SECTION 4.0 – ZONING DISTRICTS

4.1 Establishment

For purposes of this Chapter, the Town of Harmony is hereby divided into the following Zoning Districts:

Agricultural District One (A-1)
Transitional Agricultural District One (A-1a)
General Agricultural District Two (A-2)
Small Scale Agricultural District Three (A-3)
Local Commercial District (B-1)
Rural Residential District (R-R)
Special Purpose District (SP)
Light Industrial District (M-1)

(Amended by Ordinance 101303B)

4.2 Zoning Map and District Boundaries

(1) The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Harmony, Rock County, Wisconsin," dated December 18, 2007, which accompanies and is made a part of this Chapter. Such boundaries shall be construed to follow: town and corporate limit lines; U.S. Public Land Survey Lines; lot or property lines; topographic lines; and road rights-of-way, railroad right-of-way lines, centerlines of streets, roads, highways, alleys, and easements or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk; a copy correct only as of the date of passage of this Zoning Ordinance was attached to this Zoning Ordinance. The Town Clerk shall forward all map amendments approved by the Town Board to the Rock County Planning and Development Agency for inclusion on the Official Zoning Map, and the Town Clerk shall keep on file a revised current version of said map reflecting current zoning boundary locations.

(Amended by Ordinance 121807)

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

(Amended by Ordinance 121807)

4.3 General District Regulations

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

(1) Exclusive Agricultural Districts. This Chapter is intended to qualify as an "exclusive agricultural use ordinance" as that term is defined in Chapter 91 (Farmland Preservation Law) and Section 823.08 (Right to Farm Law) of the Wisconsin Statutes. Any ambiguity in this Chapter shall be interpreted in a manner consistent with the ordinance standards for an exclusive agricultural use ordinance under Section 91.75 of the Wisconsin Statutes.

(2) Erection of More than One Principal Structure on a Lot. In any district no more than one structure housing a permitted or conditional use may be erected on a single lot, except in the A-1, A-1a, and A-2 Districts where the requirements of those districts shall be met for each structure as though it were on an individual lot.

(3) Exceptions to Height Regulations. The height limitations contained in the requirements for permitted and conditional uses do not apply to grain elevators, silos, barns, spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(4) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(5) Parking and Storage of Certain Vehicles. Unlicensed, abandoned, or inoperable vehicles and equipment shall not be parked or stored on any property unless they are in completely enclosed buildings.

All vehicles parked or stored on any property in the RR District must be owned, leased, or otherwise legally in the possession of the owner or resident of the property upon which the vehicle is parked or stored, with the exception that vehicles belonging to temporary guests or visitors are permitted to be parked on the property during the time of the guest or visitor's visit to the property.

All vehicles parked or stored on any property in the RR District must be parked or stored on the residential driveway or other prepared parking surface on the property, provided that vehicles may be parked on the lawn or grassy area of the property for temporary overflow or special event parking. Parking on the lawn or grassy area shall be limited to the duration of the special event and under no

circumstances shall such parking exceed 48 hours in duration.

This subsection does not forbid the parking and storage of vehicles or trailers which are unlicensed but operable and offered for sale by a business lawfully engaged in the sale of motor vehicles or trailers.

This subsection does not forbid the parking or storage of vehicles that are inoperable but licensed and are temporarily stored outside of an enclosed building by a business lawfully engaged in the repair of motor vehicles pending repair of said vehicles, provided that no inoperable vehicle shall be permitted to be parked or stored outside of an enclosed building at a repair facility for longer than 90 days, and further provided that storage or parking of such inoperable vehicles shall occur in a manner which complies with any screening requirements under this Chapter.

Trailers held for sale hereunder shall not be used for storage.

(A) This regulation shall not apply to any semi-trailer box or truck box if such box was in place and in use at its present location as of November 4, 2002, provided that:

1. Any such box is placed on a concrete or asphalt slab or gravel surface; and

2. The wheels, running gear and suspension of such box have been removed on or before November 4, 2003; and

3. Any such box is used solely by the land owner or tenant of the parcel, and is not rented out to persons or entities other than the tenant occupying the parcel; and

4. Any such box meets all setback requirements that would apply to it as a structure under this Chapter.

(A box that was in place but did not meet such setback requirements on November 4, 2002, may be moved so as to comply with such setback requirements, provided that it meets all other tests set forth above.)

(B) If a semi-trailer box or truck box is placed at its present location after November 4, 2002, this regulation shall not apply to any such box, provided that:

1. Any such box is used only for storage; and

2. The wheels, running gear and suspension of such box have been

removed; and

3. Any such box is placed on a concrete or asphalt slab or gravel surface; and

4. Any such box is not located in a residential zone; and

5. The total number of boxes does not exceed one per parcel unless the Planning and Zoning Committee allows additional boxes by conditional use permit, not to exceed one box for each full acre of the area of the lot;

6. Any such box is used solely by the land owner or tenant of the parcel, and is not rented out to persons or entitles other than the tenant occupying the parcel; and

7. Any such box meets all setback requirements that would apply to it as a structure under this Chapter.

((5)Amended by Ordinance 111317A)

(6) Setback. A setback less than the setback otherwise required by this Chapter may be permitted by conditional use permit where there are one or more existing lawful conforming or nonconforming structures of the same type as the proposed structure that are on adjacent parcels, which are built to less than the setback required under this Chapter. If there is only one such structure on adjacent parcels, the proposed structure=s setback shall be no less than the average of the neighboring structure=s setback and the setback otherwise required by this Chapter. If there is more than one such structure on adjacent parcels, then the proposed structure=s setback shall be no less than the average setback of all such structures on adjacent parcels. Further changes in setbacks may be permitted by the Planning and Zoning Committee by conditional use permit under subsection 8.1(4) of this Chapter.

(Amended by Ordinance 030303B)

(7) Loading Space. In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.

(8) Undersized Lots. Where a residential lot has an area less than the minimum number of square feet per family required for the district in which it is located, and was of record as such at the time of the passage of this Zoning Ordinance, such lot may be occupied by a one-family structure.

(9) Applicable Zoning for Vacated Street. Vacation of public streets, alleys, and rights-of-way shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(10) Underground Utility Lines. For all new land divisions, utility lines which will serve individual lots (to include electric lines under 12,400 volts, cable television, telephone, Internet, natural gas, etc.) shall be installed underground within the utility easements indicated on the land division map and provisions made to assure that installation of said utilities will take place prior to conveyance of any lots so created. The only exception will be where existing overhead or underground lines can provide direct service to a structure on an immediately adjacent parcel.

(11) Overhead Utility Lines. No overhead power, telephone, or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.

(12) Community Living Arrangements. Community living arrangements as provided in Section 60.62 of the Wisconsin Statutes shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed 25 people or 1% of the town's population, whichever is greater. No community living arrangement may be established after March 27, 1978, which is located within 2500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Planning & Zoning Committee and if both comprise essential components of a single program.

(13) Habitation of Recreational Vehicle. Habitation of any recreational vehicle, tent, or camper shall not take place on a parcel located in the Town unless a primary residence is available for use of required services such as sewer and water and unless such habitation is temporary in nature and does not exceed 7 days in any calendar year.

(14) Permanent Foundation. A permanent foundation is required for all residential structures and shall comply with the design standards set forth in Section Comm 21.18 of the Wisconsin Administrative Code as that section may be amended, re-created, or re-numbered from time to time. In addition to the requirements of that section, the foundation for all residential structures shall be constructed in one of the following manners:

(A) As a continuous poured wall with footings of no less than 4 feet in depth;

(B) As a mortared concrete block wall on poured footings of no less than 4 feet in depth; or

(C) As a monolithic slab to which the structure is permanently attached.

The parking of a trailer on a poured slab does not constitute a permanent attachment under this section. The requirements of this subsection shall also apply to all structures used as offices. This subsection shall not be deemed to require a foundation for an open-air screened porch or a gazebo-type structure which is accessory to a residential structure. Further, this subsection shall not be deemed to apply to construction trailers which are temporarily placed for 120 days or less and used for the purpose of housing temporary office and storage space to aid in the construction of a structure.

(Amended by Ordinance 31300)

(15) Required Compliance of New Land Parcels. No new land parcel shall be created that is not in compliance with the requirements and standards of this Chapter.

(16) Minimum Dwelling Size. Every residential dwelling erected in the Town of Harmony shall provide not less than 1100 square feet of floor area for a one story building for each family dwelling therein, nor less than 1800 square feet of floor area for a two story building for each family dwelling therein. Floor area does not include garage, attic, basement, or breezeway.

(17) Kennels. No kennels shall be permitted within the municipal boundaries of the Town of Harmony.

(18) Accessory Uses and Structures. Accessory uses and structures are permitted in any district but *not* until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry.

(19) Size Restrictions for Accessory Buildings. Except as otherwise provided under this Chapter in regulations applicable to specific districts, accessory buildings which are incidental to the residential use of any parcel shall not exceed the size limits set forth below:

a. On Parcels .01 to .99 acres, shall not exceed 1,050 square feet.
b. On parcels 1.0 to 1.5 acres, shall not exceed 1,200 square feet.
c. On parcels 1.51 to 1.99 acres, shall not exceed 1,400 square feet.
d. On parcels 2.0 to 2.99 acres, shall not exceed 2,000 square feet.
e. On parcels 3.0 to 4.99 acres, shall not exceed 3,000 square feet for on building, or may have two accessory building not exceeding 3,000 square feet in total.
f. On parcels 5 acres or more, shall not exceed 4,000 square feet for one building, or may have two accessory buildings not exceeding 4,000 square feet in total.

g. Parcels of 10.00 acres or more may apply for a Conditional Use Permit to exceed these limits.

(Amended by Ordinance 091222)

(20) Height Restrictions for Accessory Buildings. Accessory buildings which do not exceed 1,050 square feet in area and are incidental to the residential use of any parcel shall not exceed 18 feet in height. Accessory buildings which exceed 1,050 square feet in area and are incidental to the residential use of any parcel shall not exceed 20 feet in height. (Amended by Ordinance 040615A)

No structure shall be constructed, the height of which exceeds the distance of the foot of the structure from any property line, except that such a structure may be constructed upon issuance of a Conditional Use Permit permitting such construction if the Planning & Zoning Committee is satisfied that any reasonable safety concerns raised by the height of the structure have been addressed. This provision is subject to the limitations on mobile tower siting setbacks set forth in Section 15 of this Chapter.

(Amended by Ordinance 030314)

(21) Screening for Accessory Buildings. All accessory buildings erected, constructed and/or placed within 250 feet of any residence not located upon the parcel upon which such accessory building has been erected, constructed and/or placed shall be effectively screened from such residence either:

(A) By a permanent densely planted hedge or shrubbery at least 3 feet in height at planting and with an ultimate growth height of not less than 8 feet which effectively causes a visual barrier; or

(B) By a permanent evergreen planting, the individual trees to be of such a number and kind and so arranged that they will effectively cause a visual barrier at least 3 feet in height at planting and with an ultimate growth height of not less than 8 feet.

Any screening required under this section shall be installed within 6 months of the commencement of the erection, construction and/or placement of such accessory building and shall thereafter be regularly maintained until such time as the accessory building is removed from the parcel.

Property zoned R-R District and less than 2 acres in size is exempt from the screening requirements set forth above.

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AGRICULTURAL DISTRICT ONE (A-1)

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

The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Development Plan and the Rock County Agricultural Preservation Plan. This district exclusively provides for agricultural uses and uses consistent with agriculture uses as defined in Section 91.01(10) of the Wisconsin Statutes. The intent in having this district is to conserve prime agricultural soils, historically farmed soils, and prevent uncontrolled, uneconomical spread of residential development.

(Amended by Ordinance 121807)

(2) Permitted Uses

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish, or offal, provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems or the application of liquid manure by airborne emission, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(Amended by Ordinance 060611A)

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(C) Beekeeping, commercial feed lots, egg production, floriculture, fish or fur farming, forest and game management, grazing, plant greenhouses, raising of grain, mint and seed crops, raising of fruits, nuts and berries, sod farming, placing land in federal programs in return for payments in kind, owning land of which at least 35 acres is enrolled in the conservation reserve program under 16 U.S.C. §§ 3831-3836, participating in the milk production termination program under 7 U.S.C. § 1446(d), and vegetable raising.

(Recreated by Ordinance 121903)

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

1. An owner of the parcel.

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

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

4. A parent of child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.

(Created by Ordinance 121903)

(E) One private attached garage for each single family dwelling, provided that the square footage of the attached garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
The dwelling may have one attached garage of up to 960 sq. ft. in size.

Example 2: 2000 sq. ft. (livable floor area) x 65% = 1300 sq. ft.
The home may have one attached garage of up to 1300 sq. ft. in size.

Example 3: 4000 sq. ft. (livable floor area) x 65% = 2600 sq. ft.
The home may have one attached garage of up to 2000 sq. ft. in size. The Planning and Zoning Committee may in its discretion grant a conditional use permit allowing an attached garage of up to 2600 sq. ft. in size.

The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

The size limitations for an attached garage provided herein may additionally be expanded by conditional use permit in the discretion of the Planning and Zoning Committee, but only to allow for a “double-decker” configuration of a garage in which the floor of an upper-level garage is placed immediately above another

garage, and then only if the Committee is satisfied that the exterior appearance of such a "double-decker" garage will not give the visual impression of a garage exceeding the size limitation that would otherwise apply hereunder. Under no circumstances shall the size limitation for either level of a double-decker garage exceed the size that would be permitted for a single-level attached garage.

(Amended by Ordinance 060506)
(Amended by Ordinance 100410)

(F) Livestock facilities up to three (3) animal units per acre.

(Created by Ordinance 100206)

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee, provided that such uses are consistent with agricultural use and are found by the Planning & Zoning Committee to be necessary in light of the alternative locations available for such uses. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(A) Churches, agricultural-related veterinary hospitals, publicly owned parks, and publicly owned recreational areas.

(B) Water storage facilities, and gas and electric utility uses not requiring authorization under Section 196.491(3) of the Wisconsin Statutes, provided that they are enclosed by an 8-foot or higher protective fence.

(C) For purposes of farm consolidation, farm residences or structures existing as of December 19, 1979, *may* be separated from the farm plot, provided that no parcel thus created shall exceed 5 acres nor be less than 3 acres. For purposes of this subsection, "farm consolidation" means the combination of two or more farms to create a smaller number of farms.

(Amended by Ordinance 121903)
(Amended by Ordinance 121807)

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

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

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

(G) Additional farm dwellings for resident owners and persons who, or a family at least one adult member of which, earn the majority of their income from conducting a farm operation on the parcel, and one private attached garage, provided that the square footage of the attached garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached

garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

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The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

The size limitations for an attached garage provided herein may additionally be expanded by conditional use permit in the discretion of the Planning and Zoning Committee, but only to allow for a “double-decker” configuration of a garage in which the floor of an upper-level garage is placed immediately above another garage, and then only if the Committee is satisfied that the exterior appearance of such a “double-decker” garage will not give the visual impression of a garage exceeding the size limitation that would otherwise apply hereunder. Under no circumstances shall the size limitation for either level of a double-decker garage exceed the size that would be permitted for a single-level attached garage.

(Amended by Ordinance 060506)
(Amended by Ordinance 100410)

(H) Telephone, telegraph, and electric transmission lines, buildings, or structures.

(I) Agricultural-related airport or airstrip not open to the public which is accessory to the farm use.

(J) Single family dwellings occupied by parents or children of the farm operator and one private attached garage, provided that the square footage of the attached garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
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(Amended by Ordinance 100410)

(K) Land application of municipal waste disposal sludge.

(L) Farm family business, provided such business is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses, and further provided no more than 2 persons who are not members of the resident farm family are employed in the farm family business.

(M) Livestock facilities over three animal units per acre or over 500 animal units total, whichever is less.

(Created by Ordinance 100206)

(N) The use of any outdoor furnace installed prior to March 16, 2006, that is located within 500 feet of the nearest building which is not on the same parcel as the outdoor furnace. (Outdoor furnaces may not be installed after said date unless located at least 500 feet from the nearest building which is not on the same parcel – See Chapter 3 of Municipal Code)"

(Created by Ordinance 060611B)

(O) A parcel of less than 35 acres may be created by separation from a larger parcel or by consolidation of smaller parcels, provided that the use is consistent with permitted uses or conditional uses in the A-1 District, and further provided that due consideration is given to the effect on remaining land of creation of a limited number of nonfarm residences (1 to 20 ratio for a "base farm tract") as defined and limited under Wis. Stat. Chapter 91. In addition to any other conditions imposed upon the property, the applicant for a conditional use hereunder may be required to give a deed restriction or similar device to restrict the creation of additional nonfarm residences."

(Created by Ordinance 100614)

(4) Requirements for Permitted and Conditional Uses

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

(A) Minimum Lot Size ..... 35 acres
provided that smaller sizes may be created by conditional use permit under subsections (3) (C) and (3) (O) above.

(Created by Ordinance 100614)

(B) Maximum Building Height ..... 35 ft. Residential Structures;
No maximum on other structures
except as set forth in subsection 4.3(20)

(C) Minimum Front Yard Setback ..... 50 ft.

(D) Minimum Rear Yard Setback ..... 50 ft.

(E) Minimum Side Yard:
Principal Buildings ..... 20 ft. on each side
Accessory Buildings ..... 10 ft. on each side

(F) All front yard setbacks are also subject to Section 8.1 of this Chapter for setbacks on Arterial, Collector, and Local Roads.

(G) Minimum Lot Width at Building Line ..... 100 ft.

(H) Animal Units per Acre: Three (3) animal units per acre, on contiguous acreage. Additional units per acre will require a Conditional Use Permit.

(I) Minimum Residential Structure Size..... per subsection 4.3(16)

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

(K) Screening Requirements for Accessory Buildings..... per subsection 4.3(21)

(L) All structures and improvements in this district shall constitute a "use consistent with agricultural use" as defined in Section 91.01(10) of the Wisconsin Statutes.
(This subsection was deleted and replaced by Ordinance 121807)

(M) General Setbacks Applicable to Livestock Structures

1. Property Lines: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1000 animal units, and 200 feet from the property line if the livestock facility will have 1000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

2. Public Road Right-of-Way: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

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

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

a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
b. No larger than the existing structure;
c. No further than 50 feet from the existing structure; and
d. No closer to the road or property line than the existing structure.

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

(Subsection Created by Ordinance 100206)

(O) Water Quality and Related Setbacks

1. Navigable Waters and Wetlands: A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.

2. Flood Plain: A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statues.

3. Wells: All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(Subsection Created by Ordinance 100206)

(5) Prohibited Uses

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

TRANSITIONAL AGRICULTURAL DISTRICT ONE (A-1a)

(District Created by Ordinance 101303B)

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

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

(2) Permitted Uses

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish, or offal, provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems or the application of liquid manure by airborne emission, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(Amended by Ordinance 060611A)

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(C) Beekeeping, commercial feed lots, egg production, floriculture, fish or fur farming, forest and game management, grazing, plant greenhouses, raising of grain, mint and seed crops, raising of fruits, nuts and berries, sod farming, placing land in federal programs in return for payments in kind, owning land of which at least 35 acres is enrolled in the conservation reserve program under 16 U.S.C. §§ 3831-3836, participating in the milk production termination program under 7 U.S.C. § 1446(d), and vegetable raising.

(Recreated by Ordinance 020204)

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

1. An owner of the parcel.

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

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

4. A parent of child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.

(Created by Ordinance 020204)

(E) One private attached garage for each single family dwelling, provided that the square footage of the attached garage shall not exceed greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
The dwelling may have one attached garage of up to 960 sq. ft. in size.

Example 2: 2000 sq. ft. (livable floor area) x 65% = 1300 sq. ft.
The home may have one attached garage of up to 1300 sq. ft. in size.

Example 3: 4000 sq. ft. (livable floor area) x 65% = 2600 sq. ft.
The home may have one attached garage of up to 2000 sq. ft. in size. The Planning and Zoning Committee may in its discretion grant a conditional use permit allowing an attached garage of up to 2600 sq. ft. in size.

The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

The size limitations for an attached garage provided herein may additionally be

expanded by conditional use permit in the discretion of the Planning and Zoning Committee, but only to allow for a "double-decker" configuration of a garage in which the floor of an upper-level garage is placed immediately above another garage, and then only if the Committee is satisfied that the exterior appearance of such a "double-decker" garage will not give the visual impression of a garage exceeding the size limitation that would otherwise apply hereunder. Under no circumstances shall the size limitation for either level of a double-decker garage exceed the size that would be permitted for a single-level attached garage.

(Amended by Ordinance 060506)
(Amended by Ordinance 100410)

(F) Livestock facilities up to three animal units per acre.

(Created by Ordinance 100206)

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee provided that such uses are consistent with agricultural use and are found by the Planning & Zoning Committee to be necessary in light of the alternative locations available for such uses. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(A) Churches, agricultural-related veterinary hospitals, publicly owned parks and publicly owned recreational areas.

(B) Water storage facilities, and gas and electric utility uses not requiring authorization under Section 196.491(3) of the Wisconsin Statutes, provided they are enclosed by an 8-foot or higher protective fence.

(C) For purposes of farm consolidation, farm residences or structures existing as of December 19, 1979, *may* be separated from the farm plot, provided that no parcel thus created shall exceed 5 acres nor be less than 3 acres. For purposes of this subsection, "farm consolidation" means the combination of two or more farms to create a smaller number of farms.

(Amended by Ordinance 020204)
(Amended by Ordinance 121807)

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

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

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

(G) Additional farm dwellings for resident owners and persons who, or a family at least one adult member of which, earn the majority of their income from conducting a farm operation on the parcel, and one private attached garage, provided that the square footage of the attached garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
The dwelling may have one attached garage of up to 960 sq. ft. in size.

Example 2: 2000 sq. ft. (livable floor area) x 65% = 1300 sq. ft.
The home may have one attached garage of up to 1300 sq. ft. in size.

Example 3: 4000 sq. ft. (livable floor area) x 65% = 2600 sq. ft.
The home may have one attached garage of up to 2000 sq. ft. in size. The Planning and Zoning Committee may in its discretion grant a conditional use permit allowing an attached garage of up to 2600 sq. ft. in size.

The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

The size limitations for an attached garage provided herein may additionally be expanded by conditional use permit in the discretion of the Planning and Zoning Committee, but only to allow for a “double-decker” configuration of a garage in which the floor of an upper-level garage is placed immediately above another garage, and then only if the Committee is satisfied that the exterior appearance of such a “double-decker” garage will not give the visual impression of a garage exceeding the size limitation that would otherwise apply hereunder. Under no circumstances shall the size limitation for either level of a double-decker garage exceed the size that would be permitted for a single-level attached garage.

(Amended by Ordinance 060506)
(Amended by Ordinance 100410)

(H) Telephone, telegraph and electric transmission lines, buildings or structures.

(I) Agricultural-related airport or airstrip not open to the public which is accessory to the farm use.

(J) Single family dwellings occupied by parents or children of the farm operator and one private attached garage provided that the square footage of the attached garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
The dwelling may have one attached garage of up to 960 sq. ft. in size.

Example 2: 2000 sq. ft. (livable floor area) x 65% = 1300 sq. ft.
The home may have one attached garage of up to 1300 sq. ft. in size.

Example 3: 4000 sq. ft. (livable floor area) x 65% = 2600 sq. ft.
The home may have one attached garage of up to 2000 sq. ft. in size. The Planning and Zoning Committee may in its discretion grant a conditional use permit allowing an attached garage of up to 2600 sq. ft. in size.

The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

(Amended by Ordinance 100410)

(K) Land application of municipal waste disposal sludge.

(L) Farm family business, provided such business is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses, and further provided no more than 2 persons who are not members of the resident farm family are employed in the farm family business.

(M) Livestock facilities over three animal units per acre or over 500 animal units total, whichever is less.

(Created by Ordinance 100206)

(N) The use of any outdoor furnace installed prior to March 16, 2006, that is located within 500 feet of the nearest building which is not on the same parcel as the outdoor furnace. (Outdoor furnaces may not be installed after said date unless located at least 500 feet from the nearest building which is not on the same parcel – See Chapter 3 of Municipal Code)"

(Created by Ordinance 060611B)

(O) A parcel of less than 35 acres may be created by separation from a larger parcel or by consolidation of smaller parcels, provided that the use is consistent with permitted uses or conditional uses in the A-1a District, and further provided that due consideration is given to the effect on remaining land of creation of a limited number of nonfarm residences (1 to 20 ratio for a "base farm tract") as defined and limited under Wis. Stat. Chapter 91. In addition to any other conditions imposed upon the property, the applicant for a conditional use hereunder may be required to give a deed restriction or similar device to restrict the creation of additional nonfarm residences."

(Created by Ordinance 100614)

(4) Requirements for Permitted and Conditional Uses

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

(A) Minimum Lot Size ..... 35 acres
provided that smaller sizes may be created by conditional use permit under subsections (3) (C) and (3) (O) above.

(Created by Ordinance 100614)

(B) Maximum Building Height ..... 35 ft. Residential Structures;
No maximum on other structures
except as set forth in subsection 4.3(20)

(C) Minimum Front Yard Setback ..... 50 ft.

(D) Minimum Rear Yard Setback ..... 50 ft.

(E) Minimum Side Yard:
Principal Buildings ..... 20 ft. on each side
Accessory Buildings ..... 10 ft. on each side

(F) All front yard setbacks are also subject to Section 8.1 of this Chapter for setbacks on Arterial, Collector, and Local Roads.

(G) Minimum Lot Width at Building Line ..... 100 ft.

(H) Animal Units per Acre: Three (3) animal units per acre, on contiguous acreage. Additional units per acre will require a Conditional Use Permit.

(I) Minimum Residential Structure Size..... per subsection 4.3(16)

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

(K) Screening Requirements for Accessory Buildings..... per subsection 4.3(21)

(L) All structures and improvements in this district shall constitute a "use consistent with agricultural use" as defined in Section 91.01(10) of the Wisconsin Statutes.
(This subsection was deleted and replaced by Ordinance 121807)

(M) General Setbacks Applicable to Livestock Structures

1. Property Lines: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1000 animal units, and 200 feet from the property line if the livestock facility will have 1000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

2. Public Road Right-of-Way: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

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

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

   a. Located on the same tax parcel as a waste storage structure in

existence before May 1, 2006;

b. No larger than the existing structure;

c. No further than 50 feet from the existing structure; and

d. No closer to the road or property line than the existing structure.

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

(Subsection Created by Ordinance 100206)

(N) Water Quality and Related Setbacks

1. Navigable Waters and Wetlands: A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.

2. Flood Plain: A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statues.

3. Wells: All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(Subsection Created by Ordinance 100206)

(5) Prohibited Uses

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

GENERAL AGRICULTURAL DISTRICT TWO (A-2)

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

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

(2) Permitted Uses

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries and other similar enterprises or uses, but not fur farms or farms operated for the disposal or reduction of garbage, sewage, rubbish, or offal, provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems or the application of liquid manure by airborne emission, and further provided that such permitted uses shall not include the spreading of sewage sludge unless a conditional use permit is obtained as described in subsection (3)(F) below, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry. (Amended by Ordinance 060611A)

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

(C) One single family residential dwelling and one private attached garage provided that the square footage of the attached garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
The dwelling may have one attached garage of up to 960 sq. ft. in size.

Example 2: 2000 sq. ft. (livable floor area) x 65% = 1300 sq. ft. The home may have one attached garage of up to 1300 sq. ft. in size.

Example 3: 4000 sq. ft. (livable floor area) x 65% = 2600 sq. ft. The home may have one attached garage of up to 2000 sq. ft. in size. The Planning and Zoning Committee may in its discretion grant a conditional use permit allowing an attached garage of up to 2600 sq. ft. in size.

The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

The size limitations for an attached garage provided herein may additionally be expanded by conditional use permit in the discretion of the Planning and Zoning Committee, but only to allow for a "double-decker" configuration of a garage in which the floor of an upper-level garage is placed immediately above another garage, and then only if the Committee is satisfied that the exterior appearance of such a "double-decker" garage will not give the visual impression of a garage exceeding the size limitation that would otherwise apply hereunder. Under no circumstances shall the size limitation for either level of a double-decker garage exceed the size that would be permitted for a single-level attached garage.

(Amended by Ordinance 060506)
(Amended by Ordinance 100410)

(D) Pre-existing residences whose initial construction began before May 14, 1992, are hereby considered a permitted use and are exempt from the limitations imposed and authorized under Section 9 of this Chapter.

(E) Home occupation, when such occupation is incidental to the residential use of the premises, does not involve any external alteration that would effect a substantial change in the residential character of the building, and complies with all of the requirements set forth in Section 14 of this Chapter.

(F) Livestock facilities up to one animal unit per acre.

(Created by Ordinance 100206)

(3) <u>Conditional Uses</u>

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

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

(B) Water storage facilities and power stations, provided they are enclosed by an 8-foot or higher protective fence.

(C) Farm dwellings and related farm structures existing as of November 7, 1983, *may* be separated from the farm plot, provided that no parcel thus created shall exceed 5 acres nor be less than 3 acres. The remaining portion of the original parcel shall conform to the standards of this district, and the new parcel shall conform to the standards of the A-3 district.

(D) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise, provided that written permission is obtained from the Town Board on the recommendation of the Planning & Zoning Committee.

(E) Riding stables, riding schools, and shooting preserves.

(F) The hauling and application of sewage sludge for the purpose of fertilizer, provided that adequate provision for the protection of town roads is made pursuant to subsection 5.4(2) of this Chapter.

(G) Creameries, milk condenseries, and cheese factories, provided, however, that the same are not located or operated within 500 feet of any dwelling.

(H) Supportive agri-business activities to include grain elevators, seed, fertilizer, and farm chemical sales, commercial feedlots, feed mills, and similar agricultural activities, provided that adequate provision is made to protect town roads pursuant to subsection 5.4(2) of this Chapter.

(I) Storage of non-agriculture items for commercial purposes in buildings existing as of November 7, 1983, or in new buildings in the immediate vicinity of buildings existing as of November 7, 1983.

(J) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted use and one private attached garage provided that the square footage of the attached garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the

attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
The dwelling may have one attached garage of up to 960 sq. ft. in size.

Example 2: 2000 sq. ft. (livable floor area) x 65% = 1300 sq. ft.
The home may have one attached garage of up to 1300 sq. ft. in size.

Example 3: 4000 sq. ft. (livable floor area) x 65% = 2600 sq. ft.
The home may have one attached garage of up to 2000 sq. ft. in size. The Planning and Zoning Committee may in its discretion grant a conditional use permit allowing an attached garage of up to 2600 sq. ft. in size.

The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

(Amended by Ordinance 100410)

(K) Telephone, telegraph, and electric transmission lines, buildings, and structures.

(L) Sale of agricultural products not produced on premises.

(M) Single family dwellings occupied by parents or children of the farm operator and one private attached garage provided that the square footage of the attached garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
The dwelling may have one attached garage of up to 960 sq. ft. in size.

Example 2: 2000 sq. ft. (livable floor area) x 65% = 1300 sq. ft.

The home may have one attached garage of up to 1300 sq. ft. in size.

Example 3: 4000 sq. ft. (livable floor area) x 65% = 2600 sq. ft. The home may have one attached garage of up to 2000 sq. ft. in size. The Planning and Zoning Committee may in its discretion grant a conditional use permit allowing an attached garage of up to 2600 sq. ft. in size.

The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

The size limitations for an attached garage provided herein may additionally be expanded by conditional use permit in the discretion of the Planning and Zoning Committee, but only to allow for a "double-decker" configuration of a garage in which the floor of an upper-level garage is placed immediately above another garage, and then only if the Committee is satisfied that the exterior appearance of such a "double-decker" garage will not give the visual impression of a garage exceeding the size limitation that would otherwise apply hereunder. Under no circumstances shall the size limitation for either level of a double-decker garage exceed the size that would be permitted for a single-level attached garage.

(Amended by Ordinance 060506)
(Amended by Ordinance 100410)

(N) Group Day Care Center.

(O) Montessori School.

(P) Livestock facilities over one animal unit per acre or over 500 animal units total, whichever is less.

(Created by Ordinance 100206)

(Q) Overnight storage or parking of trucks exceeding a gross weight of 26,000 lbs. or a length of 35 feet and of semi-trailer trucks with trailers. Trucks of smaller size, and trucks used for agricultural purposes, are permitted without a conditional use permit. If the regular parking of trucks exceeding the size or weight limitations set forth in this subsection has been a practice clearly established before December 1, 2010, a conditional use permit shall not be a necessary prerequisite to continuation of the practice after adoption of this subsection, provided that the discontinuance of such a prior practice for an uninterrupted period of time exceeding 6 consecutive

months shall result in the need for issuance of a conditional use permit in order for the practice to be continued thereafter."

(Subsection (Q) Created by Ordinance 010311)

(R) The use of any outdoor furnace installed prior to March 16, 2006, that is located within 500 feet of the nearest building which is not on the same parcel as the outdoor furnace. (Outdoor furnaces may not be installed after said date unless located at least 500 feet from the nearest building which is not on the same parcel – See Chapter 3 of Municipal Code)"

(Created by Ordinance 060611B)

(S) A parcel of less than 10 acres may be created by separation from a larger parcel or by consolidation of smaller parcels, provided that the use is consistent with permitted uses or conditional uses in the A-2 District. In addition to any other conditions imposed upon the property, the applicant for a conditional use hereunder may be required to give a deed restriction or similar device to restrict the their development.

(Created by Ordinance 100614)

(T) Professional offices for physicians, dentists, attorneys, real estate agents, insurance sales, accountants, and similar professional services in which services are offered to the general public on Premises.

(Created by Ordinance 031422)

(U) Indoor and outdoor physical sports and recreational facilities. Such facilities shall not unreasonably conflict, through generation of excessive noise, light emissions, traffic, or otherwise, with the existing uses of the surrounding properties, or with their planned future uses as described in the Town's comprehensive plan.

(Created by Ordinance 031422)

(4) <u>Requirements for Permitted and Conditional Uses</u>

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

(A) Minimum Lot Size ..... 10 acres
Provided that smaller sizes may be created by conditional use permit under subsection (3) (S) above.

(B) Maximum Building Height ..... 35 ft. Residential Structures;
No maximum on other structures
except as set forth in subsection 4.3(20)

(C) Minimum Front Yard Setback ..... 50 ft.

(D) Minimum Rear Yard Setback ..... 50 ft.

(E) Minimum Side Yard:
Principal Buildings ..... 20 ft. on each side
Accessory Buildings ..... 10 ft. on each side

(F) All front yard setbacks are also subject to Section 8.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.

(G) Minimum Lot Width on Public Road ..... 100 ft.

(H) Animals Units per Acre: One (1) animal unit per acre. Additional units per acre will require a Conditional Use Permit.

(I) Conditional Use Requirements:

1. Minimum Lot Size ..... 3 acres

2. Lot size shall be no greater than the minimum lot area needed to include existing building, primary and reserve septic system areas, required setbacks, and acreage needed to accommodate the proposed number of animal units.

3. Lots created for new residential structures for a parent, child, or farm worker shall be located on the least productive land on the farm operation and/or adjacent to existing buildings.

(J) Minimum Residential Building Size ..... per subsection 4.3(16)

(K) Minimum Residential Building Width ..... 24 ft.

(L) Screening Requirements for Accessory Buildings ..... per subsection 4.3(21)

(M) All parcels in this district consisting of less than 3 acres in size (excluding any portion thereof located within any adjoining public right-of-way) shall be subject to and comply with all of the standards and requirements of the Rural Residential District (R-R) of this Chapter including, but not limited to, the permitted and conditional use provisions of such district.

(N) General Setbacks Applicable to Livestock Structures

1. Property Lines: Except as provided for waste storage structures, livestock

structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1000 animal units, and 200 feet from the property line if the livestock facility will have 1000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

2. Public Road Right-of-Way: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

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

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

a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
b. No larger than the existing structure;
c. No further than 50 feet from the existing structure; and
d. No closer to the road or property line than the existing structure.

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

(Subsection (N) Created by Ordinance 100206)

(O) Water Quality and Related Setbacks

1. Navigable Waters and Wetlands: A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.

2. Flood Plain: A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statues.

3. Wells: All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as

long as the alteration does not reduce the distance between the livestock structure and an existing well.

(Subsection (O) Created by Ordinance 100206)

(5) Prohibited Uses

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

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SMALL SCALE AGRICULTURAL DISTRICT THREE (A-3)

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

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

(2) Permitted Uses

The following uses are permitted in this district:

(A) One single family dwelling and one private attached or unattached garage provided that the square footage of the garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
The dwelling may have one attached garage of up to 960 sq. ft. in size.

Example 2: 2000 sq. ft. (livable floor area) x 65% = 1300 sq. ft.
The home may have one attached garage of up to 1300 sq. ft. in size.

Example 3: 4000 sq. ft. (livable floor area) x 65% = 2600 sq. ft.
The home may have one attached garage of up to 2000 sq. ft. in size. The Planning and Zoning Committee may in its discretion grant a conditional use permit allowing an attached garage of up to 2600 sq. ft. in size.

The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet

and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

The size limitations for an attached garage provided herein may additionally be expanded by conditional use permit in the discretion of the Planning and Zoning Committee, but only to allow for a "double-decker" configuration of a garage in which the floor of an upper-level garage is placed immediately above another garage, and then only if the Committee is satisfied that the exterior appearance of such a "double-decker" garage will not give the visual impression of a garage exceeding the size limitation that would otherwise apply hereunder. Under no circumstances shall the size limitation for either level of a double-decker garage exceed the size that would be permitted for a single-level attached garage.

(Amended by Ordinance 060506)
(Amended by Ordinance 100410)

(B) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish, or offal, provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems or the application of liquid manure by airborne emission, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(Amended by Ordinance 060611A)

(C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.

(D) Gardening, including truck gardens, nurseries, and greenhouses.

(E) Governmental buildings, except sewage disposal plants, garbage incinerators, and buildings for the repair or storage of road building or maintenance machinery.

(F) The following uses if they are publicly owned: parks, playgrounds, and recreational and community center buildings and grounds.

(G) Pre-schools, K-8 grade schools, churches, and their affiliated uses.

(H) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops, and storage areas.

(I) Water storage facilities and their accessory structures, provided they are enclosed by an 8-foot or higher protective fence.

(J) Accessory buildings, including buildings clearly incidental to the residential use of the property, provided that no accessory building may be used as a separate dwelling unit. The size and number of any such accessory buildings are limited as follows:

1. Parcels 3.0 to 4.99 acres are limited to a maximum of two accessory buildings with a total combined square footage not exceeding 3,000 square feet.

(Amended by Ordinance (091222)

2. Parcels greater than five acres in size are limited to a maximum of two accessory buildings, with a total combined square footage not exceeding 4,000 square feet.

(Amended by Ordinance (091222)

3. Additional accessory buildings may be authorized by conditional use permit under subsection (3)(E) below, provided that no conditional use permit shall be issued to permit placement on a parcel of an accessory building which exceeds the maximum square footage applicable to accessory buildings for parcels of that size as set forth in (2)(J)1 and (2)(J)2 above.

4. Any screening required pursuant to subsection 4.3(21) of this Chapter shall be installed within six months of commencement of the erection, construction and/or placement of the accessory building and shall thereafter be properly maintained.

(Amended by Ordinance 31300)

5. An unattached garage shall not be counted against the number of accessory buildings permitted hereunder unless the residence to which such unattached garage is an accessory also has an attached garage.

(Amended by Ordinance 070201)

(K) Home occupation, when such occupation is incidental to the residential use of the premises, does not involve any external alteration that would effect a substantial change in the residential character of the building, and complies with all of the requirements set forth in Section 14 of this Chapter.

(L) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.

(M) Livestock facilities up to one animal unit per acre.

(Created by Ordinance 100206)

(3) <u>Conditional Uses</u>

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(A) Professional offices, when such office is conducted solely by one or more members of the resident family, if the use is conducted entirely within the residence and is incidental to the residential use of the premises.

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

(C) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise, provided that written permission is obtained from the Town Board on the recommendation of the Planning & Zoning Committee.

(D) The hauling and application of sewage sludge for the purpose of fertilizer, provided that adequate provision for the protection of town roads is made pursuant to subsection 5.4(2) of this Chapter.

(E) Additional accessory building(s) clearly incidental to the principal use of the property, provided, however, that no accessory building(s) may be used as a separate dwelling unit and any screening required pursuant to subsection 4.3(21) of this Chapter shall be installed within 6 months of commencement of the erection, construction and/or placement of the accessory building and shall thereafter be properly maintained.

(F) Group Day Care Center.

(G) Montessori School.

(H) Accessory buildings in excess of the maximum size otherwise permitted where the size of the lot, including any land required to be dedicated to the public at the time of creation of the lot, is 10 acres or more. This subsection shall not be deemed to include dedicated land as part of a lot for purposes of minimum or maximum size restrictions under any other provisions of this Chapter.

(Created by Ordinance 030104)

(I) Livestock facilities over one animal unit per acre or over 500 animal units total, whichever is less.

(Created by Ordinance 100206)

(J) Overnight storage or parking of trucks exceeding a net weight of 26,000 lbs. or a length of 35 feet and of semi-trailer trucks with trailers. Trucks of smaller size, and trucks used for agricultural purposes, are permitted without a conditional use permit. If the regular parking of trucks exceeding the size or weight limitations set forth in this subsection has been a practice clearly established before December 1, 2010, a conditional use permit shall not be a necessary prerequisite to continuation of the practice after adoption of this subsection, provided that the discontinuance of such a prior practice for an uninterrupted period of time exceeding 6 consecutive months shall result in the need for issuance of a conditional use permit in order for the practice to be continued thereafter."

(Subsection (J) Created by Ordinance 010311)

(K) The use of any outdoor furnace installed prior to March 16, 2006, that is located within 500 feet of the nearest building which is not on the same parcel as the outdoor furnace. (Outdoor furnaces may not be installed after said date unless located at least 500 feet from the nearest building which is not on the same parcel – See Chapter 3 of Municipal Code)"

(Created by Ordinance 060611B)

(4) Requirements for Permitted and Conditional Uses

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

(A) Minimum Lot Size ..... 3 acres

(B) Maximum Building Height ..... 35 ft. Residential Structures;
No maximum on other structures
except as set forth in subsection 4.3(20)

(C) Minimum Front Yard Setback ..... 50 ft.

(D) Minimum Rear Yard Setback ..... 50 ft.

(E) Minimum Side Yard:
Principal Buildings ..... 20 ft. on each side
Accessory Buildings ..... 10 ft. on each side

(F) All front yard setbacks are also subject to Section 8.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.

(G) Minimum Lot Width on Public Road ..... 100 ft.

(H) Animals Units per Acre: One (1) animal unit per acre. Additional units per acre will require a Conditional Use Permit. No animals shall be permitted on any parcel less than 2 acres in size (excluding any portion thereof located within any adjoining public right-of-way).

(I) Minimum Residential Building Size ..... per subsection 4.3(16)

(J) Minimum Residential Building Width ..... 24 ft.

(K) Maximum Residential Accessory Building Size ..... per subsection 4.3(19)

(L) Maximum Residential Accessory Building Height ..... per subsection 4.3(20)

(M) Screening Requirements for Accessory Buildings ..... per subsection 4.3(21)

(N) All parcels in this district consisting of less than 2 acres in size (excluding any portion thereof located within any adjoining public right-of-way) shall be subject to and comply with all of the standards and requirements of the Rural Residential District (R-R) of this Chapter including, but not limited to, the permitted and conditional use provisions of such district.

(O) General Setbacks Applicable to Livestock Structures

1. Property Lines: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1000 animal units, and 200 feet from the property line if the livestock facility will have 1000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

2. Public Road Right-of-Way: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

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

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

a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
b. No larger than the existing structure;
c. No further than 50 feet from the existing structure; and
d. No closer to the road or property line than the existing structure.

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

(Subsection (O) Created by Ordinance 100206)

(P) Water Quality and Related Setbacks

1. Navigable Waters and Wetlands: A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.

2. Flood Plain: A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statues.

3. Wells: All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(Subsection (P) Created by Ordinance 100206)

(5) Prohibited Uses

No structure or improvement may be built or land used in this district unless it is a

Permitted Use or an approved Conditional Use in this district.

LOCAL COMMERCIAL DISTRICT (B-1)

(1) Purpose and Intent of Local Commercial District (B-1)

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

(2) Permitted Uses

The following uses are permitted in this district:

(A) Stores and shops in which items are sold directly to the public, to include grocery, hardware, clothing, and apparel stores, pharmacies and beverage stores, bakeries, magazine and tobacco stores, coffee shops, gift shops, parking areas, and similar retail establishments normally found in neighborhood shopping centers.

(B) Professional offices for physicians, dentists, attorneys, real estate agents, insurance sales, and similar professional services in which services are offered to the general public on the premises.

(C) Personal services to include barbershops, beauty salons, tailor shops, and coin-operated laundromats.

(D) Governmental and public facilities such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.

(E) Banks, office buildings, and restaurants.

(F) Sales and retail of new and used automobiles, trucks, trailers, construction equipment, and agricultural equipment.

(G) Gasoline/Convenience stores which do not provide mechanical services.

(H) Model Homes for sales promotion (habitation as dwelling only as a conditional use), lumber yards, building services, and building supplies.

(I) Mini-warehousing and general warehousing of merchandise in enclosed buildings.

(J) Television, video, radio, and electrical equipment sales, service, and rental.

(K) Plumbing, heating, and air-conditioning sales and repair shops.

(L) Technical schools and training centers.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(A) Single-family residences, but only in conjunction with and accessory to another permitted use, for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.

(B) Lodges and fraternal buildings, nursing homes, retirement homes, and nursery and day care centers.

(C) All public utility facilities, including sewage treatment facilities.

(D) Animal hospitals and clinics, excluding open kennels and exercise yards.

(E) Maintenance and repair of equipment and vehicles.

(F) Construction contractor offices, equipment storage yards, and maintenance facilities.

(G) Fabrication, assembly, processing, and/or packaging of plastics products, electrical equipment, jewelry, and pottery.

(H) Automotive upholstery shops and automotive body repair shops.

(I) Feed and grain dealers and grain storage.

(J) Stores dealing with sexually explicit materials, books, magazines, movies, clothing, and paraphernalia.

(K) Radio or television studios and towers and microwave radio relay structures.

(L) Telephone, telegraph, and electric transmission lines, buildings, or structures.

(M) Community Living Arrangement dedicated to the recovery and rehabilitation of individuals dealing with substance abuse issues, a group home for youth, or otherwise, provided that said Community Living Arrangement is located at least

2500 feet from any other facility, and that design of the structure and landscaping is compatible with the surrounding neighborhood to prevent the appearance of an institution.

(Amended by Ordinance 060220A)

(4) Requirements for Permitted and Conditional Uses

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

(A) Minimum Lot Size .....1 acre

(B) Maximum Building Height ..... 35 ft.

(C) Minimum Front Yard Setback ..... 50 ft.

(D) Minimum Rear Yard Setback ..... 25 ft.

(E) Minimum Side Yard Setback ..... 15 ft.

(F) Accessory Building Side Yard Setback..... 10 ft.

(G) Minimum Width at Building Line ..... 100 ft.

(H) Minimum Frontage on Public Road ..... 100 ft.

(I) All front yard setbacks are also subject to Section 8.1 of this Chapter for setbacks on Arterial, Collector, and Local Roads.

(J) Screening Requirements for Accessory Buildings..... per subsection 4.3(21)

(K) Parking Requirements.....One 200 sq. ft. parking space for each 200 sq. ft. of building.

(5) Prohibited Uses

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

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RURAL RESIDENTIAL DISTRICT (R-R)

(1) Purpose and Intent of R-R District

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

The following described soil types have severe limitations due to high water table, slow permeability, lateral seepage, easy liquification, floatation of pipes, subjection to frost heave, bedrock, low bearing capacity, or frequent overflow, and therefore no residential development shall take place thereon unless an on-site soil test of the parcel is used to indicate specific locations on the parcel that will support development:

ON-SITE LIMITATIONS

Ad	Eke	KaA	To	SoB
Aw	ElA	KdD	Pa	SoC2
AzA	EmA	KdD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	ReF	WlA
Da	GpC2	Mc	Rs	WlB2
DrD2	GrD2	Md	RtD	WlC2
EdB2	Ha	Me	RuE	W1D2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
		OoD2	SbC2	WoA

(2) Permitted Uses

The following uses are permitted uses in this district:

(A) One single family dwelling and one private attached or unattached garage provided that the square footage of the attached garage shall not exceed the greater of 960 square feet or 65% of the livable floor area, but in no case shall the total area of the attached garage exceed 2000 square feet without a conditional use permit, which may be granted at the discretion of the Planning and Zoning Committee for an attached garage of greater than 2000 square feet and yet no larger than 65% of the

livable floor area.

Example 1: 1200 sq. ft. (livable floor area) x 65% = 780 sq. ft.
The dwelling may have one attached garage of up to 960 sq. ft. in size.

Example 2: 2000 sq. ft. (livable floor area) x 65% = 1300 sq. ft.
The home may have one attached garage of up to 1300 sq. ft. in size.

Example 3: 4000 sq. ft. (livable floor area) x 65% = 2600 sq. ft.
The home may have one attached garage of up to 2000 sq. ft. in size. The Planning and Zoning Committee may in its discretion grant a conditional use permit allowing an attached garage of up to 2600 sq. ft. in size.

The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.

The size limitations for an attached garage provided herein may additionally be expanded by conditional use permit in the discretion of the Planning and Zoning Committee, but only to allow for a "double-decker" configuration of a garage in which the floor of an upper-level garage is placed immediately above another garage, and then only if the Committee is satisfied that the exterior appearance of such a "double-decker" garage will not give the visual impression of a garage exceeding the size limitation that would otherwise apply hereunder. Under no circumstances shall the size limitation for either level of a double-decker garage exceed the size that would be permitted for a single-level attached garage.

(Amended by Ordinance 060506)
(Amended by Ordinance 100410)

(B) Governmental buildings, except sewage disposal plants, garbage incinerators, warehouses, garages, shops, and storage yards.

(C) Public and quasi-public-owned parks, playgrounds, and community center buildings and grounds, as well as private parks, provided that such private park is directly related to an adjoining residential subdivision, the use thereof is restricted to the residents of such subdivision and their guests, and such park is not used for any commercial purposes.

(D) Grade schools, churches, and their affiliated uses.

(E) Water-storage facilities and their accessory structures

(F) Accessory building clearly incidental to the residential use of the property, provided, however, that no accessory building may be used as a separate dwelling unit, there shall be no more than one (1) accessory building per lot, and any screening required pursuant to subsection 4.3(21) of this Chapter shall be installed within 6 months of commencement of the erection, construction and/or placement of the accessory building and shall thereafter be properly maintained. An unattached garage shall not be counted as an accessory building in this district unless the residence to which the unattached garage is an accessory also has an attached garage.
(Amended by Ordinance 070201)

(G) Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.

(H) Home occupation, when such occupation is incidental to the residential use of the premises, does not involve any external alteration that would effect a substantial change in the residential character of the building, and complies with all of the requirements set forth in Section 14 of this Chapter.

(I) Keeping of chickens, provided that the owner of the parcel holds a current, valid Chicken Permit issued by the Town Clerk under Chapter 19 of this Code and that the holder of the Permit is in compliance with the terms of that Chapter.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(A) Professional offices, when such office is conducted solely by one or more members of the resident household, entirely within the residence, and incidental to the residential use of the premises.

(B) Public buildings such as colleges and universities, private music schools, dancing schools, business schools, and vocational schools, but not to include sewage disposal plants, garbage incinerators, warehouses, garages, shops, or storage areas.

(C) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, other community buildings, private clubs, and

fraternities, except those whose principal activity is a service customarily carried on as a business.

(D) Telephone, telegraph, and electric transmission lines, buildings, or structures.

(E) Community Living Arrangement dedicated to the recovery and rehabilitation of individuals dealing with substance abuse issues, a group home for youth, or otherwise provided that said Community Living Arrangement it is located at least 2500 feet from any other facility, and that the design of the structure and landscaping is compatible with the surrounding neighborhood and to prevent the appearance of an institution.

(F) One two-family dwelling and one private attached or unattached garage per living unit, provided that the square footage of the garage shall not exceed the lesser of the following:

1. The greater of 864 square feet or 40% of the livable floor area of the living unit; or

2. The lesser of 1200 square feet or 100% of the livable floor area of the living unit. Livable floor area of the living unit shall not include garage, breezeway, unfinished attic, or unfinished basement.

The size limitations for an attached garage provided herein may be expanded by conditional use permit in the discretion of the Planning and Zoning Committee, but only to allow for a "double-decker" configuration of a garage in which the floor of an upper-level garage is placed immediately above another garage, and then only if the Committee is satisfied that the exterior appearance of such a "double-decker" garage will not give the visual impression of a garage exceeding the size limitation that would otherwise apply hereunder. Under no circumstances shall the size limitation for either level of a double-decker garage exceed the size that would be permitted for a single-level attached garage.

(Amended by Ordinance 060506)

(H) Additional accessory building(s) clearly incidental to the principal use of the property, provided, however, that no accessory building may be used as a separate dwelling unit, and any screening required pursuant to subsection 4.3(21) of this Chapter shall be installed within 6 months of commencement of the erection, construction and/or placement of the accessory building and shall thereafter be properly maintained. The number of additional accessory buildings permitted under this subsection shall not exceed the lesser of three (3) per parcel or one (1) per full acre of size of the parcel. Amended by Ordinance 070201)

(I) The use of any outdoor furnace installed prior to March 16, 2016. (No outdoor

furnaces may be installed after said date – See Chapter 3 of Municipal Code)"
(Created by Ordinance 060611B)

(J) On parcels of five acres or less in size that are abutted on all sides (other than sides abutted by a road) by agriculturally-zoned parcels (A-1, A-1a, A-2, and/or A-3), a single accessory building exceeding the 1,050 square foot size limitation imposed under section 4.3(19), provided that said single accessory building shall be the sole accessory building on the parcel and no additional accessory buildings shall exist on the parcel. Before permitting an accessory building exceeding the 1,050 square foot limit, the Planning and Zoning Committee must first determine that there are exceptional, extraordinary, or unusual circumstances or conditions applying to the parcel that make a larger accessory building appropriate for the parcel, and that do not apply in general to most other parcels in the R-R district. The additional square footage thus authorized shall not exceed the minimum size reasonably necessary to accommodate the exceptional, extraordinary, or unusual circumstances or conditions.
(Created by Ordinance 040615A)

(4) Requirements for Permitted and Conditional Uses

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

(A) Minimum Lot Size .....1 acre

(B) Minimum Lot Area per Two-Family Dwelling ..... 55,000 sq. ft.

(C) Maximum Building Height ..... 35 ft.

(D) Minimum Building Width..... 24 ft.

(E) Minimum Floor Area per Family ..... per subsection 4.3(16)

(F) Maximum Accessory Building Size..... per subsection 4.3(19)

(G) Maximum Accessory Building Height ..... per subsection 4.3(20)

(H) Minimum Front Yard Setback ..... 50 ft.

(I) Minimum Rear Yard Setback (except Accessory Buildings)..... 25 ft.
(Amended by Ordinance 91399)

(J) Minimum Side Yard Setback (except Accessory Buildings) ..... 15 ft.
With a Conditional Use Permit the Minimum Side Yard Setback may be 10 feet.
(Amended by Ordinance 111422)

(K) Accessory Buildings Side Yard and Rear Yard Setback..... 10 ft.
(Amended by Ordinance 91399)

(L) Minimum Lot Width at Building Line ..... 100 ft.

(M) Minimum Lot Frontage on Public Road ..... 100 ft.
with 50 ft. permitted on a
permanent cul-de-sac

(N) All front yard setbacks are also subject to Section 8.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.

(O) Screening Requirements for Accessory Buildings..... per subsection 4.3(21)

(5) Prohibited Uses

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

SPECIAL PURPOSE DISTRICT (SP)

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

The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Plan. The SP District is intended to provide for those uses which create or could present special problems, hazards, or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; and those for which it is desirable to have a limited number of a given land use within the community. All such uses shall be conditional uses and subject to the consideration and approval of the Planning & Zoning Committee.

(2) Permitted Uses

None.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter. The Committee may require special facilities as a condition of approval such as, but not limited to, fences, trees, shrubberies, barriers, and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment.

(A) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses, with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards, or other harmful conditions.

(B) Sand and gravel operations and facilities for the production, mining, processing, or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.

(C) Airports open to the public, hangars, or accessory structures.

(D) Cemeteries when they comply with the provisions of Section 157.06 of the Statutes.

(E) Race tracks.

(F) Sewage treatment facilities.

(G) Accessory structures required by the principal use as part of the original application.

(H) Junkyard and automobile salvage yards.

(4) Requirements for Conditional Uses

Within the SP District the following standards shall apply:

(A) Minimum Lot Area ..... 5 acres

(B) Minimum Front Yard Setback ..... 50 ft.

(C) Minimum Rear Yard Setback ..... 50 ft.

(D) Minimum Side Yard Setback ..... 50 ft.

(E) All Front Yard Setbacks are also subject to Section 8.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.

(F) Off Street Parking..... 1 space per 5 seats, or
1 space per 5 anticipated users
at maximum usage of facility

(G) Sand and Gravel Operations

1. Minimum Lot Area ..... 5 acres

2. Setback from Existing Street or Highway..... 100 ft.

3. Setback from Right-of-Way of Public Utility ..... 50 ft.

4. Setback from Boundary of Zoning District..... 100 ft.

5. Minimum Accessory Side Yard Setback ..... 50 ft.

6. Fencing and Screening

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

7. No dumping of waste products or by-products shall be allowed anywhere on the site.
8. A Restoration Plan is to be developed with the aid of the County Agricultural

Agent, the County Soil Conservation Service, the County Parks Department, and the County Planning Department, and is to be approved by the Town Board. Such Restoration Plan shall include grading and slope requirements, topsoil preservation, ground cover planting, erosion control, fencing, removal of structures, equipment, and stockpiles, and any other measures which are deemed necessary to protect the public health, safety, comfort, convenience, or general welfare.

(5) Prohibited Uses

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

(6) Termination Upon Ceasing of Operations

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

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LIGHT INDUSTRIAL DISTRICT (M-1)

(1) Purpose and Intent of Light Industrial District (M-1)

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives of the Development Plan. The intent of this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for light industry. The uses allowed in this district, either permitted or conditional, shall only provide for discharge of domestic waste unless connected to public sewer. Any uses producing other than domestic waste shall be permitted only when connected to public sewer. Some conditional uses may require further investigation as to the disposal of other wastes.

(2) Permitted Uses

The following uses are permitted in this district:

(A) Repair and maintenance of agricultural equipment and the sale of equipment.

(B) Public or private offices with sewage discharge limited to domestic effluent.

(C) Sales of building materials.

(D) Storage or wholesaling of manufactured goods.

(E) Warehousing, including mini-warehouses, but they shall not have floor drains in order to prevent groundwater contamination.

(F) Public utility facilities, except sewage treatment plants, garbage incinerators, and sanitary landfills.

(G) Police and fire stations and post offices.

(H) Repair and maintenance of automotive upholstery.

(I) Commercial bakeries.

(J) Greenhouses.

(K) Dry printing and publishing.

(L) Distributors of food products.

(M) Contractors' offices, including plumbing, heating, air conditioning, and electrical.

(N) Parking lots.

(O) Fabrication and assembly of construction components from non-toxic materials or substances.

(P) Agricultural uses.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(A) Assembly of goods.

(B) Truck and bus terminals, pipeline terminals, bulk tank facilities, and storage of petroleum, gas, and chemical products for wholesale or retail sales.

(C) Welding, sheet metal, and blacksmith shops and similar metal fabrication activities.

(D) Garages for repair and servicing of motor vehicles, including body repair, painting, or motor rebuilding.

(E) Laboratories and facilities for research, development, and testing.

(F) Contractors' storage yards and sale of machinery and equipment.

(G) Packing and packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, tobacco, toiletries, and food.

(H) Storage facilities for flammable gases or liquids.

(I) Animal hospitals, animal clinics, or veterinary services, provided all pens and runs are within completely enclosed buildings.

(J) Telephone, telegraph, and electric transmission lines, buildings, or structures.

(K) Radio or television studios and towers and microwave radio relay structures.

(4) Parking and Loading Requirements

(A) All light industrial establishments shall provide one 200 square foot parking space for every two employees.

(B) Every structure or building containing at least 5000 square feet of gross floor area shall provide off-street loading space measuring not less than 10 feet by 40 feet and having a height of 14 feet, clear of all obstructions, according to the following schedule:

GROSS FLOOR AREA	NUMBER OF LOADING SPACES
5,000 sq. ft. to 24,000 sq. ft.	1
24,000 sq. ft. to 60,000 sq. ft.	2
60,000 sq. ft. to 96,000 sq. ft.	3
96,000 sq. ft. to 144,000 sq. ft.	4
144,000 sq. ft. to 192,000 sq. ft.	5
192,000 sq. ft. to 240,000 sq. ft.	6
240,000 sq. ft. to 294,000 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8

For each additional 54,000 sq. ft., one additional space is required.

The Planning & Zoning Committee may permit the required loading spaces to remain undeveloped until the Committee decides that they are needed.

(5) Screening

All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial uses or districts either:

(A) By a solid wall or fence not less than 6 feet nor more than 8 feet in height; or

(B) By a permanent densely planted hedge or shrubbery at least 6 feet in height which effectively causes a visual barrier; or

(C) By a permanent evergreen planting, the individual trees to be of such a number and kind and so arranged that they will effectively cause a visual barrier at least 6 feet in height.

This subsection shall not be deemed to permit storage of unlicensed vehicles or trailers outside of an enclosed building except in connection with a business lawfully engaged in the sale of motor vehicles or trailers. This paragraph shall also not be deemed to permit storage of inoperable vehicles outside of an enclosed building except in connection with a business lawfully engaged in the repair of motor vehicles, and complying with the screening requirements set forth above. Motor vehicles kept outside of an enclosed building at a repair facility are subject to the limitations set forth in subsection 4.3(5) of this Chapter.

Trailers held for sale hereunder shall not be used for storage.

(Amended by Ordinance 050304)

(6) Requirements for Permitted and Conditional Uses.

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

(A) Minimum Lot Size ..... 2.5 acres

(B) Minimum Lot Width ..... 100 ft.

(C) Maximum Building Height ..... 35 ft.

(D) Minimum Front Yard Setback ..... 50 ft.; 75 ft. if parking is permitted in front yard.

(E) Minimum Rear Yard Setback ..... 50 ft.

(F) Minimum Side Yard Setback ..... 20 ft.; 50 ft. when abutting residential area.

(G) Corner Side Yard Setback ..... 50 ft.

(H) Minimum Accessory Side Yard Setback ..... 10 ft.

(I) All front yard setbacks are also subject to Section 8.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.

(J) Minimum Screening Requirement ..... See (5) above

(K) Minimum Parking Requirement ..... See (4)(A) above

(L) No permitted or conditional use shall produce any effluent or waste products other

than domestic effluent, and only domestic effluent shall be disposed of in the parcel's on-site sewage disposal system.

(7) Prohibited Uses

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

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