has been obtained and the property owner/applicant is diligently pursuing completion of the development in order that the proposed use can commence prior to expiration of the time period for which such building permit (or other agency permit) remains valid.

#### **12.8 Appeals**

Any person or persons aggrieved by any decisions of the Plan Commission related to site and operation plan review may appeal the decision to the Board of Zoning Appeals. Such appeal shall be filed with, on official forms provided by the Town Clerk within thirty (30) days after a decision has been rendered by the Plan Commission.

October 1, 2010

- 12-7 -

Section 12: Site & Operation Plan Requirements

## **Section 13: Zoning Ordinance Text and Map Amendments**

### **13.1 Authority**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, consider a change to the district boundaries or amend the regulations established by this Chapter or amendments thereto provided such change and/or amendment is consistent with the purpose and intent of this Ordinance as set forth in Section 1.5. Proposed changes and amendments shall be subject to the review and recommendation of the Plan Commission.

### **13.2 Initiation**

- (1) A change or amendment may be initiated by the Town Board, Plan Commission, or by a petition of one (1) or more of the owners of property within the area proposed to be changed.
- (2) If a petition is filed by the owner(s) of property subject to a rezoning petition, the property owner(s) shall set up a pre-application meeting with the Zoning Administrator to discuss the petition and the provisions, regulations and requirements of this Ordinance, procedures for processing and reviewing the petition, fees, and other pertinent matters.

### **13.3 Petitions**

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk. Petitions shall be prepared on forms available from the Town Clerk and shall be submitted along with the following supporting information:

- (1) Complete legal description (or survey as required by the Zoning Administrator) of the property proposed to be rezoned (if applicable).
- (2) Copy of the text proposed to be changed or amended as well as the new text being proposed (if applicable).
- (3) List of the reasons justifying why the petition has been submitted and why it should be granted.
- (4) General description of proposed use and/or development of the property subject of the proposed.
- (5) Plot plan drawn to a scale of one (1) inch equals one-hundred (100) feet (or as approved by the Zoning Administrator) showing: the location, boundaries, and dimensions of the area proposed to be rezoned.
- (6) The location, zoning district classification, and tax key number(s) of all properties within three hundred (300) feet of the area proposed to be rezoned.

- (7) Names, mailing addresses of all owners of property lying within three hundred (300) feet of the area proposed to be rezoned and tax parcel identification numbers for each property owned.
- (8) Additional information required by the Zoning Administrator, Plan Commission or Town Board. Petitions for such change or amendment shall be submitted to the Plan Commission for review, public hearing, and recommendation prior to action by the Town Board.

#### **13.4 Public Hearing**

The Plan Commission and Town Board shall hold a separate or joint public hearing for each proposed change or amendment giving notice as specified in Section 14.2 of this Ordinance.

#### **13.5 Plan Commission Recommendation**

After holding a public hearing, the Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be presented in writing to the Town Board.

#### **13.6 Town Board Action**

Following such hearing and after careful consideration of the Town Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

#### **13.7 Protest**

In the event of a protest against such district change or amendments to the regulations of this Chapter, duly signed and acknowledged either by the owners of 20 percent or more of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent and extending 100 feet from the street frontage of such opposite land, such a change or amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the full Town Board. In addition, any action by the Town Board to effectively reverse the prior negative official action or recommendation by the Plan Commission shall not be effective except by the favorable vote of two-thirds (2/3) of the members of the Town Board.

#### **13.8 Dodge County Board Approval Required**

Pursuant to Section 80.62(3), Wisconsin Statutes, all zoning ordinance amendments shall be approved by the County Board prior to said amendments becoming effective. Appropriate documentation concerning rezoning petitions, Plan Commission recommendations, and Town Board action on said petitions shall be provided to the

County Board by the Town Clerk within ten (10) days after receipt of such petitions or preparation of Plan Commission and Town Board action.

### **13.9 Resubmittal**

In the event a property owner desires to resubmit a petition in an attempt to rezone all or part of a property subject to a previous petition that was acted upon by the Town Board, a minimum twelve (12) month time period shall have elapsed from the date of the final decision for the previous petition to the filing date of the subsequent petition.

## **Section 14: Zoning Ordinance Administration and Procedures**

### **14.1 Zoning Administrator Designated**

The position of Zoning Administrator is hereby designated. The position of Zoning Administrator shall be appointed by the Town Board and may, if deemed necessary and appropriate to properly administer and enforce the provisions of this Ordinance, serve as Building Inspector. Along with the Town Constable and Building Inspector, the Zoning Administrator is responsible for enforcing the provisions of this Ordinance. In addition to enforcement, the Zoning Administrator shall have the following duties and authority:

- (1) Provide, receive and review for completeness all permit applications and applications for other approvals as required by the provisions of this Ordinance and ensure that the provisions of this Ordinance have been complied with.
- (2) Keep an accurate record of all permits issued and approvals granted by the Zoning Administrator, Plan Commission, and Town Board pursuant to this provision of this Ordinance.
- (3) The Zoning Administrator shall, at a reasonable time, for any proper purpose, and with reasonable notice, enter upon any public or private premises and make inspection thereof in order to ensure compliance of such premises with this Ordinance and/or permits or approvals granted.
- (4) Upon reasonable cause or question as to proper compliance, to revoke any Building, Occupancy Permit, or Zoning Permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Ordinance, such revocation to be in affect until reinstated by the Zoning Administrator or the Zoning Board of Appeals.
- (5) In the name of the Town, and with authorization of the Town Board for matters initiated in Circuit Court and without authorization of the Town Board for matters initiated in Municipal Court, commence any legal proceedings necessary to enforce the provisions of this Ordinance including the collection of forfeitures provided for herein.

### **14.2 Notice of Public Hearings**

Legal notice of any public hearing by the Plan Commission, Town Board, or Board of Zoning Appeals is required to hold pursuant to the provisions of this Ordinance shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing, be published in accordance with the requirements set forth in Chapter 985, Wis. Stats. , and as follows:

- (1) Zoning Ordinance Text or Official Zoning Map Amendment: Class 2 Notice
- (2) Conditional Use Permit: Class 1 Notice

(3) Board of Zoning Appeals or Variance: Class 1 Notice

Notice shall also be posted at various prominent locations throughout the Town. The Town Clerk shall also give at least 10 days prior written notice of such hearing to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed action. Additional notice may be sent to owners of adjacent property. . For purposes of this provision, owners of adjacent or nearby property shall be deemed to be those appearing as owner(s) on the latest available tax roll for the Town. Notwithstanding any other provision herein, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect in providing the required notification provided that proper legal notice has been published as required by Chapter 985, Wisconsin Statutes.

### 14.3 Protest

In the event of a protest is lodged against a petition for a zoning ordinance text amendment, zoning map revision, i.e. rezoning, or a conditional use permit application where an appropriate protest petition has been duly signed and acknowledged by the owners of twenty (20) percent or more of the land immediately adjacent and extending one hundred (100) feet therefrom, or, by the owners of twenty (20) percent, or more of the land directly opposite thereto and extending one hundred (100) feet from the street frontage of such opposite land, the petition or permit shall not become effective except by the favorable vote of two-thirds (2/3) of the full Town Board membership.

### 14.4 Certificate of Zoning Compliance (Zoning Permit)

(1) Permit Required

No vacant land shall be occupied or used and no building or structure shall be erected, structurally altered, expanded, relocated, or used including, but not limited to, a change in use by a new owner, tenant or operator, until a Zoning Permit has been approved by the Zoning Administrator to certify that any such site, building, structure or use complies with the provisions of this Ordinance, including application for any and all additional permits or approvals required by this Ordinance.

(2) Review and Approval

The Zoning Administrator shall review all zoning permit applications submitted and may grant approval, conditional approval, deny, or refer to the Plan Commission for review and approval any zoning permit application for the use or development of a site, lot or parcel in the following zoning districts. However, proposed uses requiring additional permits or approvals required by this Ordinance, e.g., site and operation plan approval, conditional use permit, etc., shall be reviewed and approved in accordance with the specific application, review and processing provisions of such permits or approvals as set forth in this Ordinance:

- (a) GA: General/ Agricultural District
- (b) RRL: Rural Residential Large Lot District
- (c) RRS: Rural Residential Small Lot District
- (d) URO: Urban Residential Open Space District
- (e) C: Conservancy District

The Plan Commission shall review all zoning permit applications submitted and may grant approval, conditional approval, or deny any zoning permit application for the use or development of a site, lot or parcel in the following zoning districts, and, zoning permit applications in any zoning district that has been referred to the Plan Commission by the Zoning Administrator:

- (a) AI: Agricultural Industry District
- (b) NB: Neighborhood Business District
- (c) HB: Highway Business District
- (d) IM: Industrial & Manufacturing Business District
- (e) PR: Park & Recreational District
- (f) QE: Quarry & Extractive District

(3) Application

Zoning permit applications shall be filed with the Town Clerk on forms provided or prescribed by the Town Clerk or Zoning Administrator.

(a) General Application

Zoning permit applications shall include the following:

1. Name(s) and mailing address(es) of the property owner(s), applicant(s), and authorized agent(s).
2. Address (if any) and legal description of the subject property by lot, block and recorded subdivision, certified survey map (CSM) or metes and bounds survey (include description of adjacent and abutting property if under the same ownership).
3. Zoning district within which the subject property is located.



4. Narrative description of the proposed use(s) and buildings, structures, and other developed features.
5. General site plan (drawn to and including an appropriate scale) containing a plan (i.e. overhead) view of all existing and proposed features of the site, lot or parcel including the following:
  - a. All property lines, right-of-way lines, access driveways, easements, building setbacks.
  - b. Location and number of any parking, loading and storage areas and spaces (including solid waste).
  - c. Location of existing and proposed septic systems, disposal fields, holding tanks, storm sewers, drainage basins and other stormwater facilities.
  - d. Location of all existing and proposed buildings, structures, fences, walls, landscaping, etc.

(b) Additional Information.

Depending on the type, size, location and other characteristics of the use subject to the permit application and where deemed necessary by the Zoning Administrator or Plan Commission, a zoning permit application may be required to include one or more of the following:

1. Narrative description of the specific uses(s) and operational characteristics of the proposed use, including but not limited to, the following:
  - a. Hours of operation.
  - b. Number of employees.
  - c. Estimate of vehicle traffic expected to be generated by the proposed use.
  - d. Estimate of water consumption and wastewater generated by the proposed use.
  - e. Type of materials and equipment used and stored as part of the proposed use.
  - f. Methods of handling solid and liquid waste, site and building maintenance, security.

2. Detailed site plan (drawn to and including an appropriate scale) containing a plan (i.e., overhead) view of all existing and proposed features of the site, lot or parcel of land as necessary, including but not limited to, the following:
  - a. All property lines, right-of-way lines, access.
  - b. Driveways, easements, building setbacks; existing and proposed topography shown at a contour level of not less than two (2) feet on a topography/grading plan.
  - c. Location and number of parking, loading and storage.
  - d. Areas and spaces (including solid waste).
  - e. Location of existing and proposed septic systems, disposal fields, holding tanks, storm sewers, drainage basins and other stormwater facilities; location of all buildings, structures, fences, walls, landscaping, and lighting features.
3. Description and/or architectural plans or drawings necessary to adequately present the type, dimensions, height, density, intensity, structure, and materials for all proposed buildings, structures, fences, walls, landscaping, lighting and other developed features.
4. Tabular summary and narrative description of all landscaping and lighting features (i.e., "landscaping and lighting plan").
5. Copies of all other permits or approvals granted by all county, state or federal agencies, including a sanitary permit when such permit is required under the provisions of the Dodge County Sanitary Code.
6. Stormwater management plan, including run-off calculations and a detailed description and plans for all retention/detention basins, swales, etc. proposed or required.
7. Any other information, data, plans, evaluations, studies, etc. required by the Zoning Administrator or Plan Commission each deems necessary. Special studies, e.g., traffic impact and circulation analysis, may be required when deemed appropriate by the Zoning Administrator or Plan Commission.

(4) Issuance of Zoning Permit

If such use complies with the requirements of this Ordinance and such other additional measures as may be imposed pursuant to the requirements of this Ordinance, the Zoning Administrator or Plan Commission shall approve the zoning

permit application. Action to approve, approve with conditions, or deny a permit application should occur within thirty (30) days after receipt of the permit application.

(5) Zoning Permit Expiration

A Zoning Permit shall expire if within twelve (12) months of the date of issuance of a Zoning Permit the proposed construction or preparation of land for use has not commenced or if the use has not, occupied the structure or location. Upon the showing of valid cause by the applicant, the Zoning Administrator may grant an extension of such Zoning Permit for a period not to exceed six (6) months.

**14.5 Zoning Ordinance Text Amendments and Zoning Map Revision (Rezoning) Petitions**

See the provisions set forth in Section 13 of this Ordinance.

**14.6 Conditional Use Permit Applications**

See the provisions set forth in Section 6 of this Ordinance.

**14.7 Site and Operation Plan Approval Applications**

See the provisions set forth in Section 12 of this Ordinance.

**14.8 Sign Permit Applications**

See the provisions set forth in Section 11 of this Ordinance.

**14.9 Zoning Variance and Appeal Petitions**

See the provisions set forth in Section 16 of this Ordinance.

**14.10 Application, Review and Processing Fees**

As a condition of the review of any permit or approval application required under the provisions of this Ordinance, the property owner and/or applicant(s) shall pay at the time of application all application fees and other charges deemed necessary by the Town to defray the costs direct and indirect costs of processing and reviewing such applications. Charges may include, but not be limited to, advertising, publishing, postage, recording, and charges incurred by the Zoning Administrator, Building Inspector Plan Commission, and any other experts or consulting services deemed necessary by the Town, e.g., engineering services, to ensure processing, review, and compliance with the provisions of this Ordinance. All fees and charges shall be paid in full to the Town prior to receiving the necessary permits and/or approvals.

No application filed pursuant to this Ordinance shall be considered complete unless and until all fees due pursuant to this Ordinance have been paid. Every approval granted

and every permit issued pursuant to this Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees and charges. Failure to fully pay any such fees and charges when due shall be grounds for the Town of Hubbard to refuse to process an application and/or deny or revoking any permit or approval sought.

The Town may require the establishment of an escrow amount to which a deposit(s) is/are made in an amount of funds estimated by the Town Zoning Administrator as being necessary to fully process and review such permit and approval applications. Outstanding balances that remain upon completion of the review process, regardless of whether or not the permit was issued or approval granted, shall be returned to the property owner and/or applicant(s) making the escrow deposit(s).

All fees and charges shall be established by resolution and set forth in a fee schedule available through the Town Clerk.

#### **14.11 Sureties**

The Plan Commission may impose time schedules for the completion of buildings, parking areas, grading, drainage facilities, required surfacing, screening, landscaping, and other improvement and development features proposed as part of a permit application. Prior to the issuance of any permit or the granting of any approval, the Plan Commission may require appropriate sureties be provided to the Town in order to guarantee that the required improvements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation and the Zoning Administrator shall initiate the appropriate action to correct the violation following an inspection and verification of such violation.

For Public Improvements, the developer will provide the security of a bond. The amount of security shall not be more than 120 percent of the estimated total cost of the improvements. The security may not be required for more than 14 months after the improvements are substantially completed. Thereafter, any withheld security may not be more than the cost to finish the uncompleted improvements plus 10 percent of the total cost of the already completed improvements.

#### **14.12 Violations**

It shall be unlawful to use or improve any structure, land, water or air in violation of any provisions of this Ordinance. In case of violation, the Town Board, the Zoning Administrator, Building Inspector, the Town Attorney, the Plan Commission or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance, or the applicable Wisconsin Statutes or Wisconsin Administrative Code.

### **14.13 Penalties and Remedies**

#### **(1) Double Fee**

A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Payment of such double fee shall not release the

applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

(2) Remedial Action

Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, the Zoning Administrator, the Building Inspector, or the Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

(3) Forfeiture

Any person, firm, or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than fifty (\$50) nor more than five hundred (\$500) dollars plus the costs of prosecution for each offense.

(4) Separate Offense

Each day a violation exists or continues shall constitute a separate offense.

(5) Injunctive Relief

In addition to the above described fines, the Town Board or its agent shall have the power to institute appropriate action for injunctive relief to prevent persons, firms, or corporations from acting in violation of the provisions of this Ordinance.

## **Section 15: Plan Commission**

### **15.1 Establishment**

There is hereby established a Plan Commission for the Town of Hubbard, Wisconsin, in accordance with Section 62.23 of the Wisconsin Statutes.

### **15.2 Membership**

The Plan Commission shall consist of seven (7) members as follows:

- (1) The Town Chairman who shall be its presiding officer.
- (2) One (1) additional Town Board Supervisor appointed annually by the Town Chairman and confirmed by the Town Board for a one (1) year term.
- (3) Two (2) Town residents each appointed for a three (3) year term.
- (4) Two (2) Town residents each appointed for a two (2) year term.
- (5) One (1) Town resident appointed for a one (1) year term.
- (6) All appointments of Town resident members shall be made by the Town Chairman subject to confirmation by the Town Board. If and when a Park Board is created by the Town Board, the presiding officer of said Park Board shall succeed to a place on the Plan Commission replacing one resident member when the term of said resident member shall expire. Further, if and when the Town Board appoints or otherwise designates a Town Engineer, said engineer shall succeed to a place on the Plan Commission replacing one resident member when the term of said resident member shall expire.
- (7) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (8) The Vice-Chairman and Secretary shall be elected by the Plan Commission.
- (9) The official oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments.
- (10) Terms for the resident members shall commence in the first week in May.

### **15.3 Organization**

The Plan Commission shall organize and adopt rules for its own government in accordance with the provisions of this Ordinance. Further:

- (1) Meetings shall be held monthly or at the call of the Town Chairman or a majority of the full Plan Commission and shall be open to the public.
- (2) Standing and/or special sub-committees of the Plan Commission may be appointed by the Chairman.
- (3) A quorum shall be four (4) members, but all actions shall require approval of a majority (of the full Commission) except a motion to adjourn.
- (4) Minutes shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made to the Town Board. A copy shall be filed with the Town Clerk (or other Town Board authorized agent) as a public record.
- (5) The Plan Commission may receive compensation for service on the Plan Commission as the Town Board may determine.

#### **15.4 Powers**

The Plan Commission shall have such powers as may be necessary to enable it to perform its designated functions, duties and responsibilities and to ensure conformance with the provisions of this Ordinance. Such powers shall include, but not be limited to, the following:

(1) Employment of Experts

To employ experts, consultants and/or staff and to pay for their services, supplies, equipment, and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Town Board, or placed at its disposal through gift, and subject to any Ordinance or Resolution enacted by the Town Board.

(2) Reports and Recommendations

To make reports and recommendations relating to the provisions and requirements of this Ordinance, the Land Division Ordinance, Comprehensive Plan, and development of the Town to public officials, agencies, utilities, and other organizations and citizens.

(3) Public Improvement Programs

To recommend public improvement programs and financing thereof to the Town Board or Town Chairman.



(4) Request Available Information

To request available information from any public official to be furnished within a reasonable time.

(5) Authorization to Access Land

The Plan Commission, its members, and employees may enter upon any land in the performance of its functions, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

## 15.5 Duties

The Plan Commission shall have all duties granted or assigned by the Town Board or by Town ordinances. All the duties granted or assigned by the Wisconsin Statutes to Plan Commissions and any amendments thereto are hereby granted or assigned to the Commission and such statutes are hereby adopted by reference. Further, the Plan Commission shall have the following specific functions and duties to:

- (1) Make and adopt a Comprehensive Plan, or element or component thereof, for the physical development of the Town of Hubbard and, from time to time, extend or add to the Comprehensive Plan in accordance with Section 62.23(3) of the Wisconsin Statutes.
- (2) Make and recommend an Official Map to the Town Board in accordance with Section 82.23 of the Wisconsin Statutes.
- (3) Prepare and recommend a zoning district plan and regulations to the Town Board in accordance with Section 62.23 of the Wisconsin Statutes.
- (4) Prepare and recommend land division regulations to the Town Board in accordance with Section 236.45 of the Wisconsin Statutes.
- (5) Make any changes to the Comprehensive Plan they deem necessary or desirable and to recommend any changes or amendments to the Town Board that they deem necessary or desirable concerning the Official Map and Official Map Ordinance, Zoning and Land Division Ordinance, and other Ordinances as deemed related.
- (6) Consider and report or recommend on all matters referred to them including, but not limited to, permit applications, plans, and other development permits required by this Ordinance.
- (7) Hold public hearings and informational meeting on matters referred to the Plan Commission pursuant to the requirements of this Ordinance, Land Division Ordinance and other Town ordinances as may be pertinent.

## 15.6 Referrals

The Town Board or other public body or officer of the Town, having final authority thereon, shall refer to the Plan Commission for its consideration and report before final action is taken, the following matters:

- (1) Proposed or repeated changes and amendments to the Town's Comprehensive Plan or components thereof, Official Map, Zoning Ordinance, and Land Division Ordinance.
- (2) Subdivision plats, certified Survey Maps and condominium plats in the Town of Hubbard or within the territory over which the Town is given platting jurisdiction by Chapter 236 of the Wisconsin Statutes.
- (3) Annexations, incorporation's, detachments, or consolidations affecting the Town.
- (4) Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley, or other public way, park, playground, airport, parking area, or other memorial or public grounds.
- (5) Location, extension, abandonment, or authorization for any public utility whether publicly or privately owned.
- (6) Other matters required to be referred to the Plan Commission as provided in Section 62.23 of the Wisconsin Statutes and all other matters required to be referred to the Plan Commission by any other statute of the State of Wisconsin or by any ordinance of the Town of Hubbard including this Ordinance and the Land Division Ordinance.

## **Section 16: Board of Zoning Appeals**

### **16.1 Establishment**

There is hereby established a Board of Zoning Appeals in the Town of Hubbard for the purpose of hearing appeals and applications, and granting variations and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of the Zoning Ordinance.

### **16.2 Membership**

The Board of Zoning Appeals shall consist of five (5) members as follows:

- (1) Three (3) Town residents each appointed for a three (3) year term.
- (2) Two (2) Town residents appointed for a two (2) year term.
- (3) Two (2) alternate members for staggered three (3) year terms. Annually, the Town Chairman shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent.
- (4) All appointments shall be made by the Town Chairman subject to confirmation by the Town Board.
- (5) The Chairman of the Board of Zoning Appeals shall be appointed by the Town Chairman.
- (6) The Vice-Chairman of the Board of Zoning Appeals shall be elected by the Board of Zoning Appeals.
- (7) The Zoning Administrator shall be the recording secretary and attend all meetings of the Board of Zoning Appeals. The Building Inspector, if different than the Zoning Administrator shall attend meetings when requested for the purpose of providing technical assistance to the Board of Zoning Appeals.
- (8) Official oaths shall be taken by all members of the Board of Zoning Appeals in accordance with Section 19.01 of the Wisconsin statutes within ten (10) days of receiving notice of their appointment.
- (9) Vacancies of the Board of Zoning Appeals shall be filled for the unexpired term in the same manner as appointments for a full term.
- (10) Terms for the resident members shall commence in the first week in May.

### 16.3 Organization

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

- (1) Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman or, if the Chairman is not available, the Vice-Chairman based upon an application filed with the Zoning Administrator. All meeting of the Board of Zoning Appeals shall be open to the public.
- (2) Minutes of the proceedings of the Board of Zoning Appeals and a record of all actions shall be kept showing the vote of each member upon every question, the reasons for the Board of Zoning Appeals determination, and its findings of facts. These records shall be filed immediately in the office of the Town Clerk and shall otherwise be a public record.
- (3) All actions shall require the concurring vote of approval of the majority of members present in order 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 the Board is required to pass, or to effect any variation to the provisions of this Ordinance as authorized herein except a motion to adjourn.

### 16.4 Powers

The Board of Zoning Appeals shall have the following powers:

(1) Alleged Errors

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator, Building Inspector, or Plan Commission.

(2) Variances

To hear, and grant appeals for variances (except use variances and variances relating to land divisions) as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare and justice secured. Use Variances shall not be granted.

(3) Interpretations

To hear and decide applications for interpretation of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.

(4) Substitutions

To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation.

Whenever the Board of Zoning Appeals permits such a substitution, the use may not thereafter be changed without application.

(5) Permits

The Board of Zoning Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

(6) Assistance

The Board of Zoning Appeals may request assistance from other Town officers, departments, commissions, and boards.

(7) Oaths

The Chairman of the Board of Zoning Appeals may administer oaths and compel the attendance of witnesses.

## **16.5 Appeals and Applications**

Appeals of the decision of the Zoning Administrator, Building Inspector, or Plan Commission concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer of the Town. Such appeals shall be filed with the Town Clerk within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator, Building Inspector, or Plan Commission. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Town Clerk. Appeals and applications shall be made on forms provided or prescribed by the Town Clerk and shall include the following supporting information:

- (1) Name and mailing address of the appellant or applicant and all owners of record of abutting and opposite property.
- (2) Plat of survey prepared by a Professional land surveyor or a location sketch if allowed by the Zoning Administrator, drawn to scale showing all of the following information:
  - (a) Locations, boundaries, dimensions, elevations,, and list of uses for the subject property, existing and proposed structures, existing and proposed easements, streets and rights-of-way, driveways, off-street parking and loading areas, access restrictions (if any), applicable building setbacks.
  - (b) Locations, boundaries, dimensions, elevations and list of uses of any abutting property and structures thereon within fifty (50) feet of the subject property.

- (3) Statement indicating the section(s) of the Ordinance being appealed, variance is being appealed, or for which an interpretation from the Zoning Administrator is being requested and the reason(s) for such request.
- (4) Statement indicating the exceptional, extraordinary, or unusual circumstances or conditions applying to the subject property, structure, use that do not apply generally to other properties or uses in the same district and which cause the hardship.
- (5) Date of previous application for any appeals, variances, or interpretations and the disposition of such previous actions.
- (6) Additional information required by the Plan Commission, Board of Zoning Appeals, Zoning Administrator, or Building Inspector.

#### **16.6 Public Hearing**

The Board of Zoning Appeals shall fix a reasonable time and place for the required public hearing and shall give notice as specified in Section 14.2. The appellant or applicant must appear in person at the public hearing or be represented by an agent or attorney.

#### **16.7 Findings**

No variances to the provisions of this section shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

(1) Preservation of Intent

No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted principal use, permitted accessory use, or permitted conditional use in that particular district.

(2) Exceptional Circumstances

There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Ordinance should be changed.

(3) Economic Hardship and Self-Imposed Hardship

No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

(4) Preservation of Property Rights

The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(5) Absence of Detriment

No variance shall be granted that will create substantial detriment to adjacent property that will materially impair or be contrary to the purpose and spirit of this section or the public interest.

### **16.8 Decision**

The Board of Zoning Appeals shall decide in writing all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant Zoning Administrator, Town Plan Commission, and the Dodge County Planning and Development Department (where necessary):

- (1) Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (2) Variances, substitutions, or use permits granted by the Board shall expire within twelve (12) months unless substantial progress or work has commenced pursuant to such grant.

### **16.9 Notice to DNR and Dodge County Planning and Development Department**

The Board of Zoning Appeals shall transmit a copy of each application for a variance to floodland regulations or to land, structures or uses within floodland and shoreland to the Wisconsin Department of Natural Resources (DNR) and to the Dodge County Planning and Development Department for review and comment. Final action on the application shall not be taken for thirty (30) days or until the DNR and the Dodge County Planning and Development Department have made a recommendation, whichever comes first. A copy of all decisions relating to variances to floodland regulations shall be transmitted to the DNR and the Dodge County Planning and Development Department within ten (10) days of the effective date of such decision.

## Section 17: Definitions

### 17.1 Definitions of Specific Words and Phrases

Whenever a word or term in this section appears ha the text of this Ordinance, its meaning shall be construed to mean as set forth in this section. Any words not defined in this section shall be presumed to have their customary dictionary definitions.

(1) Accessory Building

A building detached from a principal building on the same lot, and customarily incidental and subordinate to the principal building or use. Often it is desirable to place limits on the number and size of accessory buildings, especially in residential districts.

(2) Base Setback Line

The planned right-of-way line as established by the Dodge County jurisdictional Highway Plan or Town Official Map, whichever is greater. All front yard setbacks required by this Ordinance are measured from the base setback line.

(3) Bed and Breakfast

Any place of lodging that provides four (4) or fewer rooms for rent for more than 10 nights in a 12 month period, 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.

(4) Buffer Yard

An area within a property or site, generally adjacent to or parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the site to adjacent sites or property.

(5) Buildable Lot Area

The portion of a lot remaining after required yards have been provided and required setbacks met.

(6) 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.



(7) Building Area

The total area be bounded by the interior walls, as measured in square feet from the outside surface of the walls, including only areas completely enclosed from the elements having finished interior walls, ceilings, and floors and having light, ventilation, heating and other requirements of the Building Code but not including basements, garage, porches, breezeways, unfinished attics, and overhangs.

(8) Building Height

The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof. Mechanical equipment, chimneys, air conditioners, elevator houses, church spires and steeples, and similar appurtenances to a building are exempt from building height requirements provided said appurtenances do not exceed the maximum building height permitted by twenty (20) feet.

(9) Building Setback

See "Setback' and 'Yard".

(10) Certificate of Zoning Compliance

A certification issued by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with the requirements of the Zoning Ordinance; may be satisfied with an Occupancy Permit issued by the Building Inspector, signed by the Zoning Administrator

(11) Commercial Feed Lot

Confinement of 200 or more head of livestock on a farm or other site for the purpose of intensive feeding prior to slaughter or shipment in such concentration that ground vegetation is substantially destroyed where:

- (a) The farm or site does not produce a minimum of 60 percent of the feed necessary to sustain the herd.
- (b) The farm or site is insufficient in size to provide for the disposal of all animal wastes in a manner that they will not run off, seep, percolate, or wash into surface or subsurface waters.

(12) Community Living Arrangement

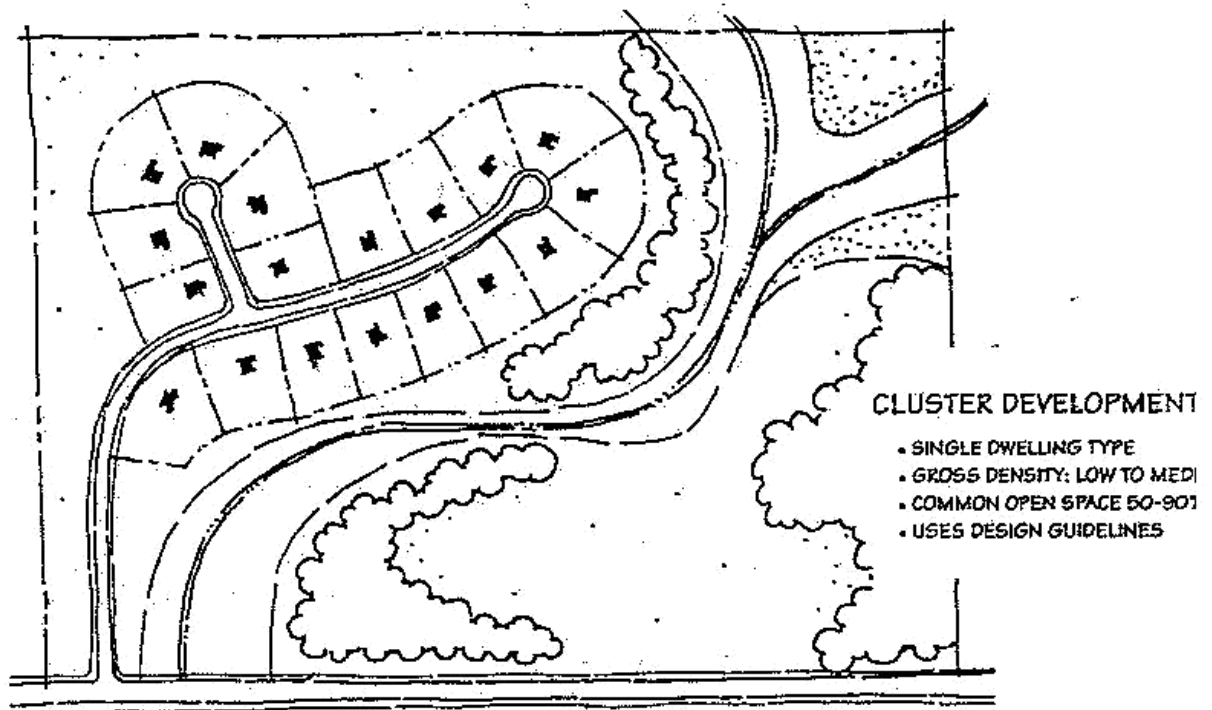
The following facilities licensed and operated under the authority of Wisconsin State Statutes: Child welfare agencies under Section 48.80, group foster homes for children under Section 48.02(7m), and community-based residential facilities under Section 50.01; but does not include day care centers, nursing homes, general

hospitals, special hospitals, prisons, and jails. The establishment of a community living arrangement shall in conformance with Sections 46.02(22), 59.97(15), 62.23(7)(i), and 62.23(7a) of the Wisconsin Statutes and amendments thereto.

(13) Cluster Development or Subdivision

A development design technique that concentrates allowable development on a part of an overall parcel or tract in order to allow the remaining portion(s) of said parcel or tract to be used for common open space, recreation, agriculture, and/or the preservation of natural and environmentally sensitive features (see Figure 1).

**Figure 1**



(14) Density

A measure of residential land use intensity expressed as the number of dwelling units or home sites allowed per acre.

(15) Development

Any manmade change to improved or unimproved real estate including but not limited to construction of or additions or substantial improvements to building, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

(16) Dwelling Area

See "Building Area".

(17) Dwelling Unit

One or more rooms designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary areas or facilities provided within the dwelling for the exclusive use by a family.

(18) Dwelling, Single Family

One (1) detached dwelling unit designed for or occupied exclusively by one (1) family, which may include one (1) mother-in-law suite as defined herein, within or comprising a building which shall: (1) be set on a full basement or other permanent enclosed structure in accordance with the State Uniform Dwelling Code or other applicable Town building codes and regulations (excluding structures resting upon a metal frame where the foundation meets the sills or floor joists); (2) have a minimum width of twenty-four (24) feet; and (3) have a pitched roof with a minimum slope of 4:12 with eaves extending a minimum of twelve (12) inches beyond the nearest vertical wall and having asphalt shingles or other comparable, non-metal exterior roofing material.

(19) Dwelling, Two-Family

One (1) detached building containing two (2) separate dwelling units designed for occupancy by not more than two (2) families.

(20) Dwelling, Multi-Family

A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.

(21) 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, stormwater 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.

(22) Family

Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling unit as a single housekeeping entity, excepting foster family homes.

(23) Family Day Care Home

A dwelling licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes, where care is provided for not more than eight (8) children.

(24) Farm

An area of land principally devoted to and used for all forms of agricultural activities as set forth in Section 91.01 Wisconsin Statutes.

(25) Fence

Any structure serving as a partition, enclosure, barrier, boundary, or screen. In this Ordinance, a fence shall include any structure constructed of wire, metal, wood, stone, brick, or other masonry products, but shall not include shrubs, trees, or other growing plants. A snow fence is a temporarily constructed fence for the purpose of catching wind blown snow and shall not be subject to the provisions of the Zoning Ordinance, provided that no such snow fence shall be installed earlier than November 1 of each year and shall be removed from the property where it is located not later than April 1 of the subsequent year.

(26) Flood Protection Elevation

A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard" is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.

(27) Floodlands

For the purpose of this Ordinance, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood.

(28) Floodplain Fringe

Those floodlands, outside the floodway, subject to inundation by the 100-year recurrence interval flood. It is generally associated with standing water as opposed to rapidly flowing water.

(29) Floodway

A designated portion of the 100-year flood area that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

(30) Floor Area, Net

For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes as provided herein.

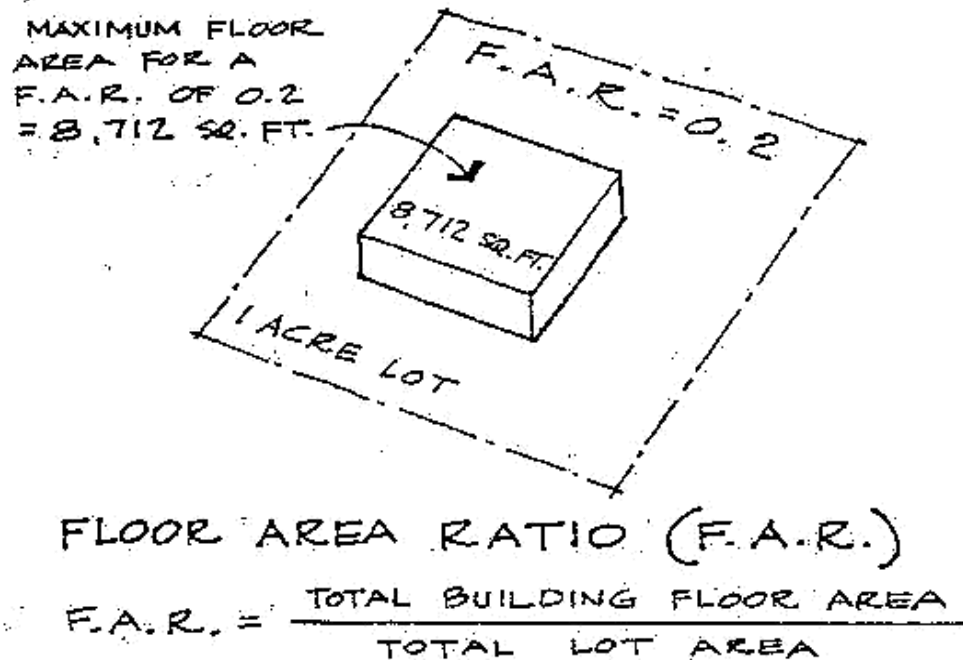
(31) Floor Area, Gross

The total of all horizontal floor areas of a building, but excluding the basement floor, as measured in square feet from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, penthouses, interior balconies, enclosed mezzanines and porches, and attic or other storage spaces having headroom of not less than eight (8) feet.

(32) Floor Area Ratio (FAR)

The gross floor area of all buildings and structures on a lot or parcel divided by the total lot area (see Figure 2).

Figure 2

(33) Foster Family Home

The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin State Statutes and amendments thereto.

(34) Front Lot Line

The front property line which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line. A corner lot or double frontage lot has more than one front lot line.

(35) 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.

(36) Hearing Notice

Publication or posting meeting the requirements of Chapter 985 of the Wisconsin Statutes. A Class 1 notice is the minimum required for appeals and is published once at least seven (7) days prior to the hearing. A Class 2 notice is the minimum required for all zoning ordinance amendments, including map amendments, and is

published twice, once each week consecutively, the last publication appearing at least seven (7) days prior to the public hearing.

(37) Home Occupations

An occupation or profession for financial gain or profit which is carried on entirely within a dwelling unit located on a lot or parcel by resident occupants of the dwelling unit and which is clearly incidental to and accessory to the residential use of the premises. Home Occupations and Professional Home Offices are permitted accessory uses and do not require a zoning permit provided that: (1) the use of the residential dwelling for the home occupation or professional home office shall not occupy more than 25 percent of the floor area of one floor; (2) the home occupation or professional home office shall not be located in nor conducted in an accessory building or structure; (3) no person other than members of the family residing on the premises shall be employed or otherwise engaged in the home occupation or professional home office; (4) home occupations and professional home offices shall use only common household equipment and no stock in trade shall kept or sold except that made on the premises; (5) no traffic shall be generated by the home occupation or professional home office in an amount greater than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided on the lot or parcel and not in any required yard; (6) no outdoor storage of equipment or product shall be permitted.

Home occupations, which comply with the conditions set forth above, may include but are not limited to babysitting, in-home daycare, canning, crafts, desktop publishing and other computer-related services, dressmaking, insurance sales, laundering, piano or other musical instrument instruction, teachers, artists, authors, real estate sales, word processing, architectural and other similarly recognized professional and/or consulting services. Home occupations shall not include auto body, engine repair, construction trades, manufacturing and other fabrication-related or industrial material processing operations.

(38) Impervious Surface

Any material that prevents the absorption of stormwater into the ground, including but not limited to buildings, structures, paved parking areas, driveways, roads and other paved and compacted gravel surfaces, pools, patios, etc.

(39) Kennel

The principal or accessory use of land and/or buildings, structures and enclosures where five (5) or more dogs, cats or other domestic animals over six (6) months of age are bred, raised, trained, groomed, boarded and/or sold for a fee or other compensation.

(40) Landscaping

Living material, such as grass, ground cover, flowers, shrubs, vines, hedges, and trees; and non-living durable material, such as rocks, pebbles, sand, mulch, and wood chips or bark, but not including paving. Landscaping is intended to be both decorative and functional. Functional uses of landscaping include protection against erosion, absorption of pollutants, sound retardation, visual barrier, buffering or screening between different land uses, shade to moderate temperatures, protection from wind, and oxygen renewal. Landscaping may serve as screening when it is densely planted.

(41) Lot

A 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 the lot width, lot frontage, lot area, and other open space provisions of this Ordinance.

(42) Lot Area

The total area within the property lines of a lot or parcel, excluding any street right-of-way in all districts except the GA: General Agriculture District. Street and utility rights-of-way may be used in the calculation of lot area in the GA District.

(43) Lot, Corner

A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side (see Figure 3).

(44) Lot, Double Frontage

A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. On a double-frontage lot, both street lines shall be deemed front lines (see Figure 3).

(45) Lot Frontage

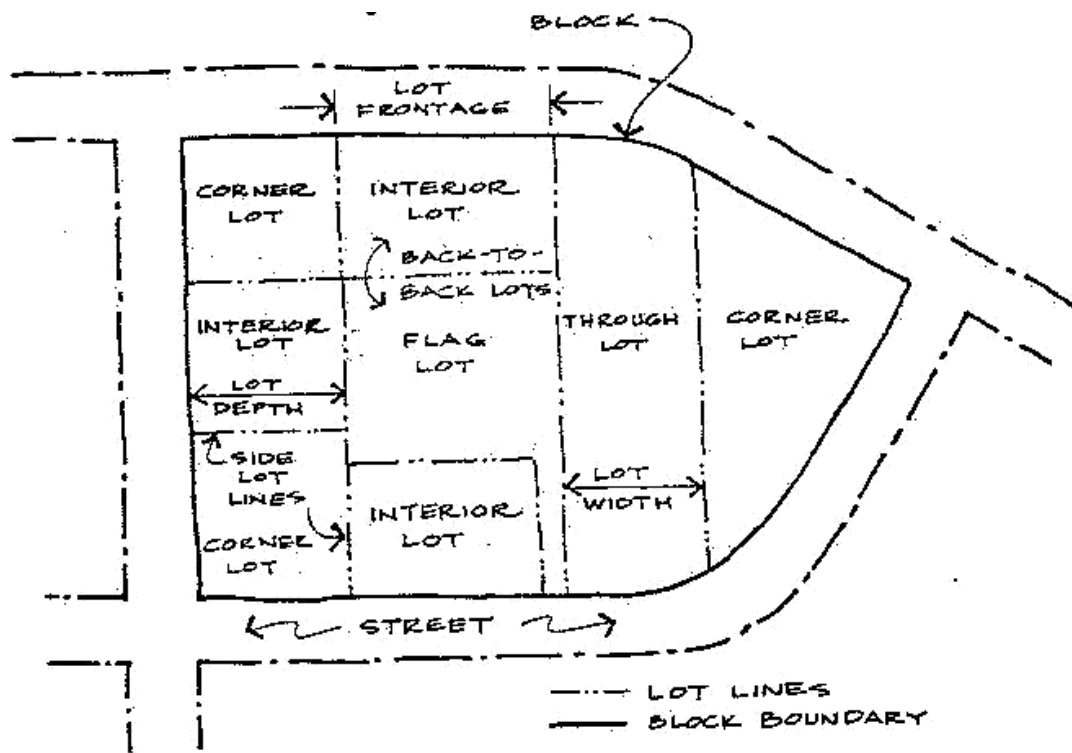
The dimension of a lot abutting a public street measured along the street right-of-way line.

(46) Lot, Interior

A lot situated on a single street which is bounded by adjacent lots along each of its other lines (see Figure 3).



Figure 3

(47) Lot, Substandard

A parcel of land held in separate ownership having frontage on a public street, 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 Ordinance.

(48) Lot Coverage

The area of a lot or parcel covered by buildings (see "Impervious Surface").

(49) Lot Depth

The average distance measured from the lot line to the rear lot line.

(50) Lot of Record

A platted lot of a recorded subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this Ordinance, is on record with the Dodge County Register of Deeds and which exists as described therein.

(51) Lot Width

The width of a parcel of land measured at the building setback line or required front yard setback.

(52) Manufactured Home

A dwelling structure or component thereof as defined in the Wisconsin Administrative Code that has been fabricated in an off-site manufacturing facility for installation or assembly at the dwelling site and bearing a HUD label of insignia certifying that it has been built in compliance with Federal and State Manufacturing Housing construction and inspection standards.

(53) Mobile Home

A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof) or 32 feet or more in length (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

(54) Mother-In-Law Suite

One or more rooms within a single family or two family dwelling designed, occupied, or intended to be occupied by one or more members of a family provided that such rooms do not constitute or include a separate cooking facility and entry designed, occupied, that are intended to be occupied exclusively as a separate dwelling unit. A mother-in-law suite shall not be or included as part of any detached accessory structure or building erected upon the same lot or parcel upon which a principle dwelling is located.

(55) Non-Farm Lot

A lot or parcel created from agricultural land or other land lying in the GA: General Agricultural district used exclusively for residential purposes and typically occupied by non-farm residents.

(56) Open Space

Area(s) of a lot, parcel, tract or subdivision not occupied by buildings, structures, roads, parking areas, driveways, or other developed features or facilities that are beyond required setbacks and yards.

(57) Parcel Area

See "Lot Area".

(58) Professional Home Office

See "Home Occupation".

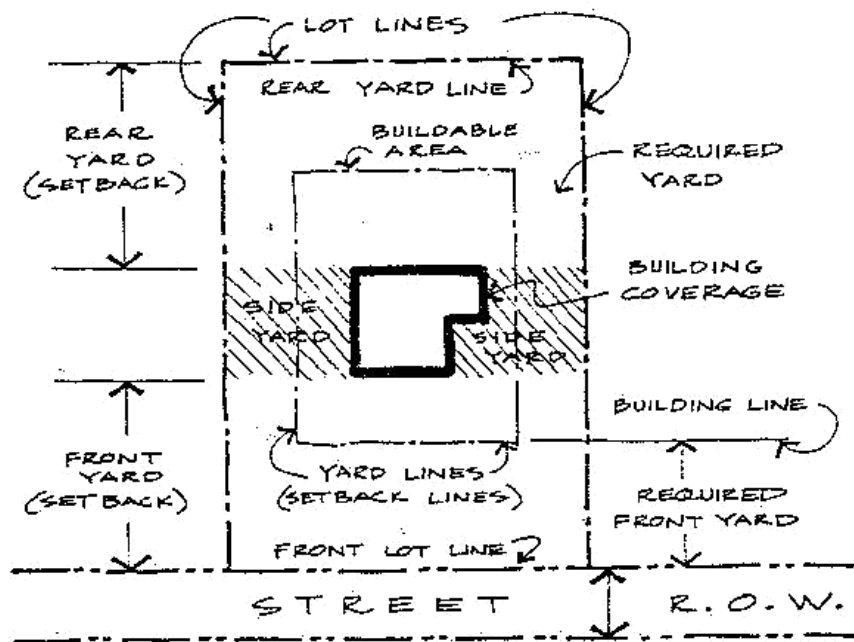
(59) Rear Lot Line

An internal lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. Where the street line is arc, the angle is measured from the tangent of the arc. A lot line greater than 45 degrees from the front street right-of-way line would be a side lot line.

(60) Rear yard

An area extending the full width of the lot between the rear lot line and the rear building face of the principal structure (see Figure 4).

**Figure 4**

(61) Rear Yard Setback

The minimum horizontal distance between the rear internal lot line and a line parallel thereto through the nearest roofed or enclosed portion of the principal structure, excluding uncovered steps and stoops, gutters, and awnings. A rear lot setback is opposite a front yard setback (see Figure 4).

(62) Setback

The minimum horizontal distance required between the property line or base setback line of a lot or parcel and the nearest point of a building or structure (see also "street yard setback", "side yard setback", and "rear yard setback").

(63) Shoreland

Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream, or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those adjacent to farm drainage ditches where (1) such lands are not adjacent to navigable stream or river; (2) those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and (3) such lands are maintained in non-structural agricultural use.

(64) Side Lot Line

An internal lot line generally extending perpendicular to the front lot line. The side lot lines extend between the front lot line and the rear lot line.

(65) Side Yard

An area extending from the side lot line to the side building face of the principal structure, and extending from the front yard to the rear yard of the lot. Lots generally have two side yards, however, a corner lot has only one side yard (see Figure 4).

(66) Side Yard Setback

The minimum horizontal distance between the side property line and a line parallel thereto through the nearest roofed or enclosed portion of the principal building or structure, excluding uncovered steps and stoops, gutters, and awnings. The side yard setback does not extend beyond the front building face into the front yard, or beyond the rear building face into the rear yard (see Figure 4).

(67) Sign

Any medium, including its structures, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks 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.

(68) Sign, Canopy

A sign that is mounted or painted on, or attached to a canopy or marquee (see Figure 5).

(69) Sign, Ground

Any sign placed upon or supported by the ground independent of any other structure (see Figure 5).

(70) Sign, Pole

A sign that is mounted on a free standing pole or other support so that the bottom of the sign is 10 feet or more above grade (see Figure 5).

(71) Sign, Portable

A sign that is not permanent and is not affixed to a building, structure, or to the ground. Such sign is sometimes mounted on wheels to make it transportable (see Figure 5).

(72) Sign, Projecting

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building (see Figure 5).

(73) Sign, Roof

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof (see Figure 5).

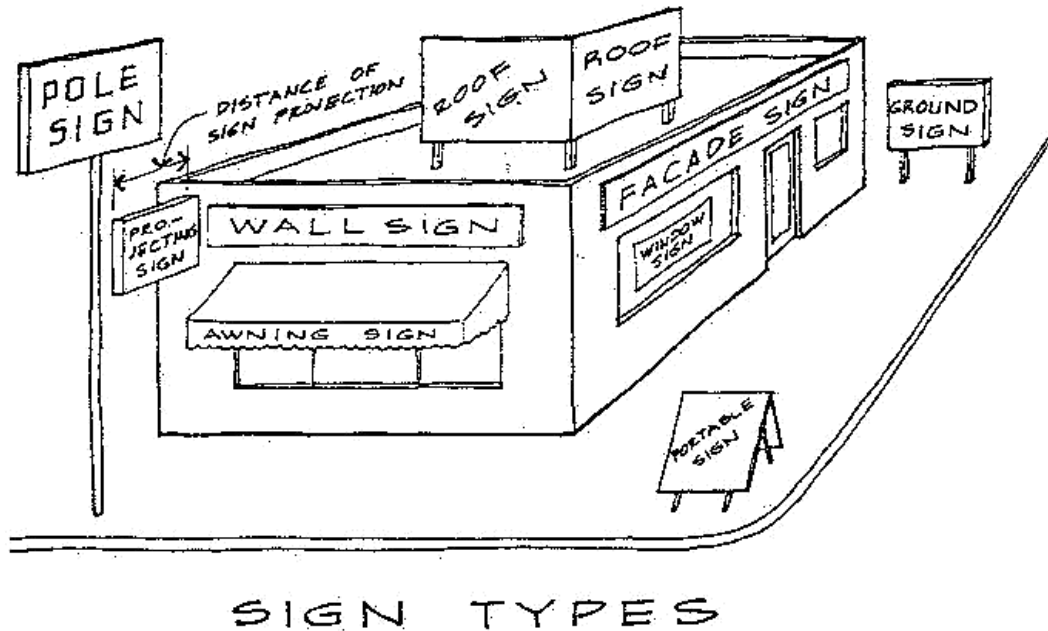
(74) Sign, Wall

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure (see Figure 5).

(75) Sign, Window

A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window (see Figure 5).

Figure 5

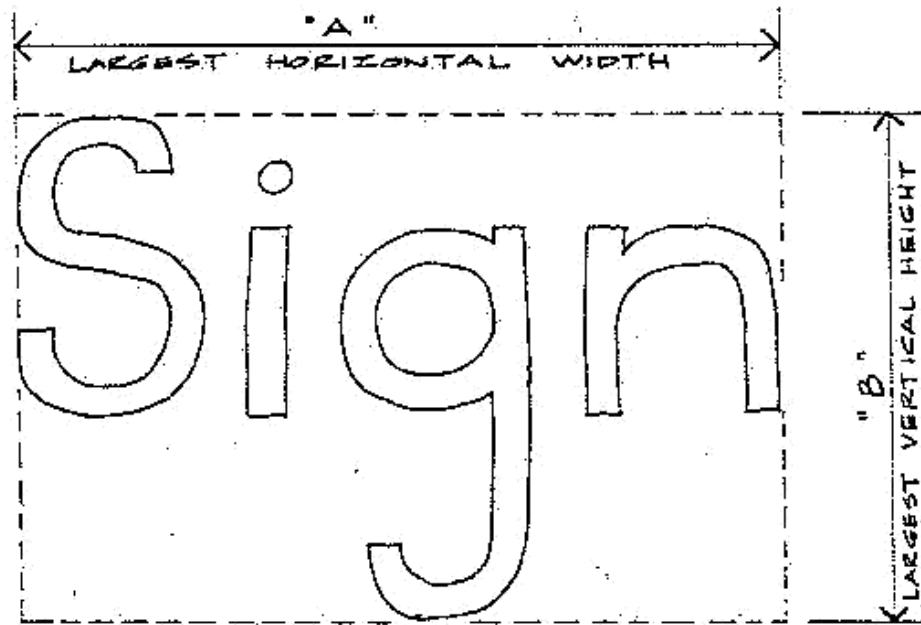
(76) Sign, Copy

The message or advertisement and any other symbols on the face of a sign.

(77) Sign, Area

The entire face or area, including the advertising surface and any framing, trim, or molding but excluding the support structure, upon which the sign message is painted, mounted or otherwise attached. Where no defined background or mounting surface is used, and when individually painted or mounted letters, numbers, or figures comprise a sign, sign area shall be calculated as the area of an appropriate rectangle, circle, triangle or combination of each that can be drawn around said figure as defined by the outermost points of said letters, numbers, or figures (see Figure 6).

Figure 6



MEASUREMENT OF WALL SIGN AREA WHERE  
THERE IS NO DEFINED SIGN BACKGROUND

"A" x "B" = SIGN AREA

(78) Street Yard

The yard area bounded by the street, side lot lots, and the front building face of the principal building. A lot with more than one street may have more than one front yard (see Figure 4).

(79) Street Yard Setback

The horizontal distance between the base setback line and the nearest roofed or enclosed portion of a building or any projection thereof, excluding uncovered steps and stoops, gutters, and awnings. Where the street line is an arc, the setback shall be measured from the arc. The street yard setback may also be called the front yard setback (see Figure 4).

(80) Street, Arterial

A public street or highway used or intended to be used primarily for fast or heavy through traffic as defined in the adopted comprehensive plan or component thereof. Arterial streets shall include all state and county highways.

(81) Street, Collector

A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets. Collector streets shall include all town section line and other town roads that have both termini located at an intersection with any state or county highway and other town roads.

(82) Street, Minor (Local)

A street used or intended to be used primarily for access to abutting properties. Minor streets shall include all local subdivision roads and other town roads with only one terminus at an intersection with any state, county or town road.

(83) Structure

Any erection, construction, or assembly of materials, such as buildings, towers, canopies, masts, poles, booms, signs, decorations, carports, machinery, retaining walls, and equipment. By this definition, all buildings are structures, however, not all structures are buildings.

(84) Structure, Nonconforming

A building or structure lawfully existing at the time of enactment of this Ordinance or amendments thereto that does not comply with all of the applicable area, height, and placement regulations of this Ordinance. 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 non-conforming structure.

(85) Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components.



(86) Surety

Whenever the terms "surety", "surety bond", or "bond" are used in this Ordinance, said term shall describe only an irrevocable letter of credit, a cash bond, or other financial guarantee approved by the Town Board.

(87) Ultimate Street Right-of-Way

See "Base Setback Line".

(88) 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.

(89) Use, Accessory

A use of land, or land and building in combination that is subordinate to the principal use of the land, or land and building in combination, located on the same lot or parcel serving a purpose customarily incidental to the principal use.

(90) Use, Conditional

A use of a special nature as to make impractical their predetermination as a principal use in a district.

(91) Use, Non-Conforming

Any use of a building or premises which the effective date of this Ordinance does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premise is located.

(92) Use, Principal

The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use is specifically authorized as a use-by-right in a particular zoning district and may be operated after securing the necessary building permit or use approval.

(93) Utilities

Public and private facilities, such as water wells, sanitary sewers, water and sewage pumping stations, water storage tanks, water purification facilities, power and communication transmission lines, electrical power stations and substations, microwave radio relays, and gas regulation stations, wastewater treatment plants, municipal incinerators, and storage yards.

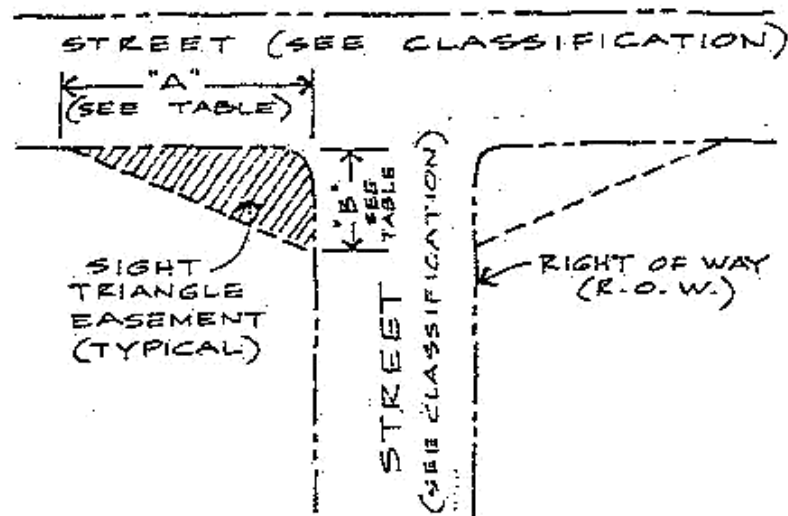
(94) Variance

An authorization granted by the Board of Zoning Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited or otherwise regulated by the Dodge County Zoning Ordinance, Floodplain Ordinance, Shoreland Ordinance, or other agency regulations.

(95) Vision Triangle

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection (see Figure 7).

Figure 7



REQUIREMENT BY STREET CLASSIFICATION (MEASURED ALONG R.O.W.)

		"B" (DISTANCE IN FEET)		
		LOCAL STREET	COLLECTOR STREET	ARTERIAL STREET
"A" (DISTANCE IN FEET)	30	30	100	130-150
	100	30	100	130-150
	130-150	30	100	130-150
	LOCAL STREET	COLLECTOR STREET	ARTERIAL STREET	

SIGHT TRIANGLE

(96) Wetland

An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or vegetation and which has soils indicative of wet conditions.

(97) Wisconsin Administrative Code

Rules of a state agency which have the effect of law and which are issued by an agency to implement, interpret, or make specific legislation enforced or administered by the agency, or govern the organization or procedure of the agency. Wisconsin Administrative Code shall mean such rules as they may be amended from time to time.

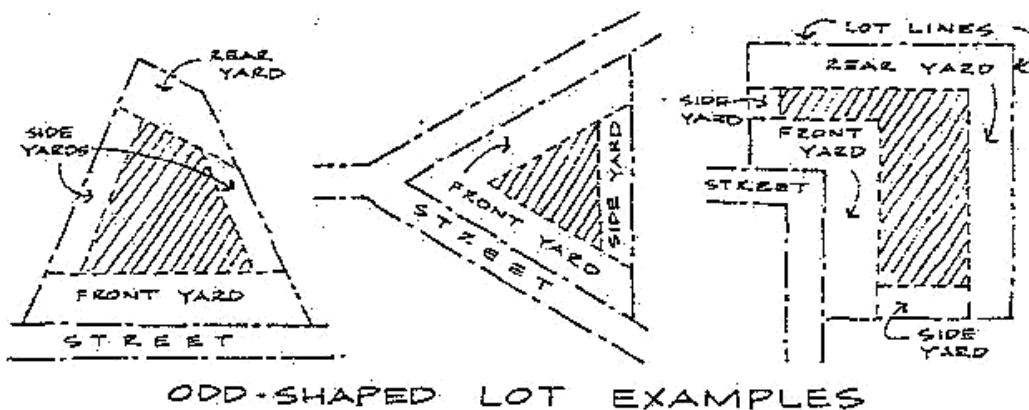
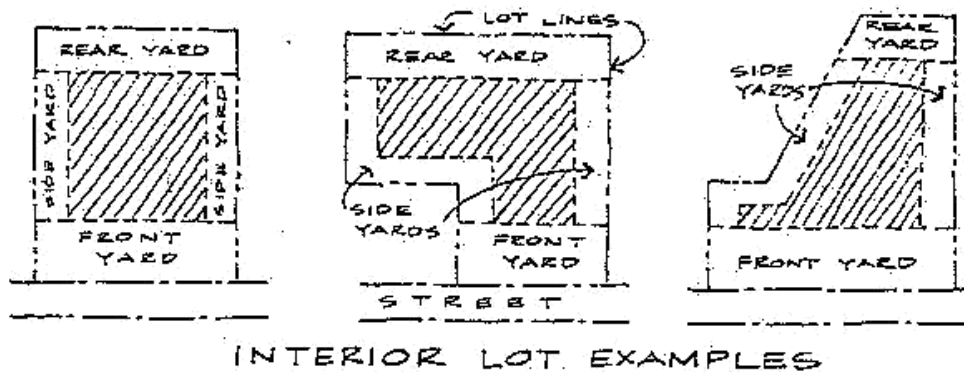
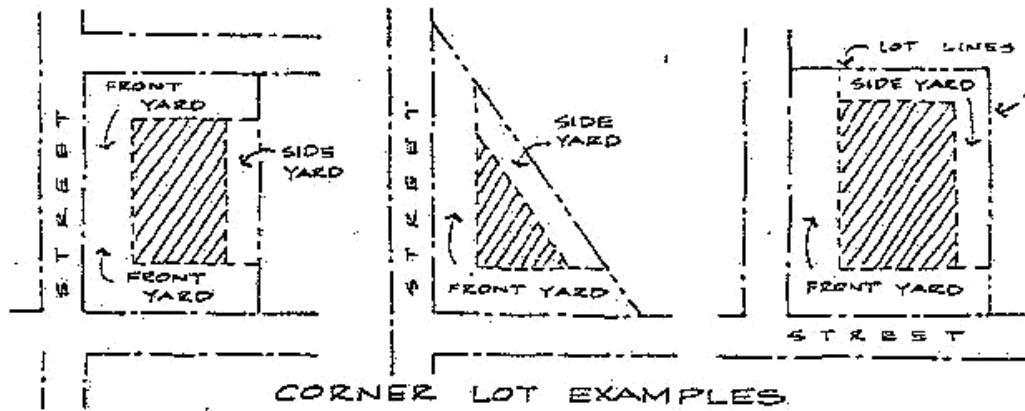
(98) Wisconsin Statutes

The laws of the State of Wisconsin, published biennially, as they may be amended from time to time.


(99) Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. Front yards and rear yards extend the full width of the lot (see Figure 8; also see definitions for "Street Yard", "Rear Yard", "Side Yard").

Figure 8



## REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE  
(TWO DIMENSIONAL)

