TOWN OF KEWASKUM
CHAPTER 17
ZONING

Ordinance 2026-03 Amending Chapter 17, Effective September 29, 2026

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17.01 INTRODUCTION.

(1) AUTHORITY. These regulations are adopted under the authority granted by Wis. Stats. §§60.22(3) and 60.62.

(2) PURPOSE**.** The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town.

(3) INTENT. It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; and to:

(A) Preserve and protect prime agricultural lands in the Town.
(B) Preserve and protect the beauty of the Town.
(C) Regulate lot coverage and the size and location of all structures to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.
(D) Regulate population density and distribution to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities.
(E) Regulate parking, loading, and access to lessen congestion, and promote the safety and efficiency of streets and highways.
(F) Secure safety from fire, pollution, contamination, and other dangers.
(G) Stabilize and protect existing and potential property values.
(H) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters.
(I) Further the maintenance of safe and healthful water conditions.
(J) Provide for and protect various suitable commercial and industrial sites.
(K) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways.
(L) Implement those Town, County, watershed, and regional comprehensive plans or components of such plans adopted by the Town.
(M) Provide for the administration and enforcement of this chapter; and provide penalties for violations of this chapter.

(4) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, chapters, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(5) INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town.

(6) TITLE. This chapter shall be referred to or cited as the “Zoning Code, Town of Kewaskum, Wisconsin” and is hereafter referred to as “this chapter.”

17.02 DEFINITIONS. For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this chapter include the future. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions.

(1) ACCESSORY USE OR STRUCTURE. A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure as defined in Sec. 17.03(4)(B) of this chapter.

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

(3) AGRICULTURAL WAREHOUSING. PERMITTED USE in EA and A-1 Zoning Districts The warehousing shall be consistent with existing agricultural uses and shall comply with the PERFORMANCE STANDARDS listed in Section 17.22. Any activity that provides for the warehousing, storage, or distribution of agricultural supplies and equipment, including such items as: animal feed and supplies, fertilizers, farm equipment, farm supplies, horticultural or garden items, and bulk food products.

(4) ALLEY. A special public right-of-way affording only secondary access to abutting properties

(5) ANIMALS. Domestic farm animals, such as cattle, horses, donkeys, sheep, goats, and pigs. Dogs, cats, and other household pets are not considered to be domestic farm animals.

(6) BASEMENT. That portion of any structure that is located below lot grade or a room with a ceiling that is less than 4 feet above lot grade. Basement floor areas shall not be used to compute minimum floor areas as required by this chapter.

(7) BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, bees, equipment, machinery, or materials.

(8) BUILDING AREA. The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

(9) BUILDING HEIGHT. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof.

(10) COMMON OPEN SPACE. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development. Common open space may not include structures and improvements; may be limited to unimproved green space; or may be rented or used for agricultural purposes. All such uses and limitations are set forth in an open space utilization plan and managed by a property owner's association or third-party manager, with the Town approving the open space plan and management arrangements.

(11) COMMUNITY-BASED RESIDENTIAL FACILITY. A place where three or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A community-based residential facility is subject to State-level licensing and operational limitations as set forth in Wis. Stat. §50.

(12) COMMUNITY LIVING ARRANGEMENT. The facilities which are licensed and operated or permitted under the authority of the Wisconsin Statutes are child welfare agencies under Wis. Stat. §48.60, group foster homes for children under Wis. Stat. §48.02(6), and community-based residential facilities under Wis. Stat. §50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. The establishment of community living arrangements is governed by Wis. Stats. §§46.03(22), 59.97(15), 60.63, and 62.23(7)(i).

(13) CONDITIONAL USES. Uses of a special nature that make it impractical to predetermine as a permitted use in a district.

(14) CONSTRUCTION SERVICES / TRADES. Includes but not limited to: general building contractors, excavation services, carpentry, wood flooring, concrete services, masonry, stonework, tile setting, plastering services, roofing services, siding and gutter services, sheet metal services, and water well drilling services.

(15) CONTROLLED LIVESTOCK GRAZING. An event of limited duration in which a site is to be used for grazing of livestock as designated by the Plan Commission.

(16) CORNER LOT. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.

(17) CREAMERIES, CONDENSERIES, OR CUSTOM GRAIN DRYING OPERATION. PERMITTED USE in the M-1 Zoning District. Subject to the following:

(A) The location, building, site plans, and plan of operation shall be submitted for review/approval.
(B) No building shall be located closer than 100 feet to any lot line.
(C) No such consideration or approval will be granted on a lot less than 5 acres in size.

(18) DAY CARE CENTER. An establishment providing care and supervision for children and licensed by the State pursuant to Wis. Stat. §48.65.

(19) DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

(20) DISPLAY AREA. Outdoor areas where active nighttime sales activity occurs, and where accurate color perception of merchandise by customers is required. To qualify as a display area, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, or swap meets. Uses not on this list must be approved as display lot uses by the Plan Commission.

(21) DISTRICT. A minimum of three adjacent parcels within the town for which this chapter uniformly governs the use, and the location of land and buildings.

(22) DISTRICT, OVERLAY. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirement shall apply.

(23) DRIVEWAY, PRIVATE. A private route of ingress and egress from any public right-of-way, which provides access to one residential dwelling/ unit, commercial building, or property.

(24) DWELLING. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

(25) DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family which is a minimum of 24 feet in width, has a roof with a minimum slope of 3:12 and is on a permanent foundation meeting the State one- and two-family dwelling code. This definition includes manufactured homes, but excludes mobile homes constructed prior to June 15, 1976.

(26) ELECTION CAMPAIGN PERIOD. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election. In the case of a referendum, the period beginning on the day which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

(27) ENCROACHMENT. Any fill, structure, building, use, or development in the

floodway.

(28) EROSION. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

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

(30) EXOTIC ANIMALS. Any animal other than cattle, swine, poultry, sheep, goats, llamas, alpacas, horses, dogs, or cats.

(31) FAMILY. The body of people related by blood, marriage or adoption, or not more than four unrelated people who live together in one dwelling unit as a single housekeeping entity.

(32) FAMILY DAY CARE HOME. A dwelling licensed as a day care center by the State pursuant to Wis. Stat. §66.1017.

(33) FENCE, OPEN. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.

(34) FENCE, SECURITY. A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed 6 feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.

(35) FENCE, SOLID. A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences.

(36) FISH HATCHERY. The establishment, operation, and maintenance of a facility for the purpose of breeding and propagating fish for sale, transfer, or fee fishing pursuant to Wis. Stat. §29 and Wis. Adm. Code NR 19.

(37) FOSTER FAMILY HOME. The primary domicile of a foster parent which is

licensed pursuant to Wis. Stat. §48.62.

(38) FRONTAGE. The smallest dimension of a lot abutting a public street measured along the public right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

(39) GAME FARM. The establishment, operation, and maintenance of a game bird or animal farm for the purpose of breeding, propagating, killing, and selling of game birds and animals pursuant to Wis. Stat. §29 and Wis. Adm. Code NR 16 and 19.

(40) GARAGE, PRIVATE. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

(41) GARAGE, PUBLIC OR COMMERCIAL. Any garage other than a private garage.

(42) GARAGE SALE. See "Rummage Sale."

(43) GLARE. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and the brightness level to which the eyes are adapted.

(44) GROUP FOSTER HOME. Any facility operated by a person required to be licensed by the State pursuant to Wis. Stat. §48.62.

(45) HIGH WATER MARK OR ELEVATION. The average annual high water level of a pond, lake, river, stream, or flowage usually distinguished by a line where the presence of water is so continuous as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic, or vegetative characteristics.

(46) HOME INDUSTRY. A home occupation that is carried out in a structure separate from the principal structure; or the manufacture or assembly of a product, often on a contract basis, in a residence, or an occupation of a more intense nature than is normally defined as a home occupation.

(47) HOME OCCUPATION. Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.

(48) HOUSING FOR THE ELDERLY. A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.

(49) KENNEL. A use of land in which more than three dogs over 6 months of age are kept on the premises.

(50) LANDOWNER. Any person holding title to or having an interest in land.

(51) LIVESTOCK. Domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids, or mink.

(52) LOT. For the purposes of this chapter, a lot shall be defined as a parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces, provided that no such parcel shall be bisected by a public street, and shall not include any portion of a public right-of- way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this chapter. (See also Parcel.)

(53) LOT WIDTH. The width of a parcel of land measured at the setback line.

(54) MANURE. Excreta from livestock kept at a livestock facility. "Manure" includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

(55) MOBILE FOOD ESTABLISHMENTS. As defined in Wis. Stat. §97.30(1)(C), a movable vehicle, push cart, trailer, or boat which periodically or continuously changes location, including movable concession stands and similar temporary stations not operating from a permanent building licensed as a restaurant, including those designed to operate as temporary food establishments or traveling retail food establishments as those termed in Wis. Admin. Code Chap. DHS196 "Appendix," which are subject to state and jurisdictional inspection and license within every jurisdiction they operate in prior to opening as designated by the Plan Commission.

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

(57) MOTEL. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

(58) MOTORIZED OFF-ROAD VEHICLE. An engine driven device which is designed to travel on two or more tires, sled type runners, skis, an endless belt, or any combination of these or similar means of contact with the surface upon which it is operated.

(59) NONCONFORMING USES OR STRUCTURES. Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

(60) NUDITY. The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

(61) OPAQUE. Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letter or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

(62) PARCEL. For the purposes of this chapter, a parcel shall be defined as a land ownership upon which one or more rural structures, including farm residences, are placed, together with the required open spaces. The term "parcel" is used in the EA and A-1 district regulations and, unlike the term "lot" as defined elsewhere in this section, a parcel may contain lands reserved for roadway purposes in the computation of the required parcel size.

(63) PARKING LOT. A structure or premises containing ten or more parking spaces open to the public. Such spaces may be for rent or a fee.

(64) PERSON. An individual (tenant, lessee, owner), or any commercial entity including but not limited to firm, business, corporation, partnership, joint venture, cooperative, limited liability company, trust, or other legal entity.

(65) PLANNED UNIT DEVELOPMENT (PUD). The PUD Planned Unit Development is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD will allow for flexibility and overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. All provisions for PUD shall be complied with as stated in the Zoning Code

(66) POULTRY. Domestic farm fowl, such as chickens, ducks, and turkeys.

(67) PRINCIPAL USE OR STRUCTURE. The main use of land or structures as distinguished from a secondary or accessory use.

(68) PROFESSIONAL HOME OFFICES. Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office use is incidental to the residential use of the premises.

(69) PROPERTY LINE. A line that separates parcels of land owned by different persons.

(70) REAR YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot (See Illustration No. 1).

(71) RECYCLING. The process by which waste products such as metal cans, scrap metal, paper, or glass are reduced to raw materials for transformation into new and different products. For the purpose of this chapter, recycling does not include the reclamation of sewage sludge, food waste, or other organic material.

(72) RECYCLING CENTER. A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

(73) RECYCLING COLLECTION POINT. An incidental use that serves a neighborhood drop-off point for temporary storage of recyclable materials.

(74) RESTAURANT. An establishment where food, refreshments, and beverages are prepared, served, and consumed primarily within the principal structure.

(75) RESTRICTED CONFINEMENT. Animals in buildings or a lot associated with a building.

(76) RUMMAGE SALE. The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales are also known as “garage sales.”

(77) SEXUAL CONDUCT. Acts or simulated acts of masturbation, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

(78) SIDE YARD. A yard extending from the street yard to the rear yard of the lot, the

width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. (See Illustration No. 1)

(79) SIGN. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

(80) SPECIAL EVENT. An event of limited duration which is open to the public and is not otherwise permitted in the zoning district. Examples include, but are not limited to: auctions, art fairs, festivals, fundraisers, bike races, and other events deemed to be of a similar nature by the Plan Commission.

(81) SPECIAL EVENT CAMPING. A place where camping is allowed when specifically related to a special event as designated by the Plan Commission.

(82) SPECIAL EVENT CONCESSIONS. A place where concessions are sold when specially related to a special event as designated by the Plan Commission.

(83) SPECIAL EVENT PARKING. A place where parking for motor vehicles is allowed when specifically related to a special event as designated by the Plan Commission.

(84) STREET, PUBLIC. A public right-of-way not less than 49.5 feet (three rods) wide providing primary access to abutting properties.

(85) STREET PRIVATE. A private route of ingress and egress from any public right-of-way which provides access to two or more residential dwellings/units, commercial buildings, or properties.

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

(87) STRUCTURE. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

(88) STRUCTURAL ALTERATIONS. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

(89) SWIMMING POOL. Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including a wading pool or hot tub, but not including an ornamental reflecting pool or fishpond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

(90) UNNECESSARY HARDSHIP. That circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the chapter. Unnecessary hardship is present only when, in the absence of a variance, no feasible use can be made of the property.

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

(92) UTILITY SUBSTATIONS. PERMITTED USE in the M-1 and B-1 Zoning District. Subject to the following:

(A) The location, building and site plan and plan of operation shall be submitted for review/approval.

(B) Such plans shall be approved or disapproved upon consideration of the effects on topography, drainage, water supply, soil conditions, road and traffic, present and future land development and use, and safety conditions.

(C) All sites must be fenced with a minimum 8-foot height, and such fencing must be approved by the Plan Commission and Town Board.

(D) All buildings on such sites must be designed to complement the rural/suburban atmosphere of the town.

(E) Public utilities, water tower, electric power and communication transmission and distribution lines, poles, and other accessories are exempt from the height limitations of this chapter, provided that when a utility proposes a main inter-municipal transmission facility, they shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission, and before beginning acquisition of a specific route shall file with the Plan Commission mapped description of the route of such transmission line.

(93) VARIANCE. A relaxation of the terms of this chapter, granted by the Zoning Board of Appeals, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardships.

(94) WASTE STORAGE FACILITY. One or more waste storage structures. "Waste Storage Facility" includes stationary equipment and piping used to load or unload a waste storage structure if the equipment used to load or unload a waste storage structure is specifically designed for that purpose and is an integral part of the facility. "Waste Storage Facility" does not include equipment used to apply waste

to land.

(95) WASTE STORAGE STRUCTURE. A waste storage impoundment made by constructing embankments, excavating a pit or dugout or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. Under Wisconsin Administrative Code ATCP 51.12(2) and 5.14, "waste storage structure" does not include any of the following: (a) A structure used to collect and store waste under a livestock housing facility. (b) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

(96) WINERIES. Includes production, sale, and consumption of beverages; exhibits, displays, and demonstrations; and ancillary recreational and educational activities.

(97) YARD. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

(98) ZONING PERMIT. A permit issued by the Town for construction, moving, alteration, or addition to any use, structure, or structure and use in combination upon compliance with the provisions of this chapter.

17.03 GENERAL PROVISIONS.

(1) JURISDICTION. The jurisdiction of this chapter shall apply to all structures, lands, water, and air within the unincorporated limits of the Town.

(2) COMPLIANCE. No structure, land, or water shall hereafter be used or developed, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

(3) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, towns, and counties are required to comply with this chapter and obtain all required permits. State agencies are required to comply if Wis. Stat. §13.48(13) applies. The construction, reconstruction, maintenance, and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Wis. Stat. §30.12(4) applies.

(4) USE RESTRICTIONS. The following use restrictions and regulations shall apply:

(A) Permitted uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

(B) 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 except home occupations and professional home offices as defined in this chapter.

(C) Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board in accordance with Sec. 17.14 of this chapter.

(D) Gas and electric utility uses which have been issued a Certificate of Public Convenience and Necessity pursuant to Wis. Stat. §196.491(3) are exempt from the requirements of this chapter and shall not be required to obtain a zoning permit or certificate of compliance.

(E) Unclassified or unspecified uses may be permitted as a conditional use by the Plan Commission provided that such uses are similar in character as determined by the Plan Commission to the principal uses permitted in the district.

(F) Temporary uses, such as real estate sales or rental field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted for a period of up to one year by the Plan Commission. Temporary use permits may be renewed if the Plan Commission deems such renewal appropriate. Additional temporary uses may be permitted as conditional uses as set forth in this chapter.

(5) SITE RESTRICTIONS. No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff,

inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator, in applying the provisions of this section, shall, in writing, recite the particular facts upon which he/she bases a conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability. Thereafter, the Plan Commission may affirm, modify, or withdraw the determination of unsuitability. In addition:

(A) All principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

(B) All lots shall abut upon a public street, and each lot shall have a minimum frontage at the public right-of-way of 50 feet.

(C) No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

(D) Corner lots shall provide a street yard on each street that the lot abuts. The remaining yards shall be a rear yard located behind the main entrance to the structure and a side yard.

(E) All driveways installed, altered, changed, replaced, or extended after the effective date of this chapter shall meet the following requirements:

1) Islands between residential driveway openings shall be provided with a minimum of 20 feet between all driveways and 10 feet at all lot lines.
2) Vehicular entrances and exits to banks, restaurants, motels, funeral homes, vehicular sales, service or repair stations, washing stations, or garages shall be located 200 feet or more from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, emergency shelter, or place of public assembly.
3) Shared driveways may be permitted by the Plan Commission as a conditional use.

(F) Construction Standards for Private Drives in Excess of 200 Feet in Length.

1) Notwithstanding anything contained herein to the contrary, this ordinance shall only apply to private drives that are 200 feet in length or more, as measured from the edge of the public right-of-way along the centerline of the proposed driveway to the nearest exterior point of the principal building located on that property.

2) All private drives shall be constructed utilizing a compacted subgrade consisting of quality material suitable for standard highway loading.
3) Drainage structures or culverts, at least 24 feet long with end sections, shall be installed under the surface at the low points in grades, sloped to drain to the existing storm drainage outlet. These structures or culverts shall be sized to drain their entire storm drainage contributing areas based on the ten-year frequency storm design.
4) A minimum of road ditch construction along these private drives shall be required in those areas where storm runoff would otherwise be forced onto the traveled surface due to the topography. The property owner shall obtain all drainage easements necessary to construct these ditches.
5) The minimum depth of the stone base shall be 5 inches of 1.5-inch crushed stone traffic bond (TB) material compacted in place, over which 5 inches of ¾-inch crushed gravel or crusted stone (TB) material shall be compacted in place.
6) All private drives shall have a gravel surface not less than 14 feet in width, not more than 12 percent change in grade along any portion of the driveway.
7) All private driveways shall provide turn-around areas at the end of the private driveway. A cul-de-sac or turn-around area shall be provided for emergency vehicle use. The minimum size shall be a 40-foot radius cul-de-sac or 40-foot by 40-foot wide "T" turn-around.
8) Emergency vehicle pull-off areas as noted below shall be provided. The emergency pull-off areas shall be:
    a) Every 300 linear feet of driveway.
    b) 50 feet long – 10 feet wider than driveway.
    c) Same construction standards as indicated in subparagraph D.
    d) All branches and shrubbery shall be cut back to a distance of 5 feet beyond the edge of the pull off area.
9) All vegetation, trees and shrubbery must be cut back so that a 12-foot clearance height is provided. All branches and shrubbery shall also be cut back to a distance of 15 feet on either side of the centerline of the traveled surface portion of the private drive.
10) All curves and bends in the surface shall be constructed to safely transport a fire truck with cab and trailer so that this vehicle is confined to the 14-foot surface width.
11) All costs necessary for the maintenance of the private drives to conform to these standards for safe passage shall be at the property owner's expense.

(G) Construction Standards for Private Streets.
1) At the end of the private street, a minimum paved cul-de-sac shall be provided. This cul-de-sac and the private street shall be constructed in accordance with the Town's Standard Road Specifications and the Town's Standard Road Sections in effect at the time of construction.
2) The road ditch construction along the private street shall be required per

the Town's Standard Road Specifications and Road Section. The property owner shall obtain all drainage easements necessary to construct these ditches.

3) All costs necessary for the maintenance of the private street to conform to these requirements for the safe passage of emergency vehicles shall be at the property owner's expense.

(H) Driveway and Private Street Plan Submittal and Review.

1) The applicant shall submit construction, site and drainage plans to the Town Clerk's office indicating dimensions, locations and construction materials as needed/required by the Town. The plans shall be drawn to scale and shall not exceed 1 inch = 50 feet or private streets and 1 inch = 200 feet for private drives. The applicant shall submit copies of the plans as determined by the Town Board.
2) The Town Engineer shall review the plans for compliance with this ordinance and forward recommendations to the Town Plan Commission and Town Board for review. Town Board approval is required prior to building permit issuance.
3) The private driveway or street shall be completed prior to an occupancy permit being issued.
4) The Town Building Inspector or designee may inspect the private driveway and streets at the following stages:
   a) After subgrade is graded.
   b) After stone/gravel is installed.
   c) During asphalt installation (if applicable).
5) The cost of reviewing the plans by the Town Engineer or other Town officials, as well as any inspection services required to ensure installation of the private drive and/or private street in accordance with this ordinance, shall be borne by the property owner. The property owner shall reimburse any such expense within thirty days after invoicing, and if not reimburse, shall constitute a special assessment upon the property in accordance with the provisions of Wis. Stat. §66.60(16).

(I) Private Sewer and Water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an onsite soil absorption sewage disposal system designed in accordance with the Wisconsin Administrative Code.

(J) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for not more than 60 feet from the district boundary line to equal the average of the street yards required in both districts.

(K) Preservation of Topography. In order to preserve the natural topography as

much as possible and in order to protect against dangers and damage caused by man-made changes to the existing topography, and to avoid unsightly and hazardous exposed earth sections, no lots or portions of lots nor any parcels of land shall be excavated or filled unless the following conditions are met:

1) If the difference in grade between two adjacent lots along a lot line is to be not greater at any point than 2 feet, this difference in levels may be sloped toward or away from the lot line at a gradient of 1 foot vertical to 2 feet horizontal, and as soon as practical must be covered adequately with topsoil and sodded to prevent erosion; or a retaining wall of stone or other suitable masonry material shall be constructed to retain the higher ground. Within a single lot, any excavation or fill not exceeding 2 feet, and not involving an area more than 4,000 square feet shall be subject to the aforesaid requirements.
2) If a difference in grade between two adjacent lots along a lot line is to be greater at any point than 2 feet, the following procedure shall be followed:
    a) No slope to be covered with sod, grass seed, or other natural plan material may exceed a gradient of one foot vertical to 2 feet horizontal.
    b) A slope protected by rip-rap construction may not exceed a gradient of 1 foot vertical to 1 foot horizontal.
    c) A difference in adjacent grades may be protected by a retaining wall providing that the wall is engineered in such a manner as not to collapse. No retaining wall shall exceed 4 feet in height. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than 4 feet in height and shall be set back a minimum of 2 feet from the previous step.
    d) Approval of any of the aforesaid methods shall be obtained in the following manner:
        1. The applicant shall furnish a topographic survey with a maximum contour interval of one foot prepared by a registered professional engineer or registered land surveyor showing existing elevations on the subject lot and on adjacent lands within 25 feet of the area to be filled or excavated.
        2. The applicant shall furnish a map showing existing drainage patterns and existing soil types on the subject lot and on adjacent land within 25 feet of the area to be filled or excavated.
        3. The applicant shall furnish a plan showing a typical cross-section of the proposed slope, riprap, or retaining wall; the proposed drainage pattern; a planting or sodding schedule; and the proposed means of preventing erosion during construction. If a retaining wall is to be constructed, a registered professional engineer shall certify that the wall

will not collapse.

4. The Township shall transmit the applicant's plans to the Town Engineer for review and comment, and the permit shall be issued only after receipt of the Engineer's written report.
5. The applicant shall complete the proposed work in strict accordance with the approved plan and the time schedule specified in the permit.

3) In every instance, no person, occupant, owner of land, or corporation shall remove or cause to be accumulated topsoil or subsoil on any industrial, commercial, institutional, or residential district without the proper review and approval of an application for such removal or accumulation by the Plan Commission. Such removal or accumulation includes, but is not limited, to piles of earth, dirt, topsoil, or subsoil, which has been formed, accumulated or pushed into mounds or piles and which obstruct view or pose a threat to the general safety or welfare of the community with the existence of trenches, holes, or pits caused by such removal or accumulation.

(L) A buffer yard shall be created and maintained around all business and manufacturing districts which abut upon residential districts. The Plan Commission may also require a buffer yard around business and industrial districts abutting park and institutional districts. Buffer yards shall be a minimum of 20 feet in width and shall screen business or manufacturing uses from adjoining lands in such a manner that:

1) If the buffer yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than two years and during all seasons of the year.
2) Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such wall or fence to create an attractive view from the residential side, and all walls and fences shall be maintained in a structurally sound and attractive condition. Any wall or fence shall be not less than 4 feet nor more than 6 feet in height.
3) All landscaping shall be maintained by the owner or operator to the satisfaction of the Plan Commission.
4) Where the land adjacent to the buffer yard is a parking lot, the buffer yard shall be sufficiently opaque to prevent the penetration of headlight glare. Overhead lighting installed in or adjacent to a buffer yard shall not throw any rays onto adjacent residential properties.
5) No signs shall be permitted on or in any part of the buffer yard.

(6) BUILDING RESTRICTIONS.

(A) HEIGHT. The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accordance with the following:

1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
2) Special structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smokestacks, are exempt from the height limitations of this chapter.

(B) SETBACK. The setback requirements stipulated elsewhere in this chapter may be modified as follows:
1) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed 2 feet.
2) Uncovered stairs, landings, and fire escapes may project into any yard, but shall not exceed 6 feet nor be closer than 3 feet to any lot line.
3) The required street yard setbacks for residences may be decreased in any residential district to the average of the existing street yard setbacks of the abutting structures on each side but in no case less than 25 feet.

(C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT. Modifications to requirements of this chapter may be granted by the Plan Commission for the purpose of complying with the requirements of Title II Public Services and Title III Public Accommodations and Commercial Facilities of the Americans with Disabilities Act. Such compliance may require the waiving or modifications to setback and yard requirements, parking requirements, sign requirements, and site design and landscaping requirements. Modifications granted by the Plan Commission shall be limited to the minimum extent necessary to make structures and uses accessible and barrier free.

(7) FLOODLAND REGULATIONS. In addition to any other applicable use or site regulations, the following floodland regulations shall apply:

(A) Dumping; filling; onsite sewage disposal systems; wells which are used to obtain water for ultimate human consumption; storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life; and the permanent sheltering or restricted confinement of animals is prohibited within the floodways and flood fringe of the 100-year recurrence interval floodplain.

(B) Structures, except navigational structures, public water measuring and control facilities, bridges, and utility poles, towers, and underground conduit for transmitting electricity, telephone, cable television, natural gas, and similar products and services are prohibited within the floodways and flood fringe of the 100-year recurrence interval floodplain.

(C) Within the channels of navigable waters, the erection of all structures shall require the issuance of a permit from the State agency having jurisdiction pursuant to Wis. Stat. §30.12. All bulkheads, wharves, and piers shall comply with bulkhead and pier headlines established by any municipality pursuant to

Wis. Stats. §§30.11 or 30.13.

(D) Dam construction, maintenance, and abandonment shall require the issuance of a permit by the Washington County Land Use and Park Department.

(E) All structures and improvements not prohibited by this section shall require the issuance of a permit by the Washington County Land Use and Park Department.

(F) Boundaries of the 100-year recurrence interval floodplain shall be determined through the use of flood profiles developed in the Flood Insurance Study for the Unincorporated Areas of Washington County, Wisconsin, published by the Federal Emergency Management Agency, and dated March 1, 1983, and are further illustrated on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated September 1, 1983.

(8) REDUCTION OR JOINT USE. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

(9) SINGLE-FAMILY DWELLING STANDARDS. No single-family dwelling, including dwellings constructed on the building site, manufactured dwellings and manufactured homes, shall be erected or installed in any zoning district unless such dwelling meets all the following standards:

(A) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the State Uniform Dwelling Code. The structure shall not rest upon a metal frame where the foundation meets the sills or floor joists.

(B) The dwelling shall have a minimum of 1,200 square feet.

(C) The dwelling shall have a pitched roof with a minimum slope of 3:1 and eaves extending beyond the nearest vertical wall a minimum of 12 inches; the roofing shall be roofing as permitted by the State Building Code.

(10) HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICES. Home occupations and professional home offices are permitted as accessory uses in any district. No conditional use permit is required in any district provided that the use complies with all the following conditions:

(A) The use of the residential dwelling for the home occupation or professional home office shall be clearly incidental and subordinate to its residential use and shall not occupy more than 25 percent of the floor area of one floor.

(B) No home occupation or professional home office shall be located in or conducted in an accessory structure.

(C) No person other than members of the family residing on the premises shall be employed or engaged in such home occupation or professional home office.

(D) Home occupations shall use only household equipment, and no stock in trade shall be kept or sold except that made on the premises.

(E) No traffic shall be generated by the home occupation or professional home

office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided off the street.

(F) No outdoor storage of equipment or product shall be permitted.

(G) Home occupations, which comply with the conditions set forth above, may include, but are not limited to: canning, crafts, desktop publishing and other computer services, dance studios, dressmaking, insurance agencies, laundering, millinery, music lessons, real estate brokerages, telephone marketing, and word processing.

(H) Home occupations shall not include auto body or engine repair, barbering, beauty shops, construction trades, or photographic studios.

17.04 EROSION CONTROL AND STORM WATER MANAGAEMENT

See Ch. 19 of the Town of Kewaskum Ordinances.

17.05 ZONING DISTRICTS.

(1) ESTABLISHMENT.

(A) For the purpose of this chapter, the Town is hereby divided into the following eight Zoning Districts:

1) EA Agricultural Preservation District
2) A-1 Agricultural/Open Space District
3) R-1 Single-Family Residential District
4) B-1 Business District
5) M-1 Manufacturing District
6) I-1 Institutional District
7) P-1 Park District
8) C-1 Lowland Conservancy Overlay District

(B) Boundaries of the zoning districts are hereby established as shown on the Map entitled "Zoning Map, Town of Kewaskum, Washington County, Wisconsin," dated December 15, 2008. This chapter incorporates any future changes or any later zoning maps that may be adopted by ordinance of the Town Board.

(C) The district boundaries in all districts, except the C-1 Lowland Conservancy Overlay District, shall be construed to follow corporate limits; U. S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; unless otherwise noted on the Zoning Map.

(D) Boundaries of the C-1 Lowland Conservancy Overlay District are based on the Wisconsin Wetland Inventory Maps for Washington County which cover the Town. The district includes those wetlands determined to be "shoreland" wetlands by Washington County and such other wetlands which the Town deems are necessary to the preservation of a rural environment in the Town. The wetlands shown on the Wisconsin Wetland Inventory Maps and the Town Zoning Map are intended to be illustrations of wetland limits. Precise wetland delineations shall be made by field investigation prior to development to verify C-1 district boundaries.

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

(2) ZONING MAP. A certified copy of the Zoning Map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the Town Chairperson and Town Clerk and shall be available to the public in the office of the Town Clerk. Amendments to the Zoning Map shall take effect upon adoption by the Town Board, and the filing of proof of posting or publication thereof in the office of the Town Clerk. It shall be the duty of the Town Clerk to enter all Zoning Map amendments upon the certified copy of the Zoning Map and certify the same.

17.06 EA AGRICULTURAL PRESERVATION DISTRICT

17.06 EA AGRICULTURAL PRESERVATION DISTRICT. The EA Agricultural Preservation District is intended to maintain, enhance and preserve agricultural lands historically utilized for crop production and the raising of Animals. The district is further intent upon preventing the premature conversion of agricultural land to scattered residential, commercial and industrial uses at a density not to exceed (1) principal structure per 10 acres.

(1) PERMITTED USES.
- (A) Agricultural Warehousing. The warehousing shall be consistent with existing agricultural uses and shall comply with the PERFORMANCE STANDARDS listed in Section 17.22.
- (B) Apiculture (beekeeping)
- (C) Boarding Stables
  1) The number of animals shall comply with state regulations.
  2) No such use shall be permitted on a lot less than 5 acres in area.
  3) No building used for the housing of animals shall be closer than 50 feet to any lot line.
- (D) Construction Services/Trades
- (E) Dairy farming
- (F) Essential Services
- (G) Farm dwelling w/garage (One single-family only)
- (H) Floriculture (cultivation of ornamental flowering plants)
- (I) Grazing or pasturing
- (J) Horticultural Service
- (K) Manure storage facilities, regulated by Washington County. A copy of the County permit application shall be filed with Washington County. Each application for a permit under this chapter shall include an animal waste storage facility plan.
- (L) Nonmetallic mineral extraction, quarrying, regulated by Washington County
- (M) Orchards
- (N) Plant nurseries
- (O) Raising of domestic animals or poultry
- (P) Raising of grain, grass, mint, and seed crops
- (Q) Raising of tree fruits, nuts, and berries
- (R) Raising of Vegetables
- (S) Sod farming
- (T) Viticulture (grape growing)
- (U) Any other use which the Plan Commission finds will be similar in nature, operation, and function to permit uses permitted within the district

(2) PERMITTED ACCESSORY USES. Accessory uses or structures as defined in Sec. 17.02(1) of this chapter and as regulated in Sec. 17.19(1) of this chapter.
- (A) Garages or carports
- (B) Forest and game management
- (C) General farm buildings, including barns, silos, sheds, and storage bins.
- (D) Home Industries

(E) Home occupations as specified in Sec. 17.03 (11) of this chapter
(F) Satellite dish antennas 32 inches in diameter or smaller
(G) Forest and game management
(H) Roadside stand (one not to exceed 150 square feet for products produced on site)

(3) CONDITIONAL USES. Conditional uses shall be approved only if they are "consistent with agricultural use" as determined by the Plan Commission. Animal hospitals, kennels and veterinary services
(A) Boat and recreation vehicle storage
(B) Communication Antennas or Towers, Mobile/Cell Towers regulated by the State of Wisconsin, See Wis. Stat. §66.0404
(C) Fish hatcheries, game farms, and hunting clubs
(D) Off-road vehicle racing or operation
(E) Planned Unit Developments
(F) Raising exotic animals
(G) Roadside stands (in excess of 150 square feet for products on site)
(H) Salvage operations, recycling centers and automobile wrecking yards

(4) PARCEL, YARD, AND BUILDING REQUIREMENTS.

Parcel area	Minimum 10 acres
Parcel frontage at road right-of-way	Minimum 50 ft.
Parcel frontage at building setback line	Minimum 400 ft.
Parcel Density	Not to exceed one house per 10 acres

Principal building:

Front yard	Minimum 100 ft. from street center line or 42 ft. from right of way, whichever is greater
Side yards	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 35 ft.
Floor area	Minimum 1,200 sq. ft.

Agricultural Accessory buildings:

Front yard	Same as principal building
Side yards	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 100 ft.

No building used for the housing of animals shall be closer than 50 feet to any lot line.

Residential Accessory Buildings	See section 17.19

(5) LIMITATION ON ANIMAL UNITS FOR EA Agricultural Preservation District ZONING: Large Concentrated Feeding Operations shall follow regulations set

forth by the Wisconsin State Legislature, the Wisconsin Department of Natural Resources, and the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

(6) CHANGES AND AMENDMENTS TO THE EA DISTRICT. The Plan Commission shall review all proposed changes and amendments to the EA Agricultural Preservation District within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. In addition:

(A) The Plan Commission shall recommend changes which remove areas from the EA District only after a consideration of findings with respect to the following:
1) The land is not feasible for continued practical agricultural use;
2) Adequate public facilities can be provided to serve the proposed change which will not unreasonably burden the Town;
3) The land is suitable for the proposed change;
4) The change shall not cause unreasonable air or water pollution, soil erosion or adversely affect irreplaceable natural resources;
5) The proposed change would not conflict with existing agricultural uses in the area;
6) The proposed use is needed in the area, and alternative locations are of some scarcity; and
7) The proposed use minimizes the amount of the converted agricultural lands.

(B) The Plan Commission shall recommend changes which add areas to the EA District only after a consideration of findings with respect to the following:
1) The land is physically suitable for long-term agriculture use.
2) Alternate land uses would not be desirable due to public service burden, potential conflict with adjacent existing land uses, or lack of need for alternate land uses on the subject parcel.
3) The addition would be compatible with the spirit and the intent of this district and general neighborhood.

17.07 A-1 AGRICULTURAL/OPEN SPACE DISTRICT. The A-1 Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related activity. The district also permits the creation of large rural residential estate type lots not to exceed one house per 3 acres density.

(1) PERMITTED USES
- (A) Agricultural Warehousing. The warehousing shall be consistent with existing agricultural uses and shall comply with the PERFORMANCE STANDARDS listed in Section 17.22.
- (B) Apiculture (beekeeping)
- (C) Boarding Stables
  - 1) No building used for the housing of animals shall be closer than 50 feet to any lot line.
  - 2) No such use shall be permitted on a lot less than 5 acres in area
- (D) Construction Services / Trades
- (E) Contract sorting, grading, and packaging of fruits and vegetables
- (F) Corn shelling, hay baling, and threshing services
- (G) Dairy farming
- (H) Dwelling w/garage (One single-family only)
- (I) Essential services
- (J) Floriculture (cultivation of ornamental flowering plants)
- (K) Grazing or pasturing
- (L) Grist milling services
- (M) Horticultural service
- (N) Manure Storage Facilities, regulated by Washington County. A copy of the County permit application shall be filed with Washington County. Each application for a permit under this chapter shall include an animal waste storage facility plan.
- (O) Nonmetallic mineral extraction, and quarrying, regulated by Washington County
- (P) Orchards
- (Q) Plant nurseries
- (R) Raising of rabbits (maximum of 25 rabbits per acre)
- (S) Raising of grain, grass, mint, and seed crops
- (T) Raising of tree fruits, nuts, and berries
- (U) Raising of Vegetables
- (V) Sod farming
- (W) Viticulture (grape growing)
- (X) Wineries
- (Y) Any other use which the Plan Commission finds will be similar in nature, operation, and function to permit uses permitted within the district

(2) PERMITTED ACCESSORY USES. Accessory uses or structures as defined in Sec. 17.02(1) of this chapter and as regulated in Sec. 17.19(1) of this chapter.

17.07 A-1 AGRICULTURAL/OPEN SPACE DISTRICT

(Permitted Uses)

(A) One garage or carport
(B) One garden shed
(C) General farm buildings, including barns, silos, sheds, and storage bins
(D) Home industries
(E) Home occupations as specified in Sec. 17.03(11) of this chapter
(F) Satellite dish antennas 32 inches in diameter or smaller
(G) Forest and game management
(H) Roadside stand (one not to exceed 150 square feet for products produced on site)

(3) CONDITIONAL USES.

(A) Animal hospitals, kennels, and veterinary services
(B) Bed and breakfast establishments
(C) Boat and recreation vehicle storage
(D) Communication Antennas or Towers, Mobile/cell Tower, regulated by the State of Wisconsin, see Wis. Stat. §66.0404
(E) Fish hatcheries, game farms, and hunting clubs
(F) Off-road vehicle racing or operation
(G) Planned Unit Developments
(H) Raising exotic animals
(I) Salvage yards, recycling centers and automobile wrecking yards

(4) Number of Animals Allowed for A-1 District is as follows:
CATTLE- 2 per 3 acres
SWINE- 20 per 3 acres
POULTRY- 100 per 3 acres
SHEEP, GOATS, LLAMAS, ALPACA- 10 per 3 acres
HORSES- 2 per 3 acres

(5) PARCEL, YARD, AND BUILDING REQUIREMENTS

Parcel area	Minimum 3 acres
Parcel frontage at road right-of-way	Minimum 50 feet
Parcel frontage at building setback line	Minimum 250 ft.
Parcel Density	Not to exceed one house per 3 acres
Parcel area containing greater than 50 percent	
Principal building:	
Front yard	Minimum 100 ft from street center line or 42 feet from right of way, whichever is greater
Side yards	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 45 ft.
Floor area	Minimum 1,200 sq. ft.

17.07 A-1 AGRICULTURAL/OPEN SPACE DISTRICT

Agricultural Accessory buildings:

Front yard	Minimum 100 ft. from street center line or 42 ft from right of way, whichever is greater
Side yard	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 45 ft., except for silos and storage bins which have a maximum height of 100 ft.

No building used for the housing of animals shall be closer than 50 feet to any lot line.

17.08 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The R-1 Residential District is intended to provide for single-family development, at densities not to exceed one dwelling unit per acre, served by onsite soil absorption sanitary sewerage systems and private wells.

(1) PERMITTED USES
- (A) Single-family dwellings with an attached or detached garage.
- (B) Essential services.
- (C) Any other use which the Plan Commission finds will be similar in nature, operation, and function to permit uses permitted within the district

(2) PERMITTED ACCESSORY USES
- (A) One garage or carport
- (B) One garden shed - incidental to the residential use
- (C) Satellite dish antennas 32 inches in diameter or smaller
- (D) Additional accessory structures complying with Sec. 17.19(1)

(3) CONDITIONAL USES.
- (A) Bed and breakfast establishments
- (B) Limitation on Number of Animals Allowed for R-1 District is as follows:
  1. POULTRY- maximum of 24 poultry, must be confined; no free-range
  2. HORSES, SHEEP, GOATS, LLAMAS OR ALPACA- maximum of two animals per 3 acres
- (C) Rest homes, nursing homes, clinics and commercial children's nurseries

(4) PARCEL, YARD, AND BUILDING REQUIREMENTS.

Parcel area	Minimum 1 acre
Parcel frontage at road right-of-way	Minimum 50 ft.
Parcel frontage at building setback line	Minimum 150 ft.
Parcel Density	Not to exceed one house per 1 acre

Principal building:

Floor area	1,200 sq. ft.
Front yard	Minimum 100 ft. from the street center line or 42 ft. from the right of way, whichever is greater
Front yard in subdivisions	Minimum 75 ft. from street center line
Side yards	Minimum 10 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 35 ft.

Accessory buildings:

Front yard	Same as principal building

Side yards:

Garage ..... Minimum 10 ft.

Garden shed ..... Minimum 5 ft.

Rear yard ..... Minimum 10 ft.

No building used for the housing of animals shall be closer than 50 feet to any lot line.

Accessory Buildings Square Footage and Height See Sec. 17.19 of this chapter.

17.09 B-1 BUSINESS DISTRICT

17.09 B-1 BUSINESS DISTRICT. The B-1 Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

(1) PERMITTED USES.

(A) Agricultural equipment sales and service
(B) Animal Hospitals, Veterinary Services, and Boarding of Animals
(C) Antique and collectors' stores
(D) Automotive sales and service
(E) Barber shops
(F) Beauty shops
(G) Bowling alleys
(H) Building supply stores, excluding lumber yards
(I) Business offices
(J) Cocktail lounges and taverns
(K) Commercial recreation facilities, such as arcades, dance halls, driving ranges, gymnasiums, loges, miniature golf facilities, pool and billiard halls, racetracks, rifle ranges, and skating rinks
Subject to the following:
1) The location, building and site plans, and plan of operation shall be submitted for review/approval.
2) No building, other than one used only for residence purposes, shall be closer than 50 feet to the lot line of an adjoining lot in a district permitting residential use.
3) Off-street parking shall be provided as required by the Town Board and Plan Commission adequate to meet the particular needs of the proposed use per the off-street parking section of this ordinance.
4) No such permitted use shall include the operation of a commercial facility such as a bar or restaurant except as may be specifically authorized in the grant of the permit.
(L) Construction Services / Trades
(M) Fuel Oil, Bottled Gas, LP Gas and Ice Dealers
(N) Garden centers
(O) Gasoline stations (service islands and pumps shall meet the setbacks)
(P) Gift stores
(Q) Lumber yard, millwork, sawmills, and planning mills
(R) Outdoor display of retail merchandise
(S) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker
(T) Self-service storage facilities (mini-warehouses) provided that no perishable products; no flammable or explosive materials; and no sales of merchandise is conducted from a mini-warehouse
(U) Tailor or dressmaking shops
(V) Transportation facilities for buses, limousines or taxis
(W) Utility Substations, Municipal Wells, pumping stations and towers

(X) Any other use which the Plan Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district

(2) PERMITTED ACCESSORY USES.

(A) Accessory garages for storage of vehicles used for business use or for occupants of the premises
(B) Off-street parking and loading areas. See Sec. 17.17 of this chapter
(C) Satellite dish antennas 32 inches in diameter or smaller

(2) CONDITIONAL USES.

(A) Adult Entertainment Establishments
(B) Communication Antennas or Towers, Mobile/Cell Towers, regulated by Wis. Stat. §66.0404

(4) LOT, YARD, AND BUILDING REQUIREMENTS.

Lot area	Minimum 1 acre
Lot frontage	Minimum 150 ft
Principal building:	
Front yard	Minimum 100 ft. from street center line or 42 ft. from right of way, whichever is greater
Side yards	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 35 ft.
Off-street parking	See Sec. 17.17 of this chapter

No building used for the housing of animals shall be closer than 50 feet to any lot line.

(5) SITE PLAN AND PLAN OF OPERATIONS REVIEW. To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-1 Business District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, security fencing, and open space utilization.

17.10 M-1 MANUFACTURING DISTRICT

17.10 M-1 MANUFACTURING DISTRICT. The M-1 Manufacturing District is intended to provide for manufacturing, industrial, and related uses of a limited nature and size, which on the basis of actual physical and operational characteristics would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.

(1) PERMITTED USES. Assembly, processing, manufacturing, and/or storage of the following:
- (A) Animal reduction facilities, forges, foundries, meat processing facilities, slaughterhouses, stockyards, and tanneries
- (B) Automobile wrecking yards, Recycling Centers and/or Collection Point
- (C) Composting sites and related operations, such as wood shaving or brush collection
- (D) General light manufacturing
- (E) Commercial greenhouses
- (F) Construction Services / Trades
- (G) Creameries, condenseries, or custom grain drying operations.
- (H) Food locker plants
- (I) Lumber yards and building supply yards
- (J) Machine shops, tool and die manufacturing
- (K) Printing and publishing
- (L) Self-service storage facilities (mini-warehouses), provided that no perishable products may be stored, no flammable or explosive materials may be stored, and no sales of merchandise is conducted from a mini-warehouse
- (M) Transportation terminals, truck terminals, and freight forwarding services
- (N) Utility substations, municipal wells, pumping stations, and towers, provided that the use is not less than 50 feet from any lot line
- (O) Warehousing
- (P) Wholesaling
- (Q) Any other use which the Plan Commission finds will be similar in nature, operation, and function to permit uses permitted within the district

(2) PERMITTED ACCESSORY USES.
- (A) Off-street parking and loading areas. See Sec. 17.17 of this chapter
- (B) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation
- (C) Satellite dish antennas 32 inches in diameter or smaller

(3) CONDITIONAL USES.
- (A) Storage of bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials
- (B) Communication Antennas or Towers, Mobile/Cell Towers, regulated by Wis. Stat. §66.0404

(4) LOT, YARD, AND BUILDING REQUIREMENTS.

Lot area ..... Minimum 1 acre

Lot frontage	Minimum 150 ft.
Principal building:	
Front yard	Minimum 100 ft. from street center line or 42 ft. from right of way, whichever is greater
Side yards	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 45 ft.
Off-street parking	See Sec. 17.17 of this chapter

(5) SITE PLAN AND PLAN OF OPERATIONS REVIEW. To encourage an industrial environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the M-1 Manufacturing District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, security fencing, and open space utilization.

17.11 I-1 INSTITUTIONAL DISTRICT. The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

(1) PERMITTED USES.
- (A) Public or private schools, colleges, and universities
- (B) Churches, cemeteries, and crematoriums
  - 1) A 50-foot minimum offset and setback for burial plots and driveway. The 50-foot buffer area shall be a landscaped buffer.
- (C) Funeral homes
- (D) Hospitals, sanatoriums, nursing homes, and clinics
- (E) Libraries, community centers, museums, and public art galleries
- (F) Public administrative offices, public parks, and public service buildings, including fire and police stations
- (G) Public utility offices
- (H) Any other use which the Plan Commission finds will be similar in nature, operation, and function to permit uses permitted within the district

(2) PERMITTED ACCESSORY USES.
- (A) Residential quarters for caretakers or clergy
- (B) Garages for storage of vehicles used in conjunction with the operation of a permitted use
- (C) Service buildings and facilities normally accessory to the permitted use
- (D) Satellite dish antennas 32 inches in diameter or smaller

(3) CONDITIONAL USES.
- (A) Communication Antennas or Towers, Mobile/Cell Towers, regulated by Wis. Stat. §66.0404

(4) LOT, YARD, AND BUILDING REQUIREMENTS.

Lot area	Minimum 1 acre
Lot frontage	Minimum 150 ft.
Corner lot	Minimum 175 ft.

Principal building:

Front yard	Minimum 100 ft. from street center line of 42 ft. from right of way, whichever is greater
Side yards	Minimum 10 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 35 ft.
Floor area	Minimum 1,200 sq. ft.

Accessory buildings:

Front yard	Same as principal building
Side yards:	

Garage ..... Minimum 10 ft
Garden shed ..... Minimum 5 ft.
Rear yard ..... Minimum 25 ft.
Garage:
Height ..... Maximum 15 ft.
Area ..... Maximum 900 sq. ft.
Garden shed:
Height ..... Maximum 15 ft.
Area ..... Maximum 120 sq. ft.

Off-street parking ..... See Sec. 17.17 of this chapter

(5) SITE PLAN AND PLAN OF OPERATIONS REVIEW. To encourage an institutional environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the I-1 Institutional District shall not be issued without review and approval of the Plan Commission. Review shall include a general site plan, plans for existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, and utilization of landscaping and open space and the proposed operation for development.

(A) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.

(B) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 85 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

17.12 P-1 PARK DISTRICT

17.12 P-1 PARK DISTRICT. The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Town can be met without undue disturbance of natural resources and adjacent uses.

(1) PERMITTED USES.

(A) Archery Ranges
(B) Botanical gardens and arboretums
(C) Golf courses without country club facilities, winter snow parks (ex. Ski / Tubing Hills)
(D) Historic monuments or sites
(E) Hiking, biking, and nature trails
(F) Outdoor skating rinks
(G) Parks and playgrounds
(H) Picnic areas
(I) Play fields or athletic fields
(J) Sledding, tobogganing, skiing, or snowboarding
(K) Swimming pools
(L) Tennis courts
(M) Utility Substations, Municipal Wells, Pumping Stations, and Water Towers, provided that the use is not less than 50 feet from any lot line
(N) Single-family dwellings in existence prior to the adoption of this chapter
(O) Any other use which the Plan Commission finds will be similar in nature, operation, and function to permit uses permitted within the district

(2) PERMITTED ACCESSORY USES.

(A) Garages for storage of vehicles used in conjunction with the operation of a permitted use
(B) Service buildings and facilities normally accessory to the permitted use
(C) Satellite dish antennas located in the side yard or rear yard

(3) CONDITIONAL USES.

(A) Controlled Livestock Grazing
(B) Mobile Food Establishments
(C) Special Events
(D) Special Event Camping
(E) Special Event Concessions
(F) Special Event Parking
(G) Communication Antennas or Towers, Mobile/Cell Towers, regulated by Wis. Stat. §66.0404

(4) LOT, YARD, AND BUILDING REQUIREMENTS.

Lot area ..... Minimum 3 acres
Lot frontage ..... Minimum 250 ft.
Principal building:

17.12 P-1 PARK DISTRICT

Front yard	Minimum 100 ft. from street center line or 42 ft. from right of way, whichever is greater
Off-street parking	See Sec. 17.17 of this chapter

17.13 SITE PLAN AND PLAN OF OPERATIONS REVIEW.

(1) PURPOSE AND INTENT. For the purpose of promoting compatible business and industrial development, (within the following zoning districts: B-1, M-1, I-1, P-1 and with a Conditional Use Permit when requested by the Plan Commission), stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure, with the exception of Town-owned utility buildings and utility structures, and residential development, without first obtaining the approval of the Town Plan Commission of detailed site, plan of operation, landscape plan and architectural plans as set forth in this section. New tenants and individuals proposing a change in use are required to have site plan and plan of operation approval.

The Town Plan Commission shall approve, conditionally approve, or reject the detailed site and architectural plans. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

(2) ADMINISTRATION. Plan data shall be submitted to the Town Clerk, who shall transmit all applications and their accompanying plans to the Plan Commission, Zoning Administrator/Planner, and Building Inspector for their review. Plans shall be accompanied by the application fee as established by the Town Board. The fee shall include all costs associated with staff review by the Town Planner, Engineer, and Attorney, which shall be billed back to the applicant. Plan data to be submitted with plan review applications shall include the following:

**Only required with new construction unless requested by the Plan Commission*

(A) A plat of survey drawn by a registered land surveyor including the site plan information drawn to a recognized engineering scale of not more than 100 feet to 1 inch.
(B) Name of project noted.
(C) Owners and developer's name and address noted.
(D) Architect and/or engineer's name and address noted.
(E) Date of plan submittal.
(F) Scale of drawing noted on plan.
* (G) Existing and proposed topography shown at a contour interval not less than 2 feet. Topography shall extend 40 feet onto adjacent property or to the building on the adjacent lot, whichever is greater.
* (H) The characteristics of soils related to contemplated specific uses
(I) Total number of parking spaces and layout, including driveways shall be

shown on the plan. The drawing shall indicate whether parking area is paved or unpaved.

(J) The type, size and location of all structures with all building dimensions shown.

(K) Indicate height of building(s).

(L) Indicate existing and proposed street locations on the site plan.

(M) Indicate existing and proposed public rights-of-way and widths.

(N) North arrow shown.

(O) Locate existing and general location of proposed septic systems, sanitary sewers, storm sewers, and water mains as applicable.

* (P) Submit a storm water management plan indicating all facilities, including detention/retention areas. The design criteria shall meet the requirements as stated in the Erosion Control and Storm Water Management section of this Ordinance.

* (Q) Locate existing trees that are 8 inches in diameter or larger.

* (R) Note location, extent, and type of proposed plantings.

(S) Note location of pedestrian sidewalks and walkways.

(T) A graphic outline of any development staging that is planned is required to be shown on the site plan.

* (U) Architectural plans, elevations and perspective drawings, and sketches illustrating the design and character of proposed structures. These plans shall include proposed building colors and building materials.

* (V) Landscaping plan and point calculations.

(W) Lighting plan and a photometric plan may be required upon Plan Commission request.

(3) PLAN OF OPERATION. No use shall be approved until the Town and staff have reviewed/approved the plan of operation application form that shall indicate:

(A) The Proposed use of the land and/or structures;

(B) Activities to occur both inside and outside all principal and accessory structures;

(C) The frequency and duration of all activities (hours of operation);

(D) The number of employees of any commercial or industrial enterprise;

(E) The estimated number of occupants of a residential use;

(F) The number, size and type of all vehicles associated with the use;

(G) Plans for compliance with the performance standards set forth in this Ordinance (See Sec. 17.22);

(H) The season, days and hours of operation;

(I) The expected starting and completion dates of construction;

(J) The proposed phasing of the project, if appropriate

(K) Other information as requested by the Town.

(4) GENERAL ARCHITECTURAL PRINCIPLES. To implement and define criteria for the purposes set forth in this Ordinance, the following principles are established to apply to all new structures and uses and to changes or additions

to existing structures and uses.

(A) No building regulated by this section shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

(B) No building regulated by this section shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.

(C) No building regulated by this section shall be permitted where any exposed façade is not constructed or faced with a finished material that is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

(D) No building or sign regulated by this section shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

(E) No building or use regulated by this section shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.

(F) Buildings and uses regulated by this section shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.

(G) Buildings and uses regulated by this section shall provide for adequate site construction erosion control measures. The Plan Commission may require erosion control plans and may establish time schedules for landscaping and re-vegetation of construction sites.

(H) Buildings and uses regulated by this section shall provide for safe traffic circulation and safe driveway locations.

(I) Buildings and uses regulated by this section shall provide adequate parking and loading areas.

(J) Buildings and uses regulated by this section shall be provided with adequate public services as approved by the appropriate utility.

(5) DETAILED ARCHITECTURAL STANDARDS. To implement the purposes set forth in this Chapter, the following criteria and review guidelines are established.

(A) Building Facades. In business districts, 50 percent of all building exteriors shall be brick, decorative masonry, glass panel, or other appropriate finished façade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for 20 feet along the sides of the structure. Material type and colors shall be noted on the plans. Material samples shall be provided when requested by the Planner or Plan Commission.

(B) Overhead Doors. No overhead doors in a business district shall face a public street. The Plan Commission may permit overhead doors to face a public street when it has made a finding that there is no feasible alternative location for such doors.

(C) Heating, Air Conditioning and Ventilating Equipment. HVAC equipment shall be located in a manner to be unobtrusive and screened from view. Rooftop equipment shall also be screened from view. All duct work, mechanical, and electrical connections shall be made through the roof or from the rear of the building. Landscaping shall be used to screen equipment whenever possible.

(D) Storage of Garbage/Trash. All garbage cans, trash containers, and other storage devices situated on any lot shall be in closed containers with lids and shall be concealed or suitably screened from public view. Fencing or landscaping shall be used to totally obstruct vision into the storage areas.

(E) Other Architectural Standards. The Plan Commission and Town Board may impose other architectural standards deemed appropriate such as; but not limited to: building material samples, building color samples, roof pitch designs and architectural breaks in walls over 75 feet in length. Except for flat roofs, the minimum pitch shall be 2:12. The Plan Commission and Town Board may allow a roof pitch less than 2:12 when it has made a finding that there is no feasible alternative to meet the 2:12 roof pitch.

(6) EXTERIOR SITE USAGE.

(A) Outside Storage of Materials and Equipment. In all non-residential districts and non-residential uses outside storage of materials and equipment may be permitted subject to the following:

1) Storage area is allowed in the rear yard only as determined by the Town Plan Commission. The side yard could be used if the Plan Commission determines the rear yard is not a practical location and with screening of the side yard.
2) Storage area shall be screened from view of any public right-of-way.
3) Storage area shall be enclosed with a 6-foot-high wooden fence or a chain link fence with evergreen plantings on the street side at the height of the fence at planting to screen/break up the view of the fence from the public.
4) Storage area shall not exceed 20 percent of the lot area.
5) Stored items shall be accessory to the approved business operation.

(B) Outside Display of Merchandise.

In the Business and Manufacturing Zoning Districts the outside display of merchandise may be permitted subject to the following:

1) Scaled Site Plan approved by the Town.
2) Display area shall not exceed 30 percent of lot area.
3) Displayed items shall be in working condition and displayed in a neat and orderly condition at all times so that the premises will not detract from the neighboring premises.

(7) MODIFYING AND/OR TERMINATION OF SITE PLAN OR PLAN OF OPERATION.
If any item of the site plan or plan of operation does not continue in conformance with the approved plan or operation, the use and site plan approval may be modified and/or terminated by action of the Town. Notwithstanding the foregoing, prior to any decision made by the Town which would result in the modification and/or termination of the use and site plan as previously approved, the property owner shall be given written notice of the proposed action to be taken by the Town, and shall be afforded an opportunity to present evidence and be heard by the Town prior to any final action being taken by the Town which could result in the modification or termination of the use and site plan.

(8) AMENDMENTS TO SITE PLAN OR PLAN OF OPERATION.
After site plan approval by the Plan Commission, minor adjustments may be approved (in writing) by the Zoning Administrator. These adjustments must comply with the spirit of Chapter 17.13 and the intent of the Plan Commission in its approval of the site plan. If the Zoning Administrator determines that the adjustment is not minor, the proposed amendments will be submitted to the Plan Commission to determine whether a site plan amendment or resubmission of the site plan in its entirety is required. The Plan Commission will determine whether a Public Hearing is required for major site plan amendments. The Town shall utilize the criteria in the following table to determine whether a proposed amendment to a site plan is to be considered a major or minor site plan amendment.

SITE PLAN
EVALUATION CRITERIA

Development Type	Development Proposal
Residential Dwellings	Any addition or alteration that exceeds 10 percent of the value of the structure
Non-Residential and Mixed-Use Development proposals	Any addition, alteration or increase to the approved gross floor area equal to or greater than 10 percent of the approved Gross Floor Area, or equal or greater than 500 square feet, or any change in location of proposed structures.
NOTE: Non-residential development shall include commercial uses, industrial uses, and institutional uses.	

17.14 CONDITIONAL USE PERMITS.

(1) APPROVAL REQUIRED. Certain uses and situations which are of such a special nature or are so dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility or the detailing in this chapter of specific standards, regulations or conditions which would permit such determination in each individual situation may be permitted as conditional uses. The fact that a conditional use may be permitted should not infer any right thereto. Conditional uses may be denied by the Town Board or Plan Commission so long as such action is not discriminatory or unreasonable.

(2) APPLICATION. Applications for conditional use permits shall be made to the Town on forms furnished by the Clerk and shall include the following:

(A) Fifteen copies of a map (preferably a topographic map), drawn to a scale of not less than 100 feet to 1 inch showing the land in question; its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high-water elevation of any navigable water within 100 feet of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100 feet of such land in question and any and all information listed in the Site Plan and Plan of Operation Review section of this ordinance.

(B) Additional information as may be required by the Town Planner, Town Plan Commission or Town Board.

(C) A fee, as may be established and periodically modified, shall accompany each application. Such fee shall be paid by cash, check, or money order to the Town of Kewaskum. Costs incurred by the Town in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

(D) Where necessary to comply with the certain Wisconsin Statutes, an application will be submitted to the Department of Natural Resources.

(E) The site plan and plan of operation form furnished by the Town shall be submitted to the Clerk prior to scheduling a Plan Commission and Town Board meeting.

(3) PUBLIC HEARING. Upon receipt of the application, foregoing data and fees, the Clerk shall establish a date for a joint public hearing and shall publish notice of the hearing once each week for two consecutive weeks in the official newspaper for a Class 2 notice per Wis. Stat. §985. Notice of the public hearing shall be given to the owners of all lands in the Town of Kewaskum within 500 feet of any part of the land included in such conditional use by mail at least ten days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted to the Plan Commission and Town Board. Testimony of all interested parties will be heard at the public hearing,

and the Plan Commission will forward to the Town Board a recommendation to approve, conditionally approve, or deny the application.

(4) BASIS OF APPROVAL. The determination of such conditional use shall be by the bodies hereinafter designated and based on consideration of whether or not the proposed use will violate the spirit or intent of the ordinance; be contrary to the public health, safety or general welfare; be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, or other similar factor; or for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood. Except as may be specifically otherwise provided, any such use shall conform to the building location, height and area regulations of the district in which it is located and the approving body may require compliance with such other conditions as may be deemed necessary in the specific situation in addition to any which may be hereinafter stated.

(5) FINAL REVIEW AND APPROVAL. The Plan Commission and Town Board shall review the proposal as submitted. Any conditions deemed necessary by the Plan Commission, Town Board, or other governmental agencies may be made an integral part of the permit. These conditions shall be complied with by the applicant and any deviation or alteration of those conditions set forth in the permit shall constitute a violation of the terms of the conditional use permit. Such violation shall constitute a violation of this ordinance and will be subject to prosecution and penalties under the terms of this ordinance.

(6) DETERMINATION. The Town Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Conditional Use Permit shall be based upon and include as conditions thereto the building, site, and operational plans for the development as approved by the Town Board. The conditions of approval or reasons for disapproval shall be stated in writing by the determining body and a copy made a permanent part of the minutes of such body.

(7) APPLICATION FOR CHANGES AND ADDITIONS. Any subsequent change or addition to the Conditional Use Permit, plans or uses shall first be submitted for approval to the Plan Commission through the procedure of application for conditional use permits detailed herein, and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of Sec. 17.25 of this chapter. At the discretion of the Plan Commission and Town Board minor changes which are consistent with the approved Site Plan and Plan of Operations may be permitted without a public hearing. A minor change is one in which the proposed change does not significantly affect the overall character of the site or intensity of the use and is consistent or compatible with the Site

Plan and Plan of Operations. All proposed changes, additions or alterations shall be submitted to the Town Board for approval.

(8) TERM OF APPROVAL: Unless otherwise specified, a conditional use permit shall be continued as long as the operation is uninterrupted, and none of the approved conditions are violated or changed. Conditional use permits for structures shall be reviewed by staff annually. Annual review of the conditions for a conditional use permit, for other than structures, shall be required by the Plan Commission on the anniversary date of the approval, or as determined by the Plan Commission.

(9) REVOCATION OF CONDITIONAL USE PERMIT. A conditional use permit will be revoked when the Plan Commission and Town Board determine any of the following:

(A) A permit applicant, his heirs or assigns, fails to comply with the conditions of the permit issued by the Town Board.

(B) A change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with surrounding uses.

(C) The conditional use has been discontinued or not utilized for a period of twelve consecutive or eighteen cumulative months in a three-year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, snowmobile courses, ski areas, quarries, etc.). Upon such determination, the owner of the premises shall be required to bring all such lands and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this chapter within ninety days from such determination.

17.15 CONDITIONAL USES

17.15 CONDITIONAL USES. The following is a list of items that are considered as conditional uses subject to public hearing, Plan Commission review, and Town Board action. The individual conditions for each item listed follows.

(1) R-1: ADDITIONAL ACCESSORY STRUCTURES COMPLYING WITH SECTION 17.19(1)
(2) ADULT ENTERTAINMENT ESTABLISHMENTS
(3) ANIMAL HOSPITALS, KENNELS, AND VETERINARY SERVICES
(4) BED AND BREAKFAST ESTABLISHMENTS
(5) BOAT AND RECREATIONAL VEHICLE STORAGE
(6) COMMUNICATION TOWERS
(7) COMMUNITY-BASED RESIDENTIAL FACILITIES
(8) COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES
(9) CONTROLLED LIVESTOCK GRAZING
(10) FISH OR BAIT PONDS, HATCHERIES
(11) LANDFILLS
(12) LEGAL NON-CONFORMING USES
(13) MOBILE FOOD ESTABLISHMENT
(14) OFF-ROAD VEHICLE RACING OR OPERATION
(15) PLANNED UNIT DEVELOPMENTS
(16) QUARRYING
(17) R-1 DISTRICT- POULTRY- MAXIMUM OF 24 POULTRY, MUST BE CONFINED; NO FREE RANGE
(18) R-1 DISTRICT- HORSES, SHEEP, GOATS, LLAMAS OR ALPACA- MAXIMUM OF TWO ANIMALS PER 3 ACRES
(19) RAISING EXOTIC ANIMALS
(20) REST HOMES, NURSING HOMES, CLINICS AND COMMERCIAL CHILDREN'S NURSERIES
(21) ROADSTANDS (in excess of 150 square feet)
(22) SALVAGE YARDS, RECYCLING CENTERS & AUTO WRECKING YARDS
(23) SPECIAL EVENTS
(24) SPECIAL EVENT CAMPING
(25) SPECIAL EVENT CONCESSIONS
(26) SPECIAL EVENT PARKING
(27) STORAGE OF BULK FERTILIZER, EXPLOSIVES, GASOLINE IN EXCESS OF 50,000 GALLONS, GREASE, AND RADIOACTIVE MATERIALS

(1) R-1: ADDITIONAL ACCESSORY STRUCTURES COMPLYING WITH SECTION 17.19(1). The application shall be submitted for review/approval

(2) ADULT ENTERTAINMENT ESTABLISHMENTS. It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence and be repugnant to the morals of the community. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the

intent to inhibit freedom of speech or the press, but rather to restrict the location of defined material and activities consistent with the Town's interest in the present and future character of its community development. Accordingly, the following uses shall be conditional uses and may be permitted in the B-1 Business District as specified:

(A) Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.

(B) Commercial establishments, which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.

(C) Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

The following general conditions shall apply to the foregoing adult-oriented uses:

1) No permit shall be granted where the proposed establishment is within 500 feet of any hospital, church, school, funeral parlor, restaurant, library, park, museum, playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.
2) No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential in the same or a contiguous town or municipality.
3) The applicant shall furnish the Town detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment where printed matter, pictures, films, video tapes, or sound recordings are sold or rented, the applicant shall furnish representative samples of the materials to be dealt in. If the application is for an establishment which offers live performances in which a person appears nude or which involves live depictions of sexual conduct, the applicant shall in detail specify the nature of the activity to be engaged in.
4) The applicant for the permit shall provide the names and addresses of the owners and occupants of all property in the Town of Kewaskum within 500 feet of the proposed establishment.
5) Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semi-public areas.
6) All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semi-public area.
7) The Plan Commission, in determining whether to grant a permit hereunder, shall, in addition to considerations otherwise taken into account when acting on conditional use permits, consider the protection of property values in the affected area; the preservation of neighborhoods; the tendency of such use

to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; any other factor created by the type of use being considered; and the health, safety, and general welfare of the community.

(3) ANIMAL HOSPITALS, KENNELS, AND VETERINARY SERVICES. Subject to the following:

(A) The location, building and site plans and a plan of operation shall be submitted for review/approval.

(B) Animal hospitals and clinics not involved in the operation of a kennel may be permitted on lots of not less than 1 acre and shall be in conformance with building location, height regulations and area regulations of the district in which such facilities are located. A kennel operation shall not be permitted on parcels of less than 3 acres and 300 feet of minimum average width.

(C) No building shall be closer than 50 feet to any lot line. Where the buildings are to be used to board or house dogs in a kennel, including outdoor kennel runs, such structures and fenced runs shall be 100 feet from any lot line.

(D) Outdoor grass area for animals requiring regular exercise shall be provided with a minimum size of 2,500 square feet. Location of outdoor grass area shall not be in the street yard.

(4) BED AND BREAKFAST ESTABLISHMENTS. The application shall be submitted for review/approval.

(5) BOAT AND RECREATIONAL VEHICLE STORAGE. Such storage shall be permitted when the storage is in a completely enclosed structure, and provided such use is determined to be consistent with agricultural use, and provided that the use is clearly incidental to the principal farm use.

(6) Communication Antennas or Towers, Mobile/Cell Towers, regulated by Wis. Stat. §66.0404. The application shall be submitted for review/approval.

(7) COMMUNITY-BASED RESIDENTIAL FACILITIES are by Conditional Use Permit only and are subject to the following:

(A) The minimum lot area shall be 2 acres.

(B) The minimum open space area per dwelling unit shall be 3,000 square feet. This shall not include parking lots, drives or buildings.

(C) Side yard and rear yard setbacks shall be a minimum of 30 feet on each side, and the road setback requirement shall be maintained.

(D) There shall be a minimum living area of 400 square feet for an efficiency apartment, 550 square feet for a one-bedroom apartment, and 750 square feet for a two-bedroom apartment. No dwelling unit shall have more than two bedrooms. The minimum square footage requirements of this subsection may be reduced by the Town Board upon recommendation of the Town Plan Commission when it is determined that less space is required because substantial common areas and facilities are provided and readily available to the residents within the building

of which the unit is a part, provided that the minimum living area is not reduced below the minimum requirements imposed by State law.

(E) There shall be one parking space per three dwelling units. The Town Board may reduce the number of parking spaces upon recommendation of the Town Plan Commission when it is determined that the elderly housing unit or community-based residential facility will need fewer spaces because employees will be working off-site, or residents will not be licensed drivers, or the petitioner demonstrates to the satisfaction of the Town Plan Commission and the Town Board through parking lot usage studies of similar facilities that fewer spaces are sufficient.

(8) COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES. Are by Conditional Use Permit only and are subject to all regulations per Wisconsin State Statutes and Wisconsin State Building Code.

(9) CONTROLLED LIVESTOCK GRAZING. The location, building and Site Plans and Plan of Operation shall be submitted for review/approval.

(10) FISH OR BAIT PONDS, HATCHERIES. Subject to the following:

(A) The location, building and site plans and plan of operations shall be submitted for review/approval.

(B) No such use shall be permitted on a lot less than 5 acres in area.

(C) No building other than one used only for residence purposes shall be closer than 50 feet to any lot line.

Note: Washington County Shoreland and Floodland Protection Ordinance provisions may also have jurisdiction.

(11) LANDFILLS These provisions are designed to regulate land use at landfill sites in the Town, and to protect the natural resource base of the Town as well as the general public health and safety of Town residents. Sanitary landfills shall be operated in accordance with the provisions of Wis. Adm. Code NR 500 through NR 590.

(A) Structures and lands may be used for any purpose designated on the approved site restoration and reuse plan as provided for herein.

(B) Accessory Uses:

1) Garages for storage and repair of vehicles used in con junction with the operation of the principal use.
2) Ground-mounted and building-mounted dish and terrestrial antennas.
3) Off-street parking and loading areas provided they are properly screened.
4) Office use auxiliary to the permitted principal use.

(C) Site Requirements:

1) Lots shall be a minimum of 35 acres in area
2) Lots shall not be less than 600 feet in width.
3) No landfill operation shall be located closer than 500 feet to any property line. Landfill operations shall comply with the minimum setback requirements set forth in Wis. Adm. Code NR 504.04(3).
4) No building or parking area shall be located closer than 50 feet from a side or rear property line.
5) No landfill operation, building, or parking area shall be located closer than 300 feet from the ordinary high-water mark of any navigable river or stream; or 1,000 feet from the ordinary high-water mark of a lake, pond,

or flowage; or within the 100-year recurrence interval floodplain of any water body.

6) No building or structure, or parts of a building or structure, shall exceed 35 feet in height.

(D) Operational Plan Requirements. The operational plan shall specify the following:

1) A timetable for operation of the landfill including the date on which the landfill operation will begin and the planned date of the completion of the operation.
2) A phasing plan showing the location and timing on all proposed phases.
3) Hours of operation and days of operation for the landfill operation.
4) The types of material or refuse to be disposed of.
5) The means by which noise, dust, debris, and other potential nuisances will be controlled.
6) The means by which the applicant will collect and dispose of leachate to protect watersheds and ground water aquifers.
7) The means by which the applicant will control storm water runoff and erosion to protect watersheds and groundwater aquifers.
8) The location, height, and type of all proposed fences.
9) All machinery and equipment to be used and/or stored during the landfill operation, and the location thereof.
10) A transportation plan identifying the mode of transportation to be used, the size and types of vehicles to be used, the number and frequency of trips to and from the site, and the routes to be used by trucks or locomotives.
11) The location and type of landscaping to be used to screen the quarrying, extractive, or other operation from adjacent land uses and public rights-of-way.
12) Other information required by the Plan Commission.

(E) Restoration and Reuse Plan Requirements. A restoration and reuse plan provided by the applicant shall contain:

1) Existing topography with contours at 2-foot intervals.
2) Proposed contours after filling or restoration.
3) Depth of the restored topsoil.
4) Plantings and other restoration improvements.
5) Restoration commencement and completion dates.

(F) Updates of the restoration plan shall be filed annually to show restoration progress. The applicant and/or owner of the sanitary landfill site shall furnish the necessary sureties which will enable the Town to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by a registered professional engineer, and the form and type of such sureties shall be approved by the Town Board.

(12) LEGAL NON-CONFORMING USES. As noted in Legal Nonconforming Uses, Structures and Lots section of this ordinance.

(13) MOBILE FOOD ESTABLISHMENTS. The location, building and Site Plans and Plan of Operation shall be submitted for review/approval.

(14) OFF-ROAD VEHICLE RACING OR OPERATION. The application shall be submitted for review/approval.

(15) PLANNED UNIT DEVELOPMENTS.

It is herein provided that there is flexibility in the regulations governing the development of land due to increased urbanization and the associated greater demands for open space. This provision is intended to encourage planned unit development in directions which will recognize both the changes in design and technology in the building industry and the new demands in the housing market. It is intended that these provisions create imaginative and interesting communities with substantial open area for enjoyment of the residents or the general public. Such use will only be permitted in Residential Districts where the unified planned development of such tract will allow a more desirable utilization of the site and produce a more aesthetically and economic development than would result from the application of normal district regulations. It is intended that uses permitted as Planned Unit Developments shall conform to uses generally permitted in the underlying zoning district. Individual structures shall comply with the specific building area and height requirements as specified in this section, or unless otherwise approved by the Plan Commission and Town Board. It is intended that adequate open spaces be provided in all Planned Unit Developments. Clustered residential development is required when at least five lots are being created at one time in the EA and A-1 Districts and is recommended in the R-1 District.

(A) Planned Unit Developments shall contain a minimum development area requirement as follows:
   1) EA Agricultural Preservation District minimum area of 20 acres – 10-acre density, 1-acre minimum lot size
   2) A-1 Agricultural Open Space District minimum area of 3 acres – 3-acre density, 3-acre minimum lot size
   3) R-1 Residential District minimum 1 acre parcel size
   4) B-1 Business District minimum 1-acre parcel size
   5) M-1 Manufacturing District minimum 1-acre parcel size
   6) Mixed-Use minimum area of 10 acres minimum parcel size

(B) The Plan Commission and Town Board, in making their recommendations as to their approval or denial of a conditional use permit for a Planned Unit Development, shall consider the following:
   1) The proposed development is in conformance with the Town's Land Use Plan and Subdivision & Platting Ordinance and is not contrary to the general welfare or economic balance of the community.
   2) That all other requirements set by the Plan Commission and Town Board in the conditional use document for the planned unit development are met.
   3) The size, quality and architectural design of all buildings in the project are of such quality, size, and aesthetic value to justify the approval of the project.
   4) Provisions of facilities of the open space areas being provided are of such a quality, size, and aesthetic value to justify the approval of the project.

(C) Application Procedure.
   1) Pre-application Conference. Prior to official submission of a petition for

approval of a Planned Unit Development, the owner and his agent shall meet with the Town Chairman and designated Town Staff for a pre-application conference to discuss the scope and nature of the proposed developments, review the local regulations and policies applicable to the project, and consider the land use implications of the proposal.

2) Application. A petition for a Planned Unit Development shall be submitted to the Town Clerk by the owner or his agent. Such petition shall be accompanied by a fee in accordance with the Town's established fee schedule and a preliminary development plan. The preliminary development plan shall include the following:
   a) Data on the total size of the project including the area of open space, proposed number of residential units, projections of household sizes, marketability of the project and impact of the project on the municipal services.
   b) Documents in the form of a traffic study that verify that the proposed development will not have an adverse impact on the Town, County or State highways.
   c) Documentation as to the expected impact on the local school district. This documentation shall be forwarded to the local school district for their comments.
   d) All residential planned unit developments shall provide permanent common open space. Open space may be in corporate ownership or in a private homeowners' association, unless the open space is dedicated to the Town as park land pursuant to the Municipal Code, with an open space easement to assure that the open space will be permanent. Common open space shall be conveniently accessible to all residential dwellings within a planned unit development, available to all occupants of the dwelling units for whom the use of the space is intended and shall provide a meaningful and useful area for such intended open space. It is the intent of this provision to ensure equitable distribution of various land uses to all owners and maintain the maximum of open space. Common open space does not include private lots, street right-of-ways or lands determined unsuitable by the Town Board due to accessibility, common benefits or the intent of the provision. The presentation shall include what amenities are proposed in the common open space and if they are to be phased during completion of the development.
   e) Any other information as may be required by the Town Plan Commission or Town Board.

(D) Commercial Planned Unit Developments.

1) The economic practicality of the proposed planned unit development shall be justified on the basis or purchasing potential, competitive relationship and demonstrated tenant interest.
2) The proposed planned unit development shall be served by adequate off-street parking, loading and service facilities.
3) The planned unit development shall not create an adverse effect upon general traffic patterns or adjoining property values.

4) Architecture, landscaping, lighting, and general site development shall be compatible with the surrounding neighborhood.

(E) A Mixed Planned Unit Development.

1) The proposed mixture of commercial and residential uses shall produce a unified composite which is compatible both within itself and with the surrounding neighborhood.
2) The mixed uses shall conform to the general requirements applicable to each of them as previously set forth.
3) The maximum allowable dwelling unit density shall become computed using only the residential portion of the total planned unit development. If residential use and nonresidential use occur in the same proposed building, that percentage of commercial use of the building shall be deducted from the building lot and only the remaining areas shall be used in the density.

(F) Construction Routes. A map of the development showing the access points to be used by construction vehicles during construction and which shall become part of the conditional use agreement between the Town and the developer with such provisions for enforcement as provided in the contract.

(G) Professional Fees. If the Town incurs consultant, engineering, planning, administrative, or legal fees to prepare or review any aspect of the proposed Planned Unit Development, the Town will notify the petitioner of all fees to be charged to the petitioner. All such charges shall be paid in full before issuance of the conditional use permit.

(H) Financial Guarantee to Complete Improvements. A letter of credit in a Wisconsin financial institution or cash deposit or other satisfactory financial guarantee approved by the Town Attorney to cover the cost of all improvements in facilities agreed upon in the conditional use permit.

(I) Additional Requirements. The Plan Commission and the Town Board may add any further additional requirements appropriate to each conditional use as necessary.

(J) Recording. The conditional use shall be recorded in the office of the Register of Deeds to affect the real estate upon which a conditional use is granted, which includes all homeowners association documents and deed restrictions and provisions for utilities and other services.

1) This conditional use shall expire if the project has not commenced within twelve months of the conditional use grant unless extended by the Town Board.
2) Any violation of this conditional use will be subject to the enforcement procedures contained in this chapter or by revocation of the conditional use after hearing.

(K) Subsequent Change or Addition. Any subsequent change or addition to an approved conditional use shall first be submitted for approval to the Town Plan Commission and if, in the Commission's opinion, such change or addition is not substantial, it may recommend approval to the Town Board without public hearing. Without limitation to the Plan Commission's right to determine any other change, substantial change in any of the following respects shall be automatically construed to be substantial:

1) An increase in the number of dwelling units from that shown in the approved conditional use.
2) A significant change in the size, value or type of structure from that indicated in the approved conditional use.
3) The addition of any principal use is not included in the approved conditional use. This does not include the addition of amenities by homeowners' association, although, they must have Plan Commission approval.
4) A change in the basic concept of the site development which would significantly alter the relationship of uses or open space to adjoining property.
5) The division of any land or lands within a Planned Unit Development shall be accomplished pursuant to the land division regulations, and when such division is contemplated a preliminary plat of the land to be divided shall accompany the petition for planned unit development approval.

(16) QUARRYING. PERMITTED USE in EA Zoning District. In other districts, application must be submitted for review/approval. All quarrying is regulated by Washington County

(17) R-1 DISTRICT- POULTRY- MAXIMUM OF 24 POULTRY, MUST BE CONFINED; NO FREE-RANGE. The application shall be submitted for review/approval.

(18) R-1 DISTRICT- HORSES, SHEEP, GOATS, LLAMAS, OR ALPACA- MAXIMUM OF TWO ANIMALS PER 3 ACRES. The application shall be submitted for review/approval.

(19) RAISING EXOTIC ANIMALS. The application shall be submitted for review/approval.

(20) REST HOMES, NURSING HOMES, CLINICS AND COMMERCIAL CHILDREN'S NURSERIES. The application shall be submitted for review/approval.

(21) ROADSTANDS. (in excess of 150 square feet)

(A) Roadside stands for the sale only of products raised on the premises, operated by the resident farmer, and subject to the following:
1) Off-street parking for a minimum of four vehicles shall be provided.
2) No stand shall be permitted in a location where it would create a traffic hazard or nuisance; and where permitted, driveways shall be so located as to minimize possible interference with normal flow of highway traffic.
3) No such stand shall be closer than 30 feet to the right-of-way line or closer than 20 feet to any other lot line.
4) Signs advertising produce shall be confined to a single neat display frame and shall not exceed 20 square feet in total area.

(B) The location building and site plans, and plan of operation shall be submitted for review/approval

(22) SALVAGE YARDS, RECYCLING CENTERS & AUTO WRECKING YARDS: The location, building, site, or operations used for the storage or sale of salvageable materials, or for the purpose of salvage, wrecking, dismantling, or demolition of salvageable materials and subject to the following

(A) The location, site plan, buildings, and plan of operations are submitted for

Town review/approval.

(B) Minimum lot size is 3 acres with a minimum of 200 feet of lot width.

(C) Such uses are enclosed in fencing which screens the storage of all materials from public view.

(D) The number of vehicles is limited based upon the size of the parcel and proximity to residential uses.

(E) No conditions constituting a nuisance are maintained on the property.

(23) **SPECIAL EVENTS**. The location, building and site plans, and plan of operations shall be submitted for review/approval.

(24) **SPECIAL EVENT CAMPING.** The location, building, site plans, and plan of operations shall be submitted for review/approval.

(25) **SPECIAL EVENT CONCESSIONS.** The location, building, site plans, and plan of operations shall be submitted for review/approval.

(26) **SPECIAL EVENT PARKING.** The location, building, site plans, and plan of operations shall be submitted for review/approval.

(27) **STORAGE OF BULK FERTILIZER, EXPLOSIVES, GASOLINE IN EXCESS OF 50,000 GALLONS, GREASE, AND RADIOACTIVE MATERIALS.** The application shall be submitted for review/approval.

17.16 OUTDOOR WOOD BOILERS.

(1) Any person with an outdoor wood boiler installed and operating
   (A) All outdoor wood boilers shall be operated in accordance with the manufacturer's directions, except as otherwise provided herein.
   (B) Setbacks for outdoor wood boilers are 25 feet from the side yard and 25 feet from the rear yard.
   (C) No industrial waste, rubber, plastic, used motor oil, toxic chemicals, hazardous waste, yard waste, painted or chemically treated wood, processed wood products, household herbage, cardboard, wastepaper or animal waste shall be burned in the outdoor wood boiler.
   (D) Outdoor wood boilers shall not be operated in a manner that produces excessive smoke, dust or odors
   (E) Outdoor wood boilers shall meet all applicable state and federal emission standards

(2) Permits for Wood Boilers. The permit shall be issued by the Building Inspector.

(3) Any person who shall violate any provision of Section (1) shall be subject to a citation issued daily until the violation is corrected as provided in 25.04 of this code.

(4) If any existing outdoor wood-fired furnace was installed and operations prior to the effective date of this ordinance and does not comply with the location provisions of section 1b, the furnace may be allowed as a non-conforming installation. The existing outdoor wood-fired furnace may continue to be used provided that it does not cause a nuisance. If the Town of Kewaskum determines that a non-conforming installation is causing a nuisance, the non-conforming installation shall be removed unless the installation or its operation is modified so that it does not create a nuisance.

(5) Any fuel for a fuel-fired outdoor heating device stored on site shall be cut to useable size and stacked, as applicable, and shall be maintained in a neat and orderly manner. All such fuel shall be stored in a form ready to use in the heating device or screened from public view.

17.17 PARKING, LOADING, DRIVEWAYS AND ACCESS.

(1) TRAFFIC VISIBILITY. No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2.5 feet and 10 feet above the plane through the mean center line grade of the vision triangle (See Illustration No. 2**)**. The vision triangle is formed by connecting a line between the points located 75 feet from the intersection of two streets, or the intersection of a street and a railway, along the right-of-way line (See Illustration No. 3).

(2) Landscaping for street frontages shall be located within ten feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.

(3) LOADING REQUIREMENTS. On every lot on which a business, trade, or Manufacturing use is hereafter established, adequate space with access to a public street or alley shall be provided for the loading and unloading of vehicles off the public right-of-way. At no time shall any part of a truck or van be permitted to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

(4) PARKING REQUIREMENTS. In all districts and in connection with every use, there shall be provided at the time any use is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

(A) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one-family dwellings, and a minimum of 24 feet at the property line for all other uses.

(B) The minimum dimensions of each parking space shall be 9 feet by 18 feet, except for properly signed spaces provided for use by physically disabled persons.

(C) Parking Spaces For Use By Physically Disabled Persons. All open off-street parking areas provided for more than 25 parking spaces, except for parking areas restricted to use by employees only, shall provide properly signed parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the following minimum standards:

1) One properly signed physically disabled parking space shall be provided in parking areas containing 26 to 49 spaces.
2) Two percent of the total number of spaces shall be properly signed physically disabled parking spaces in parking areas containing 50 to 1,000 spaces.
3) In addition to the number of spaces required in subpar. 2. above, 1 percent of each 1,000 spaces over the first 1,000 spaces shall be provided for properly signed physically disabled parking spaces in parking areas containing more than 1,000 spaces.
4) The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be 12 feet by 18 feet.
5) Parking spaces provided for use by physically disabled persons shall be located as close as possible to an entrance which allows persons to enter and leave the parking area without assistance.
6) All parking spaces provided for use by physically disabled persons shall be marked by a sign which includes the international symbol

for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such sign shall comply with the requirements of Wis. Stats. §§346.50, 346.503, and 346.505.

(D) Off-street parking is permitted in all yards of all districts. Location of parking spaces is to be on the same lot as the principal use or not more than 400 feet from the principal use. No parking space or driveway, except in residential districts, shall be closer than 25 feet to a residential lot line or a public right-of-way opposite a residential district.

(E) Surfacing. All off-street parking areas shall be so graded and drained as to dispose of all surface water.

(F) Parking Lot Screening. All parking areas, except in agricultural and residential districts, adjoining a residential use or public right-of-way shall be screened from such use by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means. Such fence or berm and landscaping together shall be a minimum of 18 inches in height and an average of 3 feet in height at the time of planting. Screening shall be a minimum of 6 feet in height between the parking lot and any other abutting residential property line. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers, and large equipment, for screening overhead doors, and truck loading areas and docks. In addition: all fencing shall be placed on the property or properties being screened and shall not project over the base setback line, or side or rear property line. Planted fences shall be placed behind the afore-referenced lines at places where natural growth will not extend to or be maintained at these lines.

(G) Parking Area Screening in Agricultural and Residential Districts. The Plan Commission may require that visual or noise buffers (i.e. screening) be placed between parking areas and adjoining land uses, zoning districts and roads within Agricultural and Residential districts when it deems such screening necessary to preserve the rural character and natural beauty of the Town. Such screening shall be accomplished by a fence, wall, berm, landscaping, or some combination thereof, constituting an opaque characteristic which obscures from horizontal view, the parking area from adjoining land uses and the road. Such screen shall comply with the Parking Lot Screening requirements identified in Sec. 17.17(4)f of this code. Where plant materials are used for screening, they shall be of suitable size and density to accomplish the screening objective within three years from the time of planting.

(H) Review of Screening Plans. As part of the overall review of proposed use, the Plan Commission and/or Zoning Administrator shall review and approve plans for screening within Agricultural and Residential districts. Approval of the plans shall be based upon, but not limited to, the following criteria:

1) The proposed screening is visually compatible with the proposed and existing uses.
2) The proposed screening is sufficient in height, depth, and opaqueness to serve in the capacity for which it is intended.
3) The screening, once installed or constructed, shall be maintained in

a manner consistent with the intent of the screening.

4) Variances in base setback screening height or landscaping, and screening placement as determined by ingress and egress will be consistent with safe sight distance for passing traffic and be compatible with adjoining property screening and landscaping.

(I) Curbs or barriers shall be installed at least 4 feet from a property line to prevent parked vehicles from extending over any lot line.

(J) Minimum Number Of Parking Spaces Required. In the case of structures or uses not specified herein, the number of spaces specified as the general standard for the use class or the number of spaces specified for similar use shall apply. In developments involving the establishment or addition of two or more uses on one lot or parcel, the cumulative number of spaces required for each use shall determine the total number of spaces required.

1) Residential Uses.
    a) Single-Family Dwellings. Two spaces per dwelling unit.
    b) Housing For the Elderly. One space per dwelling unit.
2) Retail Sales and Customer Service Uses, and Places of Entertainment.
    a) General Standard For the Above Uses. One space per 150 square feet of gross floor area of customer sales and service, plus one space per employee.
    b) Motels and Hotels. One space per room or suite, plus one space per every two employees for the work shift with the largest number of employees, plus one space per three persons, based on maximum capacity, for each public meeting room and/or banquet room.
    c) Restaurants. One space per 100 square feet of gross dining area, plus one space per employee for the work shift with the largest number of employees.
    d) General Merchandise Repair Services. One space per 300 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
    e) Personal Services. One space per 200 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
    f) Taverns, Dance Halls, Night Clubs and Lounges. One space per 50 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
    g) Motor Vehicle Repair, Maintenance, and Service Stations. Three spaces per indoor service bay plus one space per employee for the work shift with the largest number of employees.
3) Offices.
    a) Medical, Dental and Similar Professional Health Service Offices. Five patron spaces per doctor, plus one space per

employee for the work shift with the largest number of employees.

b) Government, Professional and Business Offices. One space per 250 square feet of gross floor area.

4) Commercial/Recreational Uses.
   a) General Standard. One space per four patrons based on the maximum capacity of the facility, plus one space per employee for the work shift with the largest number of employees.
   b) Golf Courses. Ninety spaces per nine holes, plus one space per employee for the work shift with the largest number of employees.
5) Manufacturing and Related Uses.
   a) Manufacturing, Processing, and Fabrication Operations. One space per employee for the work shift with the largest number of employees.
   b) Wholesale Business. One space per employee for the work shift with the largest number of employees, plus one space per 2,500 square feet of gross floor area.
   c) Warehousing. One space per employee for the work shift with the largest number of employees, plus one space per 5,000 square feet of gross floor area.
   d) Mini-warehousing. One space per ten storage cubicles, plus one space per employee for the work shift with the largest number of employees.
   e) Extractive and Related Operations. One space per employee for the work shift with the largest number of employees.
6) Institutional and Related Uses.
   a) Churches. One space per three seats based on the maximum capacity of the facility.
   b) Nursing Homes. One space per three patient beds plus one space per employee for the work shift with the largest number of employees.
   c) Schools.
      1. Elementary, Middle and High Schools. One space for each teacher and staff member plus one space for each ten students l6 years of age or older.
      2. Children's Nursery Schools and Day Care Centers. One space per employee for the work shift with the greatest number of employees plus one space per six students in the highest class-attendance period.

(5) RESTRICTIONS ON PARKING OF EQUIPMENT. Parking of farm, construction, or building equipment and parking of trucks, tractors, and semi-trailers shall be restricted as follows:

(A) Parking in Residential, Institutional, Park, and Conservancy Districts. No truck tractor, semi-trailer, commercial or construction vehicle, machinery,

equipment or truck with dual rear axles shall be stored on lots in Residential, Park, or Conservancy districts. Agricultural vehicles and machinery stored on an operating farm in any of the districts are exempt from this restriction.

(B) Parking in Agricultural, Business, and Manufacturing Districts. Vehicles and machinery used in conjunction with a business or industry may be stored inside or outside on the premises. When stored outside they shall not block a public right-of-way or obscure clear vision on roadways and shall be stored in a neat and orderly manner behind buildings when possible, and/or be screened from public view.

(C) Storage of Junked Vehicles. No disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or permitted to remain in the open upon private property in the Town within thirty days after receiving written notice from the Township to remove or enclose such vehicle unless:

1) The vehicle is being held as a part of an automotive sales or repair business enterprise located within a district zoned for that purpose; or
2) The vehicle is in use on the premises as a lawful, unlicensed use; or
3) Due to individual hardship, a variance has been granted by the Zoning Board of Zoning Appeals to store such vehicle. The Zoning Board of Zoning Appeals shall not grant such variances for a period of more than one year.

(D) The accumulation or storage of equipment, such as tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, wood, brick, concrete block, or other unsightly debris which may tend to depreciate property values in the area or create a nuisance or hazard shall not be permitted on any lot or parcel of land within the Town, except within a permitted salvage yard operated under a conditional use permit, and subject to the following screening requirement.

(E) Such fence, berms and/or landscaping together shall be at the appropriate height to provide full and complete screening of all outside storage areas at the time of planting. Screening shall be a minimum of 6 feet in height between the outside storage area and any other abutting residential property line. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers, large equipment, and for screening overhead doors, and truck loading areas and docks.

(6) PARKING OF RECREATIONAL VEHICLES. No mobile home, motor home, travel trailer, recreational vehicle, boat or off-road vehicle shall be parked regularly on properties in an agricultural or residential district except as provided herein:

(A) One boat and its trailer, off-road vehicles on one trailer, travel trailer, or other recreational vehicle may be stored in the rear yard.

(B) Additional recreational vehicles may be stored within the lot within a fully enclosed structure.

(C) The Plan Commission may, by conditional use permit, permit the outdoor storage of more than one recreational vehicle when it determines that the lot is large enough to accommodate such additional vehicles; when such recreational vehicles are appropriately screened from view by neighboring

properties; and when the Plan Commission shall find that the recreational vehicle storage will not adversely affect the use and enjoyment of neighboring properties. Storage of recreational vehicles shall be limited to recreational vehicles owned and used by the property owner or resident.

(7) HIGHWAY ACCESS. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission from the highway agency that has access control jurisdiction. In addition, direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

(A) Driveways in the vicinity of freeways, interstate highways, and their interchanges or turning lanes shall be located a minimum of 200 feet from the most remote end of the exit or entrance ramp.

(B) Driveways on arterial streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Plan Commission shall determine the driveway location. Said setback shall be measured from the intersection of the right-of-way on the two streets.

(C) Driveways on collector or local streets shall be located a minimum of 75 feet from a street intersection. Said setback shall be measured from the intersection from the right-of-way on the two streets.

(D) Residential driveways on corner lots shall be located on the least heavily traveled street, where practicable.

(E) Access barriers, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.

(F) Temporary access to the above rights-of-way may be granted by the Town Board after review and recommendation by the Plan Commission and the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required.

(8) EXCEPTIONS. Where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Plan Commission may grant an exception from any requirement to the extent deemed just and proper. No exception to the provision of this chapter shall be granted unless the Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(A) Exceptional Circumstances. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of Sec. 17.14 of this chapter would result in severe hardship. Such hardships shall not apply generally to other properties or be of such a recurrent nature as to suggest that the chapter should be changed.

(B) Preservation of Property Rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties of the same use.

(C) Absence of Detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

17.18 SIGNS.

(1) PURPOSE AND INTENT. The intent of this section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the Town as a whole.

(2) COMPLIANCE. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this section.

(3) SIGNS ALLOWED IN ALL DISTRICTS WITHOUT A PERMIT. The following signs are allowed in all zoning districts without a permit, subject to the following regulations:

(A) Real estate signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

(B) Name, and warning signs not to exceed 4 square feet located on the premises.

(C) Home occupation and professional home office signs not to exceed 2 square feet in area.

(D) Election campaign signs, provided that permission shall be obtained from the property owner, renter, of lessee; and provided that such sign shall not be erected prior to the first day of the "election campaign period," as defined in Sec. 17.02 of this chapter, and shall be removed within seven days following the election.

(E) Rummage sale and garage sale signs, provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.

(F) Bulletin boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises.

(G) Memorial signs**,** tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(H) Official signs, such as traffic control, parking restrictions, information, and notices.

(I) Farm identification signs showing the name of the owner or corporate affiliation or memberships not to exceed 16 square feet in area.

(4) SIGNS REQUIRING A PERMIT IN ALL RESIDENTIAL DISTRICTS. The following signs require permits in any residential district and are subject to the following regulations:

(A) Permanent real estate signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.

(B) Temporary development signs for the purpose of designating a new building or development, or for the promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall specify the period of time the sign may

remain based on the size of the development allowing a reasonable time to market the development.

(5) SIGNS REQUIRING A PERMIT IN ALL AGRICULTURAL DISTRICTS. The following signs require a permit in all Agricultural Districts and are subject to the following regulations:

(A) Wall signs affixed to or painted on farm buildings advertising farm products produced on and/or sold on the premises, or displaying the owner's name shall not exceed 200 square feet.

(B) Ground signs advertising farm products produced on and/or sold on the premises shall not exceed 15 feet in height above the ground surface, shall meet all yard requirements for the district in which they are located, and shall not exceed 100 square feet on one side or 200 square feet on all sides for any one property.

(C) Directional signs indicating the name of a business or other establishment, and the direction and distance to the establishment. No directional sign shall be placed within the public right-of-way or within the vision clearance triangle of any intersecting streets. No directional sign shall exceed 12 square feet in area.

(6) SIGNS REQUIRING A PERMIT IN BUSINESS AND MANUFACTURING DISTRICTS. Signs requiring a permit in all business and manufacturing districts subject to the following restrictions:

(A) Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface; shall not exceed 200 square feet in area for any one property and shall not extend above the roof line of the building.

(B) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than 6 feet into any required yard; shall not extend more than 3 feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean center line street grade; shall not be less than 10 feet from all side lot lines; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.

(C) Ground signs shall not exceed 20 feet in height above the mean center line street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.

(D) Marquee, awning, or canopy signs affixed flat to the surface of the marquee, awning, or canopy are permitted providing that the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding 2 square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.

(E) Roof signs are prohibited within the Town.

(F) Window signs, except for painted signs and decals, shall be placed only on

the inside of commercial buildings.

(G) Combinations of any of the above signs shall meet all the requirements of the individual sign. The total number of signs on any premises shall be limited as follows:

Floor Area (Square Feet)	Maximum Number of Signs Permitted
0 - 5,000	2
5,001 - 20,000	3
20,001 - 50,000	4
More than 50,000	5

Window signs shall not be subject to the limitation on number of signs.

(7) SIGNS REQUIRING A PERMIT IN INSTITUTIONAL AND PARK DISTRICTS. The following signs require a permit in the Institutional and Park Districts and are subject to the following regulations:

(A) Private institutional and park name signs when approved by the Plan Commission.

(B) Public institutional and park names signs when approved by the Plan Commission.

(8) PORTABLE SIGNS. The Township may permit the temporary use of a portable sign for advertising purposes in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than thirty days in any 365-day period. The permit required in sub. (13) below shall be required for portable signs.

(9) FACING. No sign except those permitted in subs. (3) and (4) above shall be permitted to face a residence within 100 feet of such residence.

(10) LIGHTING AND COLOR. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but non-flashing. Signs in residential districts may be illuminated only with Plan Commission approval.

(11) CONSTRUCTION AND MAINTENANCE STANDARDS.

(A) Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the Building Code.

(B) Protection of the Public. The temporary occupancy of a sidewalk or street or

other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.

(C) Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.

(D) Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other non-corrosive incombustible material. Every means or device used for attaching any sign shall extend through the walls of the building should the Township determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Township. Small flat signs containing less than 10 square feet of area may be attached to a building using lag bolts or other means to the satisfaction of the Township.

(E) No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Town, as necessity therefore may require.

(12) EXISTING SIGNS. Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the size or location does not conform to this chapter and shall be subject to the nonconforming use provisions of Sec. 17.20(1) and (2) of this chapter.

(13) SIGN PERMIT. Application for a sign permit shall be made on forms provided by the Township and shall contain or have attached thereto the following information:

(A) Name, address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.

(B) Name of person, firm, corporation, or association erecting the sign.

(C) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.

(D) A scale drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.

(E) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures.

(F) Copies of any other permit required and issued for said sign, including electrical permit.

(G) Additional information as may be required by the Township.

(H) Sign permit applications shall be filed with the Township, who shall review the application for its completeness and accuracy and approve or deny, in

writing, the application within thirty days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within six months of the date of issuance.

(14) MEASURING SIGNS. In calculating the area of a sign to determine whether it meets the requirements of this chapter, the Township shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

17.19 ACCESSORY USES AND STRUCTURES.

(1) ACCESSORY USE REGULATIONS. Accessory uses are permitted in any district as may be specified in the appropriate district regulations or herein. An accessory use building permit shall be required where specifically noted in this section. Accessory uses are permitted only after their principal structure is present or under construction. The use and/or location requirements stipulated elsewhere in this chapter may be modified for accessory uses as follows:

(A) Accessory Buildings or Structures Permitted in the Side Yard and Rear Yard. The following accessory buildings and structures may be permitted in the side yard and rear yard only, unless otherwise specified:

1) Residential accessory buildings or structures, such as garages, garden or utility sheds, playhouses, gazebos, or other similar structure, may be permitted upon issuance of a building permit. Residential accessory buildings shall be located at least 10 feet from the principal structure, shall be placed on a pad of gravel, concrete, asphalt, wood, or metal; shall be located not closer than 10 feet to a lot line; and shall not exceed 35 feet in height. Any residential accessory building for motor vehicles shall be placed on a floor or pad of concrete or gravel.

a) Residential accessory structures in the EA Exclusive Agricultural District and A-1 Agricultural/Open Space District and R-1 Residential District, where the residence is the principal use shall not exceed a total of 2,400 square feet in total area or 35 feet in height, unless otherwise specified as a conditional use.

b) Residential accessory structures in the EA, Exclusive Agricultural District and A-1 Agricultural/Open Space District and R-1 Residential District, 120 square feet in total area or less, nor greater than 15 feet in height or less, may be permitted up to 5 feet from a side or rear lot line. A zoning permit is required for structures of 120 square feet in area, but no building permit is required.

c) Increase Permitted: Subject to Plan Commission approval, the maximum height of an accessory structure may be increased to exceed the district height limitation by not more than 10 feet, provided all required setbacks are increased by 2 feet for each 1 foot of height above the district maximum for the accessory building, and provided the accessory building does not exceed the height of the principal structure. The Plan Commission can require screening and/or landscaping to break up the view from adjacent properties or from the street right-of-way.

d) An accessory building located in a street yard may be permitted as a conditional use.

2) Agricultural buildings on an active farming operation may be placed anywhere on site subject to the district setback restrictions. However, the required front and side-yard setbacks shall be increased to match the height of any agricultural structures, such as barns, silos, and agricultural windmills, shall not exceed the distance from the nearest

lot line.

3) Patios, constructed at or below yard grade, may be erected, without a building permit, adjacent to the principal structure, and shall be located not closer than 5 feet to a lot line.
4) Decks located adjacent to a principal structure shall be located not closer to a lot line than the required side yard and rear yard requirements for the district in which they are located and shall require the issuance of a building permit. Freestanding decks or decks surrounding private swimming pools separated from the principal structure shall be located at least 10 feet from the principal structure and shall be regulated in the same manner as an accessory garage, tool shed, or gazebo.
5) Accessory pet kennels in any residential district provided that the kennel is located not closer than 10 feet from a lot line; that the kennel is placed on a pad of gravel, concrete or asphalt; that the kennel is enclosed by a fence not less than 4 feet nor more than 8 feet in height; and that no pet kennel shall exceed 300 square feet in area. Kennels that exceed these limits will require a building permit.
6) One accessory compost bin, not to exceed 6 feet in height.
7) Private outdoor swimming pools, upon the issuance of a building permit, provided that:
    a) All private swimming pools shall be surrounded by a permanent fence not less than 4 feet nor more than 8 feet in height designed to prevent unguarded entry to the pool. The Building Inspector may exempt hot tubs and above-ground swimming pools that have a minimum side wall of at least 4 feet above ground.
    b) Access to private swimming pools shall be controlled to prevent unguarded entry into a pool. Access to in-ground pools shall be controlled by a self-closing and self-latching gate and all such gates shall be kept securely closed and always locked when the owner is not present at the pool. For an above-ground pool, a tip-up ladder may be provided in lieu of the gate.
    c) Swimming pools shall not be constructed directly under or over electric transmission lines or within 15 feet of such lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or surrounding fence.
    d) No water drained from swimming pools shall be discharged onto adjacent properties without written consent of the owner, or into a municipal sewerage system, or directly into a navigable body of water.
    e) Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
    f) Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than 10 feet to a lot

line.

g) There shall be an unobstructed areaway around all pools of at least 3 feet in width.

h) No private swimming pool shall be located closer than 10 feet to a lot line. No areaway surrounding a private swimming pool shall be located closer than 5 feet to a lot line.

i) No lighting installed around swimming pools shall throw any rays onto adjacent properties.

(B) Fences are a permitted accessory use in any district and shall comply with the following requirements:

1) Agricultural fences and conservancy fences are permitted up to the lot line and shall not exceed 4 feet in height in the street yard or 6 feet in height in the side yard or rear yard. All agricultural and conservancy fences erected in a street yard shall be "open fences," as defined in Sec. 17.02 of this chapter. Barbed wire and electric fences are permitted in the EA and A-1 Agricultural Districts, and the C-1 Conservancy District

2) Residential fences are permitted up to the lot line in the side and rear yards of residential districts, but shall not exceed a height of 6 feet, and shall not extend into the street yard. Residential fences may be "solid fences," as defined in Sec. 17.02 of this chapter. Residential fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.

3) Security fences or screening fences may be permitted upon the issuance of a conditional use permit in the EA and A-1 Agricultural Districts, and the R-1 Single-Family Residential District. Security fences in all other districts shall be subject to site plan review requirements. Security fences shall not exceed 10 feet in height except that the Plan Commission may permit higher security fencing for exotic animals. Security fences shall be "open fences," as defined in Sec. 17.02 of this chapter, when located in the street yard. Security fences may include up to 4 strands of barbed wire on the top of the fence provided that the barbed wire is at least 8 feet above grade with the vertical supports for the barbed wire slanting inward away from the property line. Security and screening fences shall comply with the traffic visibility requirements set forth in sec 17.17(1) of this chapter. Security fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.

(C) Antennas. The Town recognizes that the development of various antennas, including earth station dish antennas, and their increased use poses questions of regulation not often addressed in local zoning chapters In developing antenna regulations, the interest of the antenna owner in the use of the device must be balanced with the interest of adjoining property owners and the general public so as to protect the health and safety of all

citizens, as well as the aesthetic values embodied in this chapter. To this end, the following regulations are adopted. Accessory use antennas are subject to the following regulations:

1) Terrestrial antennas and earth station dish antennas may be located in the side yard or rear yard, or on the roof of the principal structure in all agricultural, residential, business, manufacturing, institutional, or park districts.
2) All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located, except as provided by Height Modifications in Sec. 17.20(1) of this chapter.
3) Ground-mounted earth station dish antennas shall not exceed 15 feet in height.
4) All terrestrial antennas shall be located not less than one foot from a lot line for each 3 feet of height above the surrounding grade
5) All earth station dish antennas shall be located not less than 5 feet from a side or rear lot line**.**
6) All antennas, including earth station dish antennas, shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.
7) All antennas, including earth station dish antennas, shall be filtered and/or shielded to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. If harmful interference is caused after its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
8) Not more than one terrestrial and one earth station dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
9) Earth station dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
10) No form of advertising or identification may be displayed on the dish or framework of any antenna other than the customary manufacturer's identification plates.
11) All antennas, and the construction supports and installation thereof, shall conform to applicable Building Code and Electrical Code regulations and requirements. Appropriate permits shall be issued by the Township. Prior to the issuance of a permit for a building-mounted earth station dish antenna, the applicant shall submit a plan or document prepared by a registered professional engineer who certifies that the proposed dish antenna installation is structurally sound to accommodate wind load, snow load, and dead load.
12) Portable or trailer-mounted antennas are not permitted except for temporary installation for on-site testing and demonstration purposes

for a period not to exceed two days at any one location.

13) The Township shall review and approve plans, including ground elevation, for location of all earth station dish antennas prior to the issuance of a permit.

14) In the event the property owner of a parcel of land located in any district determines and documents that the placement of an antenna in a side yard or rear yard would prevent its use for its intended purpose, the property owner may apply to the Board of Zoning Appeals for a variance to allow for the installation of the antenna in a street yard location. The procedure for issuing the variance shall follow the procedure set forth in Sec. 17.24 of this chapter.

15) Pursuant to Wis. Stat. §60.61(3c), the above-referenced accessory use regulations do not apply to earth station dish antenna with a diameter of 2 feet or less unless one of the following applies:
    a) The regulation has a reasonable and clearly defined aesthetic or public health or safety objective.
    b) The regulation does not impose an unreasonable limitation on, or prevent, the reception of satellite-delivered signals.
    c) The regulation does not impose costs on the user that exceed 10 percent of the purchase price and installation fee of the antenna and associated costs.

17.20 NONCONFORMING USES AND STRUCTURES.

(1) EXISTING NONCONFORMING USES. The lawful nonconforming use of land or water, whether conducted in a conforming or nonconforming structure, or on a conforming or nonconforming lot which existed at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter; however:

(A) Only that portion of the land or water in actual use may be so continued and the use may not be extended, enlarged substituted or moved; and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

(B) Discontinuance. If such nonconforming use is discontinued or terminated for a period of twelve months, any future use of the structure, land, or water shall conform to the provisions of this chapter.

(2) CHANGES AND SUBSTITUTIONS. Once a nonconforming use or structure has been changed to conform, it shall not revert to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

(3) CONFORMING STRUCTURES ON NONCONFORMING LOTS. The use of a structure existing at the time of the adoption or amendment of this chapter may be continued although the lot area or lot width does not conform to the requirements this chapter.

(A) Additions and enlargements to the structures are permitted and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter.

(B) Existing structures on nonconforming lots which are damaged or destroyed by fire, explosion, flood, or other calamity may be reconstructed and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter.

(C) Existing substandard structures may be moved and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter.

(4) NONCONFORMING STRUCTURES ON A CONFORMING OR NONCONFORMING LOT. The use of a structure existing at the time of the adoption of this chapter may be continued although the structure's size or location does not conform with the established building setback line along streets, or the yard, height, parking, loading, and/or access provisions of this chapter.

(A) Additions and enlargements to existing nonconforming structures are permitted and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this

chapter insofar as is practicable. Existing buildings and their additions shall not be permitted to encroach further upon established yard and height requirements than the existing encroachment.

(B) Existing nonconforming structures which are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, before March 2, 2006, to the extent of more than 50 percent of the current assessed value, may be reconstructed and, insofar as is practicable, shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter. Existing nonconforming structures which are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to the size, location, and use that they had immediately before the damage or destruction occurred, except that the size of the structure can be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

(C) Existing nonconforming structures may be moved and, insofar as is practical shall conform with the established building setback lines and the yard, height, parking, loading, and access provisions of this chapter.

(5) VACANT NONCONFORMING LOTS. The Township may issue a building permit for development of a lot which does not contain sufficient area to conform to the dimensional requirements of this chapter which may be used as a building site provided that the use is permitted in the zoning district in which it is located, provided that the lot is of record in the County Register of Deeds Office prior to the effective date of this chapter; and provided that the lot is in separate ownership from abutting lands. Nonconforming lots served by public sanitary sewer shall be at least 50 feet wide and 7,200 square feet in area. Nonconforming lots served by onsite sewage disposal systems shall be at least 100 feet wide and 30,000 square feet in area. Lots with smaller lot width or lot area dimensions shall not be developed unless a variance is granted by the Board of Zoning Appeals. Vacant nonconforming lots granted permits under this section shall be required to meet the setback and other yard requirements of this chapter**.**

17.21 ADMINISTRATION.

(1) PLAN COMMISSION. The Plan Commission shall have the duties of making reports and recommendations related to the planning and development of the Town to public officials, agencies, public utility companies, civic, educational, professional and other organizations, and citizens. The Plan Commission may employ staff and shall oversee the operation of the office of the Zoning Administrator. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

(2) PUBLIC INFORMATION. To the fullest extent possible, the Plan Commission and its staff shall make available to the public all reports and documents concerning the Town Land Use Plan and any component thereof. In addition:

(A) All available information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed.

(B) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the 100-year recurrence interval floodplain at appropriate locations within the floodplain.

(C) Where useful, wetland boundaries may be staked in the field and said boundaries may be identified on a plat of survey.

(D) Information regarding the location of floodlands and wetlands shall be provided to realtors, lenders, and the general public. All legal descriptions of property containing floodlands or wetlands should include information designating the floodland or wetland areas when property is transferred.

(E) The Plan Commission may set fees necessary to recover the costs of providing information to the public.

(3) ZONING ADMINISTRATOR DESIGNATED. There shall be a Town Zoning Administrator who shall perform as the administrative and enforcement officer for the provisions of this chapter. The duty of the Administrator shall be to interpret and administer this chapter and to issue, after on-site inspection, all permits required by this chapter. The Administrator, or his agent, shall further:

(A) Maintain records of all permits issued, inspections made, work approved, and other official actions.

(B) Inspect all structures, lands, and waters as often as necessary to assure compliance with this chapter.

(C) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises.

(D) Prosecute chapter violations.

(E) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance

with Wis. Stat. §66.0119.

(F) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.

(G) Request Assistance and cooperation from the Sheriff's Department and Town Attorney as deemed necessary.

(H) Attend meetings of the Plan Commission and the Board of Zoning Appeals.

(4) BUILDING PERMIT REQUIRED. No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit from the Building Inspector, as required by Chapter 14 of this Code.

(5) CERTIFICATE OF COMPLIANCE REQUIRED.

(A) No vacant land shall be occupied or used; no building or premises shall be erected, altered, or moved, or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until a certificate of compliance shall have been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this chapter. Such certificate shall be applied for at the time of occupancy of any land and/or building.

(B) No building located in a business or Manufacturing district and used for business or Manufacturing purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new certificate of compliance by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this chapter and of this Code, and the Uniform Dwelling Code, Electrical Code, Fire Prevention Code of the State**.** Such certificate for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for a certificate of compliance shall be made in the same manner as for a building permit pursuant to sub. (4) above.

(6) PERMIT FEES. All persons performing work which by this chapter requires the issuance of a permit shall pay a fee for such permit to the Town to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the building permit, occupancy permit, conditional use permit, sign permit, and land disturbing permit. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate and shall be on file in the Town Fee Schedule in the office of the Town Clerk

(7) VIOLATIONS. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case

of any violation, the Town Board, the Zoning Administrator, the Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this chapter.

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

(9) PENALTIES. Any person that fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than $50 nor more than $200 and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty days. Each day a violation exists or continues shall constitute a separate offense, except that in order for the defendant to be charged with a second offense it shall be a separate and distinct violation as opposed to a continuing daily violation on the same provision.

(10) OTHER PERMITS. It is the responsibility of the permit applicant to secure all other necessary permits required by any State, Federal, or County agency. This includes, but is not limited to, a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Act, a water use permit pursuant to Wis. Stat. §30, or a water quality impact review pursuant to Wis. Adm. Code NR 103.

(11) SITE PLAN AND ARCHITECTURAL REVIEW. For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure, without first obtaining the approval of the Zoning Administrator or Plan Commission of detailed site and architectural plans. The Zoning Administrator shall review the site plans, plans for existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, drainage, sewerage and water systems, and utilization of landscaping and open space as deemed appropriate for all development in the EA Agricultural Preservation District, the A-1 Agricultural/Open Space District, and the R-1 Single-Family Residential District. The Plan Commission shall review and approve the site plans, plans for existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, and utilization of landscaping and open space and the proposed operation for development in all districts except the EA Agricultural Preservation District, the A-1 Agricultural/Open Space District, and the R-1 Single-Family Residential District.

(12) PAYMENT OF TAXES. Prior to the review of any request for a rezone or conditional use permit under Chapter 17 of the Town Code the owner must

demonstrate to the satisfaction of the Town Board that any property taxes, special assessments, special charges, or other claims owned to the Town of Kewaskum and, if applicable, Washington County have been paid in full.

(13) SUSPENSION AND REVOCATION OF CONDITIONAL USE PERMITS. Except as otherwise specifically provided, any conditional use permit granted under Chapter 17 of the Town Code may be suspended or revoked by the Town Board for cause after giving the licensee or permittee an opportunity to be heard, as provided by law, if the licensee or permittee is determined to be delinquent in payment of any property taxes, special assessments, special charges, or other claims owned to the Town and, if applicable, Washington County.

17.22 PERFORMANCE STANDARDS.

(1) COMPLIANCE. This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, land, air, and waters shall hereafter, in addition to their use and site regulations, shall comply with the following performance standards.

(2) AIR POLLUTION. No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities to substantially contribute to exceeding State or Federal air pollution standards.

(3) FIRE AND EXPLOSIVE HAZARDS. All activities involving the manufacturing, utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing systems. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 50,000 gallons.

(4) GLARE AND HEAT. No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(5) WATER QUALITY PROTECTION. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall withdraw water or discharge any liquid or solid materials to exceed, or contribute toward the exceeding of, the minimum standards set forth in Wis. Adm. Code NR 102.

17.23 BOARD OF ZONING APPEALS.

(1) ESTABLISHMENT. There is established a Zoning Board of Zoning Appeals for the Town for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning chapter.

(2) MEMBERSHIP. The Board of Zoning Appeals shall consist of five members appointed by the Town Board Chairperson and confirmed by the Town Board.
- (A) Terms shall be for staggered three-year periods.
- (B) Chairperson shall be designated by the Town Board Chairperson.
- (C) An alternate member may be appointed by the Town Board Chairperson for a term of three years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- (D) Secretary shall be the Town Clerk.
- (E) Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.
- (F) Official oaths shall be taken by all members in accordance with Wis. Stat. §19.01 within ten days of receiving notice of their appointment.
- (G) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(3) ORGANIZATION. The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.
- (A) Meetings shall be held at the call of the Chairperson and shall be open to the public.
- (B) Minutes of the proceedings and a record of all actions shall be kept by the zoning secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- (C) The presence of three members shall constitute a quorum. The concurring vote of a majority of the Board present shall be necessary to correct an error; grant a variance; make an interpretation; and permit a substituted use.

(4) POWERS. The Board of Zoning Appeals shall have the following powers:
- (A) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, Building Inspector or any administrative or elected official.
- (B) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured.
- (C) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the Zoning Districts after the Plan Commission has made a review and recommendation.

(D) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
(E) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
(F) Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.
(G) Oaths. The Chairperson may administer oaths and compel the attendance of witnesses.

(5) APPEALS AND APPLICATIONS. Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the zoning secretary within thirty days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the zoning secretary. Such appeals and applications shall include the following:

(A) Name and address of the appellant or applicant and all abutting and opposite property owners of the record.
(B) Plat of survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all the information required under chapter 18, and chapter 14 if building permits are required.
(C) Additional information required by the Plan Commission, Town Engineer, Board of Zoning Appeals, or Zoning Administrator.

(6) HEARINGS. The Board of Zoning Appeals shall fix a reasonable time and place for the required public hearing and shall give notice. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

(7) FINDINGS. No variance to the provisions of this chapter shall be granted by the Board unless it finds upon a preponderance of evidence presented that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
(A) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
(B) Exceptional Circumstances. There shall be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot, structure, use, or intended use that does not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent a nature as to suggest that this chapter should be changed.

(C) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely based on economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

(D) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(E) Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(8) DECISION. The Board of Zoning Appeals shall decide all appeals and applications within thirty days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Plan Commission.

(A) Conditions may be placed upon any zoning permit ordered or authorized by this Board.

(B) Variances, substitutions, or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

(9) REVIEW BY COURT OF RECORD. Any person aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board of Zoning Appeals.

17.24 CHANGES AND AMENDMENTS.

(1) AUTHORITY. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

(2) INITIATION. A change or amendment may be initiated by the Town Board, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

(3) PETITIONS. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, describe the premises to be rezoned, or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

(A) Plot plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 500 feet of the area proposed to be rezoned.

(B) Additional information required by the Plan Commission or Town Board.

(4) RECOMMENDATIONS. The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board. In addition:

(A) Changes to the EA Agricultural Preservation District: See Sec. 17.06(6) of this chapter.

(B) The Plan Commission shall recommend changes which remove areas from the C-1 Lowland Conservancy Overlay District only after making finding that the rezoning will not result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season stream flow, the discharge of ground water from the wetland to another area, or the flow of ground water through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.

(5) HEARINGS. The Town Board shall hold a public hearing upon each recommendation and shall give notice as specified in Sec. 17.25 of this chapter.

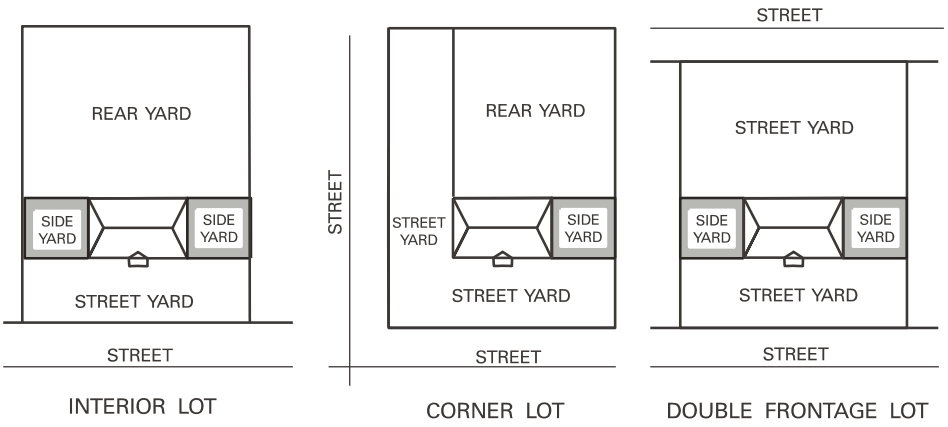
(6) TOWN BOARD ACTION. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

(7) PROTEST. In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by a unanimous vote of the Town Board.

17.25 PUBLIC HEARINGS. Notice of any public hearing which the Town Board, Plan Commission, or Board of Zoning Appeals is required to hold under the terms of this chapter shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once each week for two consecutive weeks and the hearing shall not be held until at least seven days following the last publication. The Town Board shall also give at least ten days' prior written notice to the clerk of any municipality within 1,000 feet of any land included in the petition and the owners of all land in the Town of Kewaskum lying within 500 feet of any included in the petition. Failure to give notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

17.26 ILLUSTRATIONS.

ILLUSTRATION NO. 1
LOCATION OF YARDS ON TYPICAL INTERIOR, CORNER, AND DOUBLE FRONTAGE LOTS



17.26 ILLUSTRATIONS

ILLUSTRATION NO. 2

VISION CLEARANCE TRIANGLE
(CROSS-SECTIONAL VIEW)

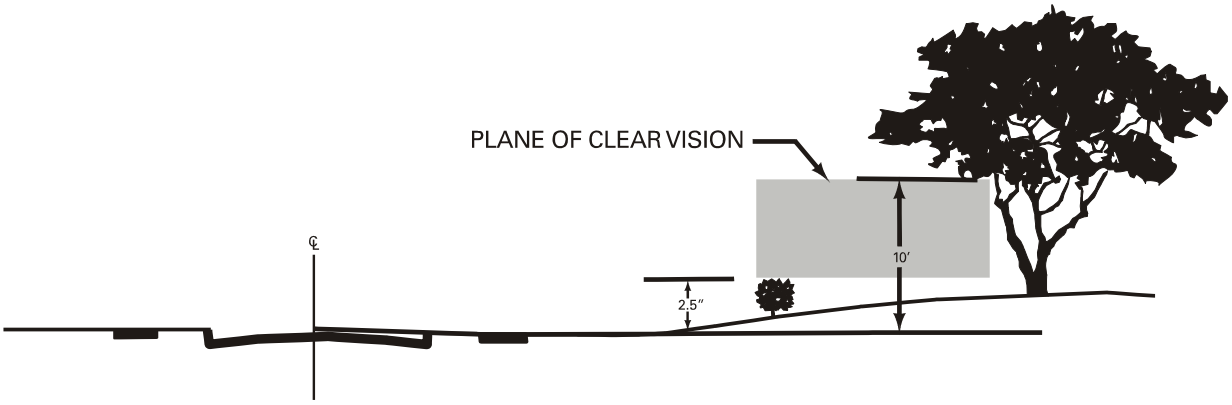


ILLUSTRATION NO. 3

VISION CLEARANCE TRIANGLE
(PLAN VIEW)

TWO ROADS INTERSECTING

