

# **ZONING ORDINANCE**

## **CHAPTER 350 OF THE TOWN OF ADDISON GENERAL CODE OF ORDINANCES**

### **TOWN OF ADDISON WASHINGTON COUNTY, WISCONSIN**

Adopted May 21, 1998  
Includes amendments adopted through March 31, 2016

**NOTE: The Town of Addison Zoning Ordinance may be amended by the Addison Town Board at any time. Please contact the Town Clerk or Zoning Administrator to verify zoning regulations in effect on your property.**

Assistance Provided by:  
Southeastern Wisconsin Regional Planning Commission

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Supervisors .....Ron Hefter  
Don Heesen  
Gary Karnitz  
Dan Wolf

**Plan Commission**

Chairman.....Robert Bingen  
Members .....Lisa Anderson  
Steven Fieweger  
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Gary Karnitz  
Frank Novotny  
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Town Clerk ..... Ellen Wolf

Town Zoning Administrator ..... Jill Fieweger

Town Building Inspector ..... Gordon C. Hoffmann

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# TOWN OF ADDISON, WASHINGTON COUNTY, WISCONSIN

## ZONING ORDINANCE

### SECTION 1.00 INTRODUCTION

#### **1.01 AUTHORITY**

These regulations are adopted under the authority granted by Sections 60.22(3), 60.62, 61.35, and 62.23(7) of the Wisconsin Statutes. The Town Board of the Town of Addison do ordain as follows:

#### **1.02 PURPOSE**

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Addison, Wisconsin.

#### **1.03 INTENT**

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and waters; and to:

- A. Regulate Lot Coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.
- B. Regulate Population Density and Distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services and utilities.
- C. Regulate Parking, Loading and Access so as to lessen congestion in and promote the safety and efficiency of streets and highways.
- D. Secure Safety from fire, pollution, contamination and other hazards.
- E. Stabilize and Protect existing and potential property values.
- F. Preserve and Protect the beauty of the Town of Addison.
- G. Prevent and Control Erosion, sedimentation, and other pollution of the surface and subsurface waters.
- H. Further the Maintenance of safe and healthful water conditions.
- I. Provide for and Protect a variety of suitable commercial and industrial sites.
- J. Protect the traffic-carrying capacity of existing and proposed arterial streets and highways.
- K. Implement the Town comprehensive plan and plan components adopted by the Town of Addison.
- L. Provide for the administration and enforcement of this Ordinance and provide penalties for the violation of this Ordinance.

**1.04 ABROGATION AND GREATER RESTRICTIONS**

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

**1.05 INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance 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 of Addison.

**1.06 SEVERABILITY**

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

**1.07 REPEAL**

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

**1.08 TITLE**

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, TOWN OF ADDISON, WASHINGTON COUNTY, WISCONSIN."

**1.09 EFFECTIVE DATE**

This Ordinance and amendments thereto shall be effective after a public hearing, adoption by ordinance by the Town Board, and posting or publication as required by law.



## **SECTION 2.00 GENERAL PROVISIONS**

### **2.01 JURISDICTION**

The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the unincorporated limits of the Town of Addison.

### **2.02 COMPLIANCE**

No structure, land, water, or air shall hereafter be used or developed (as "development" is defined in Section 13.02 of this Ordinance), 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.

### **2.03 MUNICIPALITIES AND STATE AGENCIES REGULATED**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.2022 of the Statutes applies.

### **2.04 USE RESTRICTIONS**

The following use restrictions and regulations shall apply:

- A. Principal Uses: Only those principal uses specified for a district, their essential services, and the listed 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 Ordinance.
- C. Conditional Uses and their accessory uses are considered special uses requiring review, public hearing, and approval by the Town Plan Commission in accordance with Section 9.07 of this Ordinance.
- D. Gas and Electric Utility Uses which have been issued a Certificate of Public Convenience and Necessity pursuant to Section 196.491(3) of the Wisconsin Statutes

are exempt from the requirements of this Ordinance, and shall not be required to obtain a Zoning Permit or Certificate of Compliance.

- E. Unclassified or Unspecified Uses may be permitted by the Town Plan Commission upon the issuance of a conditional use permit provided that such uses are found to be similar in character 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 (1) year by the Town Plan Commission. Temporary use permits may be renewed if the Plan Commission deems such renewal appropriate. Additional temporary uses are set forth in Section 9.09.G of this Ordinance and may be permitted as conditional uses as set forth in Section 9.07 of this Ordinance.

## **2.05 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 Town Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Town Plan Commission may affirm, modify, or withdraw the determination of unsuitability. In addition:

- A. 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 a private onsite wastewater treatment system (POWTS) designed in accordance with the Wisconsin Administrative Code and the Washington County Sanitary Ordinance, and a private water supply system (well) in compliance with Chapter NR 812 of the Wisconsin Administrative Code and the County Sanitary Ordinance.
- B. All Lots shall abut upon a public street, and each lot shall have a minimum frontage at the road right-of-way of 66 feet.
- C. 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 and two-family residential districts. The Plan Commission may permit more than one principal 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.

- D. 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 from which the required dedication has not been secured.
- E. 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 a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- F. 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 (2) adjacent lots along a lot line is to be greater at any point than two (2) feet, this difference in levels shall be sloped toward or away from the lot line at a gradient of one (1) foot vertical to two (2) feet horizontal, and as soon as practical must be covered adequately with top soil 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 two (2) feet, and not involving an area in excess of 4,000 square feet shall be subject to the aforesaid requirements.
  2. If a difference in grade between two (2) adjacent lots along a lot line is to be greater at any point than two (2) feet, the following procedure shall be followed:
    - a. No slope to be covered with sod, grass seed, or other natural plant material may exceed a gradient of one (1) foot vertical to two (2) feet horizontal.
    - b. A slope protected by rip-rap construction may not exceed a gradient of one (1) foot vertical to one (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 four (4) feet in height. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of two (2) feet from the previous step.
    - d. Unless the work described above is within the scope and subject to a permit issued under the Town Erosion Control and Stormwater Management Ordinance, 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 (1) foot prepared by a professional engineer or professional 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, rip-rap, 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 professional engineer shall certify that the wall will not collapse.
  - (4) The Zoning Administrator may transmit the applicant's plans to the Town Engineer for review and comment, and if so submitted, the permit shall be issued only after receipt of the Engineer's written report. The cost of the Engineer's review shall be borne by the permit applicant.
  - (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, recreational, or residential district without the proper review and approval of an application for such removal or accumulation by the Town 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.
- G. 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 25 feet in width, in addition to normally required side and rear yard requirements, 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 (2) 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 four (4) feet nor more than six (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.

H. Inoperable Motor Vehicles and Other Materials. No person, firm, or corporation shall park, store, leave, or permit the parking or storage of inoperable motor vehicles or parts thereof or accumulated materials, such as refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, discarded construction debris, or other materials or unsightly debris of any kind which are in an abandoned, wrecked, dismantled, partially dismantled, rusted, or inoperative condition or which are not currently registered or licensed to the owner or occupant or a family member of the owner of property within the Town in violation of Chapter 277, "Property Maintenance," of the Town General Code of Ordinances.

I. Maintenance of Drainage Ways. No building, fill material, or other development may be placed in or adversely affect the channels of any river, stream, drainage way, or tributary thereto.

## **2.06 FLOODPLAIN, SHORELAND, AND SHORELAND-WETLAND REGULATIONS**

In addition to any other applicable use, site, or sanitary restrictions and regulations, any use on land containing floodplain, shoreland, or shoreland-wetland, as defined in Section 13.00 of this Ordinance, shall comply with the requirements of the Washington County Shoreland/Wetland and Floodplain Zoning Ordinance. County shoreland and floodplain regulations address, but are not limited to, minimum lot area and width requirements; minimum building setback requirements from shorelines (ordinary high water mark of navigable waters); limitations on the type of structures allowed within shorelands; limitations on clearing vegetation within 35 feet of shorelines; and restrictions on extensive filling, grading, lagooning, dredging, ditching, and excavating in shorelands. The boundaries of floodplains, shorelands, shoreland-wetlands, and other wetlands are shown on the Washington County Shoreland and Floodplain zoning maps. If there is a conflict between the Town and County regulations, the more restrictive regulation shall apply.

**2.07 REDUCTION OR JOINT USE**

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

## **SECTION 3.00 ZONING DISTRICTS**

### **3.01 ESTABLISHMENT**

- A. For the purpose of this Ordinance, the Town of Addison is hereby divided into the following 14 basic zoning districts and two (2) overlay districts:
1. A-1 Agricultural District
  2. R-1 Agricultural-Rural Residential District
  3. R-2 Single-Family Residential District (Unsewered)
  4. R-3 Single-Family Residential District (Sewered)
  5. R-4 Two-Family Residential District (Sewered)
  6. R-5 Multi-Family Residential District (Sewered)
  7. B-1 Allenton Central Business District
  8. B-2 General Business District
  9. B-3 Mixed Use Business District
  10. M-1 Manufacturing District
  11. Q-1 Quarrying and Non-Metallic Mining District
  12. L-1 Landfill District
  13. P-1 Institutional District
  14. P-2 Park District
  15. UC Upland Conservancy Overlay District
  16. PUD Planned Unit Development Overlay District
- B. Boundaries of These Districts are hereby established as shown on the Map entitled "Zoning Map, Town of Addison, Washington County, Wisconsin," which accompanies and is part of this Ordinance. All notations and references shown on the zoning map are as much a part of this Ordinance as though specifically described herein. This Ordinance hereby incorporates any future changes or any later zoning maps or rezonings that may be adopted by ordinance of the Town Board.
- C. The District Boundaries in all districts, except the UC Upland Conservancy Overlay District, shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerlines 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 UC Upland Conservancy Overlay District follow the boundaries of important woodlands, steep slopes, natural areas and critical species habitat sites,

scenic vistas and viewpoints, and other elements of the natural resource base which are identified as environmental corridors or isolated natural resource areas on the Town comprehensive plan. The Plan Commission or Zoning Administrator may require that precise delineations of the boundaries of environmental corridors and isolated natural resource areas be made by field investigation as part of the application for development of a parcel containing such corridors or areas. Those portions of environmental corridors and isolated natural resource areas outside wetlands, surface waters, or riparian buffers may be considered for rezoning to the UC Overlay District at the time the application is reviewed by the Town.

- 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.

### **3.02 ZONING MAP**

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Town Chairman 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.

### **3.03 A-1 AGRICULTURAL DISTRICT**

The A-1 Agricultural District is intended to maintain, enhance, and preserve agricultural lands historically utilized for crop production and the raising of livestock. The district is further intent upon preventing the premature conversion of agricultural land to scattered residential, commercial, and industrial uses.

#### **A. Principal Uses**

1. Apiculture (beekeeping).
2. Dairy farming on parcels or contiguous parcels under common ownership of 35 acres or larger.
3. Essential services.
4. Floriculture (cultivation of ornamental flowering plants).
5. Livestock raising, grazing, or pasturing on parcels or contiguous parcels under common ownership of 35 acres or larger.
6. Orchards.
7. Plant nurseries.
8. Poultry raising and egg production on parcels or contiguous parcels under common ownership of 35 acres or larger.
9. Raising of farm animals, not to exceed 300 animals.
10. Raising of grain, grass, mint, and seed crops.
11. Raising of tree fruits, nuts, and berries.



12. Sod farming.
13. Vegetable raising.
14. Viticulture (grape growing).
15. General farm buildings including barns, silos, sheds, and storage bins.
16. One (1) single-family farm dwelling with a garage to be occupied by the farm operator.
17. Parcels of land less than 35 acres in area existing on January 1, 1997; and parcels with existing dwellings not accessory to any farm operation or dwellings remaining after the consolidation of farms provided that such dwellings are located on a lot not less than 40,000 square feet in area having a lot width of not less than 125 feet.
18. Keeping and raising of domestic stock for agribusiness, breeding, recreation, or show on parcels less than 35 acres with a minimum area of five (5) acres in accordance with the following:
  - a. No more than one (1) livestock or farm animal over six (6) months of age shall be kept for each one and one-half (1.5) acres; or
  - b. No more than five (5) poultry, over two (2) months of age, shall be kept for each one and one-half (1.5) acres; or
  - c. No more than eight (8) rabbits or hare, over two (2) months of age, shall be kept for each one and one-half (1.5) acres.
  - d. Combinations of the above shall be apportioned to the total acreage and the Zoning Administrator shall determine the total number of animals allowed.

B. Accessory Uses

1. Garages or carports.
2. Home occupations in accordance with Section 7.04.E.
3. Dish antennas located in the side or rear yard or mounted on a roof.
4. One (1) roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in floor area.
5. Forest and game management.
6. Solar collectors mounted on an existing principal or accessory structure.

C. Conditional Uses

1. Accessory apartments provided that:
  - a. The principal dwelling has a minimum living area of 1,200 square feet, excluding the accessory dwelling unit.
  - b. The principal dwelling unit is owner occupied.
  - c. There may be only one (1) accessory apartment per principal dwelling unit.

- d. The accessory apartment shall have a minimum living area of 600 square feet and no more than one bedroom.
  - e. The accessory apartment shall be occupied by a person related to the owner of the principal dwelling unit by blood, marriage, or adoption; or by an employee of the principal farm operator.
2. Additional single-family residential dwellings for a child or parent of the farm operator. The need for more than one single-family dwelling to support and carry on a permitted principal or conditional use must be established to the satisfaction of the Town of Addison Plan Commission before the issuance of a conditional use permit. If approved, a second farm dwelling shall be placed on a parcel separated from the farm parcel and shall be a minimum of one and one-half (1.5) acres in area and have a minimum lot width of 150 feet. The location of each parcel shall be determined by the Town.
  3. Agricultural warehousing, provided that such use is determined to be consistent with agricultural use.
  4. Airports, airstrips, and landing fields provided that such facilities shall be governmentally owned and operated, or used for farm related operations such as crop dusting, provided that such use is determined to be consistent with agricultural use.
  5. Auction halls, provided that:
    - a. The building to be used shall conform to all applicable Building and Sanitary Code requirements.
    - b. Adjacent onsite parking, as determined by the Plan Commission, shall be identified on an approved site plan.
    - c. Auctions shall be on an occasional basis.
    - d. Such use is clearly incidental to the principal farm use.
  6. Bed and breakfast establishments in accordance with Section 9.09.A.
  7. Boat and recreation vehicle storage when the storage is in a completely enclosed structure which is at least 10 years old, provided the use is clearly incidental to a principal farm use.
  8. Boarding stables provided that confined housing of horses shall be located not closer than 100 feet to a residential district boundary or a navigable body of water.
  9. Commercial raising, propagation, or butchering of farm animals in excess of 300 animals.
  10. Commercial raising, propagation, or butchering of fur-bearing animals, such as mink, rabbits, and foxes.
  11. Conversion of existing single-family dwellings to two-family dwellings provided that:
    - a. The existing dwelling must be located on a parcel at least three (3) acres in area and 250 feet in width.

- b. The existing dwelling was built prior to January 1, 1986 and is structurally sound.
  - c. At least one dwelling unit must be owner-occupied.
  - d. Each dwelling unit shall be a minimum of 800 square feet, and the total square footage of both dwelling units shall be a minimum of 2,000 square feet, excluding both finished and unfinished basement areas.
  - e. No expansion of the existing structure shall be permitted.
  - f. A garage, shed, or other enclosed storage area must be provided for use by the residents of the additional unit.
  - g. All setback and height requirements must be met.
  - h. Adequate off-street parking must be provided for each dwelling.
  - i. Onsite water supply and sewage treatment facilities meeting the requirements of the Washington County Sanitary Code must be provided if public sewage collection and public water are not available to the dwellings.
- 12. Earth sheltered structures in accordance with Section 9.09.C.
  - 13. Home industry, which is similar to a home occupation and shall generally be limited by the standards for home occupations set forth in Section 7.04.E. The Town Plan Commission may, however, permit the conduct of a home industry in an accessory building. The Plan Commission may further permit the assembly and manufacturing of a small-scale piece work or the use of non-household appliances and tools when it is deemed not to be disruptive to the neighborhood.
  - 14. Housing for farm laborers, and for seasonal and migratory farm workers, provided that such use is determined to be consistent with agricultural use.
  - 15. In-Law unit in accordance with Section 9.09.D.
  - 16. Lot averaging to allow residential lots on a small portion of an agricultural parent parcel, or contiguous parcels under the same ownership, while retaining the majority of the parent parcel for continued agricultural use and without increasing the permitted density in the A-1 district of one home per 35 acres, provided that:
    - a. When using lot averaging, the area of a lot intended for residential use may be reduced below the 35 acre minimum, provided the area by which it is reduced is added to a lot intended to remain in agricultural use. The area of a lot intended for residential development may be reduced to no less than 1.5 acres and no more than 2.5 acres, with a minimum lot width of 150 feet.
    - b. New lots must be created by certified survey map or subdivision plat.
    - c. All residential lots must have frontage on a public road and at least one of the contiguous parcels intended to remain in agricultural use must have frontage on a public road.

- d. All lots capable of being further divided shall be restricted against further division by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Board and recorded in the office of the Washington County Register of Deeds. Parent parcels intended for continued agricultural use shall not be developed for non-agricultural uses unless the parcel is rezoned by a supermajority vote of the Town Board (four (4) of the five (5) Town Board members in favor), and the deed restriction or conservation easement is removed.
- e. Lots shall be laid out in such a way as to retain the maximum amount feasible of productive agricultural soils on the parent parcel. Residential lots must be clustered in a small contiguous area unless the Plan Commission permits lots to be scattered to better preserve productive agricultural soils. Productive agricultural soils are non-wooded areas with soils identified by the U.S. Natural Resources Conservation Service as having an agricultural capability class rating of I, II, III, or IV. The Town will place a higher priority on preserving farmlands in the higher-value capability classes (I and II).
- f. One single family dwelling may be constructed on each residential lot, provided the following requirements are met:
  - (1) Dwellings must comply with the building height and area requirements of Section 3.03.E.3 and the yard requirements of Section 3.03.F.
  - (2) Residential lots shall be located at least 350 feet from manure storage facilities, at least 100 feet from animal structures with fewer than 1,000 animal units; and at least 200 feet from animal structures with 1,000 or more animal units.
  - (3) Onsite water supply and private onsite wastewater treatment systems (POWTS) meeting the requirements of the Washington County Sanitary Code must be provided if public sewage collection and public water are not available to the dwelling.
- 17. Operation of motorized off-road vehicles in accordance with Section 9.09.E.
- 18. Outdoor furnace or boiler in accordance with Section 9.09.F.
- 19. Separating a farm dwelling which existed in 1986 from the remaining farm operating unit at the time of a consolidation of operating farms, provided at least 1.5 acres of land are kept with such dwelling.
- 20. Solar energy conversion systems in accordance with Section 9.08.B.
- 21. Temporary uses in accordance with Section 9.08.C.
- 22. Utilities provided all principal structures and uses are not less than 50 feet from any residential district lot line and provided that such use is determined to be consistent with agricultural use.

23. Veterinary services provided that all principal uses and structures are located not less than 200 feet from a residential district and provided that such use is determined to be consistent with agricultural use.
24. Wind energy conversion systems in accordance with Section 9.08.D.
25. Wireless communication facilities in accordance with Section 9.08.E.

D. Parcel Area and Width

Farm structures hereafter erected, moved, or structurally altered and related farm activities shall provide a contiguous area of not less than 35 acres and no farm shall be less than 600 feet in width.

E. Building Height and Area

1. No farm building or part of farm buildings shall exceed 100 feet in height.
2. No farm dwelling or part of a farm dwelling shall exceed 35 feet in height.
3. The total minimum floor area of a farm dwelling or other residential dwelling shall be 1,000 square feet for a one-story dwelling and 1,200 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 800 square feet. The Plan Commission may approve smaller size dwelling units for accessory apartments created in accordance with Section 3.03.C.1, or for single-family dwellings converted to two-family dwellings in accordance with Section 3.03.C.11.

F. Yards for Structures other than Animal Structures

1. A minimum street yard (setback) of 40 feet from the road right-of-way shall be required.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.
3. There shall be a side yard on each side of all structures not less than 25 feet in width.
4. There shall be a rear yard of not less than 50 feet.

G. Yards for Animal Structures

1. Animal structures with fewer than 1,000 animal units shall be set back a minimum of 100 feet from property lines and public road rights-of-way.
2. Animal structures with 1,000 or more animal units shall be set back a minimum of 200 feet from property lines and 150 feet from public road rights-of-way.
3. Manure storage facilities shall be set back a minimum of 350 feet from property lines and public road rights-of-way.

4. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.

### **3.04 R-1 AGRICULTURAL-RURAL RESIDENTIAL DISTRICT**

The R-1 Agricultural-Rural Residential District is intended to provide for, maintain, preserve, and enhance the rural environment of the Town of Addison. The district is intended to permit agricultural activities 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 lots.

#### **A. Principal Uses**

1. One single-family dwelling with a garage.
2. Apiculture (beekeeping).
3. Contract sorting, grading, and packaging of fruits and vegetables.
4. Corn shelling, hay baling, and threshing services.
5. Essential services.
6. Floriculture (cultivation of ornamental flowering plants).
7. General farm buildings including barns, silos, sheds, and storage bins.
8. Grazing or pasturing.
9. Grist milling services.
10. Horticultural service.
11. Keeping and raising of livestock or farm animals for agribusiness, breeding, recreation or show on parcels five (5) acres or larger. Keeping of animals shall be limited as follows on parcels which are between 5 and 35 acres in area:
  - a. No more than one (1) livestock over six (6) months of age shall be kept for each one and one-half (1.5) acres; or
  - b. No more than five (5) poultry, over two (2) months of age, shall be kept for each one and one-half (1.5) acres; or
  - c. No more than eight (8) rabbits or hare, over two (2) months of age, shall be kept for each one and one-half (1.5) acres.
  - d. The keeping and raising of hogs or fur-bearing animals, except rabbits, is prohibited.
  - e. The keeping and raising of livestock and poultry is prohibited in platted subdivisions.
  - f. Combinations of the above shall be apportioned to the total acreage and the Zoning Administrator shall determine the total number of animals allowed.
12. Orchards.

13. Parcels of land less than five (5) acres in area existing on January 1, 1997 provided that such parcels, or parcels together with dwellings, are located on a lot not less than 40,000 square feet in area having a lot width of not less than 125 feet.
14. Plant nurseries.
15. Raising of grain, grass, mint, and seed crops.
16. Raising of tree fruits, nuts, and berries.
17. Sod farming.
18. Vegetable raising.
19. Viticulture (grape growing).

B. Accessory Uses

1. Garages and carports.
2. Home occupations in accordance with Section 7.04.E.
3. Dish antennas located in the side or rear yard or mounted on a roof.
4. Forest and game management.
5. One (1) roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in area.
6. Solar collectors mounted on an existing principal or accessory structure.

C. Conditional Uses

1. Agricultural warehousing.
2. Airports, airstrips, and landing fields (including private landing fields), provided the site is not less than 20 acres in area.
3. Animal hospitals, kennels and veterinary services provided that no structure or animal enclosure shall be located closer than 100 feet to a property boundary.
4. Bed and breakfast establishments in accordance with Section 9.09.A.
5. Boarding stables provided that confined housing of horses shall be located not closer than 100 feet to a R-2, R-3, R-4, or R-5 district boundary or a navigable body of water.
6. Boat and recreation vehicle storage when the storage is in a completely enclosed structure which is at least 10 years old and provided that the use is clearly incidental to a principal farm use.
7. Clustered residential developments in accordance with the requirements of Section 9.09.B.
8. Commercial propagation, raising, fattening, or butchering of livestock in excess of 100 animals; the commercial production of eggs; the hatching, raising, fattening, or butchering of poultry in excess of 500 birds; and the commercial raising, propagation, or boarding of horses, mink, rabbits, foxes, goats, pigs, and other animals not listed in this paragraph.

9. Earth sheltered structures in accordance with Section 9.09.C.
10. Home Industry, which is similar to a home occupation and shall generally be limited by the standards for home occupations set forth in Section 7.04.E. The Town Plan Commission may, however, permit the conduct of a home industry in an accessory building on a parcel having a minimum of five (5) acres. The Plan Commission may further permit the assembly and manufacturing of a small-scale piece work or the use of non-household appliances and tools when it is deemed not to be disruptive to the neighborhood.
11. Housing for farm laborers and for seasonal and migratory farm workers.
12. In-Law unit in accordance with Section 9.09.D.
13. Operation of motorized off-road vehicles in accordance with Section 9.09.E.
14. Outdoor furnace or boiler in accordance with Section 9.09.F.
15. Solar energy conversion systems in accordance with Section 9.08.B.
16. Temporary uses in accordance with Section 9.08.C.
17. Utilities provided all principal structures and uses are not less than 50 feet from any residential district lot line.
18. Wind energy conversion systems in accordance with Section 9.08.D.
19. Wireless communication facilities in accordance with Section 9.08.E.

D. Parcel Area and Width

1. Parcels shall have a minimum area of five (5) acres and shall be not less than 300 feet in width.
2. The Town Plan Commission may require a clustered residential development in compliance with Section 9.09.B in lieu of paragraph (1) above.

E. Building Height and Area

1. No farm building or farm related building shall exceed 100 feet in height.
2. No farm dwelling or other residential dwelling shall exceed 35 feet in height.
3. The total minimum floor area of a farm dwelling or other residential dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 800 square feet.

F. Yards

1. A minimum street yard (setback) of 40 feet from the road right-of-way shall be required.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.



3. There shall be a side yard on each side of all structures not less than 25 feet in width.
4. There shall be a rear yard of not less than 50 feet.

**3.05 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT (UNSEWERED)**

The R-2 Residential District is intended to provide for single-family development, in existing platted subdivisions, expansion of existing platted subdivisions, or lands determined by the Town to be suitable for such use, at densities not to exceed 0.92 dwelling units per acre, served by private onsite wastewater treatment systems and private wells.

A. Principal Uses

1. Single-family dwellings with a garage.
2. The following Care and Service Residential Facilities, subject to the licensing and other requirements in the Wisconsin Statutes:
  - a. Adult family homes.
  - b. Community living arrangements which have a capacity for eight (8) or fewer persons.
  - c. Foster family homes.
3. Family child care homes.
4. Essential services.

B. Accessory Uses

1. Private garages and carports.
2. Gardening, tool and storage sheds incidental to the residential use.
3. Home occupations in accordance with Section 7.04.E.
4. Dish antennas located in the side or rear yard or mounted on a roof.
5. Solar collectors mounted on an existing principal or accessory structure provided the Plan Commission determines that the collector does not detract from the appearance of the structure.

C. Conditional Uses

1. Community living arrangements which have a capacity for nine (9) or more persons, subject to the licensing and other requirements in the Wisconsin Statutes.
2. Earth sheltered structures in accordance with Section 9.09.C.
3. In-Law unit in accordance with Section 9.09.D.
4. Operation of motorized off-road vehicles in accordance with Section 9.09.E.
5. Outdoor furnace or boiler in accordance with Section 9.09.F.

6. Solar energy conversion systems in accordance with Section 9.08.B.
7. Temporary uses in accordance with Section 9.08.C.
8. Utilities provided all principal structures and uses are not less than 50 feet from any residential district lot line.
9. Wind energy conversion systems in accordance with Section 9.08.D.
10. Wireless communication facilities in accordance with Section 9.08.E.

D. Lot Area and Width

Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width.

E. Building Height and Area

1. No building or parts of a principal building shall exceed 35 feet in height.
2. The total minimum floor area of a dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.

F. Yards

1. A minimum street yard (setback) of 40 feet from the road right-of-way shall be required.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.
3. There shall be a side yard on each side of all principal structures not less than 10 feet in width.
4. There shall be a rear yard of not less than 25 feet.

**3.06 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT (SEWERED)**

The R-3 Residential District is intended to provide for single-family development, at densities not to exceed 3.6 dwelling units per acre, served by municipal sanitary sewerage and water systems.

A. Principal Uses

1. Single-family dwellings with a garage.
2. The following Care and Service Residential Facilities, subject to the licensing and other requirements in the Wisconsin Statutes:
  - a. Adult family homes.
  - b. Community living arrangements which have a capacity for eight (8) or fewer persons.

- c. Foster family homes.
3. Family child care homes.
4. Essential services.

B. Accessory Uses

1. Private garages and carports.
2. Gardening, tool and storage sheds incidental to the residential use.
3. Home occupations in accordance with Section 7.04.E.
4. Dish antennas located in the side or rear yard or mounted on a roof.
5. Solar collectors mounted on an existing principal or accessory structure provided the Plan Commission determines that the collector does not detract from the appearance of the structure.

C. Conditional Uses

1. Community living arrangements which have a capacity for nine (9) or more persons, subject to the licensing and other requirements in the Wisconsin Statutes.
2. Earth sheltered structures in accordance with Section 9.09.C.
3. In-law unit in accordance with Section 9.09.D.
4. Nursing homes, assisted living facilities, clinics, and commercial child care centers provided that all principal structures and uses are not less than 50 feet from any lot line.
5. Solar energy conversion systems in accordance with Section 9.08.B.
6. Temporary uses in accordance with Section 9.08.C.
7. Utilities provided all principal structures and uses are not less than 50 feet from any residential district lot line.
8. Wind energy conversion systems in accordance with Section 9.08.D.
9. Wireless communication facilities in accordance with Section 9.08.E.

D. Lot Area and Width

Lots shall have a minimum area of 12,000 square feet and shall be not less than 80 feet in width. Corner lots shall provide a minimum lot width of not less than 90 feet.

E. Building Height and Area

1. No building or parts of a principal building shall exceed 35 feet in height.
2. The total minimum floor area of a dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.

F. Yards

1. A minimum street yard (setback) of 25 feet from the road right-of-way shall be required.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.
3. There shall be a side yard on each side of all principal structures not less than 10 feet in width.
4. There shall be a rear yard of not less than 25 feet.

### **3.07 R-4 TWO-FAMILY RESIDENTIAL DISTRICT (SEWERED)**

The R-4 Residential District is intended to provide for two-family development at densities not to exceed 5.8 dwelling units per acre, served by municipal sanitary sewerage and water systems.

#### **A. Principal Uses**

1. Two-family dwellings with garages.
2. The following Care and Service Residential Facilities, subject to the licensing and other requirements in the Wisconsin Statutes:
  - a. Adult family homes.
  - b. Community living arrangements which have a capacity for eight (8) or fewer persons.
  - c. Foster family homes.
3. Family child care homes.
4. Essential services.

#### **B. Accessory Uses**

1. Private garages and carports.
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Home occupations in accordance with Section 7.04.E.
4. Dish antennas located in the side or rear yard or mounted on a roof.
5. Solar collectors mounted on an existing principal or accessory structure provided the Plan Commission determines that the collector does not detract from the appearance of the structure.

#### **C. Conditional Uses**

1. Community living arrangements which have a capacity for nine (9) or more persons, subject to the licensing and other requirements in the Wisconsin Statutes.

2. Nursing homes, assisted living facilities, clinics, and commercial child care centers provided that all principal structures and uses are not less than 50 feet from any lot line.
3. Solar energy conversion systems in accordance with Section 9.08.B.
4. Temporary uses in accordance with Section 9.08.C.
5. Utilities provided all principal structures and uses are not less than 50 feet from any residential district lot line.
6. Wind energy conversion systems in accordance with Section 9.08.D.
7. Wireless communication facilities in accordance with Section 9.08.E.

D. Lot Area and Width

Lots shall have a minimum area of 15,000 square feet and shall be not less than 100 feet in width. Corner lots shall provide a minimum lot width of not less than 110 feet.

E. Building Height and Area

1. No building or parts of a building shall exceed 35 feet in height.
2. The total minimum floor area of a dwelling shall be 1,000 square feet per unit with a minimum first floor area per structure of 1,000 square feet.

F. Yards

1. A minimum street yard (setback) of 25 feet from the road right-of-way shall be required.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.
3. There shall be a side yard on each side of all principal structures not less than 10 feet in width.
4. There shall be a rear yard of not less than 25 feet.

**3.08 R-5 MULTI-FAMILY RESIDENTIAL DISTRICT**

The R-5 Residential District is intended to provide for multi-family development at densities not to exceed 10.9 dwelling units per acre, served by municipal sanitary sewerage and water systems.

A. Principal Uses

None; all uses are conditional uses.

B. Conditional Uses

1. Multi-family dwellings.

2. The following Care and Service Residential Facilities, subject to the licensing and other requirements in the Wisconsin Statutes:
  - a. Adult family homes.
  - b. Community living arrangements.
  - c. Foster family homes.
3. Family child care homes.
4. Essential services.
5. Private garages and carports accessory to a residential use.
6. Gardening, tool, and storage sheds accessory to a residential use.
7. Home occupations in accordance with Section 7.04.E.
8. Dish antennas located in the side or rear yard or mounted on a roof.
9. Housing for the elderly provided that the density of such housing shall not exceed 14 units per net acre; and provided that there shall be a minimum living area of 500 square feet for a one-bedroom dwelling unit and a minimum living area of 750 square feet for a two-bedroom or larger dwelling unit.
10. Nursing homes, assisted living facilities, clinics, and commercial child care centers provided that all principal structures and uses are not less than 50 feet from any lot line.
11. Solar energy conversion systems in accordance with Section 9.08.B.
12. Temporary uses in accordance with Section 9.08.C.
13. Utilities provided all principal structures and uses are not less than 50 feet from any residential district lot line.
14. Wind energy conversion systems in accordance with Section 9.08.D.
15. Wireless communication facilities in accordance with Section 9.08.E.

C. Lot Area and Width

Lots shall have a total minimum area of 15,000 square feet and provide not less than 4,000 square feet per dwelling unit. Lots shall be not less than 100 feet in width. Corner lots shall provide a minimum lot width of not less than 110 feet.

D. Building Height and Area

1. No building or parts of a building shall exceed 35 feet in height.
2. The total minimum floor area of a principal structure shall be 2,000 square feet with a minimum floor area of 650 square feet for an efficiency or one-bedroom unit and 900 square feet for a two-bedroom or larger unit.

E. Yards

1. A minimum street yard (setback) of 25 feet from the road right-of-way shall be required.

2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.
3. There shall be a side yard on each side of all principal structures not less than 25 feet in width.
4. There shall be a rear yard of not less than 25 feet.

### **3.09 B-1 ALLENTON CENTRAL BUSINESS DISTRICT**

The B-1 Allenton Central Business District is intended to provide for appropriate regulations to ensure the compatibility of the diverse uses typical of the Allenton "downtown" area without inhibiting the potential for development of commercial, residential, cultural, entertainment, and other urban activities which contribute to its role as the "heart" of the Town. Specified business and existing residential uses are principal uses. Conversion of existing residential uses to business use or the conversion of existing business uses to residential use may be allowed by the Plan Commission as a conditional use.

#### **A. Plans and Specifications to be Submitted to Town Plan Commission**

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 by the Town Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

#### **B. Principal Uses**

1. Bakeries, delicatessens, candy, and ice cream stores.
2. Banks, savings and loan associations, and other financial institutions, except drive-in banks.
3. Barber and beauty shops.
4. Business offices.
5. Cocktail lounges and taverns.
6. Commercial child care facilities.
7. Electronic equipment sales, service, and repair.
8. Existing residential uses.
9. Florists.
10. Funeral homes.
11. Hotels and motels.
12. Insurance sales offices.
13. Janitorial services.
14. Lodges and clubs.
15. Mail services.
16. Medical and dental clinics.
17. Paint, glass, and wallpaper stores.

18. Parking lots and structures.
19. Pet grooming, not including boarding.
20. Photography and art studios.
21. Physical fitness centers.
22. Professional offices.
23. Publishing houses.
24. Radio and television broadcast studios without transmitting or receiving towers.
25. Real estate sales offices.
26. Restaurants, except drive-in restaurants.
27. Retail stores not exceeding 20,000 square feet of primary floor area.
28. Self-service laundry and dry-cleaning establishments.
29. Small animal clinic, not including boarding.
30. Tailor or dressmaking shops.
31. Theaters.
32. Travel agency.
33. Similar uses as determined by the Zoning Administrator.

C. Accessory Uses

1. Accessory garages used for storage of vehicles used in conjunction with the operation of a business or for occupants of the premises.
2. Off-street parking and loading areas.
3. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business. If the residential quarters are located on the ground floor, they shall not face a public street.
4. Rental apartments located on a non-ground level provided that there shall be a minimum floor area of 500 square feet for a one-bedroom apartment and 750 square feet for a two-bedroom or larger apartment. Apartments on the ground floor are permitted provided they shall not face a public street.
5. Roof mounted solar collectors.
6. Dish antennas located in the side or rear yard or mounted on a roof.

D. Conditional Uses

1. Automobile, truck, or recreational vehicle sales and service.
2. Commercial recreation facilities, such as arcades, bowling alleys, clubs, driving ranges, miniature golf facilities, pool and billiard halls, indoor racetracks, indoor rifle ranges, and skating rinks.
3. Conversion of an existing business use or a building used for business purposes to residential use.
4. Conversion of an existing residential use or a building used for residential purposes to business use.



5. Drive-in and drive-through facilities.
6. Gasoline service stations provided that all gas pumps are set back at least 25 feet from a road right-of-way and are not closer than 40 feet to a side lot line.
7. Government structures, such as fire and police stations.
8. Multi-family residential with apartments on the ground floor, provided that there shall be a minimum floor area of 500 square feet for a one-bedroom apartment and 750 square feet for a two-bedroom or larger apartment.
9. Outdoor display of retail merchandise.
10. Parks and playgrounds.
11. Public passenger transportation terminals, such as bus and rail depots, and heliports, but not including airports, airstrips, and landing fields. Any such use shall be located not less than 100 feet from any residential district boundary.
12. Schools, libraries, museums, and places of worship.
13. Solar energy conversion systems in accordance with Section 9.08.B and if accessory to a principal use.
14. Temporary uses in accordance with Section 9.08.C.
15. Utility substations, municipal wells, pumping stations, and water towers provided that the use is not less than 50 feet from any lot line.
16. Wind energy conversion systems in accordance with Section 9.08.D.
17. Wireless communication facilities in accordance with Section 9.08.E.

E. Lot Area and Width

Lots in the B-1 district shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required yards.

F. Building Height

No building or parts of a building shall exceed 35 feet in height.

G. Yards

1. No minimum street yard (setback) shall be required.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.
3. No minimum side yard shall be required, except where a side yard is provided, it shall be a minimum of 10 feet in width. Businesses abutting more restrictive districts provide the side and rear yards required in Section 2.05.E of this Ordinance.
4. There shall be a rear yard of not less than 25 feet.

### 3.10 B-2 GENERAL BUSINESS DISTRICT

The B-2 General Business District is intended to provide for the orderly and attractive grouping at appropriate locations of businesses offering a wide range of retail products and services. The character, appearance, and operation of general business areas should be compatible with surrounding uses.

A. Plans and Specifications to be Submitted to Town Plan Commission

To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-2 General Business District shall not be issued without review and approval by the Town Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

B. Principal Uses

1. All principal uses in the B-1 zoning district, with the exception of residential uses.
2. Retail stores of any size.
3. Similar uses as determined by the Zoning Administrator.

C. Accessory Uses

1. Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
2. Off-street parking and loading areas.
3. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
4. Dish antennas located in the side or rear yard or mounted on a roof.
5. Roof mounted solar collectors.

D. Conditional Uses

1. Automobile, truck, or recreational vehicle sales and service.
2. Commercial recreation facilities, such as arcades, bowling alleys, clubs, driving ranges, miniature golf facilities, pool and billiard halls, indoor racetracks, indoor rifle ranges, and skating rinks.
3. Construction services including general building contractors, carpentry, wood flooring, concrete services, masonry, stone work, tile setting, plastering services, roofing services, siding and gutter services, sheet metal services, and water drilling services.
4. Drive-in and drive-through facilities.

5. Gasoline service stations provided that all gas pumps are set back at least 25 feet from the road right-of-way and are not closer than 40 feet to a side lot line.
6. Fireworks sales facilities in a permanent structure.
7. Fuel oil, bottled gas, LP gas and ice dealers.
8. Government structures, such as fire and police stations.
9. Limited metal products fabrication and distribution
10. Lumber yards, millwork, saw mills, and planing mills.
11. One single-family dwelling provided such dwelling is located in the rear or side yard and meets the setbacks set forth in 3.07.F.
12. Outdoor display of retail merchandise.
13. Operation of motorized off-road vehicles in accordance with Section 9.09.E.
14. Outdoor furnace or boiler in accordance with Section 9.09.F.
15. Public passenger transportation terminals, such as bus and rail depots, and heliports, but not including airports, airstrips, and landing fields. Any such use shall be located not less than 100 feet from any residential district boundary.
16. Radio and television transmitting and receiving towers and broadcast studios.
17. 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.
18. Sign and other advertising display manufacturing and sales.
19. Solar energy conversion systems in accordance with Section 9.08.B.
20. Temporary uses in accordance with Section 9.08.C.
21. Utility substations, municipal wells, pumping stations, and water towers provided that the use is not less than 50 feet from any lot line.
22. Wind energy conversion systems in accordance with Section 9.08.D.
23. Wireless communication facilities in accordance with Section 9.08.E.

E. Lot Area and Width

1. Shopping centers shall contain a minimum area of four (4) acres and shall be not less than 300 feet in width.
2. Individual business sites in the B-2 General Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no minimum required site width.

F. Building Height

No building or parts of a building shall exceed 35 feet in height.

G. Yards

1. A minimum street yard (setback) of 40 feet from the road right-of-way shall be required.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.
3. There shall be a side yard on each side of all structures not less than 25 feet in width.
4. There shall be a rear yard of not less than 50 feet.

### **3.11 B-3 MIXED USE BUSINESS DISTRICT**

The B-3 Mixed-Use Business District is intended to accommodate a mix of retail, service, office, and light industrial uses, including areas for the establishment of new businesses and industries that may require smaller-size buildings and parcels for business start-ups. Because of the wide variety of uses allowed in the B-3 district, all uses are conditional and subject to a determination by the Plan Commission that a proposed use will be compatible with surrounding uses. The Plan Commission will also review site plans for all proposed uses in the B-3 district as part of the conditional use approval process. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

#### **A. Principal Uses**

None. All uses are conditional.

#### **B. Conditional and Accessory Uses**

1. Assembly, processing, manufacturing, or storage of the principal uses listed in Section 3.12.B.1, provided all manufacturing is conducted in an enclosed building.
2. Automobile, truck, or recreational vehicle sales and service.
3. Banks, savings and loan associations, and other financial institutions, including drive-through banks.
4. Business incubators.
5. Business offices.
6. Commercial child care facilities.
7. Commercial greenhouses.
8. Commercial recreation facilities, such as arcades, bowling alleys, clubs, driving ranges, miniature golf facilities, pool and billiard halls, indoor racetracks, indoor rifle ranges, and skating rinks.
9. Construction services including general building contractors, carpentry, wood flooring, concrete services, masonry, stone work, tile setting, plastering services, roofing services, siding and gutter services, sheet metal services, and water drilling services.
10. Electronic equipment sales, service, and repair.

11. Food locker plants.
12. Fuel oil, bottled and LP gas, and ice dealers.
13. Gasoline service stations provided that all gas pumps are set back at least 25 feet from the road right-of-way and are not closer than 40 feet to a side lot line.
14. Government structures, such as fire and police stations.
15. Lumber yards, millwork, saw mills, and planing mills.
16. Janitorial services.
17. Laboratories.
18. Machine shops.
19. Mail services.
20. Medical and dental clinics.
21. Non-flammable gases and liquids storage.
22. Operation of motorized off-road vehicles in accordance with Section 9.09.E.
23. Outdoor furnace or boiler in accordance with Section 9.09.F.
24. Physical fitness centers.
25. Printing, publishing, binding, and related uses.
26. Professional offices.
27. Public passenger transportation terminals, such as bus and rail depots, and heliports, but not including airports, airstrips, and landing fields. Any such use shall be located not less than 100 feet from any residential district boundary.
28. Radio and television transmitting and receiving towers and broadcast studios.
29. Restaurants, including drive-through restaurants.
30. Retail stores of any size.
31. 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.
32. Solar energy conversion systems in accordance with Section 9.08.B.
33. Temporary uses in accordance with Section 9.08.C.
34. Utility substations, municipal wells, pumping stations, and water towers provided that the use is not less than 50 feet from any lot line.
35. Warehousing.
36. Wholesaling.
37. Wind energy conversion systems in accordance with Section 9.08.D.
38. Wireless communication facilities in accordance with Section 9.08.E.
39. Any other use which the Town Plan Commission finds will be similar in nature, operation, and function to other conditional uses allowed within the district.
40. The following uses accessory to an approved conditional use:
  - a. Accessory garages used for storage of vehicles used in conjunction with the operation of a business.
  - b. Accessory storage of materials or goods.

- c. Off-street parking and loading areas.
- d. Roof mounted solar collectors.
- e. Dish antennas located in the side or rear yard or mounted on a roof.

C. Lot Area and Width

Lots shall have a minimum area of 40,000 square feet and shall be not less than 150 feet in width.

D. Building Height

No building or parts of a building shall exceed 45 feet in height.

E. Yards

- 1. A minimum street yard (setback) of 40 feet from the road right-of-way shall be required.
- 2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.
- 3. There shall be a side yard on each side of all structures not less than 25 feet in width.
- 4. There shall be a rear yard of not less than 50 feet.

**3.12 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.

A. Plans and Specifications to be Submitted to Plan Commission

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 by the Town Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

B. Principal Uses

- 1. Assembly, processing, manufacturing, and/or storage of the following:
  - a. Apparel and accessories.
  - b. Automobiles, boats, and aircraft.
  - c. Automotive upholstery and automotive accessories.
  - d. Brooms and brushes.

- e. Computers and computer components.
- f. Construction, mining, and materials handling machinery and equipment.
- g. Cutlery, hand tools, and general hardware.
- h. Dental, medical, mortician, optical, and surgical equipment and supplies.
- i. Electrical transmission and distribution equipment.
- j. Electrometallurgical products.
- k. Electronic and electrical components, appliances, equipment, and supplies.
- l. Electrotyping and stereotyping.
- m. Engines and turbines.
- n. Engineering, laboratory, scientific, and research instruments and related equipment.
- o. Farm machinery and equipment.
- p. Fine earthenware, table, and kitchen articles.
- q. Floor coverings limited to rugs and carpeting.
- r. Food processing and manufacturing, except cabbage, fish, meat, offal, and seafood processing and the production of fats, grease, oils, vinegar, or yeast.
- s. Footwear.
- t. Glass and glass containers.
- u. Heating apparatus and plumbing fixtures.
- v. Household furniture and furnishings.
- w. Ice.
- x. Jewelry, costume jewelry, buttons, and miscellaneous findings and notions.
- y. Leather fabrication, not including tanning.
- z. Luggage, handbags, and other personal leather goods.
- aa. Manufacturing and bottling of non-alcoholic beverages.
- bb. Mechanical measuring and control instruments.
- cc. Metal and wire products.
- dd. Motorcycles and bicycles.
- ee. Musical instruments and parts.
- ff. Nonhazardous chemicals.
- gg. Office and artist supplies.
- hh. Office and store fixtures and furniture.
- ii. Packaging and assembly of products made from fur.
- jj. Paper products; paper coating and glazing.
- kk. Pharmaceuticals.
- ll. Photoengraving instruments and apparatus.
- mm. Photographic equipment and supplies.
- nn. Pressed and molded pulp goods.

- oo. Screw machine products, such as bolts, nuts, screws, rivets, and washers.
  - pp. Signs and other advertising displays.
  - qq. Signaling and fire control equipment.
  - rr. Small arms ammunition.
  - ss. Textile products, including dyeing and finishing.
  - tt. Tire cord and fabric.
  - uu. Toys, amusement, sporting and athletic goods.
  - vv. Wallpaper.
  - ww. Watches, clocks, clockwork operated devices and parts.
  - xx. Wool scouring, worsted combing, and towing to top.
2. Automotive body and engine repair.
  3. Cleaning, dressing, and dyeing.
  4. Coating, engraving, and allied services.
  5. Commercial greenhouses.
  6. Food locker plants.
  7. Laboratories.
  8. Machine shops.
  9. Non-flammable gases and liquids storage, not to exceed 50,000 gallons.
  10. Printing, publishing, binding, and related uses.
  11. 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.
  12. Warehousing.
  13. Wholesaling.
  14. Any other use which the Town Plan Commission finds will be similar in nature, operation, and function to principal uses allowed within the district.

C. Accessory Uses

1. Off-street parking and loading areas.
2. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
3. Dish antennas located in the side or rear yard or mounted on a roof.
4. Roof mounted solar collectors.

D. Conditional Uses

1. Animal reduction facilities, slaughter houses, stockyards, and tanneries.
2. Asphalt batch plants and concrete ready-mix plants.
3. Composting sites and related operations, such as wood shaving or brush collection.
4. Concrete product production, such as concrete blocks.



5. Factory outlets that sell products made by a principal industrial use, provided that the sales facility is incidental to a manufacturing use.
6. Forges and foundries.
7. Government structures, such as fire and police stations.
8. Incinerators, salvage yards and sewage disposal plants, provided that such uses are located not less than 500 feet from any residential district boundary.
9. Lumber yards and building supply yards.
10. Manufacturing or processing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, pyroxylin, and radium.
11. Operation of motorized off-road vehicles in accordance with Section 9.09.E.
12. Outdoor furnace or boiler in accordance with Section 9.09.F.
13. Processing of cabbage, fish, meat, offal, or seafood, or production of fats, grease, oils, vinegar, or yeast.
14. Public passenger transportation terminals, such as bus and rail depots, and heliports, but not including airports, airstrips, and landing fields. Any such use shall be located not less than 100 feet from any residential district boundary.
15. Radio and television transmitting and receiving towers and broadcast studios.
16. Recycling centers and/or transfer stations.
17. Solar energy conversion systems in accordance with Section 9.08.B.
18. Storage of animal feed, bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grain, grease, and radioactive materials.
19. Transportation terminals, truck terminals, and freight forwarding services.
20. Temporary uses in accordance with Section 9.08.C.
21. Utility substations, municipal wells, pumping stations, and water towers provided that the use is not less than 50 feet from any lot line.
22. Wind energy conversion systems in accordance with Section 9.08.D.
23. Wireless communication facilities in accordance with Section 9.08.E.

E. Lot Area and Width

Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width.

F. Building Height

No principal building or parts of a principal building shall exceed 45 feet in height.

G. Yards

1. A minimum street yard (setback) of 40 feet from the road right-of-way shall be required.

2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required, unless a lesser setback is approved by Washington County.
3. There shall be a side yard on each side of all structures not less than 25 feet in width.
4. There shall be a rear yard of not less than 50 feet.

H. First Amendment Protected Adult-Oriented Establishments

1. Findings of Fact
  - a. The Board finds that Adult-Oriented Establishments, as defined and otherwise regulated by the Town in its Adult-Oriented Licensing and Regulation Ordinance, require special zoning in order to protect and preserve the health, safety, and welfare of the Town.
  - b. Based upon its review of studies conducted in Phoenix AZ, Garden Grove CA, Los Angeles CA, Whittier CA, Indianapolis IN, Minneapolis MN, St. Paul MN, Cleveland OH, Oklahoma City OK, Amarillo TX, Austin TX, Beaumont TX, Houston TX, Seattle WA, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Coleman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), the Board finds that there is convincing evidence that the secondary effects of Adult-Oriented Establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.
  - c. The Board intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; and preserve the property values and character of surrounding neighborhoods and areas.
  - d. It is not the intent of the Board to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of Adult-Oriented Establishments while providing an outlet for First Amendment protected activities.
  - e. In order to minimize and control the secondary effects of Adult-Oriented Establishments upon the Town, it is the intent of the Board to prevent the concentration of Adult-Oriented Establishments within a certain distance of each other and within a certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of Adult-Oriented Establishments.

f. Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the Board finds that a geographic separation of Adult-Oriented Establishments from alcohol beverage licensed premises is warranted.

2. Location of First Amendment Protected Adult-Oriented Establishments

a. The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult-Oriented Establishments, as defined and otherwise regulated by the Town, are entitled to certain protections, including the opportunity to locate in the Town.

b. Therefore, if an Adult-Oriented Establishment License has been granted by the Town, and if all the requirements of this Section are met, an Adult-Oriented Establishment shall be an allowed use in the M-1 Manufacturing zoning district and shall be a prohibited use in any other zoning district. No other requirements of the Zoning Code need be satisfied, but for those required in order to obtain an Adult-Oriented Entertainment License from the Town.

c. Adult- Oriented Establishments shall be located at least 1,000 feet from:

(1) Any residential district line, playground lot line, or public park lot line.

(2) Any structure used as a residence, place of religious worship, public or private school, or Youth Facility as defined in the Town's Adult-Oriented Establishment Licensing and Regulation Ordinance.

(3) Any other structure housing an Adult-Oriented Establishment.

(4) Any structure housing an establishment which holds an alcohol beverage license.

d. Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the Adult-Oriented Establishment to the above residential district boundary lines, to the lot line of any lot used for a park, playground, or the lot line of any structure listed in c (2), (3), or (4) above.

e. The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.

- f. For Adult-Oriented Establishments located in conjunction with other buildings and clearly separate from other establishments such as in a shopping center, measurements shall be taken from the boundaries of the space occupied by the Adult-Oriented Establishment.
- g. For any Adult-Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult-Oriented Establishment (excluding emergency exits).
- h. A licensed Adult-Oriented Establishment is not disqualified from holding an Adult-Oriented Establishment License by the location subsequent to the grant or renewal of its license of any of the establishments described in 2.c above, within 1,000 feet of the licensed premises. This provision applies only to the renewal of an existing license and does not apply when an application for a license is submitted after a license for that location has not been renewed or has been revoked.

### **3.13 Q-1 QUARRYING AND NON-METALLIC MINING DISTRICT**

The Q-1 Quarrying and Non-Metallic Mining District is intended to provide for the conduct of quarries limited to extraction of onsite materials, to provide for related operations, and for the proper restoration of the quarried areas. These regulations provide for the reclamation of the quarried areas in accordance with Chapter NR 135 of the Wisconsin Administrative Code. These regulations provide for the reclamation of quarries and extractive areas in a manner that will not deteriorate the natural environment. These regulations are intended to be utilized in existing and planned quarry and extractive use areas.

#### **A. Principal Uses**

- 1. None. Specified conditional and accessory uses may be permitted.

#### **B. Conditional Uses**

- 1. Aggregate, ready-mix, and asphalt plants when accessory to active quarrying operations.
- 2. Crushing and processing of minerals indigenous to the site.
- 3. Manufacture of cement, concrete building blocks, and other similar concrete products when accessory to quarrying operations.
- 4. Peat and soil removal.
- 5. Quarrying or other nonmetallic mining operations, including clay and gravel extraction, and blasting accessory to quarrying operations.
- 6. Sand, gravel, stone, and rock stockpiles when accessory to quarrying operations.

7. Temporary uses in accordance with Section 9.08.C.
8. Washing, refining, or processing of rock, slate, gravel, sand, and minerals.
9. Wind energy conversion systems in accordance with Section 9.08.D.
10. Wireless communication facilities in accordance with Section 9.08.E.
11. The following uses accessory to an approved conditional use:
  - a. Garages for storage of vehicles.
  - b. Ground-mounted and building-mounted dish and other antennas.
  - c. Maintenance buildings.
  - d. Off-street parking and loading areas provided that they are properly screened.
  - e. Offices, storage, power supply, and other uses normally auxiliary to an approved conditional use.
  - f. Outdoor furnace or boiler in accordance with Section 9.09.F.
  - g. Solar energy conversion systems in accordance with Section 9.08.B.
  - h. Weighing scales.

C. Application For Quarrying/Non-Metallic Mining

An application for quarrying and other nonmetallic mining shall include:

1. The name, address, telephone number of the operator, and the name, address, and telephone number of the owner of the site, if the operator is not the owner.
2. A copy of the operator's deed to the site, contract to purchase the site, or lease authorizing the operator to conduct quarry or other nonmetallic mining operations on the site. The expiration date of any lease shall be clearly indicated thereon.
3. A legal description of the proposed quarry or other nonmetallic mining site and the total number of acres involved.
4. A list of all other quarry or nonmetallic mining permits or licenses held by the operator, including the name, address, and telephone number of each permitting or licensing entity.
5. A general location map of the site.
6. Survey required. Five (5) copies of a survey, drawn to a scale of no less than one inch equals 200 feet, which shall include the following:
  - a. The boundaries of the quarry or other nonmetallic mining site.
  - b. Topography of the site and all lands within 200 feet thereof, at intervals no larger than two (2) feet.
  - c. Location and names of all streams, lakes, ponds, roads, railroads, utility lines, and pipelines on or immediately adjacent to the site.
  - d. Location of all structures.
  - e. Boundaries and elevations of previous excavations on the site.

- f. Location and description of mining site boundary stakes and a permanent reference point.
7. Zoning of the site and of all properties within 500 feet of the boundaries of the site.
8. Photographs (8" x 10") of the site and its surroundings, including photographs of all potentially sensitive or important aspects of the site or neighboring properties, and, if available, an aerial photograph of the site and its surroundings (usually available from the Southeastern Wisconsin Regional Planning Commission).
9. An operations plan, in which all horizontal and vertical measurements are referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and other materials describing and explaining in detail the nature of the operations, the methods and procedures to be used in mining the site and in processing and otherwise dealing with the mined materials, the methods and procedures to be used in eliminating or minimizing adverse impacts or effects of the proposed operations, and a proposed timetable for completion of the operations and of the various stages of the operations, and which shall contain, without limitation, the following:
  - a. Type and total volume of desirable material to be extracted, and the estimated annual volume to be extracted, identifying the assumptions on which such estimate is based; and the type and volume of waste material to be stripped or extracted.
  - b. Type of mining, processing, and transportation equipment to be used.
  - c. Timetable for the commencement, and to the extent practical, duration, and cessation of the mining operations and, if seasonal operations are intended, the months during which operations will be conducted.
  - d. Anticipated hours and days of operation, specifying differences between various aspects of the operations, if applicable.
  - e. Market area to be served by the operation.
  - f. Means of transporting mined materials from the site and the primary travel routes to be used.
  - g. Whether haul trucks will be owned by the operator or others.
  - h. Boring descriptions to the total depth of the proposed operation, describing each formation in terms of thickness and other relevant characteristics. Sufficient borings shall be conducted to describe the type and quality of material to be extracted, to calculate the amount of desirable material to be mined and the amount of waste material to be disposed of, and to demonstrate that an adequate supply of desirable material is located at the site to justify the adverse impacts of the operation. Borings shall be referenced to a permanent reference point.

- i. A detailed description and explanation of all methods used to control and monitor noise.
- j. A detailed description and explanation of all methods used to control and monitor dust and mud tracking.
- k. A detailed description and explanation of all methods used to control and monitor ground vibrations.
- l. A detailed description and explanation of all methods used to control and monitor airblast.
- m. A detailed description and explanation of how the operator proposes to screen the operations from surrounding properties, streets and highways, including, without limitation, detailed plans for any proposed berming or landscaping.
- n. A detailed description and explanation of how water will be collected, treated, and disposed of on the site, and of all methods used to avoid or control water pollution or sedimentation and to monitor the results of such controls.
- o. A detailed description and explanation of how overburden and other waste materials will be stored, disposed of, or used.
- p. Observed or estimated depth to groundwater, together with a description of the location(s) and date(s) of any observations and the basis for any estimates.
- q. A detailed description and explanation of how the operator will avoid a drawdown of groundwater that will affect nearby wells and of all methods used to monitor the effects of the operation on the groundwater table.
- r. A detailed statement of the following:
  - 1. The beneficial aspects of the proposed operation.
  - 2. The potential adverse impacts of the operation on humans residing or working in the vicinity of the operation which cannot be totally eliminated by proposed control measures.
  - 3. The potential adverse environmental impacts of the operation which cannot be totally avoided by proposed control measures.
  - 4. The potential adverse economic impacts of the operation on neighboring property owners and the Town which cannot be totally avoided by the proposed control measures.
- s. A detailed, step-by-step description and explanation of all aspects of the operations.
- t. A detailed site plan, drawn to scale, showing the boundaries of the site, the proposed boundary of the area to be mined, the proposed location of permanent mining area markers, the final elevation of the area to be mined, and the locations and dimensions of proposed

berms, haul roads, crushing, washing or other processing facilities, conveyors, stockpiles, loading areas, scales or other scale facilities, circulation routes and parking, offices, explosives storage facilities, and all other structures or specific operations areas.

- u. With respect to any proposed blasting operations, a detailed description and explanation of the proposed blasting methodology, including, without limitation, drilling procedure (and how burden and depth of holes are measured), benching, the initiation system, type and sequencing of delays, the explosives used and a full description of a typical proposed production shot, including the height of the face, number of holes, size of holes, burden, spacing, and maximum pounds of explosives per delay.
- v. If explosives are to be used in the operation, a detailed plan for the storage, handling, and use of such explosives. Any such proposed procedures shall comply with all Federal, State, and local regulations.
- w. Map or diagram and narrative describing in detail the sequential stages of mining (including any shifts in the location of activities or facilities) or, if no stages are planned, a detailed description of how the operator plans to proceed with the mining operation. The map or diagram shall show the location of all phase boundary stakes.
- x. A detailed plan showing and describing in detail erosion control measures to be used during and in connection with each aspect of the operation. Such plan shall describe, without limitation, how disturbed surfaces such as stripped areas, haul roads, berms, waste piles, stored topsoil and stockpiles will be dealt with to prevent erosion, sedimentation, fugitive dust and pollution of surface and groundwater, and how the operator proposes to minimize the area of erodible surfaces exposed at any one time. In addition to any permit requirements, temporary stabilization measures may be ordered by the Plan Commission or its designee to correct situations which are resulting in or are likely to result in erosion, sedimentation, fugitive dust or water pollution that is detrimental to adjoining properties or to the public health, safety, and welfare. Such temporary stabilization measures may include, without limitation, silt fencing, bale check dams, sod strips, riprap, hard surfacing with concrete or blacktop, slope reduction, seeding or sodding, erosion mat placement, mulching, and settling basin construction.
- y. A plan describing and explaining in detail the handling of all water on the site, including, without limitation, the following:
  - 1. Existing and proposed drainage on the site, showing contours at two-foot intervals.



2. The location and dimensions of all settling, retention or detention ponds, together with calculations demonstrating that such ponds are of adequate design to eliminate downstream sedimentation, erosion, or water pollution.
  3. The estimated volume of water to be pumped out of the operations area, together with the assumptions, observations, and calculations on which such estimate is based.
- z. A scale map of survey delineating all bodies of navigable water, all floodplains, all shorelands and shoreland-wetland zoning areas, all other wetlands, and all primary environmental corridor areas on the site.
  - aa. A detailed map or diagram and description of the location, type, height, and installation of proposed fencing.
  - bb. If customers of the operator will pick up product at the site, a detailed description of how the operator will deal with haul trucks that arrive at the site before the site is open in the morning.
  - cc. A detailed description of any highway modifications or improvements that are required or desirable to accommodate the anticipated truck traffic, including, for example, acceleration or turning lanes, traffic signals or reinforced pavement, the estimated cost of such improvements, and of any other required modifications of public infrastructure, and whether the operator proposes to pay for such modifications.
  - dd. A detailed traffic study demonstrating that the anticipated truck traffic can be safely accommodated on the proposed routes of travel.
  - ee. A detailed description and explanation of the methods by which the operator proposes to determine whether the operation has damaged or diminished the value of nearby properties, including, for example, periodic evaluation of structures, wells, and market value, and whether the operator is willing to reimburse persons for such losses.
  - ff. If there are active wells within 1,000 feet of the quarry site, a hydrogeological study to determine whether and to what extent the operation is likely to draw down the groundwater table to an extent that wells will or may be impaired.
  - gg. A listing of all Federal, State, or local permits or approvals which are required in connection with any aspect of the proposed operation.
  - hh. A detailed description of all structures or areas of archeological or historic interest on the site, and a detailed explanation of how the operation will affect such structures or areas.
  - ii. A detailed description of, explanation of the function of, and architectural renderings of all proposed structures.
  - jj. Any other information or materials required to demonstrate that the proposed operation will result in no significant loss, harm or damage

to neighboring property owners, to the Town or to the public health, safety, and welfare, nor any serious risk of any such loss, harm or damage.

10. A reclamation plan, in which all horizontal and vertical measurements shall be referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and other materials describing and explaining in detail the proposed reclamation of the site, the methods and procedures to be used for reclamation and a timetable for completion of various stages of the reclamation, and which shall contain, without limitation, the following:
  - a. A detailed description of the topsoil stripping and separation process, the location of topsoil storage, and the methods of stabilization and conservation that will be used during storage.
  - b. A detailed reclamation site plan and description of the site when fully reclaimed, showing topography at two-foot intervals, drainage patterns, landscaping, structures, any water impoundments or lakes, and the proposed end use(s). To the extent that restoration will take place in stages, or incrementally, provide such site plan and description for each appropriate stage.
  - c. The estimated elevation of the water's surface in any lake or impoundment, referenced to a permanent reference point, and a detailed explanation for the basis of such estimate.
  - d. Detailed landscaping plans, showing the location, species and size of trees, shrubs and other vegetation to be planted or seeded, and the approximate time frame of such planting or seeding.
  - e. Detailed cross-section diagrams, drawn to scale, showing at appropriate illustrative locations (which should be indicated on the reclamation site plan(s)) the reclaimed topographic features, including, without limitation, elevations, slopes, high wall reductions, benching, terracing, and other stabilization and utilitarian features.
  - f. Detailed topsoil application, seeding and/or sodding plan, describing the location, methods and thickness of topsoil application, seed types, seeding rates, and mulching netting and/or other techniques used to accomplish soil and slope stabilization.
  - g. Detailed plan for the disposal of all structures, roads, and other facilities not incorporated into the final reclamation plan.
  - h. Estimated cost of reclamation, by phase, with accompanying supportive estimates and calculations, and the proposed form of any security documents.
  - i. A detailed description of how potentially dangerous conditions will be rendered safe and useful, e.g., by reducing sheer high walls to

provide for access to the water, shallow areas suitable for swimming and fish propagation, climb-out areas, etc.

- j. To the extent practicable, a timetable for the commencement, duration, and cessation of reclamation activities, by stage.
  - k. Any other information or materials required to demonstrate that the proposed reclamation will result in a safe, useful, and aesthetically pleasing site.
11. **Additional Information.** The Plan Commission and its designees may require the submittal of such additional information or materials as may be necessary or desirable to determine the nature and extent of the operations, the potential adverse impacts of such operations on neighboring property owners and the Town in general, the appropriate methods to eliminate or mitigate potential adverse impacts and the appropriateness and effectiveness of the proposed reclamation.
12. **Waiver of Application Requirements.** The Plan Commission may waive any specified information required to be submitted with the application for a permit, if it is satisfied that such information is not relevant or is unnecessary to a full and effective evaluation of the proposed operation and reclamation, or if the cost of producing certain information is unreasonable in comparison to the usefulness of the information in the evaluation process. The Zoning Administrator may preliminarily waive any application requirements on the same grounds, but such a preliminary waiver may be reversed by the Plan Commission. In determining whether to waive application requirements, the Plan Commission shall take into account, without limitation, the nature and extent of the proposed operations, the surrounding existing and anticipated land uses, and whether and to what extent the operation pre-existed the effective date of this Section. It shall be the obligation of the applicant to request in writing any such waiver. Such request shall set forth the justification for such waiver.

D. Public Hearing for Nonmetallic Mining

Notwithstanding the public hearing requirements of Section 12.00 of this Ordinance, the Plan Commission shall schedule a public hearing on the application. The hearing shall be scheduled not earlier than 60 days nor more than 90 days after receipt of the application to provide time for the staff to review the application, but the Plan Commission, for good cause shown, may order a modification of this requirement. Notice of the public hearing shall be published as class 2 notice in a newspaper of general circulation within the Town. In addition, notice of the public hearing shall be mailed to the operator, the owner of the site, and to the last known address of all owners of real property located within 300 feet of the boundaries of the site. This requirement of actual notice to persons other than the operator is precatory, and the failure to mail or receive such notice shall not invalidate any action taken by the Plan Commission. At the hearing, the Plan Commission shall hear and receive information

or recommendations presented by the Commission staff and/or its consultants, information presented by the applicant or the applicant's authorized agents and consultants, and information presented by members of the public. If the Plan Commission determines that additional time or information is required, the public hearing may be continued from time to time at the direction of the Commission. The applicant shall be given an opportunity to respond to any adverse information or recommendation.

E. Decision

After the hearing, the Plan Commission shall either grant or deny the permit application on the basis of express findings and conclusions. The Plan Commission shall condition any permit granted upon compliance with specified operational and reclamation requirements, including the minimum requirements of this Section and the requirements of all other applicable Town ordinances, except as such requirements may be appropriately modified by the Commission, and the requirements of all other applicable Federal, State, and local statutes, rules, regulations, ordinances and permits relating to blasting, mining, land use, highway access, air pollution, water pollution, contamination of the ground, solid waste disposal, navigable waters, groundwater, wetlands, floodplains, shorelands, and other environmental matters. The Commission may impose requirements which are in addition to or more stringent than the minimum requirements of this Section. In granting a permit, the Commission shall specify all aspects of the proposed plan of operations and plan of reclamation which are not approved. No application shall be granted unless the Commission first finds that the approved operations, as conditioned, will result in no significant loss, harm or damage to neighboring property owners, to the Town, or to the public health, safety or welfare, nor serious risk of any such loss, harm or damage, and that the approved reclamation will result in a safe, useful, and aesthetically pleasing site. In deciding upon an application regarding an operation that pre-existed the effective date of this Section, and was active on the effective date of this Section, the Plan Commission shall take into account the nature, extent, circumstances, and past performance of the operation and shall modify the requirements of this Section to the extent necessary to ensure that the permit requirements are reasonable under the particular circumstances.

1. Term of Permit. Permits shall be granted for a period of one (1) year. Thereafter, permits may be renewed by the Plan Commission for additional terms of one (1) year each. Any permit issued pursuant to this Section shall automatically terminate upon the abandonment of the quarry or other non-metallic mining operations.
2. Permit Renewal. Applications for the renewal of a permit shall be filed with the Zoning Administrator not later than 90 days prior to the expiration date. Any information or materials required for an initial permit application shall be supplied with the application for renewal to the extent that such

information or materials were not supplied with the prior application or to the extent that the previously supplied information or materials are out of date or no longer accurate and complete. Such an application shall be processed in the same manner as an initial permit application. In the event that a timely renewal application is not decided by the expiration date of the permit, the permit shall be deemed to be extended to the date of the Commission's decision.

3. Amendment. In the event that the operator desires to make any material modification in the permitted operation or reclamation, the operator shall file with the Zoning Administrator an application for an amendment to the permit. Such application shall describe in detail the proposed modification, explain the effects of the proposed modification, supplement and update the information and materials submitted with the prior application and make the certification required for renewal applications. Such an application shall be processed in the same manner as an initial permit application.
4. Review and Monitoring Fees. The applicant shall pay a fee equal to the cost of any administrative, legal, engineering, or consultant work which may be undertaken by the Town in the review of a quarrying or nonmetallic mining permit application. Such fee may include the cost of any monitoring activity set forth as a condition of the permit issued.
5. Security. As a condition of any permit issued pursuant to this Section, the Plan Commission shall require, and the operator shall promptly deposit with the Town, an irrevocable letter of credit, cash, a bond or other security in an amount adequate to secure the obligation of the operator to restore the site to a safe, useful and aesthetically pleasing condition, in accordance with the approved reclamation plan, to the extent of the mining operations if the operations were abandoned during the term of the permit; or, as deemed appropriate by the Plan Commission, an amount adequate to repair or maintain Town roadways used by the quarry operation. Any security instrument shall be in a form satisfactory to the Town Attorney and shall be issued by a person satisfactory to the Town Attorney. Any cash deposited with the Town shall be deposited in a segregated interest bearing account and shall be used only for the required restoration. Any security shall be promptly released or returned to the operator, with any accrued interest, at the completion of the approved reclamation to the satisfaction of the Plan Commission. The termination, expiration, or modification of a security instrument, in the absence of a renewal or replacement thereof or the making of other arrangements satisfactory to the Plan Commission after review by the Attorney, shall be grounds for suspension of the operator's permit.
6. Transfer. Permits issued under this Section may be transferred only with the prior written approval of the Plan Commission. Such approval shall not be unreasonably withheld, but the Commission shall not approve any transfer in

the absence of satisfactory arrangements regarding security and the prompt correction of any prior failure to comply with permit requirements.

F. Minimum Standards For Nonmetallic Mining Operations

The following are minimum standards for all operations commenced after the effective date of this Section, and to the extent reasonable, for all pre-existing operations continued thereafter.

1. The minimum setback of any excavation shall be 200 feet from any street right-of-way or property line. When the operations adjoin residentially developed land or residentially zoned land, the Commission shall carefully consider whether greater setbacks are required.
2. The minimum setback of any building, structure, storage area, parking area, or stockpile shall be 100 feet from any street right-of-way or property line.
3. Access ways and roads shall be maintained in a dust free condition.
4. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No extractive operation shall be conducted in a manner so as to lower the water table of surrounding properties.
5. No plan of reclamation shall be approved unless it will result in a safe, useful, and aesthetically pleasing site.
6. No reclaimed slope shall exceed a four-to-one ratio of horizontal distance to vertical distance; provided, however, that this requirement shall not apply to rock faces, and further provided that the Plan Commission, for good cause shown, may modify this requirement.
7. After completion of operations, and in accordance with the approved rehabilitation map, the premises shall be cleared of debris, and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least six (6) inches (except for areas under water) and shall be seeded with grass or other ground cover to prevent erosion.

**3.14 L-1 LANDFILL DISTRICT**

The L-1 Landfill District is intended to regulate land use at landfill sites in the Town. The L-1 Landfill District is further intended to protect the natural resource base of the Town as well as the general public health and safety of Town residents.

A. Principal Uses

None. All uses are conditional.

B. Conditional Uses

1. Sanitary landfills when operated in accordance with the provisions of Chapters NR 500 through NR 555 of the Wisconsin Administrative Code.
2. Structures and lands may be used for any purpose designated on the approved site restoration and reuse plan as provided for herein.
3. Wireless communication facilities in accordance with Section 9.08.D.
4. The following uses accessory to an approved conditional use:
  - a. Garages for storage and repair of vehicles.
  - b. Ground-mounted and building-mounted dish and other antennas.
  - c. Off-street parking and loading areas provided they are properly screened.
  - d. Offices.

C. Lot Area and Width

1. Lots shall be a minimum of 20 acres in area.
2. Lots shall not be less than 600 feet in width.

D. Yards

1. No landfill operation shall be located closer than 200 feet to any property line.
2. No building or parking area shall be located closer than 40 feet from a road right-of-way.
3. No building or parking area shall be located closer than 50 feet from a side or rear property line.
4. 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; 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.
5. Landfill operations shall comply with the setback requirements set forth in Section NR 504.04(3) of the Wisconsin Administrative Code.

E. Building Height

No building or parts of a building shall exceed 35 feet in height.

F. Operational Plan Required

Each applicant for a conditional use in the L-1 Landfill District shall submit an operation plan for the use. The operational plan shall specify:

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 groundwater aquifers.
7. The means by which the applicant will control stormwater 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.
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 landfill operation from adjacent land uses and public rights-of-way.
12. Other information required by the Town Plan Commission.

G. Restoration and Reuse Plan Required

A restoration and reuse plan, provided by the applicant, shall contain:

1. Existing topography with contours at two (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.

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 the Town Engineer, and the form and type of such sureties shall be approved by the Town Board.

### **3.15 P-1 INSTITUTIONAL DISTRICT**

The P-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 purposes is anticipated to be permanent. Urban P-1 institutional shall be served by public sanitary sewerage facilities and public water supply.

A. Plans and Specifications to be Submitted to the Plan Commission

To encourage an institutional environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the P-1 Institutional District shall



not be issued without review and approval by the Town of Addison Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

B. Principal Uses

1. Public or private schools, colleges, and universities.
2. Churches, synagogues, and other places of worship.
3. Funeral homes.
4. Hospitals, sanatoriums, nursing homes, and clinics.
5. Libraries, community centers, museums, and public art galleries.
6. Public administrative offices, public parks, and public service buildings, including post offices and fire and police stations.
7. Public utility offices.

C. Accessory Uses

1. Residential quarters for caretakers or clergy.
2. Garages for storage of vehicles.
3. Service buildings and facilities.
4. Dish antennas located in the side or rear yard or mounted on a roof.

D. Conditional Uses

1. Airports, airstrips, and landing fields provided that the site is not less than 20 acres in area.
2. Cemeteries and crematories.
3. Clubs, fraternities, lodges, and meeting places of a noncommercial nature.
4. Housing for the elderly provided that the density shall not exceed 14 units per net acre; that all elderly housing projects are served by public sanitary sewerage facilities; and provided that there shall be a minimum living area of 500 square feet for a one-bedroom dwelling unit and a minimum living area of 750 square feet for a two-bedroom or larger dwelling unit.
5. Penal and correctional institutions provided that the site area is not less than five (5) acres in area and does not abut a residential district.
6. Public passenger transportation terminals, such as bus and rail depots, and heliports.
7. Radio and television transmitting and receiving towers and broadcast studios.
8. Solar energy conversion systems in accordance with Section 9.08.B.
9. Temporary uses in accordance with Section 9.08.C.
10. Utility substations, municipal wells, pumping stations, and water towers provided that the use is not less than 50 feet from any lot line.

11. Wind energy conversion systems in accordance with Section 9.08.D.
12. Wireless communication facilities in accordance with Section 9.08.E.

E. Lot Area and Width

1. Urban institutional lots served by public sewerage facilities shall have a minimum area of 12,000 square feet and shall be not less than 90 feet in width. Corner lots shall provide a lot width of not less than 105 feet.
2. Rural institutional lots served by private onsite wastewater treatment systems (POWTS) shall have a minimum area of one and one-half (1.5) acres and shall be not less than 150 feet in width.

F. Building Height and Area

1. No building or parts of a building shall exceed 35 feet in height.
2. The total minimum floor area of a dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.

G. Yards

1. A minimum street yard (setback) of 25 feet from the road right-of-way shall be required for all urban institutional lots served by public sanitary sewerage facilities. A minimum street yard (setback) of 40 feet from the road right-of-way shall be required for all rural institutional lots served by a POWTS.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required, unless a lesser setback is approved by Washington County.
3. There shall be a minimum side yard of 10 feet on each side of all structures on urban institutional lots served by public sanitary sewerage facilities. There shall be a minimum side yard of 25 feet on each side of all structures on rural institutional lots served by a POWTS.
4. There shall be a rear yard of not less than 25 feet on urban institutional lots served by public sanitary sewerage facilities. There shall be a rear yard of not less than 50 feet on rural institutional lots served by a POWTS.

### **3.16 P-2 PARK DISTRICT**

The P-2 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 of Addison can be met without undue disturbance of natural resources and adjacent uses.

A. Plans and Specifications to be Submitted to the Plan Commission

To encourage parks and recreational areas that are compatible with the rural character of the Town, zoning permits for permitted uses in the P-2 Park District shall not be issued without review and approval by the Town of Addison Plan Commission. Said review and approval shall be concerned with general site layout, building plans, ingress and egress, parking, landscaping, and open space utilization.

B. Principal Uses

1. Exhibition halls.
2. Fairgrounds.
3. Golf courses without country club facilities.
4. Historic monuments or sites.
5. Hiking, biking, and nature trails.
6. Outdoor skating rinks.
7. Parks and playgrounds.
8. Picnicking areas.
9. Playfields or athletic fields.
10. Public art galleries.
11. Sledding, skiing or tobogganing.
12. Swimming beaches.
13. Swimming pools.
14. Tennis courts.

C. Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of a permitted use.
2. Service buildings and facilities.
3. Dish antennas located in the side or rear yard or mounted on a roof.

D. Conditional Uses

1. Archery ranges, bathhouses, boat mooring and rental, campgrounds, conservatories, driving ranges, gymnasiums, ice boating facilities, marinas, music halls, polo fields, riding academies, stadiums, arboretums, and botanical and zoological gardens provided the use has a minimum parcel area of three (3) acres.
2. Golf courses with country club facilities.
3. Solar energy conversion systems in accordance with Section 9.08.B.
4. Temporary uses in accordance with Section 9.08.C.
5. Utility substations, municipal wells, pumping stations, and water towers provided that the use is not less than 50 feet from any lot line.

6. Wind energy conversion systems in accordance with Section 9.08.D.
7. Wireless communication facilities in accordance with Section 9.08.E.

E. Lot Area and Width

Lots in the P-2 Park District shall provide sufficient area for the permitted use and its accessory buildings, off-street parking and loading areas, and required yards. There is no minimum required lot width.

F. Building Height and Area

No building or parts of a building shall exceed 35 feet in height.

G. Yards

1. A minimum street yard (setback) of 40 feet from the road right-of-way shall be required.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required, unless a lesser setback is approved by Washington County.
3. No building or structure shall be erected, altered or moved closer than 50 feet to any other lot line.

### **3.17 UC UPLAND CONSERVANCY OVERLAY DISTRICT**

The UC Conservancy Overlay District is intended to preserve, protect, enhance, and restore upland conservancy areas, including significant woodlands, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Town.

A. Plans and Specifications to be Submitted to the Plan Commission

Every applicant for a principal use in the UC District shall, before a zoning permit is issued, present detailed plans and specifications of the proposed use or structure to the Plan Commission, who will approve said plans only after determining that the proposed use or building will not be contrary to the purpose and intent of the UC District and the requirements of this Section.

B. Principal Uses

1. Agricultural uses when conducted in accordance with County Conservation Standards.
2. General farm buildings including barns, silos, sheds, and storage bins.
3. Preservation of scenic, historic, and scientific areas.
4. Forest management.
5. Game farms and fish and game management.
6. Hunting and fishing clubs.

7. Park and recreation areas.
8. Single-family dwellings at a density of no more than one (1) dwelling unit per five (5) acres, unless a lesser density is required by the underlying zoning district.
9. Keeping and raising of domestic stock for agribusiness, breeding, recreation or show. Keeping of animals shall be limited as follows on parcels which are less than 35 acres in area:
  - a. No more than one (1) livestock or farm animal over six (6) months of age shall be kept for each one and one-half (1.5) acres; or
  - b. No more than five (5) poultry, over two (2) months of age, shall be kept for each acre; or
  - c. No more than eight (8) rabbits or hare, over two (2) months of age, shall be kept for each acre.
  - d. The keeping and raising of hogs or fur-bearing animals, except rabbits, is prohibited.
  - e. Combinations of the above shall be apportioned to the total acreage and the Zoning Administrator shall determine the total number of animals allowed.

C. Accessory Uses

1. Private garages and carports.
2. Gardening tool and storage sheds incidental to a residential use.
3. Home occupations as specified in Section 7.04.E.
4. Dish antennas located in the side or rear yard or mounted on a roof.

D. Conditional Uses

1. Bed and breakfast establishments in accordance with Section 9.09.A.
2. Clustered residential developments in accordance with Section 9.09.B.
3. Earth sheltered structures in accordance with Section 9.09.C.
4. Outdoor furnace or boiler in accordance with Section 9.09.F.
5. Solar energy conversion systems in accordance with Section 9.08.B.
6. Temporary uses in accordance with Section 9.08.C.
7. Wind energy conversion systems in accordance with Section 9.08.D.
8. Wireless communication facilities in accordance with Section 9.08.E.

E. Disturbance Limited

1. No more than 10 percent of the upland conservancy area in a parcel shall be disturbed in order to accommodate agricultural, residential, or other development. To the extent possible, the area disturbed should be compact rather than scattered and the disturbance should be located on the edge of the

conservancy area. No disturbance shall occur within natural areas or critical species habitat sites.

2. Trees and other vegetation shall not be removed outside the disturbed area, except that normal pruning, trimming, and shearing of vegetation; removal of invasive, dead, diseased, or insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester are permitted outside the disturbed area.

F. Earth Movements Limited

No fill, excavating, or topsoil removal shall be permitted which involves the disturbance of an area exceeding 10,000 square feet on slopes of 12 percent or more except by the granting of a conditional use permit in accordance with Section 9.07.

G. Lot Area and Width

Unless a larger parcel size and width is required by the underlying zoning district regulations, parcels in the UC Overlay District shall have a minimum area of five (5) acres and shall be not less than 300 feet in width.

H. Building Height and Area

1. No dwelling or parts of a dwelling shall exceed 35 feet in height.
2. The total minimum floor area of a dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.
3. No farm building or parts of a farm building shall exceed 100 feet in height.

I. Yards

Unless a larger setback is required by the underlying zoning district regulations, yards in the UC Overlay District shall be as follows:

1. A minimum street yard (setback) of 40 feet from the road right-of-way shall be required.
2. A minimum shore yard of 75 feet from the ordinary high water mark of any navigable water shall be required unless a lesser setback is approved by Washington County.
3. There shall be a side yard on each side of all structures not less than 25 feet in width.
4. There shall be a rear yard of not less than 50 feet.

### **3.18 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

The PUD Planned Unit Development Overlay District 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 a mix of compatible uses. Such de-

velopments 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 Overlay District under this Ordinance will allow for flexibility of 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.

A. Application of District

The PUD Overlay District may be used for developments in the following basic use districts:

1. R-1 Rural Residential District.
2. R-2 Single-Family Residential District (Unsewered).
3. R-3 Single-Family Residential District (Sewered).
4. R-4 Two-Family Residential District (Sewered).
5. R-5 Multi-Family Residential District (Sewered).
6. B-1 Allenton Central Business District.
7. B-2 General Business District.
8. B-3 Mixed Use Business District.
9. M-1 Manufacturing District.
10. P-1 Institutional District.
11. P-2 Park District.

B. Principal Uses

Uses permitted in a Planned Unit Development Overlay District shall conform to principal, accessory, or conditional uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district of this Ordinance. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

C. Minimum Area Requirements

Areas designated as Planned Unit Development Overlay Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

	<u>Principal Uses</u>	<u>Minimum Area of:</u>	
		<u>Unsewered PUD</u>	<u>Sewered PUD</u>
1.	Residential PUD	10 acres	2 acres

2.	Commercial PUD	10 acres	2 acres
3.	Industrial PUD	20 acres	2 acres
4.	Mixed Compatible Use	10 acres	2 acres

D. Procedural Requirements

1. Pre-Petition Conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the Town of Addison Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
2. Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Town Clerk for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee, as required by the Town Board pursuant to Section 9.12 of this Ordinance, and the following information:
  - a. A statement which sets forth the relationship of the proposed PUD to the Town's adopted comprehensive plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
    - (1) Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
    - (2) A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
    - (3) A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for the purpose of providing any necessary private services.
    - (4) Any proposed departures from the standards of development as set forth in this Ordinance or other applicable Town ordinances.
    - (5) The expected date of commencement of physical development as set forth in the proposal.
  - b. A general development plan including:



- (1) A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
  - (2) The location of public and private roads, driveways, and parking facilities.
  - (3) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
  - (4) The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
  - (5) The type, size, and location of all structures.
  - (6) General landscape treatment.
  - (7) Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
  - (8) The existing and proposed location of public sanitary sewer and water supply facilities.
  - (9) The existing and proposed location of all private utilities or other easements.
  - (10) Characteristics of soils related to contemplated specific uses.
  - (11) Existing topography on the site with contours at no greater than two (2) foot intervals.
  - (12) Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
3. Referral to Plan Commission. The petition for a Planned Unit Development Overlay District shall be referred to the Town of Addison Plan Commission for its review and recommendation, regarding whether the PUD zoning classification should be applied to the property in the petition.
  4. Public Hearing. The Town Board shall hold a public hearing pursuant to the requirements of Sections 11.00 and 12.00 of this Ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. As soon as is practical following the hearing, the Town Board shall grant or deny its approval of the PUD zoning on the subject property and, if granted, shall direct the Plan Commission to review and approve specific development standards for the PUD.

E. Basis for Plan Commission Detail Development Approval

The Town Plan Commission in making its determination, shall consider:

1. That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PUD within nine (9) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the Town.
2. That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted comprehensive plan or any adopted component thereof; and that the development would not be contrary to the general welfare and economic prosperity of the community.
3. The Town Plan Commission shall further find that:
  - a. The proposed site shall be provided with adequate stormwater management facilities.
  - b. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
  - c. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
  - d. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable Town ordinances.
  - e. The proposed site shall be provided with adequate public or private sanitary sewerage and water distribution facilities. Centralized water and sewer facilities shall be preferred.
  - f. The entire tract or parcel of land to be included in a Planned Unit Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Unit Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Register of Deeds for Washington County.
4. That in the case of a proposed residential Planned Unit Development Overlay District:
  - a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.

- b. The total net residential density within the Planned Unit Development Overlay District will be consistent with and not exceed the average intensity and density of development permitted in the underlying basic use district. The total net residential density within the Planned Unit Development Overlay District will be compatible with the Town comprehensive plan or component thereof.
  - c. Clustering of residential development is permitted provided that permanent common open space is set aside so that the overall density of development permitted in the underlying development district is complied with.
  - d. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
  - e. Adequate, continuing fire and police protection is available.
  - f. The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
  - g. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
5. That in the case of a proposed commercial Planned Unit Development Overlay District:
- a. The proposed development will be adequately served by off-street parking and truck service facilities.
  - b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
  - c. The locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - d. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
6. That in the case of a proposed industrial Planned Unit Development Overlay District:

- a. The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not have any adverse effects upon the property values of the surrounding neighborhood.
- b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
- c. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
- d. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of public streets.

7. That in the case of a mixed use Planned Unit Development Overlay District:

- a. The proposed mixture of uses produces a unified composite which is compatible with the underlying districts and which as a total development entity is compatible with the surrounding neighborhood.
- b. The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
- c. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

F. Determination

The Town Plan Commission, after due consideration, and after holding a public hearing pursuant to Section 12.00 of this Ordinance, may approve the development plan as submitted, approve the development plan subject to additional conditions and restrictions, or may deny the development plan.

G. Changes and Additions

Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town of Addison Plan Commission 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 Town Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 12.00 of this ordinance, and said proposed alterations shall be approved or denied by the Plan Commission.

H. Subsequent Land Division

The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Town and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PUD approval.

**SECTION 4.00 PARKING, LOADING, DRIVEWAYS AND ACCESS**

**4.01 TRAFFIC VISIBILITY**

No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2.5) feet and 10 feet above the plane through the mean curb grades (See Illustration No. 1) within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 30 feet from their intersection. (See Illustration No. 2)

In the Case of Arterial Streets intersecting with other streets or railways, the corner cutoff distances establishing the vision triangle clearance space shall be increased to 80 feet. (See Illustration No. 2)

**4.02 LOADING REQUIREMENTS**

On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as specified below for the loading and unloading of vehicles off the public right-of-way.

A. Number of loading and unloading spaces required.

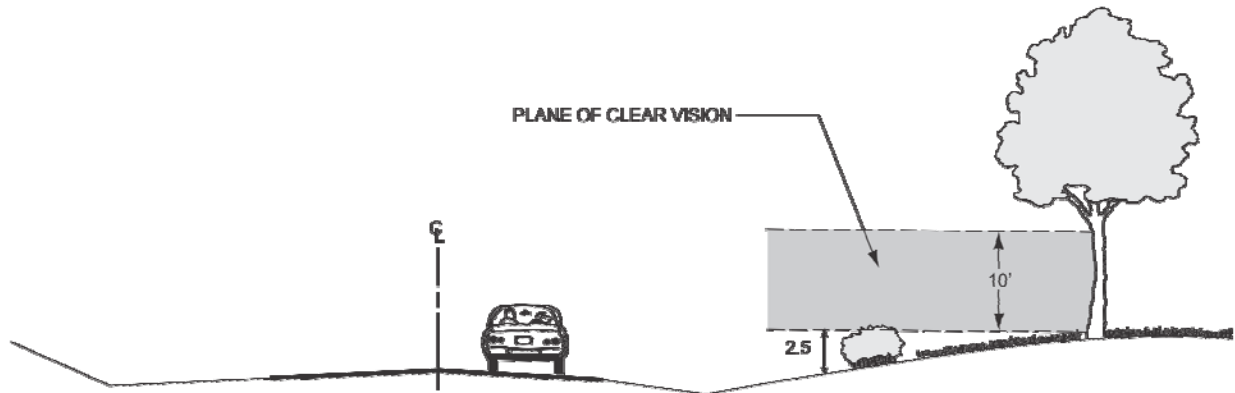
<u>Gross Floor Area of Building</u> <u>In Square Feet</u>	<u>Number of Spaces</u>
5,000 - 24,999	1
25,000 - 49,999	2
50,000 - 99,999	3
100,000 - 174,999	4
175,000 - 249,999	5

For each additional 75,000 square feet (or fraction thereof) of gross floor area, one (1) additional loading and unloading space shall be provided.

B. Each Loading and Unloading Space Shall Have Access to a public dedicated street or alley.

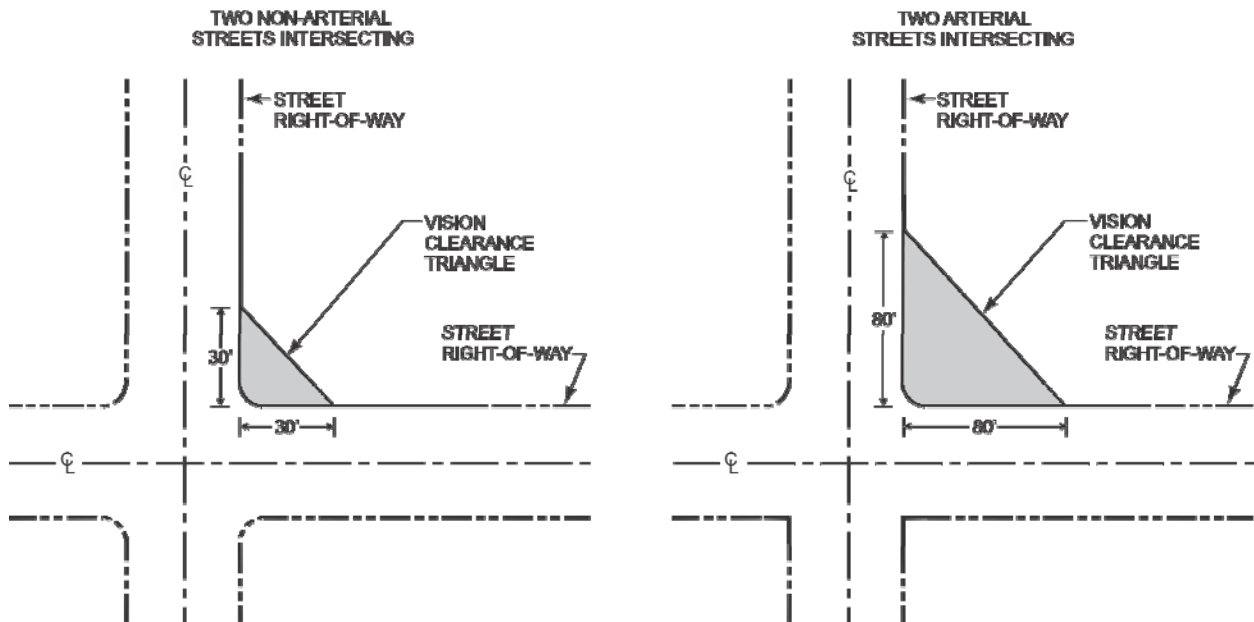
### ILLUSTRATION NO. 1

#### VISION CLEARANCE TRIANGLE (CROSS-SECTION VIEW)



### ILLUSTRATION NO. 2

#### VISION CLEARANCE TRIANGLE (PLAN VIEW)



- C. The Minimum Area For Each Loading and Unloading Space, excluding the area needed to maneuver, shall be 250 square feet.
- D. At No Time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

#### **4.03 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- and two-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 nine (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 parking space for people with physical disabilities shall be provided in parking areas containing 26 to 49 spaces.
  - 2. Two (2) percent of the total number of spaces shall be properly signed parking spaces for people with physical disabilities in parking areas containing 50 to 1,000 spaces.
  - 3. In addition to the number of spaces required in subsection 2 above, one (1) percent of each 1,000 spaces over the first 1,000 spaces shall be provided for properly signed parking spaces for people with physical disabilities in parking areas containing more than 1,000 spaces.
  - 4. The minimum dimensions for all parking spaces provided for use by people with physical disabilities shall be 12 feet by 18 feet.
  - 5. Parking spaces provided for use by people with physical disabilities 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 people with physical disabilities 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 people with physical disabilities. Such sign shall comply with the requirements of Sections 346.50, 346.503, and 346.505 of the Wisconsin Statutes.



- D. 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 street right-of-way opposite a residential district.
- E. Surfacing. All off-street parking areas shall be provided with a dust free surface, and shall be so graded and drained as to dispose of all surface water. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- F. Landscaping. All public off-street parking areas which serve five (5) or more vehicles and are created or redesigned and rebuilt subsequent to the adoption of this Ordinance shall be provided with accessory landscaped areas totaling not less than five (5) percent of the surfaces area. The minimum size of each landscaped area shall be 100 square feet. Location of landscaped areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Town Plan Commission. All plans for proposed parking areas shall include a topographic survey and grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of required minimum landscaped area. Parking areas for five (5) or more vehicles which adjoin residential districts shall be visually screened with a solid wall, fence, or evergreen planting of equivalent visual density, or other effective means, built and maintained to a minimum height of six (6) feet.
- G. Curbs or Barriers shall be installed at least four (4) feet from a property line so as to prevent parked vehicles from extending over any lot line.
- H. The Following Guide Specifies The 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 (2) 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, two-family, and multiple-family dwellings -- two (2) spaces per dwelling unit.
    - b. Housing for the elderly -- two (2) spaces per dwelling unit, however, the Plan Commission may waive the improvement of the second space per unit until there is demonstrated need for the parking. Land for the second space per unit shall, however, shall be provided.

- 2. Retail sales and customer service uses, and places of entertainment:

- a. General standard for the above uses -- one (1) space per 150 square feet of gross floor area of customer sales and service, plus one (1) space per employee.
- b. Financial institutions -- one (1) space for each 150 square feet of gross floor area of customer service, plus (1) space per employee for the work shift with the largest number of employees. Financial institutions with drive-in facilities shall provide sufficient space for four (4) waiting vehicles at each drive-in service lane.
- c. Funeral homes -- one (1) space for each four (4) patrons at maximum capacity, or 25 spaces per chapel unit, whichever is greater.
- d. Grocery stores or supermarkets -- one (1) space per 150 square feet of gross floor area of customer sales and service area, plus one (1) space per employee for the work shift with the largest number of employees.
- e. Convenience grocery stores -- one (1) space per 100 square feet of gross floor area.
- f. Motels and hotels -- one (1) space per room or suite, plus one (1) space per every two (2) employees for the work shift with the largest number of employees, plus one (1) space per three (3) persons, based on maximum capacity, for each public meeting room and/or banquet room.
- g. Lodges and clubs -- one (1) space per three (3) persons based on the maximum capacity of the facility.
- h. Restaurants -- one (1) space per 100 square feet of gross dining area, plus one (1) space per employee for the work shift with the largest number of employees.
- i. Restaurants, drive-through or fast-food -- one (1) space per 50 square feet of gross dining area, plus one (1) space per two (2) employees for the work shift with the largest number of employees. Restaurants with drive-through facilities shall provide sufficient space for four (4) waiting vehicles at each drive-through service lane.
- j. General merchandise repair services -- one (1) space per 300 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- k. Theaters, auditoriums and other places of public assembly -- one (1) space per three (3) patrons based on the maximum capacity of the facility.
- l. Personal services -- one (1) space per 200 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- m. Taverns, dance halls, night clubs and lounges -- one (1) space per 50 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

- n. Motor vehicle sales establishments -- two (2) customer parking spaces per salesperson, plus one space per employee for the work shift with the largest number of employees.
- o. Motor vehicle repair, maintenance, and service stations -- four (4) spaces per indoor service bay plus one (1) space per employee for the work shift with the largest number of employees.
- p. Animal hospitals -- three (3) patron parking spaces per doctor, plus one (1) space per employee for the work shift with the largest number of employees.
- q. Plant nurseries, and lawn and garden supply stores -- one (1) space per 200 square feet of gross indoor sales and display area, plus one (1) space per 500 square feet of gross outdoor sales and display area, plus one (1) space per employee for the work shift with the largest number of employees.
- r. Shopping centers (gross leasable area of at least 50,000 square feet) -- five (5) spaces per 1,000 square feet of gross leasable area.

3. Offices:

- a. Medical, dental and similar professional health service offices -- five (5) patron spaces per doctor, plus one (1) space per employee for the work shift with the largest number of employees.
- b. Government, professional and business offices -- one (1) space per 250 square feet of gross floor area.

4. Commercial/Recreational uses:

- a. General standard -- one space per four (4) patrons based on the maximum capacity of the facility, plus one (1) space per employee for the work shift with the largest number of employees.
- b. Bowling alleys -- five (5) spaces for each lane, plus one (1) space per employee for the work shift with the largest number of employees.
- c. Golf courses -- 90 spaces per nine (9) holes, plus one (1) space per employee for the work shift with the largest number of employees.
- d. Golf driving ranges -- one (1) space per tee, plus one (1) space per employee for the work shift with the largest number of employees.
- e. Miniature golf course -- one and one-half (1 ½) spaces per hole, plus one (1) space per employee for the work shift with the largest number of employees.
- f. Indoor tennis, racquetball and handball courts -- three (3) spaces per court, plus one (1) space per employee for the work shift with the largest number of employees.

- g. Skating rinks, ice or roller -- one (1) space per 200 square feet of gross floor area.
5. Industrial and related uses:
- a. Manufacturing, processing, and fabrication operations -- one (1) space per employee for the two (2) work shifts with the largest number of employees.
  - b. Wholesale business -- one (1) space per employee for the two (2) work shifts with the largest number of employees, plus one (1) space per 2,500 square feet of gross floor area.
  - c. Warehousing -- one (1) space per employee for the two (2) work shifts with the largest number of employees, plus one (1) space per 5,000 square feet of gross floor area.
  - d. Mini-warehousing -- one (1) space per 10 storage cubicles, plus one (1) space per employee for the work shift with the largest number of employees.
  - e. Extractive and related operations -- one (1) space per employee for the work shift with the largest number of employees.
6. Institutional and related uses:
- a. Churches -- one (1) space per three (3) seats based on the maximum capacity of the facility.
  - b. Libraries -- one (1) space per 250 square feet of gross floor area or one (1) space per four (4) seats based on maximum capacity, whichever is greater, plus one (1) space per employee for the work shift with the greatest number of employees.
  - c. Museums -- one (1) space per 250 square feet of gross floor area, plus one (1) space per employee for the work shift with the greatest number of employees.
  - d. Convents, monasteries, and rectories -- one (1) space per three (3) residents, plus one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per five (5) chapel seats if the public may attend.
  - e. Nursing homes -- one (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.
  - f. Hospitals -- two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor, plus one (1) space per employee, excluding doctors, for the work shift with the largest number of employees.
  - g. Schools:

1. Elementary schools, middle schools, and high schools -- one (1) space for each teacher and staff member, plus one (1) space for each five (5) students 16 years of age or older.
2. Colleges, universities and trade schools -- one (1) space for each teacher and staff member, plus one (1) space for each two (2) students during the highest attendance period.
3. Children's nursery schools and child care centers -- one (1) space per employee for the work shift with the greatest number of employees, plus one (1) space per six (6) children at the highest attendance period.

#### **4.04 PARKING RESTRICTIONS**

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 aforementioned 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 provided that when stored outside, they do not block a public right-of-way or obscure clear vision on roadways.
- C. Storage of Junked Vehicles. No disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or allowed to remain in the open upon private property in the Town of Addison within 20 days after receiving written notice from the Zoning Administrator to remove or enclose such vehicle unless an exception is granted by the Town Board in accordance with Chapter 277, "Property Maintenance," of the Town General Code of Ordinances.

#### **4.05 PARKING OF RECREATIONAL VEHICLES**

No mobile home, motorhome, travel trailer, recreational vehicle, boat or snowmobile shall be parked regularly on properties in an agricultural or residential district except as provided herein:

- A. One Boat and its Trailer, snowmobile and its 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. Conditional use permits to store recreation vehicles shall be reviewed pursuant to Section 9.07 of this Ordinance.

#### **4.06 PRIVATE DRIVEWAYS**

All private driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

- A. Islands between residential driveway openings shall be provided with a minimum of 10 feet between all driveways and five (5) feet at all lot lines.
- B. There Shall Be Only One Driveway Entrance permitted for each single-family or two-family residential lot.
- C. Vehicular Entrances and Exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicular sales, service stations, or washing and repair stations or garages shall be located not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
- D. Private Drives, defined herein as private routes of ingress and egress from any public right-of-way which provides access to one residential unit or residential property, and are over 200 feet in length, as measured from the edge of the public right-of-way to the nearest point of the principal residence they serve, shall be subject to the following additional requirements:
  - 1. Private drives, as defined herein, shall be constructed, at a minimum, utilizing five (5) inches of 1 ½ (1.5)-inch crushed stone material, compacted in place, over which five (5) inches of ¾ (0.75)-inch crushed gravel material shall be compacted in place.
  - 2. All private drives shall have a gravel or paved surface not less than 14 feet in width and shall have a turnaround at the end of the private drive for use by emergency vehicles.
  - 3. All vegetation, trees, and shrubbery shall be cut back so that a 10-foot clearance height is provided. All branches and shrubbery shall also be cut to a distance of 15 feet on either side of the centerline of the traveled surface portion of the private drive.
  - 4. All curves and bends in the surface shall be constructed with a minimum radius of 40 feet.
  - 5. All costs necessary for the maintenance of a private drive in accordance with these standards for safe passage shall be the responsibility of the property owner.

6. All plans for private drives, as defined herein, shall be reviewed by the Town Plan Commission. The cost of reviewing such plans, including any inspection services required by the Town to insure installation of a private drive and/or private road in accordance with these standards, shall be paid by the property owner.

#### **4.07 HIGHWAY ACCESS**

No direct private access (driveway) shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the Plan Commission and the highway agency that has access control jurisdiction. In addition, direct public or private access (driveway) to streets and highways shall be permitted in accordance with 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 nearest point of the exit or entrance ramp.
- B. Driveways on Designated State Trunk Highways and County Trunk Highways 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 nearest intersection of the rights-of-way of the two streets.
- C. Driveways on Other Streets and Highways shall be located a minimum of 50 feet from a street intersection. Said setback shall be measured from the nearest intersection of the rights-of-way of the two streets.
- D. Residential Driveways on Corner Lots shall be located on the least heavily traveled street.
- E. Access Barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- F. Temporary Access to the above rights-of-way may be granted by the Town Board or its designee, and the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required.

## **SECTION 5.00 PERFORMANCE STANDARDS**

### **5.01 COMPLIANCE**

This Ordinance 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 zoning district. All structures, land, air, and waters shall hereafter, in addition to their use and site regulations, comply with the following performance standards and the requirements of Chapter 262, "Nuisances," of the Town General Code of Ordinances.

### **5.02 AIR POLLUTION**

No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to exceed the concentrations established in state or federal air pollution regulations.

### **5.03 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 fire-fighting 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.

### **5.04 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.

### **5.05 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 so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

**5.06 GENERAL NOISE LEVELS**

No activity in any manufacturing district shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave level filter:

<u>Octave Band Frequency</u> <u>(cycles per second)</u>	<u>Sound Level</u> <u>(decibels)</u>
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

No activity in any other district shall produce a sound level outside its premises that exceeds the following:

<u>Octave Band Frequency</u> <u>(cycles per second)</u>	<u>Sound Level</u> <u>(decibels)</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

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

**5.07 TRAFFIC NOISE LIMITATIONS**

No owner of land adjacent to an existing freeway or adjacent to a planned transportation corridor shall commence or cause to be commenced construction of any structure that will be subject to traffic noise levels that exceed the following sound level measured by a sound level meter:

A. Construction Restrictions for Habitable and Institutional Structures.

1. No new single-family residential structure shall be approved for construction (excluding substantial repair or alteration) if any exterior hourly traffic sound level ( $L_{eq}$  [h]) anywhere within the proposed outdoor living area is projected to be equal to or in excess of 67 dB(A) upon completion of the structure or anytime thereafter.
2. No new multi-family residence, dormitory, mobile home park, transient lodging, school, hospital, nursing home or similar structure, or substantial modification of such existing structure, shall be approved if any exterior hourly traffic sound level ( $L_{eq}$ [h]) anywhere within the proposed outdoor living area on the site is projected to be equal to or in excess of 67 dB(A) upon completion of the structure or anytime thereafter.
3. Construction otherwise prohibited shall be permitted if there are no outdoor use areas on the site of the proposed structure projected to be exposed to an hourly traffic sound level ( $L_{eq}$ [h]) equal to or in excess of 67 dB(A) provided that there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum interior hourly traffic induced sound level ( $L_{eq}$ [h]) in a habitable room to 52 dB(A) upon completion of the structure or anytime thereafter.

B. Construction Restrictions for Recreational Structures.

1. No land shall be designated or approved for construction or use as a public or private exterior recreational area, including, but not limited to, playgrounds, outdoor theaters and amphitheaters, picnic grounds, tennis courts and swimming pools, if any exterior hourly traffic sound level ( $L_{eq}$ [h]) anywhere on the site the proposed recreational area is projected to be equal to or in excess of 67 dB(A) upon completion of the structure or anytime thereafter.
2. This section shall not apply to the designation or approval of any green belt or open space in any area in which the noise level exceeds 67 dB(A) regardless of whether such green belt or open space is open to public use, provided that no recreational improvement or facility is constructed thereon.
3. Designation or approval of exterior recreational areas otherwise prohibited under Section 5.07(B)(1) shall be permitted if the noise level specified in that subsection can be achieved by appropriate means of sound attenuation, such as berms, barriers, or buildings, at the perimeter of or elsewhere on the site.

4. No new interior recreational facility, including, but not limited to, gymnasiums, ice or roller skating rinks, indoor swimming pools, and tennis courts, shall be approved for construction if the hourly traffic sound level ( $L_{eq}[h]$ ) anywhere on the site is projected to be equal to or in excess of 67 dB(A) upon completion of the structure or anytime thereafter, unless there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum hourly traffic induced sound level ( $L_{eq}[h]$ ) to 52 dB(A).

C. Construction Restrictions for Commercial and Industrial Structures.

1. No new commercial or industrial structure, or substantial modification of such existing structure, shall be approved if any exterior hourly traffic sound level ( $L_{eq}[h]$ ) anywhere on the site is projected to be equal to or in excess of 72 dB(A) upon completion of the structure or anytime thereafter.
2. Construction otherwise prohibited shall be permitted if there are no outdoor use areas on the site of the proposed structure (except parking lots and storage areas) projected to be exposed to an hourly traffic sound level ( $L_{eq}[h]$ ) equal to or in excess of 72 dB(A) provided that there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum interior hourly traffic induced sound level ( $L_{eq}[h]$ ) in an interior work or public area to 59 dB(A) upon completion of the structure or anytime thereafter.

D. Noise Attenuation Plans

1. If the Town of Addison Plan Commission has reason to believe that a report is necessary to determine whether a project will be exposed to excessive traffic induced sound levels, such report shall be made by the permit applicant prior to the approval of any zoning or building permit approval. The report shall be prepared by a professional engineer or a qualified noise control consultant, and shall contain the following information and any other information the Plan Commission may reasonably require:
  - a. The existing maximum hourly traffic sound level ( $L_{eq}[h]$ ) for a representative sample of locations, measured and/or modeled in accordance with the procedures described in Chapter 23 of the Wisconsin Department of Transportation's Facilities Development Manual.
  - b. The projected future maximum hourly traffic sound level ( $L_{eq}[h]$ ) at the site resulting from future traffic increases.
  - c. Where applicable, plans for sound attenuation measures on the site and/or within the structure proposed to be constructed or altered, and

the amount of sound attenuation anticipated as a result of the measures. Sound attenuation may be achieved by separation from noise sources; berms, barriers, and landscaping; soundproofing through the use of double-paned windows, air conditioning, building construction materials, insulation, and other building measures; or any combination thereof.

2. In determining whether an applicant should be required to submit a noise attenuation plan, the Plan Commission shall consider the noise level criteria established for the installation of noise barriers in Chapter Trans 405 of the Wisconsin Administrative Code.

E. Appeals

Any person aggrieved by a decision of the Town of Addison Plan Commission to prohibit a use or structure by reason of its excessive maximum hourly traffic sound level ( $L_{eq}[h]$ ); or by a decision of the Plan Commission to require a Noise Attenuation Plan may appeal such decision to the Board of Zoning Appeals in accordance with the procedures set forth in Section 10.00 of this Ordinance. Such appeal shall be made within 30 days following the Plan Commission decision.

**5.08 ODORS**

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 429 of the Wisconsin Administrative Code and amendments thereto.

**5.09 RADIOACTIVITY AND ELECTRICAL DISTURBANCES**

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

**5.10 VIBRATION**

No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (cycles per second)	Displacement (inches) <u>Outside the Premises</u>	<u>Outside the District</u>
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and Over	.0002	.0001

### 5.11 LIGHTING

No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spill-over on operators of motor vehicles, pedestrians, and uses of land in the vicinity of the light source. These requirements shall not apply to lighting placed in a public right-of-way for public safety.

- A. Orientation. No exterior lighting fixture shall be oriented so that the lighting element (or a transparent shield) is visible from a property in a residential district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaires, or luminaires with cutoff optics, and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
- B. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles, exclusive of approved anti-vandal lighting.
- C. Intensity of Illumination. The intensity of illumination, measured at the property line, shall not exceed 0.5 footcandles.
- D. Location. Light fixtures shall not be permitted within required bufferyards.
- E. Flashing, Flickering, and Other Distracting Lighting which may distract motorists is prohibited.
- F. Accent Lighting and low voltage lighting (12 volts or less) are exempt from these requirements.
- G. Nonconforming Lighting. All lighting fixtures approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.

## **SECTION 6.00 SIGNS**

### **6.01 PURPOSE AND INTENT**

The intent of this Section is to provide comprehensive and balanced sign regulations that will preserve the right of free speech and expression; avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance; and ensure that signs are well-constructed and maintained.

### **6.02 COMPLIANCE**

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

### **6.03 EXEMPTIONS**

The following signs are exempt from the regulations contained in this Ordinance:

- A. A Sign Posted by the Town; a County, State, or Federal agency; or by a special-purpose unit of government, including a public school district or sanitary district.
- B. A Sign Integrated into or on a coin-operated machine, vending machine, or gasoline pump.
- C. A Sign Carried by a person.
- D. A Sign Not Visible from any public street, highway, sidewalk, or bicycle path.

### **6.04 NONCOMMERCIAL SIGNS AND MESSAGES**

Any sign authorized to be displayed by this Ordinance may contain a noncommercial message.

### **6.05 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT**

The following signs are permitted in all zoning districts without a permit:

- A. Signs Carved Into or affixed flat to a building in such a way that they are not directly illuminated, are not made of a reflecting material, do not contrast sharply in color with the building, and do not exceed two inches in thickness.
- B. Temporary Ground or Wall Signs on properties or buildings for sale, lease, or rent not exceeding eight (8) square feet in area on one side or sixteen (16) square feet in area on all sides in a residential district, or not exceeding thirty-two (32) square feet in area

on one side or sixty-four (64) square feet in area on all sides in other districts. Such signs shall be set back at least ten (10) feet from a side or rear lot line, shall not be located in a street right-of-way, and shall be removed within 10 days after the property or building is sold, leased, or rented.

- C. A Wall Sign not to exceed two (2) square feet in area and mounted flush against a dwelling.
- D. Election Campaign Signs provided that permission shall be obtained from the property owner, renter or lessee; and provided that such sign shall not be erected prior to the first day of the “election campaign period” as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within 10 days following the election. In addition:
  - 1. In residential districts, election signs shall not exceed 11 square feet in area unless the sign is affixed to a permanent structure; does not extend beyond the perimeter of the structure; and does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by the Town building code to remain unobstructed.
  - 2. No election sign placed on non-residential property shall exceed 16 square feet in area on all sides, and the total area of signage of all election signs erected on one (1) non-residential parcel shall not exceed 80 square feet.
  - 3. Wall signs shall not extend above the second floor of any non-residential building.
  - 4. No election campaign sign shall be placed within the street right-of-way nor so close to a pedestrian way as to hinder or endanger safe passage.
  - 5. All temporary election campaign signs shall be constructed of such a material and posted so as to remain in place under all weather conditions which are reasonably likely to occur during the time which the sign is posted.
- E. Temporary Ground Sign, not exceeding eight (8) feet in area on one side or sixteen square feet in area on all sides, provided that no such signs shall be erected or placed within a public right-of-way; that no more than one (1) sign is placed for each 100 feet of road frontage, and that such signs are limited to no more than three (3) days in any calendar month.

#### **6.06 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS WITH A PERMIT**

The following signs are permitted in the R-2, R-3, R-4, and R-5 Districts subject to the following regulations:

- A. Permanent Signs placed at the entrance to a subdivision or development, which shall be set back at least 10 feet from a street right-of-way or side or rear lot line. The Town Plan Commission may permit the sign to be located closer to a street right-of-way after determining that the sign will have no adverse impact on public safety. The Town 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 Signs on land actively being subdivided or developed, provided the sign shall not exceed 32 square feet in area on one side, and 64 square feet in area on all sides, and shall not be closer than 10 feet from a street right-of-way or side or rear lot line. The sign shall be removed at the time development has been completed, as determined by the Town Plan Commission.

**6.07 SIGNS PERMITTED IN AGRICULTURAL DISTRICTS WITH A PERMIT**

The following signs may be permitted in the A-1 and R-1 Districts subject to the following regulations:

- A. Wall Signs affixed to or painted on farm buildings, provided the total area of such signs shall not exceed 200 square feet.
- B. Each Farm is Permitted the Following On-Premise Ground Signs :
  - 1. One (1) ground sign not to exceed 20 feet in height above the ground surface and meeting all yard requirements for the district in which it is located. Said sign shall not exceed 100 square feet on one side or 200 square feet on all sides. One (1) such sign shall be allowed along each road on which the farm has frontage.
  - 2. One (1) additional ground sign not to exceed 16 square feet in area on one side and 32 square feet in area on all sides.
- C. One Off-Premise Ground Sign, provided such sign shall not exceed 12 square feet in area and shall not be located within a street right-of-way or within the vision clearance triangle of any intersecting roads (see Section 4.01).

**6.08 SIGNS PERMITTED IN BUSINESS AND MANUFACTURING DISTRICTS WITH A PERMIT**

The following signs are permitted in the B-1, B-2, B-3, and M-1 Districts subject to the following regulations:

- A. Wall Signs shall not exceed in area 30 percent of the signable area of the building, as defined in Section 6.11 of this Ordinance, or 300 square feet, whichever is less, for any one (1) premises, and shall not extend above the roof line of the building. Signs attached to fences shall be considered to be wall signs.
- B. Projecting Signs shall not exceed 100 square feet in area on one side and 200 square feet in area on all sides for any one premises; shall not extend more than six (6) feet into any required yard; shall not extend more than three (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 centerline street grade; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway, alley, or other area used by motor vehicles.



- C. Ground Signs shall not exceed 20 feet in height above the mean centerline street grade, and shall not exceed 80 square feet on one side nor 160 square feet on all sides for any one premises and shall be set back at least 10 feet from a street right-of-way or side or rear lot line. No ground sign shall be placed closer than 80 feet to another ground sign, or projecting, awning, canopy, or marquee sign.
- D. Pole Signs shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises; shall not extend more than three (3) feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed 35 feet in height above the mean centerline street grade; and shall be not less than 10 feet above the lot grade or sidewalk grade and not less than 15 feet above a parking lot, driveway, or other area used by motor vehicles.
- E. Driveway Ingress/Egress and Directional Signs to identify parking lot entrances and exits, or direct customers to drive-in windows, may be placed adjacent to driveways provided that no ingress/egress sign shall be placed in the street right-of-way; shall be more than two (2) feet in height; and no ingress/egress sign face shall exceed 18 inches in length.
- F. 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 of a public street. A name sign not exceeding two (2) square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.
- G. Roof Signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed 200 square feet on all sides for any one premises.
- H. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings.
- I. 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:
  1. Shopping centers may provide one (1) ground or pole sign for each 500 feet of street upon which the shopping center abuts. The shopping center may also provide one (1) wall sign and/or one (1) canopy sign for each business in the shopping center.
  2. Gasoline and/or service stations may provide a maximum of three (3) ground signs or two (2) ground signs and one (1) pole sign, and one (1) wall sign.
  3. For all other free standing businesses and industries, total signs shall be limited by the following table:

<u>Floor Area</u>	<u>Maximum Number Of Signs Permitted</u>
0 - 5,000 sq. ft.	2
5,001 - 20,000 sq. ft.	3

20,001 - 50,000 sq. ft.	4
More than 50,000 sq. ft.	5

4. Window signs, driveway ingress\egress signs, and parking directional signs shall not be subject to the limitation on the number of signs.

**6.09 SIGNS PERMITTED IN INSTITUTIONAL AND PARK DISTRICTS WITH A PERMIT**

The following signs are permitted in the P-1 and P-2 Districts and on lots or parcels that have been granted a conditional use permit for an institutional use, subject to the following regulations or any conditions attached to the conditional use permit:

- A. One (1) Ground Sign, which shall not exceed 20 feet in height above the mean centerline street grade, shall not exceed 80 square feet on one side nor 160 square feet on all sides for any one (1) premises, and shall be set back at least 10 feet from a street right-of-way or side or rear lot line.
- B. One (1) Wall Sign, which shall not exceed in area 30 percent of the signable area of the building, as defined in Section 6.11 of this Ordinance, or 300 square feet, whichever is smaller, for any one premises, and shall not extend above the roof line of the building.
- C. Bulletin Boards on Ground Signs or Wall Signs, in addition to the ground or wall signs allowed under 6.08.A and 6.08.C, which shall not exceed 32 square feet in area. Bulletin Boards shall be set back at least 10 feet from any street right-of-way or any side or rear lot lines.
- D. Driveway Ingress/Egress and Directional Signs to identify parking lot entrances and exits may be placed adjacent to driveways provided that no ingress/egress sign shall be placed in the street right-of-way; shall be more than two (2) feet in height; and no ingress/egress sign face shall exceed 18 inches in length.

**6.10 SIGNS PERMITTED IN QUARRYING AND LANDFILL DISTRICTS WITH A PERMIT**

The following signs are permitted in the Q-1 and L-1 Districts, subject to the following regulations or any conditions attached to the conditional use permit for site operations:

- A. One (1) On-Premise Ground Sign, which shall not exceed 20 feet in height above the mean centerline street grade, shall not exceed 80 square feet on one side nor 160 square feet on all sides for any one (1) premises, and shall be set back at least 10 feet from a street right-of-way or side or rear lot line.
- B. One (1) Off-Premise Ground Sign, provided such sign shall not exceed 12 square feet in area and shall not be located within a street right-of-way or within the vision clearance triangle of any intersecting roads (see Section 4.01).

- C. Driveway Ingress/Egress Signs may be placed adjacent to driveways provided that no ingress/egress sign shall be placed in the street right-of-way; shall be more than two (2) feet in height; and no ingress/egress sign face shall exceed 18 inches in length.

**6.11 SIGNABLE AREA**

The signable area of a building is designated as the area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail on which signs may be displayed. In computing signable area, any facade which faces or abuts upon a public street right-of-way may be utilized. Calculations may include parapet walls, but shall exclude door and window openings.

**6.12 SEARCHLIGHTS**

The Plan Commission may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight 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. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period. The permit required in Section 6.19 shall be required for searchlights.

**6.13 TEMPORARY AND PORTABLE SIGNS**

- A. Flag Signs, Banners, or air-activated signs may be approved on a temporary basis in any district by the Town Plan Commission following review and recommendation by the Building Inspector. Temporary sign permits shall not be granted for a period of more than 30 days in any 12-month period.
- B. Portable Signs. The Zoning Administrator may permit the temporary use of a portable sign 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 30 days in any 12-month period.
- C. Permit Required. The permit required by Section 6.19 shall be required for all temporary and portable signs. Any permit fee shall be waived for nonprofit organizations.

**6.14 SIGNS PROHIBITED IN ANY DISTRICT**

The following signs are not permitted in any zoning district.

- A. Abandoned Signs. Signs that advertise an activity, business product, or service no longer conducted or available on the premises on which the sign is located.
- B. Advertising Vehicles. A vehicle or trailer which has attached to or located thereon any sign or device for the purpose of advertising a business, product or service or for directing people to a business or activity. No person shall park any such vehicle or trailer on a public right-of-way, on public property, or on private property so as to be

visible from a public right-of-way. This provision is not intended to prohibit attached, lettered or painted signs on a vehicle or trailer that identifies the ownership or function of the vehicle.

#### **6.15 SPECIAL RESTRICTIVE PROVISIONS**

- A. Facing. No sign except those permitted in Sections 6.05 and 6.06 shall be permitted to face a residential district within 100 feet of such district boundary.
- B. Signs Facing on Federal Aid Primary Highways shall meet all the requirements and regulations, including applicable permits, as set forth in Wisconsin Statutes and Federal regulations, and shall fully conform with the provision of this Ordinance.
- C. Words and Phrases on Signs should be minimized to allow reading or interpretation from a moving vehicle at posted speed limits without hazard. A combination of 10 words, sets of numbers, logos, or pictures normally will be considered as a guide and the applicant may be requested to modify the sign to delete excessive verbiage.
- D. Decorative or Wall Art shall only be allowed after a public hearing and following approval by the Plan Commission.

#### **6.16 LIGHTING AND COLOR**

- A. Signs Shall Not Resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices and shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- B. Signs Shall Not Be Located, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape.
- C. Signs Shall Not Be Placed so as 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.
- D. Signs May Be Illuminated Provided they are not located in a R-2, R-3, R-4, or R-5 District. Signs, other than public traffic control signs, shall have no elements that are flashing, blinking, moving, rotating, or pulsating unless such signs are located in a B-1, B-2, B-3, M-1, or P-1 zoning district and the Plan Commission has approved a conditional use permit for the sign under Section 9.07 of this Ordinance.

#### **6.17 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 Town of Addison Building Code or other applicable ordinance.
- 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, and weeds.
- D. Supporting Members or Braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other noncorrosive incombustible material. All projecting signs, if placed at a right or other angle to the wall or roof of any building, shall be attached by such noncorrosive metal bolts, anchors, cable, or other metal attachments as shall ensure permanent and safe construction, and shall be maintained free from rust or other defects. Every means or device used for attaching any sign shall extend through the walls of the building should the Building Inspector 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 or to bearings on the underside of two (2) or more roof or ceiling joists in accordance with instructions given by the Building Inspector. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.
- 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 as necessity may require.

## 6.18 EXISTING SIGNS

- A. Signs Lawfully Existing at the time of the adoption or amendment of this Ordinance may be continued although the size or location does not conform with the provisions of this Ordinance. Such signs shall be deemed nonconforming uses or structures, and the provisions of Section 8.00 of the Zoning Ordinance of the Town of Addison shall apply.
- B. When a Business or Other Use Changes necessitates a new sign message, the sign shall be brought into conformance with the provisions of this Ordinance, including an application for a sign permit.

## 6.19 SIGN PERMIT

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit except those signs exempted in Section 6.03 or 6.05 of this Ordinance, and all signs shall fully conform with the provisions of this Ordinance.

- A. Applications for a Sign Permit shall be made on forms provided by the Zoning Administrator or Town Clerk and shall contain or have attached thereto the following information:
1. Name, address, and telephone number of the applicant and the location of the building, structure, or lot upon which the sign is to be attached or erected.
  2. Name of person, firm, corporation, or association erecting the sign.
  3. Written consent of the owner or lessor of the building, structure, or lot upon which the sign is to be affixed.
  4. A scale drawing of the sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
  5. A scale drawing of the site indicating the location and position of the sign in relation to nearby buildings or structures.
  6. Message or type of information to be displayed on the face(s) of the sign.
  7. Copies of any other permits required and issued for the sign, including written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, and inspect all wiring and connections to determine compliance with the Town of Addison Electrical Code.
  8. Additional Information as may be required by the Zoning Administrator, Building Inspector, or Town Plan Commission.
- B. Sign Permit Applications shall be filed with the Zoning Administrator or designee. The Zoning Administrator shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 45 days of receipt from the applicant unless the time is extended by written agreement with the applicant. If deemed necessary because of sign type, location, or proposed construction, the Zoning Administrator may refer any application for a sign permit to the Building Inspector and/or the Plan Commission for review and guidance in the issuance of the permit. A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the date of issuance.
- C. Bond. Every applicant for a sign permit shall, before the permit is granted, execute a cash bond or other appropriate surety in a sum fixed by the Town Plan Commission upon recommendation of the Zoning Administrator, but not to exceed \$25,000. The form of the cash bond or other surety shall indemnify the Town against all loss, cost of damages, or expense incurred or sustained by or recovered against the Town by reason of the erection, construction, or maintenance of the sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin

and conforming to the requirements of this Section may be permitted by the Plan Commission in lieu of a bond.

**6.20 MEASURING SIGNS**

In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Zoning Administrator 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. The 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.

**6.21 APPEALS**

Any person aggrieved by a decision of the Plan Commission on an application to erect a sign in the Town may appeal the decision to the Zoning Board of Appeals or may apply for a variance. The Board of Appeals may grant variances from the terms of this Ordinance in accordance with the procedure and standards set forth in Section 10.00.

## **SECTION 7.00 MODIFICATIONS**

### **7.01 GENERAL**

The Zoning Administrator, in reviewing building permits, may grant modifications to the terms of this Ordinance as provided herein.

### **7.02 HEIGHT**

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

- A. Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Ordinance.
- B. Special Structures, such as elevator penthouses, grain elevators, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- C. Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- D. Radio and Television transmission and relay towers, radio and television receiving antennas, dish antennas mounted on the roof of a principal structure, and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.
- E. Agricultural Structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.
- F. Accessory structures with a maximum sidewall of 10 feet may exceed the height limitations of this Ordinance to allow architectural simulation of the principal residence.

### **7.03 YARDS**

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- A. Uncovered Stairs, landings, and fire escapes may project into any yard but shall not exceed six (6) feet nor be closer than three (3) feet to any lot line.



- B. Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.
- C. Off-Street Parking is permitted in all yards of all districts provided that commercial and industrial parking shall not be located closer than 25 feet to a residential district.
- D. Landscaping and vegetation are exempt from the yard requirements of this Ordinance, provided that such landscaping and vegetation shall not interfere with the vision clearance triangle as set forth in Section 4.01 of this Ordinance.
- E. A Shoreland Permit issued by Washington County utilizing setback averaging or a variance granted by the Washington County Board of Adjustment shall eliminate the need for an additional shoreland setback variance approval by the Town.

#### **7.04 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 Ordinance may be modified for accessory uses as follows:

- A. Accessory Uses and Detached Accessory Structures. The following accessory structures may be permitted as specified. Accessory structures shall not occupy more than 20 percent of the rear yard in all districts except the business and manufacturing districts where such uses and structures shall not occupy more than 50 percent of the rear yard area. When permitted in the side or street yard, accessory structures shall not occupy more than 10 percent of the yard area.
  - 1. Accessory buildings, such as garages, garden or utility sheds, or gazebos, are permitted in the side or rear yard in accordance with the following requirements upon the issuance of a building permit.
    - a. No more than two (2) accessory buildings are allowed per lot unless a Conditional Use Permit to allow additional accessory buildings is granted in accordance with Section 9.08.A.
    - b. An accessory building shall be located at least 10 feet from any other structure and shall be located not closer than 10 feet to a lot line.
    - c. Any accessory building for motor vehicles shall be placed on a concrete floor or pad.
    - d. Accessory structures shall not exceed a combined total of 864 square feet in area and 15 feet in height on parcels five (5) acres or less in size where a residence is the principal use or a combined total of 1,500 square feet in area and 20 feet in height on parcels greater than five (5) acres, unless a Conditional Use Permit to allow additional square footage or an increase in height is granted in accordance with Section 9.08.A.

- e. No accessory structures are permitted in the street yard unless a Conditional Use Permit is granted in accordance with Section 9.08.A.
- 2. Patios installed at or below grade may be constructed without a permit in the side or rear yard adjacent to the principal structure, provided they shall not be located closer than three (3) feet to a lot line.
- 3. Decks in the side or rear yard 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.
- 4. Central air conditioning compressors are permitted in the rear yard provided that such uses shall be located at least five (5) feet from a lot line. Where it is determined that it is impractical to locate a central air conditioning compressor in the rear yard, the building inspector may permit placement in the street or side yard provided that the air conditioning compressor is screened from view and at least five (5) feet from a lot line.
- 5. Accessory pet kennels may be placed in the rear yard of any agricultural or residential district without a building permit provided that the kennel is located not closer than 10 feet from a lot line; that the kennel is enclosed by a fence not less than four (4) feet nor more than six (6) feet in height; and that no pet kennel shall exceed 200 square feet in area.
- 6. Private swimming pools may be permitted in a side or rear yard, upon the issuance of a building permit, provided that:
  - a. All private swimming pools shall be surrounded by a fence not less than four (4) feet nor more than six (6) feet in height designed to prevent unguarded entry to the pool. Sidewalls of above-ground pools which are at least four (4) feet high may be used in lieu of a fence.
  - 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 locked at all times 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 an overhead electric line or within five (5) feet of an underground electric line. 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 three (3) feet in width.
  - h. No private swimming pool shall be located closer than 10 feet to a lot line.
  - i. Private swimming pools, together with other accessory structures regulated by this Ordinance, shall not occupy more than 50 percent of the rear yard area.
- B. Rummage Sales may be conducted in any district provided that the rummage sale does not exceed four (4) consecutive days in length and is not conducted more often than three (3) times per year. Rummage sales do not require the issuance of a building permit. Rummage sale signs shall be limited as provided in Section 6.03.D of this Ordinance.
- C. Fences are permitted as an accessory use in any district and may be erected without a building permit provided that fences shall comply with the following requirements:
- 1. Barbed wire fences and electric fences are prohibited in all districts except the A-1 Agricultural District and the UC Upland Conservancy Overlay District. Agricultural and conservancy fences are permitted up to the lot line and shall not exceed four (4) feet in height in the street yard or six (6) feet in height in the side yard or rear yard.
  - 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 six feet, and shall not extend into the street yard. 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. Ornamental fences, as defined in Section 13.02 of this Ordinance, are permitted in the street yard in any district, but shall not be erected in a street right-of-way and shall not exceed a height of four (4) feet. Ornamental fences shall comply with the traffic visibility requirements set forth in Section 4.01 of this Ordinance. Ornamental fences shall not exceed 16 feet in length in any location and shall not exceed an aggregate length of 32 feet on any lot. Ornamental 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.

4. Security fences or screening fences are permitted up to the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be "open fences" as defined in Section 13.02 of this Ordinance when located in the street yard. Security and screening fences shall comply with the traffic visibility requirements set forth in Section 4.01 of this Ordinance. 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.

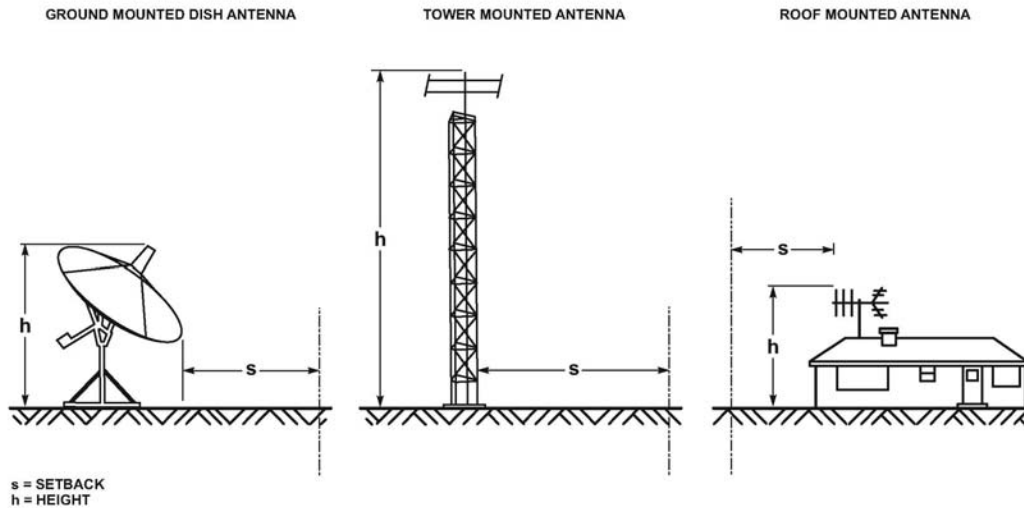
D. Antennas. The Town of Addison recognizes that the development of various antennas for individual business or household use requires that the interest of the antenna owner in the use of the device be balanced with the interest of adjoining property owners and the general public so as to protect the health and safety of all citizens, as well as the aesthetic values embodied in this Ordinance. To this end, the following regulations are adopted. Antennas for individual business or household use are permitted as accessory uses in any district subject to the following regulations.

1. Exemptions. These regulations do not apply to antennas associated with mobile service (wireless communication) facilities, which are regulated under Section 9.08.E of this Ordinance; or to dish antennas less than one (1) meter (39 inches) in diameter located in any district and dish antennas less than two (2) meters in diameter located in the B-1, B-2, B-3, M-1, or Q-1 districts, which are exempt from local zoning ordinances under the Federal Communications Act.
2. Location.
  - a. Antennas may be located in the rear yard or on the roof of the principal structure in all zoning districts.
  - b. All antennas other than dish antennas shall be located not less than one (1) foot from a lot line for each three (3) feet of height above the surrounding grade (see Illustration No. 3).
  - c. All dish antennas shall be located not less than five (5) feet from a side or rear lot line (see Illustration No. 3).
  - d. Dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
3. Height.
  - a. All antennas shall meet the height requirements for the district in which they are located. Antennas located on towers more than five (5) feet away from a principal building shall not exceed 25 feet in height, including the height of the tower (see Illustration No. 3).
  - b. Ground-mounted dish antennas shall not exceed 15 feet in height.
4. Construction.
  - a. All antennas shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such instal-

- lations shall be constructed of noncombustible and corrosive resistant materials.
- b. 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 Building Inspector. Prior to the issuance of a permit for a building-mounted dish antenna, the applicant shall submit a plan or document prepared by a registered professional engineer which certifies that the proposed dish antenna installation is structurally sound to accommodate wind load, snow load, and dead load.
  - c. The Building Inspector shall review and approve plans, including ground elevation, for location of all dish antennas prior to the issuance of a permit.
5. All antennas shall be filtered and/or shielded so as 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. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
  6. Not more than one (1) dish antenna and one (1) additional antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
  7. 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.
  8. Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed two (2) days at any one location.
  9. In the event the property owner of a parcel of land located in a residential district determines and documents that the placement of an antenna in a rear yard would prevent its use for its intended purpose, the property owner may apply to the Zoning Board of Appeals for a variance to allow for the installation of the antenna in a side yard location. The procedure for issuing the variance shall follow the procedure set forth in Section 10.00 of this Ordinance.

### ILLUSTRATION NO. 3

#### MEASURING HEIGHT AND SETBACK OF ANTENNAS



- E. Home Occupations and Professional Home Offices are permitted as accessory uses in any agricultural or residential district, not requiring a zoning permit, provided that:
1. 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 total floor area of the structure.
  2. No home occupation or professional home office shall be located in or conducted in an accessory structure.
  3. No person may employ more than one full-time person other than members of the family residing on the premises in such home occupation or professional home office.
  4. Home occupations shall use only household equipment and no stock in trade shall be kept or sold except that made on the premises.
  5. 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 and other than in the required street yard.
  6. No outdoor storage of equipment or product shall be permitted.
  7. Home occupations which comply with the conditions set forth above may include, but are not limited to, babysitting, canning, crafts, desktop publishing

and other computer services, dressmaking, firearm collectors, laundering, millinery, piano teaching, telephone marketing, and word processing.

8. Home occupations shall not include auto body or engine repair, barbering, beauty shops, construction trades, dance studios, insurance agencies, photographic studios, or real estate brokerages.

F. Household Pets are permitted provided the number of household pets does not exceed four (4) adult pets (over four (4) months of age) per residence in any residential, business, or agricultural district. All household pets shall be properly caged or housed and shall be cared for in a clean and humane manner.

1. Household pets shall include domestic dogs, cats, rabbits, and other small animals. Small birds and rodents shall not be subject to the four (4) animal per residence limit.
2. The keeping of bears, lions, tigers, leopards, monkeys, wolves, wolf/dog hybrids, poisonous snakes and reptiles, or other wild animals is prohibited in the Town of Addison. In the event of a dispute over whether an animal is dangerous, the Town Plan Commission shall make a determination after review and public hearing.
3. Miniature livestock such as pygmy goats, Vietnamese pot-bellied pigs, or similar animals kept as pets may be permitted as a Conditional Use after hearing as set forth in Section 12.00 of this Ordinance.
4. Domestic poultry such as chickens, ducks and geese or similar fowl kept as pets may be permitted as a Conditional Use after hearing as set forth in Section 12.00 of this Ordinance.
5. The owner of a household pet shall comply with all applicable licensing requirements.
6. No person shall permit any animal of which he is the owner, caretaker, or custodian to run at large.
7. The keeping of animals in greater numbers than heretofore enumerated shall be considered a commercial kennel and may be permitted as a Conditional Use after public hearing as set forth in Section 12.00 of this Ordinance.

#### **7.05 COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT**

Modifications to requirements of this Ordinance may be granted by the Town 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.

**7.06 AVERAGE SETBACKS**

- A. The Required Setbacks for Residences may be decreased in any residential district to the average of the existing setbacks of the abutting principal structures on each side but in no case less than 25 feet.
- B. Additions in the street yard of existing structures shall not project beyond the average of the existing setbacks on abutting lots or parcels.

**7.07 CORNER LOTS**

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

**7.08 DOUBLE FRONTAGE LOTS**

Lots abutting two opposite streets shall provide the street yard setback required by the district in which the lot is located from each street upon which the lot abuts. Accessory buildings may be located in the secondary street yard provided that they comply with the minimum setback requirement for the principal structure in the district in which they are located.





## **SECTION 8.00 NONCONFORMING USES AND STRUCTURES**

### **8.01 EXISTING NONCONFORMING USES**

The lawful nonconforming use of land, or water; or a lawful nonconforming use in a conforming or nonconforming structure; or a lawful nonconforming use on a conforming or nonconforming lot which existed at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; 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 except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- B. Discontinuance. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.
- C. Abolishment or Destruction. When a nonconforming use or a structure with a nonconforming use is damaged by violent wind, fire, flood, or other calamity to the extent of more than 50 percent of its assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.
- D. Total Lifetime Structural Repair or alternations to a structure containing a nonconforming use shall not exceed 50 percent of the current assessed value of the structure unless it is permanently changed to conform to the use provisions of this ordinance. Figure No. 1 reflects the method by which the Zoning Administrator shall determine when modifications to nonconforming uses and their structures are equal to 50 percent.
- E. Substitution of New Equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.

**Figure No. 1**

**IS IT 50 PERCENT YET?**

**Sample Problem:** Let's assume that the owner of a nonconforming house wishes to add a room to the house. If the house had an equalized assessed value of \$60,000, the property owner would be able to make improvements valued at 50 percent of the present equalized assessed value of the house or \$30,000. The improvement would have to be built to zoning standards. Any further additions or structural alterations could not be allowed unless the entire structure was changed to meet the requirements for a new structure.

Additions and modifications which are permitted are based upon a time period over the life of the structure as shown above. Therefore, if, in the example above, the property owner constructed a \$30,000 addition, no further additions could be allowed because the 50 percent improvement limit had been reached. However, let's assume that the addition was valued at \$12,000 or 20 percent of the equalized assessed value of the structure (\$60,000). Five years later, the property owner again comes in wishing to add an attached greenhouse. In the meantime, the present equalized assessed value of the house has increased from \$60,000 to \$80,000. The value of the greenhouse is \$8,000. The property owner has now accumulated \$20,000 of modifications, only 25 percent of the current equalized assessed value.

Finally, three years later, when the equalized assessed value of the house is \$100,000, the property owner again comes in wishing to modify his house to the extent of \$30,000. The cumulative value of the modifications totals \$50,000, or 50 percent of the equalized assessed value. No further modifications would be allowed until and unless the equalized assessed value increases.

This example is further clarified in the following table:

(NOTE – the base for calculation is **not** the **original** value of the home at the time the Ordinance is enacted, but is the equalized assessed value of the home at each time the home is modified.)

Year	Equalized Assessed Value of Home	Value of Modification	Cumulative Value
1977	\$ 60,000	\$12,000	\$12,000
1982	\$ 80,000	\$ 8,000	\$20,000
1985	\$100,000	\$30,000	\$50,000

## **8.02 CHANGES AND SUBSTITUTIONS**

Once a nonconforming use or structure has been changed to conform to the requirements of this Ordinance, it shall not revert back to a nonconforming use or structure. The Zoning Board of Appeals may permit the substitution of a more restrictive nonconforming use for an existing nonconforming use. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals.

## **8.03 CONFORMING STRUCTURES ON NONCONFORMING LOTS**

The conforming use of a conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the lot area or lot width does not conform to the requirements this Ordinance.

- A. Additions and Enlargements to such structures are permitted provided they conform to the established building setback lines along streets and the yard, height, parking, loading, access provisions, and other Development Regulations of this Ordinance.
- B. Existing Structures on Nonconforming Lots which are damaged or destroyed by violent wind, fire, flood, or other calamity may be reconstructed provided they conform to the established building setback lines along streets and the yard, height, parking, loading, access provisions, and other Development Regulations of this Ordinance.
- 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 Ordinance.

## **8.04 NONCONFORMING STRUCTURES ON A CONFORMING OR NONCONFORMING LOT**

- A. A Nonconforming Structure with a conforming use existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform to the Development Regulations of this Ordinance.
- B. Nonconforming Structures with a conforming use may be repaired, maintained, renovated, or remodeled subject to building code and other applicable requirements. No limits may be imposed on the costs of the repair, maintenance, or improvement of such structure.
- C. 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 Ordinance 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.

- D. Existing Nonconforming Structures may be moved 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 Ordinance.
- E. A Nonconforming Structure with a Conforming Use which is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred. No limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable State or Federal requirements. Any reconstruction shall conform to the Development Regulations of this Ordinance to the extent practicable, and shall commence within 24 months of the date of damage or destruction.

#### **8.05 VACANT NONCONFORMING LOTS**

The Zoning Administrator may issue a building permit for development of a lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance to 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 Ordinance; 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 private onsite wastewater treatment systems shall be at least 100 feet wide and 30,000 square feet in area. Lots with smaller dimensions shall not be developed unless a variance is granted by the Zoning Board of Appeals.

Vacant nonconforming lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Board of Appeals.

## **SECTION 9.00 ADMINISTRATION**

### **9.01 PLAN COMMISSION**

The Town 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.

### **9.02 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 Comprehensive 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. (County responsibility)
- C. Wetland Boundaries may be staked in the field and said boundaries identified on a plat of survey as part of the application for any development requiring a permit under this Ordinance, and may be field-identified and staked for other purposes if directed by the Plan Commission.
- D. Information Regarding the Location of Floodplains and Wetlands is available from the Washington County Department of Planning and Parks. Descriptions of property containing floodplains or wetlands should include information identifying the floodplain or wetland areas when property is transferred, based on FEMA maps (for floodplains) and the Wisconsin Wetland Inventory maps (for wetlands). Precise (surveyed) locations of floodplains and wetlands shall be provided as part of a permit application, but need not be provided when property is transferred.
- E. The Plan Commission may set fees necessary to recover the costs of providing information to the public.

### 9.03 ZONING ADMINISTRATOR DESIGNATED

There shall be a Town Zoning Administrator who shall perform as the administrative and enforcement officer for the provisions of this Ordinance. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, with the assistance of the Building Inspector, all permits required by this Ordinance. The Zoning 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 Ordinance.
- 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 Ordinance to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Town Chairperson.
- D. Assist the Town Attorney in the prosecution of Ordinance 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 Ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.0119 of the Wisconsin Statutes.
- F. Prohibit the use or erection of any structure, land, or water until any required permit has been issued.
- G. Request Assistance and cooperation from the Building Inspector and Town Attorney as deemed necessary.
- H. Attend all meetings of the Town Plan Commission and the Zoning Board of Appeals.

### 9.04 ZONING 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 zoning permit from the Building Inspector, unless otherwise exempted pursuant to Section 9.05 of this Ordinance. Applications for zoning permit shall be made in duplicate to the Building Inspector on forms furnished by the Building Inspector and shall include the following where applicable:

- A. Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- B. Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Plat of Survey prepared by a professional land surveyor showing the location, boundaries, dimensions, elevations to a vertical datum approved by the Town

Engineer, uses, and sizes of the following: subject site; existing and proposed principal structures; proposed building additions, existing and proposed accessory structures, existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards; and the boundaries of any floodplains or wetlands located on the site. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

In lieu of a plat of survey, the Building Inspector may accept a sketch drawn to scale showing the location of existing and proposed structures.

- D. Washington County Sign-Off Permit certifying that accessory structures and uses are not being constructed over private onsite wastewater treatment systems (POWTS) or within the 100-year recurrence interval floodplain.
- E. Copies of Washington County Shoreland Zoning Permits and any other required County permit.
- F. Condominium Declaration. Any developer of land in the Town of Addison who elects to create a condominium pursuant to Chapter 703 of the Wisconsin Statutes shall submit a copy of the Condominium Declaration, and any amendment thereto, to the Zoning Administrator to be attached to the file copy of the Building Permit application.
- G. Additional Information as may be required by the Town Plan Commission, Town Engineer, Zoning Administrator, or Building Inspector.
- H. Determination of Completeness. The Building Inspector shall review the application and determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Building Inspector shall notify the applicant in writing within 10 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their applications as often as necessary until it is complete.
- I. A Zoning Permit shall be granted or denied in writing by the Building Inspector within 30 days after application. The permit shall expire within six (6) months unless substantial work has commenced, and within 18 months for accessory and commercial/industrial structures, and 24 months for 1- and 2-family structures, if the structure for which the permit was issued is not substantially completed. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

#### **9.05 USES NOT REQUIRING A ZONING PERMIT**

No Zoning Permit shall be required for any of the following uses:

- A. For an Accessory Building less than 120 square feet in area.
- B. For Any Improvement or nonstructural alteration to an existing building less than 150 square feet in area which does not effect a change in use.



- C. For Repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.
- D. However, no structure or development shall be exempt from complying with the applicable setback, yard, height, accessory structure, and other requirements set forth in this Ordinance.

## **9.06 OCCUPANCY PERMIT REQUIRED**

- A. No Vacant Land shall be occupied or used; and no building or premises shall be erected, altered, moved, or create a change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been issued by the Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance. Such permit shall be applied for at the time of occupancy of any land and/or building.
- B. No Building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new occupancy permit by the Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of the Zoning Ordinance, Uniform Dwelling Code, Electrical Code, Fire Prevention Code, Plumbing Code, and the Commercial Building Code of the Town of Addison and State of Wisconsin. Such permit 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 an occupancy permit shall be made in the same manner as for a zoning permit pursuant to Section 9.04 of this Ordinance.

## **9.07 CONDITIONAL USE PERMIT**

The Town Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community. Applications for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where pertinent and necessary for proper review by the Plan Commission:

- A. Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record within 200 feet of the site.
- B. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.

- C. Plat of Survey prepared by a professional land surveyor showing all of the information required under Section 9.04.C for a Zoning Permit.
- D. Additional Information as may be required by the Town Plan Commission, Town Engineer, Zoning Administrator, or Building Inspector.
- E. Review and Approval. The Town Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed plan of operation. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Town Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
- F. Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless a specific exemption is set forth in this Ordinance for the proposed conditional use. Variances shall only be granted as provided in Section 10.00 of this Ordinance.
- G. Public Hearing. The Town Plan Commission shall hold a public hearing on each application giving public notice as specified in Section 12.00 of this Ordinance. The Plan Commission may subsequently issue the conditional use permit with appropriate conditions, deny the permit with reasons, or require the submittal of a modified application.
- H. Amendments. Changes subsequent to the initial issuance of a conditional use permit which would result in a need to change the initial conditions shall require an amendment to the conditional use permit. The process for amending a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this Section.
- I. Revocation of Conditional Use Permit. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Plan Commission or should the use or characteristics of the use be changed without prior approval by the Plan Commission, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this Section.

**9.08 CONDITIONAL USES IN ALL ZONING DISTRICTS EXCEPT THE L-1 (LANDFILL) DISTRICT**

- A. Accessory Structures. The Plan Commission may grant a Conditional Use Permit to allow the following exceptions to the accessory use regulations in Section 7.04:

1. An accessory structure located in a street yard may be permitted provided the structure meets the minimum street and side yard setback requirements of the applicable district.
  2. Accessory structures with a total of more than 864 square feet on parcels less than five (5) acres or structures with a total of more than 1,500 square feet on parcels of five (5) acres or larger.
  3. Accessory Structures exceeding a height of 15 feet on parcels less than five (5) acres or accessory structures exceeding a height of 20 feet on parcels of five (5) acres or larger.
  4. To allow more than two (2) accessory buildings to be located on a lot.
  5. To allow an accessory structure on a lot where a principal structure or use has not been established provided the lot is adjacent to one or more contiguous lots under the same ownership on which a principal use or structure has been established.
  6. To allow an accessory structure in the street yard, provided accessory structures occupy no more than 10 percent of the street yard area.
- B. Solar Collectors, commonly referred to as "active" or "passive" solar collection and heating systems and including all systems defined by Section 66.0403(1) of the Wisconsin Statutes when such systems are erected as an accessory structure.
1. **Application:** Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures.
  2. **Construction:** Solar energy conversion systems shall be constructed and installed in conformance with all applicable State and local building and zoning codes.
  3. **Location and Height:** Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this Ordinance unless otherwise provided in the conditional use permit issued pursuant to this Section.
- C. Temporary Uses, provided that:
1. Flea markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted for a period not to exceed 10 days. The requirement for a Conditional Use Permit shall not apply to events held in any regularly established permanent place of worship, athletic field, arena, auditorium, coliseum, any annual event held prior to the adoption of this ordinance, or other similar permanently established place for assemblies which do not exceed by more than 250 the maximum seating capacity of the structure where the assembly is held; nor those events sponsored or approved by the Town Board of the Town of Addison. Special requirements may be imposed by the

Plan Commission for parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one (1) temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

2. Use of Mobile Homes or Modular Trailers as Temporary Offices during remodeling. A Conditional Use Permit may be issued by the Plan Commission for a one (1) year period for the use of mobile homes or modular trailers as temporary offices while an existing business is being remodeled, provided that they are placed upon the property for which such alteration or addition shall occur. Additional extension of time may be granted by the Plan Commission.

D. Wind Energy Systems

1. Purpose. The purpose of this Section is to incorporate requirements of Section 66.0401 of the Wisconsin Statutes and Chapter PSC 128 of the Wisconsin Administrative Code as a Town ordinance and to establish Town regulations for the installation and use of large and small wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission. This Section is also intended to preserve and protect public health and safety, to not significantly increase the cost of the system or significantly decrease wind energy system efficiency, and to allow for an alternative system of comparable cost and efficiency.
2. State Requirements. Section 66.0401 of the Wisconsin Statutes and Chapter PSC 128 of the Wisconsin Administrative Code are adopted and incorporated by reference, including but not limited to the owner requirements specified in Chapter PSC 128.
3. Definitions. Terms used herein shall have the meaning described in Section PSC 128.01 of the Wisconsin Administrative Code.
4. Application.
  - a. Conditional use permit applications for large wind energy systems shall include the information required by Section PSC 128.30(2) of the Wisconsin Administrative Code. The application shall also include the names and addresses of residents and property owners located within one (1) mile of the proposed location, together with a written statement signed by the applicant that the notices required by Sections PSC 128.105 and 128.30(5) were provided.
  - b. Conditional use permit applications for small wind energy systems shall include the information required by Section PSC 128.30(2) of the Wisconsin Administrative Code. The application shall also include a

written statement signed by the applicant that the notices to residents and owners of adjacent lots or parcels required by Sections PSC 128.61(1) and 128.61(7) were provided.

- c. Owners of proposed large wind energy systems shall provide information about whether the owner has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the wind energy system from any Federal or State agency and whether the owner has incorporated the non-binding recommendation into the design of the wind energy system.
- d. Applications for proposed wind energy systems shall be reviewed by the Zoning Administrator for a determination of completeness in accordance with the requirements of Section PSC 128.31 of the Wisconsin Administrative Code. Following a determination of completeness by the Zoning Administrator, the applicant shall provide 10 copies of the complete application to the Town. The Town Clerk shall forward one (1) copy of a complete application to the West Bend Library, in accordance with Section PSC 128.30(6). One (1) copy of the application shall be made available for public review at the Town Hall during normal Town Hall business hours.
- e. As soon as possible after receiving an application for a wind energy system, the Town Clerk shall cause to be published a Class 1 notice stating that an application has been filed, in accordance with Section 66.0401(4)(a) of the Wisconsin Statutes. The notice shall include the information required by PSC Section 128.30(5)(b) of the Wisconsin Administrative Code.
- f. An owner shall submit a copy of all necessary State and Federal permits and approvals to the Town within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.

5. Review Criteria.

- a. Wind energy systems shall comply with all applicable State and Federal laws, including the provisions of Section 66.0401 of the Wisconsin Statutes and Chapter PSC 128 of the Wisconsin Administrative Code.
- b. Wind energy systems are exempt from the height requirements of this Ordinance; however, no such system shall be located closer to a lot line than the setback, if any, specified in Table 2 in Section PSC 128.61(3) for a small wind energy system and Table 1 in Section PSC 128.13(1) for all other wind energy systems. The applicant may request larger setbacks for consideration by the Plan Commission in order to meet other standards contained in Chapter PSC 128 such as, but not limited to, noise and shadow flicker limitations.

6. Review Process.
  - a. The Plan Commission shall have 90 days from the date that the Zoning Administrator notifies the owner that the application is complete in which to approve or disapprove the application, unless the time is extended in accordance with Section 66.0401(4)(e) of the Wisconsin Statutes.
  - b. The Plan Commission shall hold a public hearing on the proposed wind energy system in accordance with Section 12.00 of this Ordinance. Any written comments submitted shall be considered at the public hearing.
  - c. Following the public hearing and consideration of the Principles in Section 9.12.A, Town Board shall issue a written decision to grant or deny a conditional use permit for a wind energy system and any conditions of approval. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision must specify the reason for the denial.
  - d. The Town Clerk shall provide a duplicate original of the Plan Commission written decision to the applicant.
  - e. The Town shall maintain a record of the permit review and decision as required by Section PSC 128.34 of the Wisconsin Administrative Code.
7. Annual Reports and Decommissioning Review.
  - a. An owner of a wind energy system within the Town shall submit an annual report to the Plan Commission by January 31 of each year documenting the operation and maintenance of the wind energy system during the previous calendar year.
  - b. The Plan Commission will conduct a review of the annual reports submitted, in part to determine if a wind energy system has reached the end of its useful life.
8. Emergency Training.

An owner of a wind energy system shall provide annual training for any fire, police, or other first responder identified in the owner's emergency plans. An owner shall provide at least eight (8) hours of training during each calendar year and is responsible for all direct training costs.
9. Financial Responsibility for Large Wind Energy Systems.
  - a. An owner with a nameplate capacity of one megawatt or larger shall provide the Town with financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities.

- b. An owner shall provide the Town with three (3) estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the Town. The amount of financial assurance required by the Town will be the average of the three (3) estimates.
- c. An owner shall establish financial assurance that is acceptable to the Town and that places the Town in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the Town determines that the wind energy system has been decommissioned, as provided for in PSC 128.19(5)(b), or the Town approves the release of the funds, whichever occurs first. The financial assurance must also provide that the Town may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.
- d. The Town may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the Town finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this Section, the Town may correspondingly increase or decrease the amount of financial assurance required.
- e. The Town may require an owner to submit a substitute financial insurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

10. Aerial Spraying.

An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within one-half mile of a constructed wind turbine if the farm operator demonstrates all of the following:

- a. Substantial evidence of a history, before the wind energy system owner gives notice under PSC 128.105(1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans, or sweet corn on all or part of the farm field located within one-half mile of a constructed wind turbine.
- b. A material reduction in potato, pea, snap bean, or sweet corn production or a material increase in application costs on all or part of a farm field located within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

11. Monetary Compensation for Nonparticipating Residences within One-Half Mile of a Large Wind Energy System.
  - a. An owner shall offer an agreement to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine, that includes the following initial annual monetary compensation of \$600 for one (1) turbine located within one-half mile of a nonparticipating residence, \$800 for 2 turbines located within one-half mile of a nonparticipating residence, and \$1,000 for three (3) or more turbines located within one-half mile of a nonparticipating residence.
  - b. The initial annual monetary compensation under this subsection shall apply to agreements entered into in 2016. For agreements entered into in 2017 and thereafter, the initial annual amounts shall increase each year by the greater of two (2) percent or the increase in the Consumer Price Index from the previous year, as described in Section 196.374(5)(bm)2 of the Wisconsin Statutes.
  - c. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under PSC 128 and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under PSC 128.
  
12. Signal Interference Caused by Large Wind Energy Systems.
  - a. An owner shall use reasonable efforts to avoid causing interference with commercial and personal communications in use when the wind energy system begins operation to the extent practicable.
  - b. An owner shall use reasonable and commercially available technology to mitigate interference with personal communications that were in use when the wind energy system began commercial operations. An owner shall also use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operations, if the wind energy system is causing the interference and the interference occurs at a location at least one-half mile from a wind turbine.
  - c. An owner shall use reasonable and commercially available technology to mitigate interference caused by a wind energy system with commercial communications in use when a wind energy system begins operation.
  - d. Before implementing mitigation measures, the owner shall consult with the affected parties regarding the preferred mitigation solution for personal and commercial communications interference problems. Except as provided in the following paragraph 12.e, an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable



mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

- e. An owner shall, under a protocol established by Section PSC 128.50(2), implement a new technology solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under Section PSC 128.16(2) and (3) and for which the original mitigation solution is only partially effective.

E. Wireless Communication Facilities

1. Purpose.

In response to consumer demand for wireless communication services and requirements of the Federal Communications Commission (FCC), wireless communications providers wish to establish their systems as quickly and efficiently as possible. This will result in more antennas and towers across the visual landscape. In order to provide for appropriate location and network development, to minimize adverse visual effects through careful design, siting, co-location of providers and screening, and to maximize public safety, specific sites for wireless communication facilities may be granted by Conditional Use Permit. This Section is intended to regulate mobile service facilities to the full extent allowed by Section 66.0404 of the Wisconsin Statutes and other applicable laws. Nothing herein is intended to regulate or to authorize the regulation of mobile service facilities in a manner that is preempted or prohibited by Section 66.0404 of the Wisconsin Statutes or other applicable laws. Wireless communication facilities are a unique use, subject to certain specific State statutory requirements and limitations, and therefore the review process shall be conducted as described in this Section rather than as described in Section 9.07 of this Ordinance.

2. Definitions. All terms used herein shall have the meaning described in Section 66.0404(1) of the Wisconsin Statutes.

3. New Towers and Facilities. Wireless communication facilities may be permitted as conditional uses in any district provided the following information, requirements, and standards shall apply:

- a. Application Process. The applicant is not subject to the requirements of Section 9.07, and instead shall submit a written application which shall include all of the following information:
  - (1) The name and business address of, and the contact individual for, the applicant.
  - (2) The location of the proposed tower.

- (3) The location of the mobile service facility.
  - (4) A construction plan which describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
  - (5) An explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
- b. Determination of Completeness within 10 Days of Submittal. The Town Zoning Administrator shall review the application and determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Town Zoning Administrator shall notify the applicant in writing within 10 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their applications as often as necessary until it is complete.
- c. Conditional Use Review Procedure. The wireless telecommunications mobile service facility shall be a conditional use, and shall be reviewed pursuant to the following procedures:
- (1) Public hearing. Within a reasonable time after an application and all required information has been filed, a public hearing shall be held by the Plan Commission pursuant to this Ordinance. Within 40 days after the public hearing and all investigation the Plan Commission shall make a recommendation to the Town Board unless the time is extended by the Petitioner.
  - (2) Fee. Any petition shall be accompanied by a fee as set from time-to-time by the Town Board to defray the cost of notification and holding of the public hearing. 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 the conditions to be attached to the permit shall be charged to the Petitioner. Such fee shall not exceed the limits established by Section 66.0404(4)(d) of the Wisconsin Statutes.
  - (3) Requirements.
    - (a) Conditional use status shall not be granted to communication towers unless the tower is located so

that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. If an applicant provides the Town with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the Town has and provides to the applicant substantial evidence that the engineering certification is flawed.

- (b) Co-location of equipment by various carriers is encouraged. No facility owner or operator shall unfairly exclude a telecommunications competitor from using the same facility or location. Any such exclusion shall be based upon technical, structural, or other objective reasons. Applicants choosing to construct a new mobile service support structure must provide an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location. Such explanation shall include a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) Roof and wall mounted antennas, support structures, and screening devices shall not exceed the highest point of the building upon which they are mounted by more than seven (7) feet. Whip type antennae may extend 15 feet from the highest point of the building. All roof, wall, and whip antennas and required equipment shall comply with the height requirement for the zoning district in which they are located. Requests to exceed the maximum height allowed by the zoning district shall be considered when accompanied by a justification statement.
- (d) Freestanding wireless communication facilities shall be located no closer than a distance equal to five (5) times their height from the lot line of any property zoned R-1, R-2, R-3, R-4 or R-5. This distance shall be measured in a straight line from the lot line to the proposed tower

location. Stealth facilities shall be exempt from this requirement.

- (e) Any equipment associated with wireless communication facilities shall meet the required setbacks for the zoning district in which they are located.
  - (f) The minimum front, side, and rear yard setbacks for free standing wireless communication facilities shall be a distance equal to the height of the freestanding facility.
  - (g) Wireless communication facilities may be attached to existing utility infrastructure (i.e., electrical transmission poles, street light standards, and telephone poles) located within a public or utility right-of-way or easement, or constructed within the right-of-way or easement, provided the following requirements are met:
    - i. The antennae do not exceed the height of the existing utility infrastructure by more than four (4) feet.
    - ii. The facilities visually resemble other vertical utility infrastructure along the same street or highway.
    - iii. The applicant submits written authorization from the owner of the existing utilities and the right-of-way or easement with the application.
  - (h) Freestanding wireless communication facilities shall not be artificially lighted unless required by the FAA or another regulatory agency.
  - (i) Stealth wireless communication facilities and associated equipment are preferred and encouraged in instances where a freestanding facility is necessary.
  - (j) Carriers shall notify the Town when they place the FCC on notice that a specific facility is being discontinued. Antennas or support structures and equipment not in use for six (6) months for wireless communication purposes shall be removed by the facility owner. The Town may require the posting of a bond or other financial guarantee adequate to ensure removal of the facility at no cost to the Town.
- (4) Determination. The Town Board shall make a decision on the application within a reasonable time after receipt of the Plan Commission recommendations, provided that the final action shall be taken within 90 days of receipt of the complete application unless the time is extended by the Petitioner. Said decision shall be stated in

writing and a copy made a permanent part of the Town records. If a conditional use permit is not granted, the reasons therefor will be included in such record. A conditional use permit, subsequent changes or additions thereto, and terminations thereof shall be recorded as follows:

- (a) An official record of such conditional use permit shall be prepared by the Town Clerk on a form prescribed therefor which shall include the description of the use for which the conditional use permit is granted and all conditions attached thereto as well as a copy of the resolution of the Town Board approving the permit. A copy of the completed form shall be recorded at the Washington County Register of Deeds as a covenant on the title for the premises for which the conditional use permit was granted.
  - (b) The occupancy permit shall be appropriately noted as to the conditional use granted.
  - (c) Indication shall also be made on the zoning map by appropriate code number or symbol.
- (5) Changes or Additions. Subsequent changes or additions to the approved plans or use shall first be submitted for approval to the Plan Commission and, if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to this Ordinance.
- (6) Conditions. Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, among other issues as deemed appropriate, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance; subject to the limitations of Section E.3.d “Limitations on Authority” below.
- d. Limitations on Authority. The Town review and action in the matter shall be subject to the limitations imposed by Section 66.0404(4) of the Wisconsin Statutes. In the event the applicant believes the Town has exceeded its authority in this regard, the applicant shall notify the Town Board in writing and the Town Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.

4. Modifications. The construction of modifications to an existing mobile service support structure or mobile service facility shall be subject to the following requirements:
  - a. Substantial Modification.
    - (1) Application and Review Process. The application and review process for a substantial modification is identical to the application and review process for a new tower, as described in Section E.3. “New Towers and Facilities” above, except that the required plans should describe the proposed modifications, rather than describe the new structure.
  - b. Not Substantial Modifications.
    - (1) Application Information. The applicant shall submit a written application that describes the applicant’s basis for concluding that the modification is not substantial, and all of the following information:
      - (a) The name and business address of, and the contact individual for, the applicant.
      - (b) The location of the affected support structure.
      - (c) The location of the proposed facility.
    - (2) Completeness Determination within Five (5) Days. The Town Zoning Administrator will determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Town Zoning Administrator must notify the applicant in writing within five (5) days of receiving the application if it is found not to be complete, specifying in detail the required information that was incomplete. The applicant may resubmit as often as necessary until it is complete.
    - (3) Fee. Any petition shall be accompanied by a fee as set from time-to-time by the Town Board to defray the cost of review. 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 the conditions to be attached to the permit shall be charged to the Petitioner. Such fee shall not exceed the limits established by Section 66.0404(4)(d) of the Wisconsin Statutes.
    - (4) Determination. The Town Board shall make a decision on the application within a reasonable time after receipt of the recommendations of the Plan Commission, provided that final action shall be taken within 45 days after receipt of the completed application unless the time is extended by the Petitioner. Said decision shall be stated in writing and a copy made a permanent part of the Town records. If approval is not granted, the reasons therefor will be included in such record.
    - (5) Limitations on Authority. The Town review and action in the matter shall be subject to the limitations imposed by Section 66.0404(4) of the Wisconsin Statutes and such other laws as may apply which may include 47 USCA Section 1455. In the event the applicant believes the

Town has exceeded its authority in this regard, the applicant shall notify the Town Board in writing and the Town Board reserves the right to reconsider the matter to ensure that applicable laws are followed.

## **9.09 CONDITIONAL USES IN MULTIPLE ZONING DISTRICTS**

The following are conditional uses and may be permitted as specified:

- A. Bed and Breakfast Establishments in the A-1, R-1, and UC Districts, provided that:
1. All requirements set forth in Section 254.74 of the Wisconsin Statutes and Chapter DHS 197 of the Wisconsin Administrative Code shall be fully complied with. Necessary state permits and licenses shall have been secured.
  2. The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
  3. No more than eight (8) bedrooms shall be rented and no more than 20 guests shall be accommodated at any one time.
  4. Dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics.
  5. Individual rentals shall not exceed 10 days in any 12-month period.
  6. No retail sales shall occur in a bed and breakfast establishment.
  7. No meals other than breakfast shall be served to guests.
  8. Adequate off-street parking shall be provided.
  9. One exterior advertising sign, not exceeding four (4) square feet in area, may be erected on the premises.
  10. If located in the A-1 District, the Plan Commission shall determine that the proposed bed and breakfast use is consistent with agricultural use.
- B. Clustered Residential developments containing four (4) or more lots in the R-1 and UC Districts, provided that:
1. The density of the development shall not exceed one dwelling unit per five (5) acres.
  2. Individual lots within a clustered development shall be a minimum area of 1.5 acres in area and a minimum of 150 feet in width at the setback line. The remaining lands in a clustered development shall be preserved and maintained in permanent open space use.
  3. The cluster concept. The cluster development design concept shall not be used unless at least four (4) lots are being created. No cluster group shall have more than 12 lots in it.
  4. Within a clustered development, the Plan Commission shall determine required street setbacks and other yard requirements.

5. Structures constructed within a cluster development shall be sited in such a manner that the agricultural or environmental character of the area is preserved. To this end:
  - a. All lots within a cluster group shall, if practical, abut upon an open space element of the cluster development.
  - b. Homesites shall be buffered with indigenous landscaping for the purpose of minimizing visual impact from adjacent roadways.
  - c. Homesites on slopes shall be sited in a manner that will reduce the visual impact on surrounding lands. Construction of homesites on the tops of ridges and hills should be avoided.
  - d. Where practical, residential architecture should support the agricultural or environmental character of the area.
6. No structure shall be constructed on slopes exceeding 12 percent.
7. No structures shall be erected within the protected open space areas; no lands shall be disturbed within the protected open space areas; no vegetation shall be removed from the protected open space area, except for dead or diseased vegetation, and agricultural lands within cluster developments may be disturbed as needed to continue agricultural operations.
8. The subdivider shall ensure preservation of the open space lands by means of a plat restriction, an easement to the Town, or creation of an agricultural or environmental land trust or other means approved by the Plan Commission.

C. Earth Sheltered Structures, commonly referred to as "earth homes" which are built partially or totally into the ground for the purpose of using the insulating value of the soil to conserve energy may be permitted in the A-1, R-1, R-2, R-3 and UC Districts. This section does not include conventional homes with exposed basements, split-levels or similar types of construction and provided further that the following information requirements and standards shall apply:

1. **Application:** An application for the construction of an earth sheltered structure shall be accompanied by all of the information required to obtain a building permit with special attention to be given to the bearing strength of the structure, provision of proper drainage for sanitary, storm and ground water and wastes, proper ventilation, grading of the lot and its effect on adjacent properties, proper exit availability and exterior renderings of the structure to determine its visual effect on adjacent structures. Such standards shall be certified by a professional engineer or architect.
2. **Construction:** Earth sheltered structures shall be constructed in conformance with all applicable State and local building and zoning ordinances. A professional engineer or architect shall certify that the design of the structure is in conformance with all applicable State and local building codes.

D. In-Law Unit in the A-1, R-1, R-2 and R-3 Districts, provided that:



1. The in-law unit must be located within the same structure as the primary single-family residence; no more than one (1) in-law unit may be permitted per primary residence or lot.
2. The location, building plan, and site plan shall be subject to approval by the Plan Commission. The architecture of the residence shall be compatible with the adjacent neighborhood.
3. The structure shall appear to be a single-family residence. There may be a separate entrance to the in-law unit, but there must be a communicating door between the primary residence and the in-law unit.
4. The in-law unit shall not be served by separate utilities.
5. The in-law unit shall contain not more than one (1) bedroom and shall not be occupied by more than two (2) people who are related by marriage to each other and are the mother or father of one (1) of the primary residence owners.
6. The owner of the property shall notify the Town Plan Commission in writing each time the occupancy of the unit ends. If the unit is unoccupied for more than 12 months, the conditional use permit shall lapse and the property owner shall convert the unit back to part of the primary residence as directed by the Zoning Administrator.
7. The property owner shall cause to be recorded in the office of the Washington County Register of Deeds a restrictive covenant, prior to the issuance of a building permit. The covenant shall state that the in-law unit shall be occupied by persons related by marriage and that the conditional use permit is not transferable without formal approval by the Plan Commission without the necessity of public hearing and that the unit shall be used as intended.
8. No additional house number shall be assigned for the in-law unit.

E. Operation of Motorized Off-Road Vehicles in the A-1, R-1, R-2, B-2, B-3, and M-1 Districts, provided that:

1. Operation of motorized off-road vehicles off the public right-of-way for racing or sport may be permitted as a conditional use by the Plan Commission, provided that the Plan Commission shall find that the lot is large enough to accommodate such off-road vehicle use; that there will be appropriate distance from neighboring properties to minimize nuisances; and that the off-road vehicle operation will not adversely affect the use and enjoyment of neighboring properties.
2. Exceptions to the requirement for a conditional use permit. No conditional use permit shall be required when:
  - a. Operation of off-road vehicles is on authorized trails approved by the Town, County, or State for such intended use.
  - b. Use of off-road vehicles for purposes other than racing or sport.
  - c. Occasional personal use of off-road vehicles which shall not utilize a defined racetrack or patterned obstacle course and the emitted noise

shall be muffled insomuch that the use thereof would not be unreasonably offensive to the neighborhood.

F. Outdoor Furnace or Boiler in the A-1, R-1, R-2, B-2, B-3, M-1, Q-1 and UC Districts, provided that:

An application for the installation and use of an accessory energy system, commonly referred to as an outdoor boiler, furnace, or stove, may be submitted to serve as a heat source for a principal or accessory structure. The application shall be accompanied by a plat of survey for the property to be served showing the location of the unit, the means by which heat will be provided to the structure or structures, and its aesthetic and smoke effect on neighboring residents.

### **9.10 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 Chapter 30 of the Wisconsin Statutes, or a water quality certification pursuant to Chapter NR 103 of the Wisconsin Administrative Code.

### **9.11 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 detailed site and architectural plans as set forth in this section.

The Zoning Administrator shall review the site plans, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, utilization of landscaping and open space as deemed appropriate for all development in the A-1 and R-1 agricultural districts and the R-2, R-3, and R-4 residential districts.

The Plan Commission shall review the site, 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, utilization of landscaping and open space, and the proposed operation in all districts except the A-1 and R-1 agricultural districts and the R-2, R-3, and R-4 residential districts.

A. Principles. To implement and define criteria for the purposes set forth above, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

1. No building 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.

2. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
  3. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
  4. No building or sign shall be permitted to be sited on a 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.
  5. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
  6. No building or use shall be permitted that would materially damage the Town's road system unless the developer shall provide adequate measures to maintain the road system. Examples of uses that would materially damage roads are businesses utilizing heavy vehicles or creating high traffic volume. The Town Board may require a cash bond or other appropriate surety for uses deemed detrimental to the Town's road system.
  7. Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.
  8. Appropriate erosion control measures shall be utilized in all new development.
  9. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
  10. Buildings and uses shall provide adequate parking and loading areas.
  11. Buildings and uses shall be provided with adequate public services as approved by the appropriate utility.
  12. Buildings and uses shall make appropriate use of open spaces and the Town Plan Commission may require appropriate landscaping and planting screens.
- B. Sureties. The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.
- C. Appeals. Any person or persons aggrieved by any decisions of the Plan Commission related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Zoning Administrator within 30 days after filing of the decision with the Zoning Administrator.

## 9.12 PERMIT FEES

- A. All Persons, Firms, or Corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Zoning Administrator 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 Zoning Permit, Occupancy Permit, Conditional Use Permit, and Sign 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 of Supervisors from time to time as deemed appropriate. An application filed by the Town Board or Plan Commission is exempt from fee requirements.
- B. Additional Fees. If the Town Board, Plan Commission, or Zoning Administrator determine that additional professional assistance is needed, beyond what is normally necessary to review a proposed petition or permit application, the Town Board may employ the services of attorneys, engineers, planners, architects, surveyors, or related professional experts as may be required, the services of which shall be paid for by the petitioner or applicant. A deposit of funds may be required.

### **9.13 VIOLATIONS**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. 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 Town 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 Ordinance.

### **9.14 REMEDIAL ACTION**

Whenever an order of the Zoning Administrator or Building Inspector has not been complied with within 30 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.

### **9.15 PENALTIES**

Any person, firm, or corporation that fails to comply with the provisions of this Ordinance 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 30 days. Each day a violation exists or continues shall constitute a separate offense.

## **SECTION 10.00 ZONING BOARD OF APPEALS**

### **10.01 ESTABLISHMENT**

There is hereby established a Zoning Board of Appeals for the Town of Addison for the purpose of hearing appeals and applications, and granting variances to the provisions of this Zoning Ordinance.

### **10.02 MEMBERSHIP**

- A. The Zoning Board of Appeals shall consist of five (5) members appointed by the Town Board Chairman and confirmed by the Town Board. Terms shall be for staggered three (3) year periods.
- B. Two Alternate Members shall be appointed by the Town Board Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest.

### **10.03 ORGANIZATION**

- A. The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this Ordinance.
- B. Meetings shall be held at the call of the Chairman and shall be open to the public; however, the Zoning Board of Appeals may convene in closed session in accordance with Section 19.85 of the Wisconsin Statutes.
- C. Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, 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.
- D. If a Quorum is Present, the concurring vote of a majority of the members present shall be necessary to correct an error, grant a variance, make an interpretation, or permit a substituted use.

#### **10.04 POWERS**

The Zoning Board of Appeals shall have the following powers:

- A. Errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator.
- 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 of the requirements of this Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed, the public safety and welfare secured, and substantial justice done.
- C. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the Zoning Districts after the Town Plan Commission has made a review and recommendation. If it is determined by the Board that a zoning district boundary is incorrectly mapped, the Board shall forward a recommendation to the Plan Commission that the zoning map be amended in accordance with Section 11.00.
- 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 Town 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 chairman may administer oaths and compel the attendance of witnesses.

#### **10.05 APPEALS AND APPLICATIONS**

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, commission, or board of the Town. Such appeals shall be filed with the secretary within 30 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 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 record.
- B. Plat of Survey prepared by a professional land surveyor, or a location sketch drawn to scale, showing all of the information required under Section 9.04 for a Zoning Permit.
- C. Additional Information required by the Town Plan Commission, Town Engineer, Zoning Board of Appeals, or Zoning Administrator.

## **10.06 PUBLIC HEARING**

The Zoning Board of Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in Section 12.00 of this Ordinance. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

## **10.07 FINDINGS**

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds by a preponderance of the evidence 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 principal, conditional, or accessory use.
- B. Unnecessary Hardship. Unnecessary hardship exists when enforcement of ordinance requirements would unreasonably prevent an owner from using property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Consideration shall be given to the purpose and intent of the zoning ordinance, its effects on the property, and the short-term, long-term, and cumulative effects of granting the variance on the neighborhood, the Town, and on public interests. Self-imposed or self-created hardships shall not be considered as grounds for the granting of a variance. Economic or financial hardship does not justify a variance. The property owner bears the burden of proving unnecessary hardship exists. The Board shall consider the property as a whole rather than a portion of the parcel when determining unnecessary hardship.
- C. Unique Property Limitations. There are unique physical limitations on the property, such as steep slopes or wetlands, which are not generally shared by other properties in the same zoning district and which prevent compliance with the ordinance. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance.
- D. No Harm to Public Interests. A variance may not be granted which results in harm to public interests. In applying this test, the Board shall consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the Town, and the general public. These interests are listed in Sections 1.02 and 1.03 and include public health, safety, and welfare; water quality; natural scenic beauty; protection of property values; minimizing damage from hazards; provision of efficient public facilities and utilities; and other public interest issues.

## **10.08 DECISION**

- A. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Town Plan Commission.
- B. Conditions may be placed upon any zoning permit ordered or authorized by the Board.
- C. Variances, Substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant. An extension, the duration to be determined by the Zoning Administrator on a case-by-case basis, may be granted by the Zoning Administrator prior to its expiration. The Zoning Administrator or applicant may request that the Zoning Board of Appeals review and approve the request for extension.

## **10.09 RESUBMISSION AND REHEARING**

- A. Resubmission. No appeal or application which has been denied shall be considered again unless the applicant can show a material change in circumstances or provide new evidence, as determined by the Zoning Administrator.
- B. Rehearing. No rehearing of any issue shall take place except upon the affirmative vote of a majority of the Zoning Board of Appeals members present upon finding that substantial new material or new evidence is submitted which could not have been reasonably presented at the previous hearing. Requests for rehearing shall be in writing and shall state the reasons for the request and be accompanied by necessary data. A rehearing shall be subject to the same notice requirements and fees as the original hearing.

## **10.10 REVIEW BY COURT OF RECORD**

Any person or persons aggrieved by any decision of the Zoning Board of 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 30 days after the filing of the decision in the office of the Zoning Board of Appeals.



## **SECTION 11.00 REZONINGS AND AMENDMENTS**

### **11.01 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 Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Town Plan Commission.

### **11.02 INITIATION**

A change or amendment may be initiated by the Town Board, Town Plan Commission, or by a petition of one (1) or more of the owners or lessees of property within the area proposed to be rezoned.

### **11.03 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 one (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 200 feet of the area proposed to be rezoned.
- B. A Legal Description of the area to be rezoned.
- C. Owner's Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- D. Additional Information required by the Zoning Administrator, Plan Commission, or Town Board.

### **11.04 PLAN COMMISSION RECOMMENDATION**

The Town 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.

**11.05 PUBLIC HEARING**

The Town Board shall hold a public hearing upon each Plan Commission recommendation for a rezoning or amendment, and shall give notice as specified in Section 12.00 of this Ordinance.

**11.06 TOWN BOARD ACTION**

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

**11.07 PROTEST**

In the event of a protest against such rezoning or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet from the land proposed to be rezoned, or by the owners of 20 percent or more of the land directly across a street from the land proposed to be rezoned within 100 feet of the street frontage of such opposite land, such changes or amendments shall not become effective except by a three-quarters majority vote of the Town Board.

## **SECTION 12.00 PUBLIC HEARINGS**

### **12.01 PUBLIC HEARINGS**

Notice of any public hearing which the Town Board, Town Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Ordinance 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 (2) consecutive weeks and the hearing shall not be held until at least seven (7) days following the last publication. The Town Board shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any lands included in a petition for rezoning and the owners of all lands lying within 200 feet of any parcel included in the petition. Failure to give notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.



## **SECTION 13.00 DEFINITIONS**

### **13.01 GENERAL DEFINITIONS**

For the purpose of this Ordinance, 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 Ordinance include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. 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 definition.

### **13.02 SPECIFIC WORDS AND PHRASES**

#### **Abandonment**

With respect to quarrying and nonmetallic mining operations, "abandonment" means the cessation of quarrying or other nonmetallic mining operations for more than 240 consecutive days, except when the cessation is specifically provided for in the operator's permit, or in an operations plan approved and incorporated by reference in the permit, or by written order issued by the Town of Addison upon good cause shown. Abandonment does not include any period of cessation of operations due to labor strikes, natural disasters, or other similar extraordinary causes beyond the control of the operator (but this exception does not include business reversals, competitive forces, market conditions, shortage of cash, or other similar reasons).

#### **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.

#### **Adult Family Home**

A licensed place where three (3) or four (4) adults who are not related to the operator reside and receive care, treatment, or services that are above the level of room and board and that may include up to seven (7) hours per week of nursing care per resident; or a licensed private residence where three (3) or four (4) adults or any number of adult siblings, each of who has a developmental disability, who are not related to the operator reside and receive care,

treatment, or services that are above the level of room and board but not including nursing care. An adult family home does not include any of the following: a convent, a facility or private home for victims of domestic abuse, a shelter, or other facilities excluded in Section 50.01(1) and (1g) of the Wisconsin Statutes.

#### Alley

A special public right-of-way affording only secondary access to abutting properties.

#### Animal Structure

A building or other structure used to house or feed livestock or farm animals, to confine livestock for milking, to confine livestock or farm animals for feeding other than grazing, to store feed for livestock or farm animals, or to collect or store waste generated at a barn, milking parlor, or animal lot. A fenced pasture is not considered an animal structure.

#### Animal Unit

Equivalent units of livestock or farm animals. The number of animals constituting an “animal unit” varies by species. For example, one milking dairy cow equals 1.4 “animal units.” A beef animal over 600 lbs. equals 1.0 “animal units.” A pig over 55 lbs. equals 0.4 “animal units.” A laying chicken equals 0.01 “animal unit.” When necessary, the Zoning Administrator shall determine the applicable animal units based on guidelines published by the Wisconsin Department of Agriculture, Trade and Consumer Protection or other reliable source.

#### Antenna

Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels; microwave dishes and satellite dishes; and omni-directional antennas, such as whip antennas.

#### Basement

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

#### Bed and Breakfast Establishment

Any place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of 20 guests or other transients for more than 10 nights in a 12-month period, is the owner’s personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

#### Boardinghouse

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

### Building

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

### 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.

### 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.

### Business Incubator

A business offering services to help clients establish their own business, which may include services such as marketing, regulatory compliance, accounting, or identifying sources of financing. A business incubator may also consist of a building that provides office space and shared services or facilities, such as equipment or laboratories, to start-up businesses.

### Child Care Center

An establishment providing care and supervision for four (4) or more persons under the age of seven (7) and licensed by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes.

### Co-location

The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

### Community-Based Residential Facility (CBRF)

A place where five (5) or more adults who are not related to the operator or administrator of the facility reside and receive care, treatment, or services above the level of room and board, but not including more than three (3) hours of nursing care per week per resident nor above intermediate-level nursing care. A CBRF is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes. A CBRF does not include any of the following: a convent, facilities for victims of domestic abuse, a shelter, or other facilities excluded in Section 50.01(1g) of the Statutes.

### Community Living Arrangement

The following facilities licensed and operated, or permitted under the authority of the Wisconsin Statutes: facilities operated by child welfare agencies under Section 48.60, group foster homes for children under Section 48.625, and community-based residential facilities under Section 50.01.

Conditional Uses

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

Condominium

A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership of real estate and not a specific building type or style.

Conservancy, Upland

Portions of environmental corridors and isolated natural resource areas outside wetlands, surface waters (rivers, streams, ponds, and lakes), and riparian buffer areas. Upland conservancy areas may include, but are not limited to, woodlands and areas of steep slopes.

Deed Restriction

A restriction on the use of a property set forth in the deed.

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.

Development Regulations

Those portions of this Ordinance pertaining to lot area, lot width, structure size, yard, frontage, height, parking, loading, or separation distance requirements.

District, Basic

A part or parts of the town for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

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 requirement shall apply.

Drive-in Restaurant

An establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises.



### 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.

### Dwelling Unit

A group of rooms constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one (1) family.

### Dwelling, Single-Family

A detached building designed for or occupied exclusively by one (1) 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 (1) and two (2) family dwelling code. This definition includes manufactured homes, but excludes mobile homes (mobile homes constructed prior to June 15, 1976).

### 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 on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

### Enlargement of a Quarry or Nonmetallic Mining Operation

Any vertical or horizontal increase in the mined area or the area occupied by or utilized in connection with any of the operations or related activities.

### Environmental Corridor

Those lands containing concentrations of scenic, recreational, and other natural resources as identified and delineated in the comprehensive planning program conducted by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). These natural resource and resource-related elements include the following: 1) lakes, ponds, rivers, and streams, together with a riparian buffer; 2) wetlands; 3) woodlands; 4) natural areas, critical species habitat sites, and wildlife habitat areas; 5) steep topography; 6) significant geological formations; 7) wet or poorly drained soils; 8) existing outdoor recreation sites; 9) potential outdoor recreation and related open-space sites; 10) historic sites and structures; and 11) significant scenic areas or vistas.

### Environmental Corridor, Primary

A concentration of significant natural resources at least 400 acres in area, at least two (2) miles in length, and at least 200 feet in width as delineated and mapped by SEWRPC.

#### Environmental Corridor, Secondary

A concentration of significant natural resources at least 100 acres in area and at least one (1) mile in length as delineated and mapped by SEWRPC. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply.

#### Equivalent A-Weighted Sound Level

The equivalent steady-state sound level, which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same period. The A-scale is the measurement of sound approximating the auditory sensitivity of the human ear and used to measure the relative noisiness or annoyance of common sounds. For the purpose of measuring or predicting noise levels, a receptor is assumed to be at ear level, located five (5) feet above the ground surface. Sound level is expressed as  $L_{eq}$ .  $L_{eq}[h]$  is the hourly value of sound level.

#### Erosion

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

#### Essential Services

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater management, 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, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

#### Family

Any number of persons related by blood, marriage, or adoption; or unrelated persons numbering not more than twice the number of bedrooms in a dwelling unit.

#### Family Child Care Home

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

#### Farm

All land under common ownership that is primarily devoted to agricultural use.

#### Farm Operator

Any person who owns land and raises crops or livestock on a farm; or a person who rents land to another for agricultural purposes and who lives on the land having day-to-day contact with the farm operation; or a person who lives on land that he or she has historically farmed. For the purpose of this Ordinance, any person who has farmed land for five (5) consecutive years is deemed to have farmed it historically.

### Farm Animal

Horses, bison, donkeys, farm-raised deer, captive game birds, emus, and llamas raised in captivity. Cattle, swine, sheep, goats, and poultry are not considered “farm animals” but are regulated as “livestock.” Dogs, cats, and other household pets are not considered to be livestock or farm animals.

### 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 80 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.

### Fence, Ornamental

A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 80 percent of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron, type.

### 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 six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.

### Flea Market

Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.

### Floodplains

Those lands, including the floodplains, floodways, and channels, subject to inundation by the one (1) percent annual probability flood (also referred to as a 100-year recurrence interval flood) or, where such data are not available, the maximum flood of record.

### Foster Family Home

The primary domicile of a foster parent licensed pursuant to Section 48.62 of the Wisconsin Statutes for the care of four (4) or fewer children or, if necessary to enable a sibling group to remain together, for no more than six (6) children.

Frontage

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

Garage, Private

A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the family that lives on the premises. Carports are considered garages.

Garage, Public or Commercial

Any garage other than a private garage.

Garage Sale

See "Rummage Sale."

Group Assembly

A company of persons gathered together for any purpose for a period of two (2) or more hours.

Group Foster Home

Any facility licensed by the State of Wisconsin pursuant to Section 48.625 of the Wisconsin Statutes for the care and maintenance of five (5) to eight (8) foster children.

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.

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.

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.

Isolated Natural Resource Area

An area containing significant natural resources at least five (5) acres in area and at least 200 feet in width, as delineated and mapped by SEWRPC.

### Livestock

Cattle, swine, sheep, goats, and poultry. Horses, bison, donkeys, farm-raised deer, captive game birds, emus, and llamas raised in captivity are not considered “livestock,” but are regulated as “farm animals.” Dogs, cats, and other household pets are not considered to be livestock or farm animals.

### Lot

For the purposes of this Ordinance, 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 Ordinance. (See also "Parcel")

### Lot, Corner

A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See Illustration No. 4)

### Lot, Double Frontage

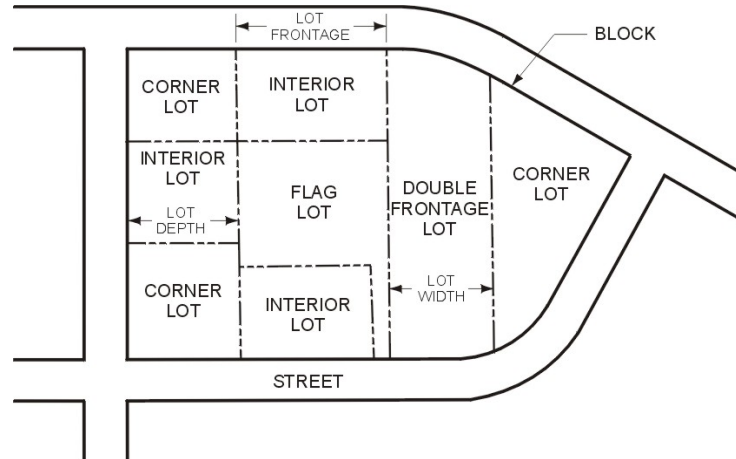
A lot, other than a corner lot, with frontage on more than one street or frontage on a street and a navigable body of water. On a double frontage lot, both street lines shall be deemed front lot lines. (See Illustration No. 4)

### Lot, Flag

A lot not fronting or abutting on a public street and where access to the public street or road is by a narrow private right-of-way. Flag lots are not generally considered to represent good lot or subdivision design. (See Illustration No. 4)

## ILLUSTRATION NO. 4

### ILLUSTRATION OF TYPICAL CORNER, DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



#### Lot, Interior

A lot situated on a single street which is bounded by adjacent lots along each of its other lines. (See Illustration No. 4)

#### Lot Width

The width of a parcel of land measured at the setback line.

#### Manufacturing

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts and the blending of materials such as plastics and resins.

#### Material Modification

With respect to quarrying and nonmetallic mining operations, "material modification" means any change in the approved plan of operations or the approved plan of reclamation which is significant in terms of the concerns addressed by Section 3.13.C.9 and Section 3.13.C.10 of this Ordinance, including, without limitation, any unapproved enlargement.

#### Mobile Home

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

Mobile Home, Double Wide

A double wide mobile home is a mobile home consisting of two (2) mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.

Mobile Service

A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating between themselves. Mobile service facilities (also referred to as “wireless communication facilities”) are regulated under Section 9.08 of this Ordinance in accordance with Section 66.0404 of the Wisconsin Statutes.

Motel

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

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 other similar means of contact with the surface upon which it is operated.

Nonconforming Use

A use of land, water, or of a dwelling or other structure that existed at the time of the effective date of this Ordinance or an amendment thereto which does not conform to the current use restrictions of this Ordinance.

Nonconforming Structure

A dwelling or other structure that existed lawfully at the time of the effective date of this Ordinance or an amendment thereto which does not conform to one or more of the Development Regulations of this Ordinance. Any such structure conforming with 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.

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.

Office, Business

An establishment primarily engaged in providing internal administrative services to a business, as opposed to services to the general public.

Office, Professional

An establishment providing direct services to consumers by a member of a recognized profession, such as attorneys, architects, accountants, insurance agents, and engineers. Does not include barber or beauty shops or medical or dental clinics.

#### Ordinary High Water Mark

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.

#### Outdoor Living Area

Spaces that are associated with residential land uses typically used for passive recreational activities or other noise sensitive uses. Such spaces include patio areas, barbecue areas, residential play areas; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; and outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas not so affected are street yard areas, driveways, greenbelts, maintenance areas, and storage areas associated with residential areas; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and outdoor areas with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).

#### Parcel

For the purposes of this Ordinance, a parcel shall be defined as a land ownership upon which one (1) or more rural structures, including farm residences, are placed, together with the required open spaces. The term "parcel" is used in agricultural and rural districts 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.

#### Parking

The act of placing or leaving an automobile or other motor vehicle standing for a time on a street, driveway, in a garage, or in a parking lot. The placing or leaving of an automobile, motor vehicle, boat, trailer, or equipment on a street, driveway, parking lot, or in a garage for a period exceeding 24 hours without moving is considered "storage."

#### Parking Lot

A structure or premises containing 10 or more parking spaces open to the public. Such spaces may be for rent, fee, or no charge.



### Poultry

Domestic farm fowl, such as chickens, ducks, and turkeys.

### Premise

The lot or lots, parcels, or portions of lots or parcels considered a unit for a single use or development.

### Principal Use or Structure

The main use of land or structures as distinguished from a secondary or accessory use. Such use could be a house in a residential district, a store in a business district, a factory in an industrial district, or crops and farm buildings in an agricultural district.

### Processing

A series of operations, usually in a continuous and regular action or succession of actions carried out in a definite manner to create a new or modified product.

### Professional Home Offices

Residences of clergymen, architects, landscape architects, professional engineers, professional 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.

### Quarry or Other Nonmetallic Mining Operation

All of the activities undertaken for the purpose of extracting from the earth, for sale or use by the operator or any person affiliated or related to the operator, or any person with whom the operator has a contractual relationship, mineral aggregates such as stone, sand and gravel, and other nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc and topsoil, and all related activities and processes on the site, including, without limitation, stripping, drilling, shooting, excavating, dredging, grading, scalping, dewatering, crushing, screening, washing, blending, loading, hauling, stockpiling, and selling.

### Quarry or Nonmetallic Mining Refuse

Waste soil, rock, mineral, liquid, vegetation, and other waste material resulting from a quarry or other nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the quarry or other nonmetallic mining operation, provided that the operator intends to market such by-products and the operation is active.

### Quarry or Nonmetallic Mining Site

The location where a quarry or other nonmetallic mining operation is proposed to be conducted or is conducted, including, without limitation, all areas where minerals are proposed to be or are removed, processed or stored, and all areas which are proposed to be or are disturbed or improved in connection with the operations (but not including public streets, highways, or other public improvements), and all setback areas surrounding the operations.

### 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. 5)

### Reclamation

With respect to quarrying and nonmetallic mining operations, "reclamation" means the rehabilitation of a quarry or other nonmetallic mining site, including, but not necessarily including, and not limited to, removal of quarry or other nonmetallic mining refuse, grading of the site, modification of sheer rock walls for purposes of safety and utility, replacement of topsoil, stabilization of soil and rock conditions, establishment of vegetative cover, landscaping, control of surface water and groundwater, prevention and remediation of environmental pollution, construction of fences, returning the site to a safe, useful, and aesthetically pleasing condition, and, if practical, restoration of plant, fish, and wildlife habitat.

### Replacement of Topsoil

The replacement of the topsoil which was removed and disturbed by a quarry or other nonmetallic mining operation or the provision and placement of soil which is at least as adequate, in the opinion of the Town of Addison Plan Commission, as the topsoil which was removed or disturbed, for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

### Restaurant

An establishment where food, refreshments, and beverages are prepared, served, and consumed primarily within the principal structure. (See also "Drive-in Restaurant.")

### Riparian Buffer

The area within 50 feet on each side of an intermittent stream, 75 feet on each side of a perennial stream, and 75 feet around lakes with a surface area of five (5) acres or more. Riparian buffers are measured landward from the ordinary high water mark, and are typically included in shoreland areas regulated by the Washington County Shoreland/Wetland and Floodplain Zoning Ordinance.

### Rummage Sale

The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four (4) consecutive days in length and are not conducted more often than three (3) times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this Section, are not rummage sales.

Seat

Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

SEWRPC

The Southeastern Wisconsin Regional Planning Commission, which serves the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha and the cities, villages, and towns located within those counties under the authority of Section 66.0309 of the Wisconsin Statutes.

Sexual Conduct

Acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

Shopping Center

A group of commercial establishments planned, constructed, and managed as a unified entity that share a common on-site parking area for customers and employees, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements.

Shorelands

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

Shoreland Wetland

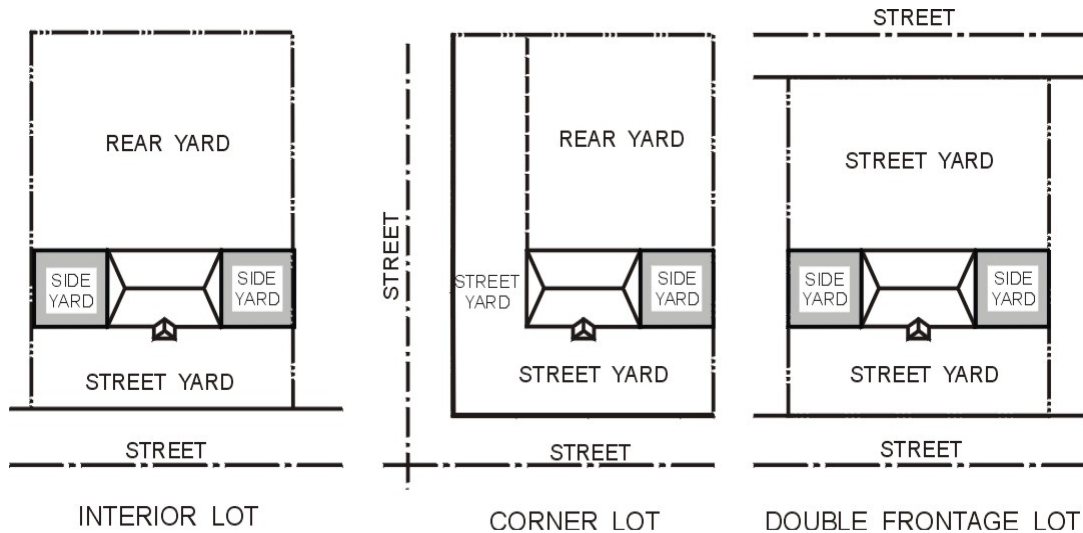
A wetland or a portion of a wetland located in a shoreland (also see definitions of “shoreland” and “wetland.”)

Shore Yard

A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the ordinary high water mark of the lake or stream upon which the lot abuts and a line parallel thereto through the nearest point of the principal structure.

## ILLUSTRATION NO. 5

### ILLUSTRATION OF YARDS ON A TYPICAL INTERIOR LOT, CORNER LOT, AND DOUBLE FRONTAGE LOT



#### 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. 5)

#### Sign

Any visual display, including words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks designed to identify, announce, direct, or inform.

#### Sign, Air-Activated

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

#### Sign, Awning, Canopy or Marquee

A sign that is mounted or painted on, or attached to an awning, canopy or marquee. (See Illustration No. 6)

#### Sign, Banner

A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or similar method or that may be supported by stakes in the ground. Banners attached to fences shall be considered wall signs.

Sign, Flag

Devices generally made of flexible materials, such as cloth, paper, or plastic, and supported by a single vertical pole mounted into the ground or on a portable structure. They may or may not contain copy. This definition does not include the flag of any country or state. (See Illustration No. 6)

Sign, Ground

Any sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground independent of any other structure, but not including a “pole sign” as defined herein. (See Illustration No. 6)

Sign, Pole

A free-standing sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground so that the bottom of the sign is 10 feet or more above grade. (See Illustration No. 6)

Sign, Portable

A sign that is not permanently attached to the ground or to a building or structure. Such sign is sometimes mounted on wheels to make it transportable. (See Illustration No. 6)

Sign, Projecting

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (See Illustration No. 6)

Sign, Roof

A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building, and which is wholly dependent upon the building for support. (See Illustration No. 6)

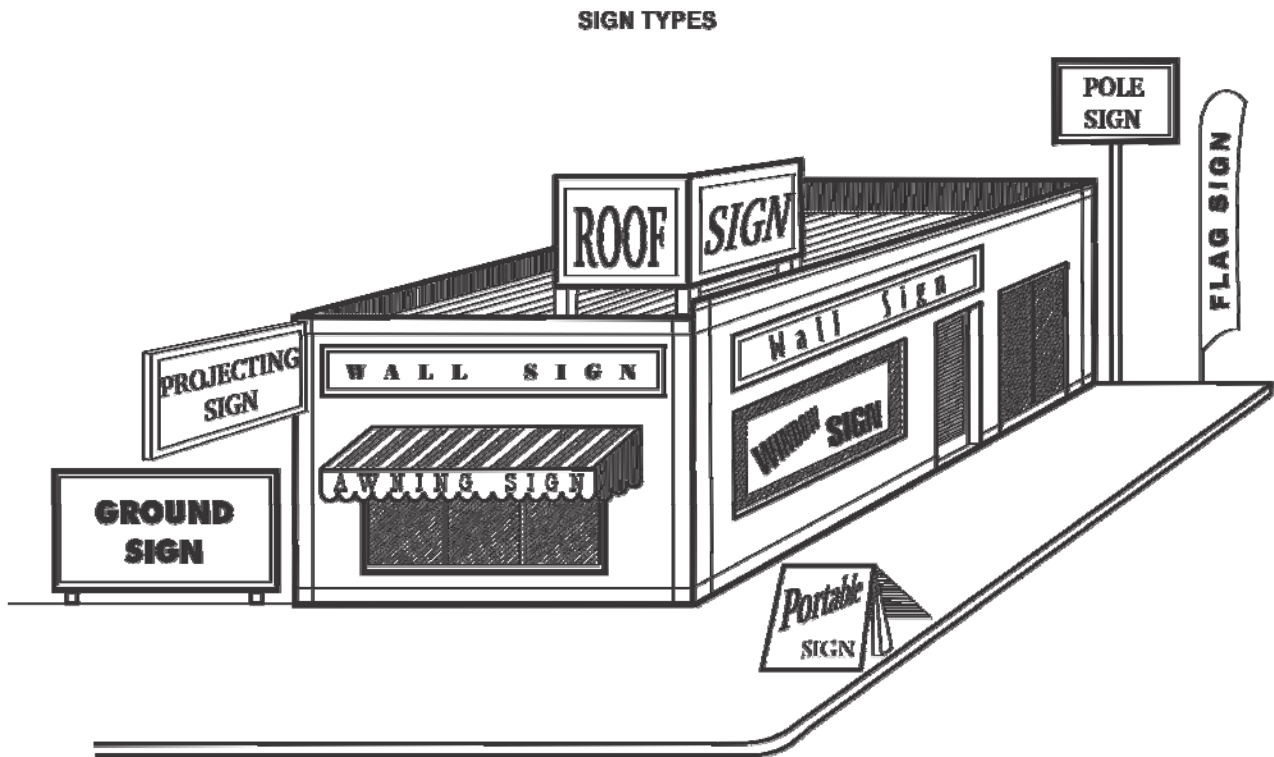
Sign, Vehicle

A sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign.

Sign, Wall

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from such building or structure. (See Illustration No. 6)

## ILLUSTRATION NO. 6



### Sign, Window

A sign that is applied, painted, or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. (See Illustration No. 6)

### Sign Copy

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

### Sign Face

The area or display surface used for the message.

### Sound Level

The weighted sound pressure level obtained by use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-197, or the latest approved revision thereof). If the frequency weighting is not indicated, the A-weighting scale shall apply.

### Sound Level Meter

An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels.

### Street

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

### 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 right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards. (See Illustration No. 5)

### Structure

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

### Structural Alterations

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

### Swimming Pool

Any structure, portable or permanent, containing a body of water 30 inches or more in depth, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

### Tower

Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

### 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 Ordinance.

#### 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 cell towers, wind energy conversion systems, sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

#### Variance

An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited by the Ordinance or allow floodplain construction that is not protected to the flood protection elevation required by the Washington County Shoreland/Wetland and Floodplain Zoning Ordinance.

#### Wetland

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

#### Wind Energy System

Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy such as electrical energy.

#### Wind Energy System, Large

A wind energy system that has a total installed nameplate capacity of greater than 300 kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts. The height of such systems is usually over 250 feet, with “utility-scale” systems about 400 to 500 feet in height.

#### Wind Energy System, Small

A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts. The average height of “small” wind energy systems is approximately 80 feet, but small systems may be up to 250 feet in height.



Wireless Communication Facilities

See “Mobile Service.”

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. (See Illustration No. 5)

Zoning Permit

A permit issued by the Town Zoning Administrator for construction, moving, alteration, or addition to any use, structure, or structure and use in combination upon compliance with the provisions of this Ordinance.



**Appendix A**

**SUMMARY OF AREA, YARD, AND HEIGHT REQUIREMENTS**



**Appendix A**

**SUMMARY OF AREA, YARD, AND HEIGHT REQUIREMENTS**

Zoning District	Minimum Lot Size		Minimum Floor Area (square feet)	Minimum Yard/Setback				Maximum Principal Building Height <sup>b</sup> (feet)
	Area	Width at Yard/Setback Line (feet)		Street (feet)	Side <sup>a</sup> (feet)	Rear <sup>a</sup> (feet)	Shore (feet)	
A-1 Agricultural District	35 acres	600	1-Story – 1,000; Multi-Story – 1,200	40 feet from street ROW	25	50	75	Farm building-100; Dwelling-35
R-1 Agricultural/Rural Residential District	5 acres	300	1-Story – 1,200; Multi-Story – 1,800	40 feet from street ROW	25	50	75	Farm building-100; Dwelling-35
R-2 Single-Family Residential District (Unsewered)	40,000 square feet	125	1-Story – 1,200; Multi-Story – 1,800	40 feet from street ROW	10	25	75	35
R-3 Single-Family Residential District (Sewered)	12,000 square feet	80; 90 for corner lots	1-Story – 1,200; Multi-Story – 1,800	25 feet from street ROW	10	25	75	35
R-4 Two-Family Residential District (Sewered)	15,000 square feet	100; 110 for corner lots	1,000 per dwelling unit	25 feet from street ROW	10	25	75	35
R-5 Multi-Family Residential District	15,000 square feet; 4,000 square feet per dwelling unit	100; 110 for corner lots	2,000 total; 650 per efficiency or one-bedroom dwelling unit; 900 per two-bedroom or larger dwelling unit	25 feet from street ROW	25	25	75	35
B-1 Allenton Central Business District	-- <sup>c</sup>	-- <sup>c</sup>	None	None	-- <sup>d</sup>	None	75	35
B-2 General Business District	-- <sup>c, e</sup>	-- <sup>c, e</sup>	None	40 feet from street ROW	25	50	75	35
B-3 Mixed Use Business District	40,000 square feet	150	None	40 feet from street ROW	25	50	75	45
M-1 Manufacturing District	40,000 square feet	125	None	40 feet from street ROW	25	50	75	45

**Appendix A (continued)**

Zoning District	Minimum Lot Size		Minimum Floor Area (square feet)	Minimum Yard/Setback				Maximum Principal Building Height <sup>b</sup> (feet)
	Area	Width at Yard/Setback Line (feet)		Street (feet)	Side <sup>a</sup> (feet)	Rear <sup>a</sup> (feet)	Shore (feet)	
Q-1 Quarrying and Non-metallic Mining District	- - <sup>c</sup>	- - <sup>c</sup>	None	100 <sup>f</sup>	100 <sup>f</sup>	100 <sup>f</sup>	100 <sup>f</sup>	None
L-1 Landfill District	20 acres	600	None	40 <sup>g</sup>	50 <sup>g</sup>	50 <sup>g</sup>	300 from a river or stream; 1,000 from a lake	35
P-1 Institutional District	12,000 (sewered) 1.5 Acres (un-sewered)	90 (sewered) 150 (un-sewered)	1-Story – 1,200 Multi-Story – 1,800	25 (sewered) 40 (un-sewered)	10 (sewered) 25 (un-sewered)	25 (sewered) 50 (un-sewered)	75	35
P-2 Park District	- - <sup>c</sup>	- - <sup>c</sup>	None	40 feet from street ROW	50	50	75	35
UC Upland Conservancy Overlay District	5 acres <sup>h</sup>	300 <sup>h</sup>	1-Story – 1,200 Multi-Story – 1,800	40 feet from street ROW <sup>h</sup>	25 <sup>h</sup>	50 <sup>h</sup>	75	Farm building -100 Dwelling-35
PUD Planned Unit Development Overlay District	See Section 3.18.							

NOTE: This table is a summary and should not be used to answer zoning-related questions. Refer to the zoning ordinance text and map for specific zoning district information.

<sup>a</sup>Lots abutting a more restrictive zoning district must provide side and/or rear yards not less than those required in the more restrictive district.

<sup>b</sup>Refer to zoning ordinance regulations for the maximum height requirement for accessory buildings and structures.

<sup>c</sup>Lots must provide sufficient area and width for the activities or operation, principal building and accessory structures, off-street parking and loading/unloading areas, and required yards.

<sup>d</sup>No side yard setback is required, but if one is provided it must be a minimum of 10 feet.

<sup>e</sup>Lots for shopping centers must be a minimum of four acres in area and a minimum of 300 feet in width.

<sup>f</sup>Minimum setback for buildings and structures is 100 feet; quarrying operations must be setback at least 200 feet from property lines.

<sup>g</sup>Minimum setback for buildings and structures is 40 feet from street rights-of-way and 50 feet from side and rear property lines. Landfill operations must be setback at least 200 feet from property lines.

<sup>h</sup>Unless a larger lot size, lot width, or setback is required in the underlying zoning district.