

SECTION 1

1.01 TITLE:

This Code shall be hereafter be known, cited, and referred to as: The Town of Loyal Zoning Code.

1.02 PURPOSES:

The Zoning Code of the Town of Loyal is adopted for the following purposes: To protect and preserve valuable agricultural land; to prevent land use conflicts between incompatible agricultural and non-agricultural uses; and to space and shape future non-farm growth in rural areas. The further purpose of this Code is to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience, and general welfare; to provide adequate standards of light, air, and open space; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial, agricultural, and manufacturing uses for the mutual benefit of all. It is further intended to provide for the administration and enforcement of this Code on a local level and to provide penalties for its violation.

1.03 AUTHORITY:

These regulations are adopted under the authority granted by Sections 60.22, 60.61, 60.62, 61.35 and 62.23 of the Wisconsin Statutes.

1.04 EFFECTIVE DATE:

This Code shall be effective after a public hearing, adoption by the Town Board, and publication of the same.

1.05 JURISDICTION:

- (1) The provisions of this Code shall apply to all structures, land, air space and surface and subsurface waters within the Town of Loyal, Clark County, Wisconsin.
- (2) Lands within 1,000 feet of a lake or within 300 feet of a stream or to the landward side of a floodplain, whichever is greater, are also regulated by Clark County relating to shorelands and floodlands. Wetlands falling within said shoreland jurisdiction of the County, as well as other wetlands, may also be regulated by the Wisconsin Department of Natural Resources or the U. S. Corps of Engineers or by both agencies.

- (3) The responsibility to finally determine whether such other agencies of Section 1.05(2) are asserting jurisdiction of their regulations, in addition to this Code, to a particular parcel of land rest with the land's owner or agent. To satisfy Town administration, the Town may require a written declaration from such agencies whether their jurisdiction applies or not. Where both the regulation of this Code and those of another such agency apply, in accordance with Section 2.01, the more restrictive individual regulation shall apply.

1.06

#### SEVERABILITY:

It is hereby declared to be the intention of the Town Board of the Town of Loyal that the provisions of this Code are severable, in accordance with the following:

- (1) If any Court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code not specifically included in said judgment.
- (2) If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

### SECTION 2

#### RULES AND DEFINITIONS

2.01

#### GENERAL INTERPRETATIONS:

The following rules of construction apply to this Code: The particular shall control the general; in case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control; the word "shall" is always mandatory whereas the word "may" is permissive; words used in the present tense shall include the future, and words used with singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary; "building" or "structure" includes any part thereof; the phrase "used for" includes "arranged for", the word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity; unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either" . . . "or", the conjunction shall be interpreted as follows: "and" indicates that all the connected items, conditions, provisions or events shall apply; "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination; "either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination; all measured distances shall be to the nearest integral foot, if a

fraction is one-half foot or more, the integral foot next above shall be taken; the masculine gender includes the feminine and neutral.

The provisions of this Code shall be held to be the minimum requirements and shall be liberally construed in favor of the Code and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

## 2.02

### DEFINITIONS:

The following words, phrases, and terms wherever they occur in this Code, shall be interpreted as herein defined. Words not herein defined shall have their ordinary meaning.

**Accessory Use, Building or Structure:** A use, building or structure on the same lot or parcel customarily incidental and accessory to the principal use of the lot or parcel, or building or structure as the principal use.

**Agricultural Use:** "Agricultural Use" means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 2836; participating in the milk production termination program under 7 USC 1446(d); and vegetable raising.

**Animal Unit:** A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s.NR243.11, table 2, which are fed, confined, maintained or stabled. For the purposes of this Code, one animal unit includes by enumeration, without limitation, one sheep, cow, goat, horse, swine. A one-tenth (1/10) animal unit shall be assigned to poultry. Household pets shall not be considered an animal unit. The term animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0. For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds, excluding household pets.

**Basement:** A "basement" is that portion of a building the floor-line of which is below lot grade and the ceiling of which is not more than five (5) feet above lot grade.

**Building:** A "building" is any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

**Building, Accessory:** A subordinate or supplemental building, the use of which is incidental to that of the principal building on the same lot or incidental to the use of the premises on which it is located.

**Building Height:** The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

**Building Site Area:** The ground area of a building or buildings, together with all open spaces required by this Code.

**Day Care or Childcare Facility:** For the purpose of this Code, a day care or childcare facility shall have the same definition as contained in sec. 48.65(1), Wis. Stats.

**Development:** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewerage disposal systems or water supply facilities.

**District:** A designated area of the Town for which the regulations governing the use of the land and buildings are uniform.

**Duplex:** A dwelling divided into two (2) living units or residences, usually having separate entrances.

**Dwelling:** A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, and lodging houses.

**Family:** A "family" consists of one or more persons each related to the other by blood, marriage, or adoption, who are living together in a single dwelling and maintaining a common household. A "family" includes any domestic servants and not more than one gratuitous guest residing with said "family".

**Farm:** An area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property. This

includes fur farms in which the animals are housed and fed under artificial conditions.

**Farm Operator:** An owner occupant of a parcel of 35 or more acres of contiguous land, which is devoted primarily to agricultural use, which during the year preceding application for a farmland preservation agreement produced gross farm profits, as defined in Wis. Stat. §71.58 (4), of not less than \$6,000 or which during the 3 years preceding application produced gross farm profits, as defined in Wis. Stat. §71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres of which at least 35 acres, during part or all of the year preceding application, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

**Feedlot:** A feedlot shall be determined to be any of the following facilities, when they are a business and means of livelihood:

(1) Any tract of land or structure wherein any type of fowl or the byproducts thereof are raised in close quarters for sale at wholesale or retail;

(2) Any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

**Floor Area:** The gross horizontal areas of the several stories within the outer lines of the exterior walls of a building or from the centerline of party walls; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways and unenclosed porches, or terraces.

**Frontage:** Frontage is the length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**Fur Farm:** Any property comprising land or building or both, used for the purpose of raising or harboring fur bearing animals, including those defined in Wis. Stat. §29.001(30), and also including chinchillas and other fur bearing animals, whether the animals are kept for breeding or slaughtering or pelting purposes.

**Grade:** Grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Grandfather Clause:** See Section 3.04, Non-Conforming Structures and Uses.

**Home Occupation:** Any occupation for gain or support, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is sold or offered for sale that is not

produced by such home occupation, that no stock in trade is kept or sold, that no person other than a member of the resident family is employed on the premises, and that no more than 25% of the floor area of any floor of the residence or accessory building is used for the home occupation. A home occupation includes uses such as babysitting, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, nonretail cabinet making, real estate brokerage or photographic studios.

**Junk Yard:** A junk yard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

**Lot of Record:** A lot which is recorded in the office of the County Register of Deeds.

**Lot:** A parcel of land occupied or designed to be occupied by one building and its accessory buildings or uses, including the open spaces required by this Code, and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the Office of the Register of Deeds, or any part of a larger parcel when such part complies with the requirements of this Code as to width and area for the district in which it is located. No land included in any street, highway, or railroad right-of-way shall be included in computing lot area.

**Lot, Corner:** A lot located at the intersection of two streets, any two corners of which have an angle of 120 degrees or less, or is bounded by a curved street, any two chords of which, on the inside of the curve, from an angle of 120 degrees or less.

**Lot, Width:** For the purpose of this Code the width of a lot shall be the shortest distance between the side lines at the building setback line. Such building line may be the setback line or a line designated on a plat, or in a conveyance of an unplatted parcel.

**Manufactured Home:** A home certified and labeled as a manufactured home under 42 USC Sections 5401 to 5426 which is set upon a foundation constructed at a minimum to the requirements of Wisconsin Administrative Code DILHR 21.18, or a comparable foundation as approved by the local Zoning Administrator or Building Inspector, is installed according to manufacturer's instructions, and is properly connected to utilities. For purposes of this Code, a "manufactured home" shall be treated the same as a "single-family residence" and, where appropriate, a "two-family residence".

**Mobile Home:** Is a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human

habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Mobile Home Park: Any park, court, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes or manufactured homes and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. Mobile home parks shall not include automobile, mobile or manufactured home sales lots on which unoccupied mobile or manufactured homes are parked for purposes of inspection and sale.

Non-Conforming Structure: Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, or distance requirements shall be considered a non-conforming structure and not a non-conforming use.

Non-Conforming Use: A use, building or structure existing at the time of enactment of this Code and which does not conform to the requirements set by the District in which said use, building or structure exists.

Occupancy: Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Permanent Foundation: A "foundation" as defined hereinabove, the minimum requirements of which shall be specified in Wisconsin Administrative Code DILHR 21.18.

Person: An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Poultry and Egg Operation: Any tract or structure wherein any type of fowl or the by-products thereof are raised in closed quarters for sale at wholesale or retail.

Principal Building: The main structure of a lot which houses the principal use of the premises.

Property Lines: Property Lines are the lines bounding a zoning lot, as defined herein.

Residence: A building designed or used exclusively as a permanent living quarters excluding single wide manufactured homes.

Setback: The minimum allowable distance from a given point or line of reference, such as a thoroughfare right-of-way, waterline, or prospective line to the nearest vertical wall or other element of a building or structure.



Street: A public or private thoroughfare which affords a primary means of access to abutting property. A driveway to a farm building shall not be considered a street for the purpose of determining setback, even though such driveway may have been designated a town road for the purpose of maintenance.

Structure: Anything constructed or erected, the use of which requires a permanent location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, sheds, cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools.

Structural Alterations: Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, footing, and piles.

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

Temporary Structure: A movable structure not designed for human occupancy which may be used for the protection of goods and chattels.

Use: The "use" of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Conditional: A conditional use is a use which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such conditional use may or may not be granted, subject to the terms of this Code. A conditional use permit may be granted only by the Town Board after public hearing and written recommendation by the Town Zoning Committee.

Use, Permitted: A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.



Use, Principal: A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional".

Variance: A departure from the terms of this Code as applied to a specific building, structure or parcel of land, which the Town Board may permit, contrary to the regulations of this Code for the district in which such building, structure or parcel of land is located.

Yard: An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, Front: A front yard is a yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear: A rear yard is a yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side: A side yard is a yard extending along a side lot line from the front yard to the rear yard.

Yard, Corner Side: A "corner side yard" is a side yard which adjoins a public street.

Zoning Administrator: A person appointed by the Town Board to administer and enforce this Code.

Zoning Permit: Zoning Permit as used in this Code shall be considered a Zoning Certificate.

### SECTION 3

#### GENERAL REGULATIONS

##### 3.01 SCOPE OF REGULATIONS:

These regulations shall conform to the following requirements:

- (1) All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alteration or relocation of existing building occurring hereafter shall be subject to all regulations of this Code which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

- (2) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Code, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated subject thereafter to the provisions of this Code relating to Non-Conforming Buildings, Structures, and Uses.
- (3) A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six (6) months for any reason.

3.02 SEWAGE DISPOSAL AND WATER SUPPLY:

Regardless of other provisions of this Code, in all classifications and in all districts, there shall always be sufficient ground area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply conforming with the standards and requirements of the County Sanitarian and state and local statutes and regulations. Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well locations, if any. Drain field property line setbacks shall be determined in accordance with county regulations.

3.03 USE REGULATIONS:

- (1) Uses Restricted:  
In any district no building or land shall be used and hereafter no building shall be erected structurally altered or relocated except for one or more of the uses hereinafter stated for that district.
- (2) Unclassified Uses:  
In case of question as to the classification of a use, the question shall be submitted to the Town Board for determination, after a recommendation by the Zoning Committee.

3.04 NON-CONFORMING STRUCTURES AND USES:

- (1) Continuation or expansion:  
Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Code or amendment thereto may be continued although such building or use does not conform with the provisions of the Code, but no nonconforming building or premises may be expanded unless approved in writing by the Town Board. The Town Board shall have jurisdiction to permit the expansion of a nonconforming building or premises in those instances where the nonconformity of the building structure or use could be remedied by the issuance of a variance

under the provisions of Section 4.05 of this Code. However, those farm structures which become nonconforming pursuant to Section 6.04(8), may expand away from the residence not toward or parallel to the residence.

(2) Limitations:

(a) No nonconforming structure or use during its total lifetime shall be enlarged or expanded in excess of 50% of its assessed value at the time of its becoming nonconforming, unless permanently changed to conform with the regulations of this Code.

(b) When a nonconforming structure is damaged to the extent of more than 50% of its assessed value at the time it was damaged, as determined by the Town Board, it shall not be restored except in conformity with the regulations of the district in which it is located.

(c) These regulations are not to be construed to prevent the necessary maintenance or repairs of buildings, utilities and property.

(3) Lot Lines:

The size and shape of a lot shall not be altered so as to increase the degree of nonconformity of a building or use.

(4) Discontinuance:

If the nonconforming use of a building or premises is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to the regulations of the district in which it is located.

(5) Change:

The Town Board, after investigation and public hearing by the Zoning Committee, may authorize the change of one nonconforming use to another of the same classification provided that the Town Board shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

### 3.05 ACCESSORY USES AND STRUCTURES:

In any district accessory buildings and uses customarily incident to the permitted uses in that district shall be permitted subject to such requirements as may be designated for that district in which they are located. Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the principal use unless otherwise approved by the Zoning Committee.

(1) Location:

No accessory building or structure shall be erected or altered or moved to a location within the required area of a front or side yard. An accessory building, structure or use in a rear yard shall be not less than 25 feet from any property line, except that on a corner lot or a through lot, such accessory building shall be subject to the same highway or street setback requirements as the principal building, unless otherwise provided herein for a specific permitted or special use.

3.06 AREA REGULATIONS:

- (1) Lot Reduction:  
After adoption of this Code, no lot area shall be so reduced that the dimensional and yard requirements required by this Code cannot be met.
- (2) Existing Lot:  
Lots existing and of record prior to adoption of this Code, but of substandard size, may be devoted to uses permitted in the district in which located, providing the requirements of DILHR Chapters 83 and 85, Wisconsin Administrative Code can be satisfied.
- (3) Yard and Open Space Regulations:  
All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. No legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yards, other open space, or minimum lot area requirements for any other building.

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

- (a) Uncovered stairs, landings, patios, decks, open porches, and fire escapes may project into any yard but not closer than ten (10) feet to any lot line.
- (b) Marquees, awnings and chimneys adjoining the principal building; overhanging roof eaves and architectural projections; may project into any required yard.
- (c) Ornamental light standards, flagpoles, trees and outdoor fuel-dispensing equipment is permitted in any yard.
- (d) Residential fences are permitted on the property lines in the residential district but shall not in any case exceed a height of six (6) feet and shall not exceed a height of four (4) feet in yards abutting streets and shall not be closer than two (2) feet to any public right-of-way. Security fences are permitted on the property lines in all districts except the residential district, but shall not

exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

- (e) A setback less than the setback required for the appropriate district for a rear yard may be permitted where there are legally established principal buildings on adjacent lots. In such cases, the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site. When there is no principal building within 200 feet on one side, the minimum setback for the district shall be used on that side to calculate the average. For the purpose of this section, measurements shall be the shortest distance from the rear property line to the building foundation or that part of the building which is totally enclosed. The intent is to discount such additions and appurtenances (not limited by enumeration) as roof overhangs, patios, decks, landings, open porches, stoops, etc. All buildings and structures shall be constructed behind the averaged setback line. Construction between the averaged building setback line and the rear property line may only be authorized by a variance pursuant to Section 4.05 of this Code. NOTE: Since this is a section dealing with rear yards, "behind" implies "toward the front of the lot."
- (f) The owner of two or more lots shall comply with the yard requirements of each individual lot unless the lots are legally combined into a single lot or redivided to maintain minimum yard setbacks.

(4) Animals.

The minimum lot area of animal units in the Residential District shall be one (1) animal unit per acre of land to a maximum of fifteen (15) animal units.

(5) Minimum Lot Area.

In all districts, the minimum lot area shall be calculated without including any road right-of-way or any other easements for streets or utilities which are greater than 20 feet wide.

3.07

HEIGHT REGULATIONS AND EXCEPTIONS:

- (1) Heights of the following structures may exceed Code limits for the district in which they are located subject to Section 3.13 of this Code: cooling towers, stacks, barns, grain storage bins, elevator legs, lookout towers, silos, windmills, water towers, and church spires.
- (2) Churches, schools, hospitals, and other public and quasi-public buildings may be erected to a greater height not exceeding sixty (60) feet, provided

the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

3.08 HIGHWAY SETBACKS:

For the purpose of determining the distance for buildings, other structures, and any feed storage and manure storage activities from the roads, streets, and highways within the Town, there shall be a setback from roads, streets, and highways, with the following to apply:

- (1) The setback from all roads, streets, and highways shall be eighty-three (83) feet from the centerline of such road, street, or highway or thirty (30) feet from the average right-of-way line, whichever is greater.

3.09 VISION CLEARANCE TRIANGLE:

- (1) In each quadrant of every public street intersection or street railroad intersection, there shall be a vision clearance triangle bounded by the street centerlines and a line connecting points on them one hundred and twenty five (125) feet from a street intersection or street railroad intersection.

Within a vision clearance triangle, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of 2 1/2 feet and 10 feet above the elevation of the street or highway grade at the centerline, except as provided in Section 3.11.

3.10 REDUCED BUILDING SETBACKS:

- (1) A setback less than the setback required for the appropriate class of highway may be permitted where there are existing principal buildings within two hundred (200) feet of the proposed building site that are built to less than the required setback. In such cases the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site or, if there is no principal building within two hundred (200) feet on one side, the average of the setback for the principal building on the one side and the setback-required in Section 3.08. The

average is not to include any building now within ten (10) feet of the right-of-way.

- (2) Any modification of other setbacks shall be pursuant to Section 4.05 of this Code.

### 3.11 STRUCTURES PERMITTED WITHIN SETBACK LINES:

- (1) Open fences.
- (2) Petroleum and gas transmission lines, telephone, telegraph and power transmission towers, poles and lines, and portable equipment both above and below ground that are readily removable in their entirety. Additions to and replacements of all such structures may be made, provided the owner will file with the Town Board an agreement in writing that the owner will move or remove all new construction additions and replacements erected after the adoption of this Code at his/her expense, when necessary to the public interest. (i.e. highway construction, airport, sewer and water lines, etc.).
- (3) Underground structures not capable of being used as foundations for future prohibited over ground structures.
- (4) The planting and harvesting of field crops shall be allowed across the vision clearance triangle from one highway or street to another.
- (5) Access or frontage roads constructed by the public to plans approved by the Town Board.
- (6) Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.

### 3.12 MISCELLANEOUS BUILDING PROVISIONS:

- (1) No building or structure shall be moved in whole or in part on to any lot or property in the Town or to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform in all respects to this Code and then only after a building permit has been obtained from the Town Clerk.
- (2) Any building used for habitation which is built on and/or transported in on skids, logs, poles, trailer frames, or by other means is classified as a movable dwelling and must conform to this Code and the following requirements must be compiled with:
  - (a) A building permit must first be obtained from the Town Clerk.



- (b) All of the requirements associated with Manufactured Housing under Sections 7.02 (3)(a) and (b) must be complied with.
- (c) In order to conform to permanent housing, the building must have a permanent foundation footing at frost depth levels built of mortar and block/or solid cement or floating slabs with grade beam on perimeter that is reinforced and insulated. Both the frost wall and floating slab with grade beam must meet state building codes.

3.13 ANTENNAS AND TOWERS:

(1) Definitions:

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Alternative tower structure means manmade structures such as elevated tanks, electric utility transmission line towers, nonresidential buildings and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Freestanding signs are not considered to be alternative tower structures.
- (b) Antenna means any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- (c) FAA means the Federal Aviation Administration.
- (d) FCC means the Federal Communications Commission.
- (e) Governing authority means the governing authority of the town.
- (f) Height means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna.
- (g) Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structures and the like.

(2) Purpose, goals:

The purpose of this section is to establish general guidelines for the siting of towers and antennas. The goals of this section are to:

- (a) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Town;
  - (b) Strongly encourage the joint use of new and existing tower sites;
  - (c) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Town is minimal;
  - (d) Encourages users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
  - (e) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- (3) Aesthetics and lighting:  
The guidelines set forth in this section shall govern the location of all towers, and the installation of all antennas;
- (a) Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
  - (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - (d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting, alternatives and approve the design that would cause the least disturbance to the surrounding views.
  - (e) Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than six feet above ground on a placard no larger than one and one-half square feet.

- (4) Federal requirements:  
All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
- (5) Building codes; safety standards:  
To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Associated as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
- (6) Height limitations:  
The requirements set forth in this section shall govern the location of towers that exceed, and antennas that are installed at, a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas; however, in no case shall any tower exceed the following height limitations:
- (a) For a single user up to 90 feet in height;
  - (b) For two users, up to 120 feet in height; and
  - (c) For three or more users, up to 150 feet in height.
- (7) Public property:

Antennas located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

- (8) Amateur radio, receive-only antennas:  
This section shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or used exclusively as a receive only antenna.
- (9) Pre-existing towers and antennas:  
Any tower or antenna for which a permit has been properly issued prior to the effective date of the ordinance from which this section is derived shall not be required to meet the requirements of this section. Any such towers or antennas shall be referred to in this article as Pre-existing towers≡ or Pre-existing antennas.≡
- (10) Removal of abandoned antennas and towers:  
Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within 90 days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (11) Principal or accessory use:  
Antennas and towers may be considered either principal or accessory uses and shall require a conditional use permit pursuant to Section 4.07 of the Code. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use of a structure.
- (12) Inventory of existing sites:  
Each applicant for an antenna and/or tower shall provide to the Zoning Committee an inventory of its existing towers that are either within the

jurisdiction of the governing authority, or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Committee may share such information with other applicants applying for administrative approvals or conditional use permits under this section, or other organizations seeking to locate antennas within the jurisdiction of the governing authority; however, the Zoning Committee is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(13) Permitted uses:

- (a) *Generally.* The uses listed in this section are deemed to be permitted uses and shall not require a conditional use permit. Nevertheless, all such uses shall comply with this section and all other applicable provisions.
- (b) *Specific permitted uses.* The following uses are specifically permitted:
  - (i) Installing an antenna on an existing alternative tower structure, so long as the additional antenna adds no more than 20 feet to the height of the existing structure; and
  - (ii) Installing an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with the antenna, so long as the addition of the antenna adds no more than 20 feet to the height of the existing tower.

(14) Conditional use permits:

- (a) *Generally.* The following provisions in addition to Section 4.07 of the Code shall govern conditional use permits:
  - (i) If the tower or antenna is not a permitted use, then a conditional use permit shall be required prior to construction of any tower, or the placement of any antenna.
  - (ii) Towers and antennas may only be located in the Agricultural District.
  - (iii) If a conditional use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.

- (iv) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical shall be certified by a licensed professional engineer.
- (b) *Information required.* Each applicant requesting a conditional use permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this section.
- (c) *Factors considered in granting conditional use permits.* The governing authority shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby:
  - (i) Height of the proposed tower.
  - (ii) Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider=s equipment.
  - (iii) Proximity of the tower to residential structures and residential district boundaries.
  - (iv) Nature of uses on adjacent and nearby properties.
  - (v) Surrounding topography.
  - (vi) Surrounding tree coverage and foliage.
  - (vii) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - (viii) Proposed ingress and egress.
  - (ix) Availability of suitable existing towers and other structures.
- (15) Availability of suitable existing towers or other structures:  
No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or

structure can accommodate the applicant=s proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant=s proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area required to meet applicant=s engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicant=s engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicant=s proposed antenna and related equipment.
- (d) The applicant=s proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant=s proposed antenna.
- (e) The fees, costs or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(16) Setbacks and separation:

The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required:

- (a) Towers must be set back a distance equal to the height of the tower from any off-site residential structure, or any parcel of land zoned residential.
- (b) Towers, guys and accessory facilities must satisfy the minimum zoning district setback requirements.

3.14

UNDERGROUND UTILITY LINES:

(1) Permits/Formal Notice:

Formal notice must be given of proposed installation and repairs to any buried lines, and/or cables, upon and along any right of way in the Town. This notice must be in writing and submitted to the Town Board for approval and a permit prior to any work being performed. Each written request should contain detailed drawings, and plan specifications, of the proposed utility line, and shall be submitted in copies of three.



- (2) **Brush Disposal:**  
Any brush, trees, debris, and material that are cut will be disposed of and not left in the ditch, the right of way, or the road. Rocks that may be dug up by a plow, trencher, tractor or any other equipment, must be disposed of properly. All services to be performed shall not interfere nor hinder the normal flow of traffic.
- (3) **Damages:**  
Any damages to the roadway right of way will be repaired to their original condition and to the satisfaction of the Town Board. The Town will not be responsible for any damages which occur to any buried utility lines within the right of way.
- (4) **Depth of Underground Lines:**  
The depth of underground lines shall be as specified by the Town Board for each type of utility. Where placements at such depths are impractical or where unusual conditions exist, the Town Board shall specify other protection as may be appropriate in lieu of the depth of bury required for the particular utility line. All buried utility lines will be placed at a minimum depth of 18". Any deviation from the specified depth must be requested in writing and approved by the Town Board.
- (5) **Location:**  
Utility lines shall be located to avoid or minimize the need for adjustment for future road improvements and to permit access to the utility lines for their maintenance with minimum interference to road traffic.
- (6) **Placement:**  
All lines shall be placed underground within the time frame set by the Town Board in the permit and in accordance with the directives of the Town Board and this Ordinance.
- (7) **Penalty:**  
Failure to comply with the directives of the Town Board and this Ordinance shall be subject to those penalties set forth in Section 4.09 of this Code.

#### SECTION 4

#### ADMINISTRATION AND ENFORCEMENT

##### 4.01 ORGANIZATION:

The administration of this Code is hereby vested in offices of the Town as follows:

Town Zoning Committee  
Town Board  
Town Board of Appeals

This section shall first set out the authority of each of these offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

- (1) Issuance of zoning certificates/building permits.
- (2) Variances.
- (3) Appeals.
- (4) Amendments.
- (5) Conditional uses.
- (6) Fees.
- (7) Penalties.

#### 4.02

#### TOWN ZONING COMMITTEE

- (1) **Creation, Appointment and Organization.** A Zoning Committee is hereby created having the powers authorized herein in addition to those allowed by law. The Zoning Committee shall consist of 5 members, appointed by the Town Chairman subject to confirmation of the Town Board, for terms of three years, except that of those first appointed one shall serve for one year, two for two years and two for three years. Vacancies shall be filled for the remainder of the unexpired term only. The Chairman of the Zoning Committee shall receive \$500.00 per year and the Zoning Committee Board members shall receive \$20.00 per meeting. In the event of a conflict, or perceived conflict, between a member and any matter coming before the Zoning Committee, the Town Chairman, subject to confirmation of the Town Board, shall appoint a temporary member to serve for that matter only.
- (2) **Procedure, Rules, Meetings and Minutes.** The Chairperson of the Zoning Committee shall be designated by the Town Chairman. The Zoning Committee shall adopt its own rules of procedure deemed necessary to carry out the provisions of this section. Meetings of the Zoning Committee shall be held at the call of the Chairperson and at such other times as the Zoning Committee may determine. Such Chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Committee shall be open to the public. The Zoning Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its

examination and other official actions, all of which shall be immediately filed in the office of the Town Clerk and shall be a public record. The presence of 3 members shall be necessary to constitute a quorum. A majority vote of the members present will carry any action.

- (3) Powers of Zoning Committee. The Zoning Committee shall have the following powers: to hear and make recommendations concerning conditional uses, and zoning amendments in accordance with the terms of this Code upon which such zoning committee is required to pass under this Code.

#### 4.03 BOARD OF APPEALS:

- (1) Creation:

The Board of Appeals, as established under the provisions of Wis. Stat. §60.65 and §62.23(7)(e), is the Board of Appeals referred to in this Code.

- (2) Jurisdiction:

The Board of Appeals is hereby vested with the following jurisdiction and authority:

- (a) to hear and decide appeals from any order, requirement, decision, or determination made by the Building Inspector under this Code;
- (b) to hear and pass upon the applications for variances from the terms provided in this Code in the manner prescribed by and subject to the standards established herein; and
- (c) to hear and decide all matters referred to it or upon which it is required to pass under this Code, as prescribed Wis. Stat. §60.65.

- (3) Membership:

The Board of Appeals consists of 5 members. Not more than one Town Board Supervisor may be a member of the Board of Appeals. The initial terms of the members of the Board of Appeals are one, 2 and 3 years, respectively, starting from the first day of the month next following the appointment. Successors shall be appointed or elected at the expiration of each term and their term of office shall be 3 years and until their successors are appointed or elected. Members of the Board of Appeals shall reside within the Town. The Town Chairman shall choose a chairperson. Vacancies shall be filled for the unexpired term of any Member whose office becomes vacant.

- (4) Compensation:

Each Member or alternate member of the Board of Appeals shall receive such compensation from time to time as set by the Town Board for each meeting of the Board of Appeals, which that person attends. In addition, each Member or alternate member of the Board of Appeals shall be paid mileage, at a rate established by the Town Board, for driving to and from said meetings.

(5) Meetings and Rules:

All meetings of the Board of Appeals shall be held at the call of the Chairman, and at such times as the Board of Appeals may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each Member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, order, requirement, decision, or determination of the Board of Appeals shall be filed immediately in the office of the Building Inspector and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Code or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.

(6) Finality of Decisions of the Board of Appeals:

All decisions and findings of the Board of Appeals on appeals or upon application for a variance, after a public hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided. See Wis. Stats. §62.23(7)(e)9.

4.04 ZONING PERMITS:

- (1) No permit shall be issued for the construction, alteration, remodeling or relocation of any building or structure which is \$500.00 or greater in value, until application has been submitted in accordance with the provisions of this Code, on forms provided by the Town Clerk and following payment of any applicable fee, showing that the construction, alteration, remodeling or relocation proposed is in compliance with the provisions of this Code, any other applicable regulations of the Town, and where applicable state building permit and county sanitary permits and regulations.

4.05 VARIANCES:

- (1) Purpose:

The Board of Appeals, after a public hearing and recommendation by the Zoning Committee, may determine and vary the regulations of this Code in harmony with the general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes findings of fact in accordance with the standards hereinafter prescribed and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Code.

(2) Application for Variance and Notice of Hearing:

An application for a variance shall be filed in writing with the Town Clerk. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of such public hearing shall be published by posting in at least three public places in the Town, published at least once in a newspaper of general circulation in the Town and also by mailing notice thereof to the parties in interest. Said posting publication, and mailing shall be at least 7 days prior to the date of the hearing. The Board shall thereafter reach its decision within 90 days from the filing of the application.

(3) Standards for Variances:

The Board of Appeals shall not vary the regulations of this Code, unless the Board of Appeals makes findings based upon the evidence presented to it in each specific case that:

- (a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
- (b) The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
- (c) The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
- (d) The alleged difficulty or hardship is caused by this Code and has not been created by any persons presently having an interest in the property;
- (e) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

(f) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(4) Conditions:

The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

(5) Determination:

The concurring vote of a majority of the members of the Board of Appeals present shall be necessary to grant a variance. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(6) Rehearings, Reconsiderations, and New Applications:

Rehearings, reconsiderations, and new applications seeking the same relief concerning the same property after a previous application has been denied will not be heard unless a substantial change of conditions or circumstances has intervened between the time the matter was first decided and the subsequent application. A change of ownership or the passage of time without additional conditions or circumstances will not justify substantial change.

4.06 AMENDMENTS:

(1) Authority:

For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the Town, and lessening or avoiding congestion in the public streets and highways, the Town Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Code, provided that in all amendatory Codes adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory Code.

(2) Initiation of Amendment:

Amendments may be proposed by the Town Board, the Town Zoning Committee or by any interested person or organization.

(3) Application for Amendment:

An application for an amendment shall be filed with the Town Clerk in such form and accompanied by such information as required by the Town Board from time to time. Such application shall be forwarded to the Town Zoning Committee with the request to hold a public hearing on said application for amendment.

(4) Hearing on Application:

The Town Zoning Committee shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Town Zoning Committee. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Town Zoning Committee shall, by rule, prescribe from time to time.

(5) Notice of Hearing:

Notice of time and place of such hearing shall be published as a Class 2 notice under Ch. 985, Wis. Stats. in a newspaper of general circulation in the Town.

(6) Findings of Fact and Recommendation of the Town Zoning Committee:

Within 30 days after the close of the hearing on a proposed amendment, the Town Zoning Committee shall make written findings of fact and shall submit same together with its recommendations to the Town Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Zoning Committee shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- (a) Existing use of property within the general area of the property in question.
- (b) The zoning classification of property within the general area of the property in question.
- (c) The suitability of the property in question to the uses permitted under the existing zoning classification.
- (d) The trend of development, if any, in the general area of the property in question, including changes if any which have taken



place since the day the property in question was placed in its present zoning classification.

- (e) Minimum size of parcel: A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses 200 feet of frontage and contains two (2) acres of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

The Town Zoning Committee shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Town Zoning Committee may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

(7) Action by the Town Board:

- (a) The Town Board shall not act upon a proposed amendment to this Code until it shall have received a written report and recommendation from the Town Zoning Committee on the proposed amendment.
- (b) The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment, signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the area of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be granted except by a favorable vote of majority of all the members of the Town Board present.
- (c) If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

4.07

CONDITIONAL USES:

(1) Purpose:

The development and execution of this Code is based upon the division of the Town into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there

are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:

- (a) Uses publicly operated or traditionally affected with a public interest.
- (b) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(2) Initiation of Conditional Use:

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Code in the zoning district in which the land is located.

(3) Application for Conditional Use:

An application for a conditional use shall be filed with the Town Clerk on a form prescribed by the Town Board. The application shall be accompanied by such plans and/or data prescribed by the Town Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 4.07(6), hereinafter. Such application shall be forwarded from the Town Clerk to the Town Zoning Committee with a request for a public hearing and report relative thereto.

(4) Hearing on Application:

Upon receipt in proper form of the application and statement referred to in Section 4.07(3) above, the Town Zoning Committee shall hold at least one public hearing on the proposed conditional use. Notice of the time and place of such hearing shall be published as a Class 2 notice under Ch. 985, Wis. Stats. in a newspaper of general circulation in the Town.

(5) Authorization:

For each application for a conditional use, the Town Zoning Committee shall report to the Town Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed

conditional use is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

(6) Standards:

No conditional use shall be recommended by the Town Zoning Committee nor approved by the Town Board unless such Committee and Board shall find:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare,
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood,
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district,
- (d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided,
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and
- (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Town Board pursuant to the recommendations of the Town Plan Commission.

(7) Conditions and Guarantees:

Prior to the granting of any conditional use, the Town Zoning Committee may recommend, and the Town Board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 4.07(6) above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

(8) Effect of Denial of a Conditional Use:

No application for a conditional use which has been denied wholly or in part by the Town Board, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Town Board.

(9) Revocation:

In any case where a conditional use has not been established within one year after the date of granting thereof, then, without further action by the Town Zoning Committee or the Town Board, the conditional use or authorization shall be null and void.

4.08 FEE SCHEDULE:

The following fees and charges are applicable in the Town:

<u>TYPE OF PERMIT</u>	<u>FEE</u>
Moving Permits	\$ 10.00
Mobile Home/Manufactured Home	\$ 10.00
Underground Utility Lines	\$ 10.00
Zoning Amendments	\$ 250.00
Zoning Permit	\$ 10.00
Conditional Use Permit and Renewals	\$ 250.00
Variances	\$ 250.00

Permit fees shall be set and amended from time to time by the Town Board.

A double permit fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.

4.09 PENALTIES AND ENFORCEMENT:

(1) Violations, Injunctions, Abatement and Removal.

It shall be unlawful to construct, develop or use any structure, or develop or use any land, water or air in violation of any of the provisions of this Code or order of the Town Board. In case of any violation the Town Board may institute appropriate legal action or proceedings to enjoin a violation of this Code, or seek abatement or removal. In addition, those actions commenced by the Town may seek a forfeiture or penalty as outlined in this section.

(2) Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Code, shall, upon conviction, forfeit not less than \$10.00 nor more than \$100.00 for each

offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

(3) Proceedings:

- (a) Civil Proceedings. Pursuant to the provisions of Wis. Stats. §66.14, Wis. Stats., an action for violation of this Code is deemed a civil action. Accordingly, Wis. Stats. §801-847, shall apply where applicable.
- (b) Town Attorney. The town attorney may, in the town attorney's discretion, commence legal action or proceedings and may proceed pursuant to the proceedings outlined in Wis. Stat. §§66.119, 66.12 or 778.10, or pursuant to the issuance of a summons and complaint.
- (c) Citations. Requests for necessary citations may be directed by the Town Board for approval.
- (d) Special Inspection Warrants. The provisions of Wis. Stat. §§ 66.122 and 66.123, shall govern the issuance of all special inspection warrants.
- (e) Statute of limitations. Pursuant to Wis. Stat. §893.93(2)(b), any action to recover a forfeiture or penalty imposed by Code or regulation, when no other limitation is prescribed by law, shall be commenced within two years of the violation. In those situations in which there occurs a continuing violation in existence for more than two years prior to the issuance of the complaint and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day of violation occurring more than two years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two year period prior to the issuance of the complaint.

SECTION 5

ZONING DISTRICTS AND MAPS

5.01 DISTRICTS:

The lands of the Town are hereby divided into the following districts:

- (1) Residential District
- (2) Agricultural District
- (3) Commercial District
- (4) Industrial District

5.02 MAPS:

The location and boundaries of the zoning districts established by this Code are set forth on the Zoning Map entitled "Town of Loyal Zoning Map" and dated the \_\_\_\_\_ day of \_\_\_\_\_, 2006, which is incorporated herein and hereby made a part of this Code. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Code as though fully set forth and described herein.

5.03 BOUNDARIES OF DISTRICTS:

In unsubdivided property, unless otherwise indicated on the map, the district boundary lines are the centerlines of streets, highways, railroads, section lines, quarter-section lines, quarter-quarter lines, quarter-quarter-quarter lines or such lines extended or connected. Where not otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and be not less than 300 feet in depth.

SECTION 6

RESIDENTIAL DISTRICT

6.01 PURPOSE:

The Residential District is designed to encourage a suitable environment for family life by permitting under certain conditions, such neighborhood facilities as churches, schools, playgrounds and appropriate institutions and by protecting the residential character against noncompatible uses. The district is intended to avoid overcrowding by requiring certain minimum yards, open spaces and site area while making available a variety of dwelling types and densities to serve a wide range of individual requirements.

6.02 PERMITTED USES:

Only the following uses are permitted in the Residential District:

- (1) Single-family dwellings designed for and occupied exclusively by one family.
- (2) Churches and cemeteries subject to sec. 157, Wis. Stats. public and private schools, colleges and universities.
- (3) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.

- (4) Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided, however, that no accessory building may be used as a separate dwelling unit.

6.03           CONDITIONAL USES:

Only the following conditional uses may be allowed in the Residential District subject to the provisions of Section 4.07 of this Code:

- (1) Institutions of a charitable or philanthropic nature, hospital, clinics and sanatoria, except contagious hospitals and mental institutions.
- (2) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (3) Rooming and boarding houses, and day care or childcare facilities.
- (4) Bed and breakfast establishments subject to Chapter 50, Wis. Stats.
- (5) Animal units pursuant to Section 3.06(4).

6.04           HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:

Except as otherwise provided in this Code, no building shall exceed a height of thirty-five (35) feet.

- (2) Floor Area and Width:

Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths.

- (a) One-story houses shall have a minimum floor space of 1,200 square feet exclusive of basement, breezeway, porch and garage.
- (b) Split-level, two-story and bi-level houses shall have a minimum floor space of 1,500 square feet exclusive of basement, breezeway, porch and garage.
- (c) No single side of any building used in whole or in part for residential purposes shall be less than 20 feet in width.

- (3) Lot Area:



- (a) For platted or unplatted lands the minimum lot area shall be determined by percolation test in accordance with the requirements of Wisconsin Administrative Code Chapter DILHR 83 entitled PRIVATE SEWERAGE SYSTEMS and Chapter DILHR 85 entitled SUBDIVISIONS NOT SERVED BY PUBLIC SEWER, but no such lot or building site shall have an area in the Residential District of less than two (2) acres or a width of less than two hundred fifty feet (250) at the building line.
- (b) No building, together with its accessory buildings, shall occupy in excess of thirty (30) percent of the area of any lot.

(4) Side Yards:

There shall be a side yard on each side of a building. No single side yard shall be less than twenty-five (25) feet wide.

(5) Rear Yard:

The minimum depth of any rear yard shall be fifty (50) feet, except on water front lots.

(6) Setback Lines:

See Sections 3.08 and 3.11.

(7) Foundations:

All dwelling units shall be placed upon permanent frost-free foundations which meet the requirements of the State of Wisconsin Administrative Code, DILHR 21.18. See also Section 3.12(2)(c) of this Code.

(8) Other Setbacks:

Except for the primary residence of the farm operator and Section 7.02(3), no single family residential house shall be constructed within 600 feet of a livestock structure which houses or is used by 200 animal units or less, a feed or manure area (structure), whether or not said structure or area is on the same zoning lot or an abutting lot. Except for the primary residence of the farm operator and Section 7.02(3), no single family residence shall be constructed within 1,000 feet of a livestock structure which houses or is used by 200 or more animal units, a feed or manure storage (structure) area, whether or not said structure or area is on the same zoning lot or an abutting lot. Except for the primary residence of the farm operator and Section 7.02(3), no single family residence shall be constructed within 500 feet of another single family residence as measured from the building foundations of each, unless said residences are in a subdivision.

SECTION 7

AGRICULTURAL DISTRICT

7.01 PURPOSE:

The purposes of the Agricultural District shall be to protect and preserve valuable agricultural land; to prevent land use conflicts between incompatible agricultural and non-agricultural uses; to space and shape future non-farm growth in rural areas; to regulate population density and distribution in the Town of Loyal; to promote the public health, safety, prosperity, aesthetics and general welfare.

7.02 PERMITTED USES:

Only the following uses are permitted in the Agricultural District:

- (1) One single-family dwelling located on the farm operation to be used as the residence of the farmer operator, his/her parents or children, or an unrelated person or family at least one member of which earns a substantial portion of his /her livelihood from the farm operation.
- (2) One single-family dwelling located on a farm operation to be used as the retirement residence of the farm operator, subject to Section 6.04(8) of this Code.
- (3) Single Wide Manufactured Home
  - (a) One (1) Single Wide Manufactured Home used as a residence which is not the primary place of residence shall be permitted as an accessory building on a farm operation provided that one or more of the occupants derives a substantial portion of his/her livelihood from the farm operation and/or substantially participates in the operation of the farm, and provided that the Single Wide Manufactured Home is provided with a permanent foundation. The Single Wide Manufactured Home must be placed within two hundred (200) feet of the principal farm building.
  - (b) The temporary use of one (1) Single Wide Manufactured Home shall not exceed one (1) year, unless an extension is authorized in writing by the Town Board, shall be permitted while a permanent dwelling is under construction, providing the Single Wide Manufactured Home and the permanent dwelling are located on the same lot or parcel of land and providing a County Sanitary Permit has been obtained for the permanent dwelling and that an approved private sewage disposal system is utilized by the temporary Single Wide Manufactured Home.

- (4) Pole Building(s), farm structure(s), garage(s), and other buildings necessary to the farm operation or permitted residential use.
- (5) General Farming
  - (a) General farming, including, but not limited to field crops, dairying, livestock raising, ginseng, nurseries, greenhouses, beekeeping, vegetable warehouses, the seasonal sale of seed and fertilizer and other similar enterprises or uses. Not limited are fur farms, poultry and egg operations, livestock feed lots and livestock confinement systems.
  - (b) Campers and camping trailers may be stored or parked indefinitely, providing the unit is stored under cover or is screened from the road with natural screening.
  - (c) Christmas tree sales and one roadside stand per farm, of not more than 300 square feet used solely for the sale of products of which more than 50 percent were produced on the premises.
  - (d) Forest and game management.
  - (e) Hunting, fishing, and trapping.
  - (f) Maple syrup processing plants
  - (g) Sawmills, when located 1,000 feet minimum distance from a residence other than that of the owner of the saw mill.
  - (h) Farm ponds and flowage areas developed consistent with all applicable laws, regulations, codes, and following receipt of all necessary license.
  - (i) Auctions, temporary.

7.03 CONDITIONAL USES:

Only the following conditional uses may be allowed in the Agricultural District subject to the provisions of Section 4.07 of this Code:

- (1) Single-family dwellings in addition to permitted dwellings Section 7.02(1) and (2), providing one or more of the occupants is a parent or child of the operator of the farm, or if an unrelated person or family, at least one member of which earns a substantial portion of his/her livelihood from the farm operation.
- (2) More than one (1) Single Wide Manufactured Home meeting all of the conditions set forth in Section 7.02(3)(a), above.

- (3) Fur farms, poultry and egg operations, livestock feed lots and livestock confinement systems.
- (4) Canneries.
- (5) Cheese factories.
- (6) Condenseries.
- (7) Creameries.
- (8) Dog kennels, which house more than two (2) dogs, when located not less than five hundred (500) feet from a residence other than that of the owner of such kennels.
- (9) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- (10) Facilities used to provide veterinarian services for livestock.
- (11) Facilities used in processing of agricultural products.
- (12) Fish hatchery-Commercial.
- (13) Gas and electric utilities not requiring authorization under Wisconsin Statute Section 196.49(13).
- (14) Schools.
- (15) Community buildings, garage and storage facilities.
- (16) Nursing homes and personal care facilities.
- (17) Parks.
- (18) Fire protection facilities.
- (19) All other buildings for commercial use including but not limited to storage buildings.
- (20) Duplexes.
- (21) Non-metallic mineral extraction.
- (22) Antennas and towers. See also Sections 3.07 and 3.13 of this Code.

## HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

## (1) Height:

Except as otherwise provided in this Code, and except for structures utilized for general farming, no building shall exceed a height of thirty-five (35) feet.

## (2) Lot Area:

The minimum lot size to establish a dwelling, residence or farm operation is 37 contiguous acres, except as provided otherwise herein:

- A. A parcel is not contiguous if separated by land owned by other person(s) or entity(s) unless the intervening land is a river or stream, a transportation corridor or a utility corridor. Lands in rivers and streams, within transportation corridors or within utility corridors are not subtracted from the required acreage of the parcel unless the fee title to such corridor is vested in a governmental entity and then only if the adjoining land(s) are not liable for real property taxes on such corridor.
- B. A single-family dwelling under Sections 7.02(1) or 7.02(2) located on the farm operation is not subject to the minimum lot size. The minimum lot size applicable to said sections to establish a separate parcel shall be two (2) acres on a separate parcel.
- C. The minimum lot size applicable to Section 7.03(1) shall be two (2) acres.
- D. There shall be a minimum lot size of two (2) acres applicable to Sections 7.03(3) through Section 7.03(22), inclusive.
- E. The minimum lot size for residence(s) pursuant to Sections 7.02(1) or (2) and Section 7.02(5) which is/are separated from a farm operation through farm consolidation shall be two (2) acres. Farm consolidations are of three types:
  - (a) Farm owner conveys the entire farm and that purchaser subsequently conveys the farm residence and/or farm structure(s) to other person(s) or entity(ies).
  - (b) Farm owner conveys the entire farm except the farm owner retains the farm residence as his/her residence.
  - (c) Farm owner conveys the land to one purchaser and conveys the farm structure(s) and farm residence to other purchaser(s).

(3) Other Setbacks:

Except for the primary residence of the farm operator and as set forth in Section 7.02(3)(a) and duplexes which are constructed out of an existing dwelling unit, no dwelling unit, shall be constructed within 600 feet of a livestock structure which houses or is used by 200 animal units or less, a feed or manure area (structure), whether or not said structure or area is on the same zoning lot or an abutting lot. Except for the primary residence of the farm operator and Section 7.02(3), no single family residence shall be constructed within 1,000 feet of a livestock structure which houses or is used by 200 or more animal units, a feed or manure storage (structure) area, whether or not said structure or area is on the same zoning lot or an abutting lot.

(4) Floor Area and Width:

Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths.

- (a) One-story houses shall have a minimum floor space of 1,200 square feet exclusive of basement, breezeway, porch and garage.
- (b) Split-level, two-story and bi-level houses shall have a minimum floor space of 1,500 square feet exclusive of basement, breezeway, porch and garage.
- (c) No single side of any building used in whole or in part for residential purposes shall be less than 20 feet in width.

(5) Side Yards:

There shall be a side yard on each side of a building. No single side yard shall be less than twenty-five (25) feet wide.

(6) Rear Yard:

The minimum depth of any rear yard shall be fifty (50) feet, except on water front lots.

(7) Foundations:

All dwelling units shall be placed upon permanent frost-free foundations, which meet the requirements of the State of Wisconsin Administrative Code, DILHR 21.18.

- (8) Setback Lines:

See Sections 3.08 and 3.11.

## SECTION 8

### C-1 COMMERCIAL DISTRICT

8.01 PURPOSE:

This district is designed to provide for a wide range of retail stores and personal service establishments which cater to frequently recurring needs. The regulations are designed to promote stability of retail development by encouraging continuous retail frontage.

8.02 PERMITTED USES:

Only the following uses are permitted in the C-1 Commercial District:

- (1) Animal hospitals and clinics, but not the boarding of animals.
- (2) Antique or art shop.
- (3) Bakery employing not over 8 persons on the premises.
- (4) Bank, savings and loan or other financial institutions.
- (5) Barber shop, beauty parlor.
- (6) Boat sales and service.
- (7) Book and stationery store.
- (8) Business, professional offices and clinics.
- (9) Clothing store, department store, shoe store, shoe repair shop.
- (10) Clubs and lodges.
- (11) Commercial entertainment facilities, but not Drive-In Theater.
- (12) Dance studios.
- (13) Drugstore.
- (14) Dwelling, single family, but only as an accessory to a principal use on parcels of three acres or more.

- (15) Florist shop, greenhouse.
- (16) Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket.
- (17) Funeral homes.
- (18) Furniture store, appliances, office equipment, upholstering.
- (19) Hardware, household appliances, plumbing, heating and electrical supplies, auto supplies.
- (20) Hotel, motel.
- (21) Insurance firms, real estate firms, stock brokers.
- (22) Jewelry store.
- (23) Laundry, cleaning and dyeing establishment.
- (24) Libraries, museums.
- (25) Martial arts schools.
- (26) Music, radio and television store, record shop.
- (27) Paint store, interior decorator.
- (28) Parking lot.
- (29) Photographer, photography supply shop.
- (30) Printing and duplicating.
- (31) Public utility office or substation, telephone exchanges, fire stations, police station, administration buildings and similar uses.
- (32) Publishing office.
- (33) Radio and television broadcasting studio.
- (34) Retail stores and shops offering convenience goods and services.
- (35) Restaurant, cafe, tavern, but not drive-in restaurant.
- (36) Signs, billboards, sign painting shop, subject to Section 16.
- (37) Sporting goods stores.



- (38) Theater, except drive-in theater.
- (39) Vocational schools and learning centers conducted for profit.
- (40) Manufacturing or storage in connection with any of the above uses, when clearly incidental to the conduct of a retail business on the premises.
- (41) Single-family dwellings designed for and occupied exclusively by one family.

8.03           CONDITIONAL USES:

Only the following conditional uses may be allowed in the C-1 Commercial District subject to the provisions of Section 4.07 of this Code:

- (1) Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishments.
- (2) Automobile sales or service stations.
- (3) Bowling alleys, dance halls, skating rinks.
- (4) Day care or childcare facilities.
- (5) Drive-in restaurant.
- (6) Drive-in theater.
- (7) Farm equipment sales and service.
- (8) Farm machinery sales and service.
- (9) Feed and seed stores.
- (10) Fishing bait (live) stores.
- (11) Lumber yards.
- (12) New and used car sales and their repair.
- (13) Marinas.
- (14) Mobile homes sales and service.
- (15) Motorcycle sales, repair and service.

- (16) Newspaper office and press rooms.
- (17) Tavern.
- (18) Transportation terminals.
- (19) Wholesale establishments.

8.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:  
Except as otherwise provided in this Code, no building shall exceed a height of thirty-five (35) feet.
- (2) Lot Area:  
The minimum lot area shall be two (2) acres and the minimum lot width shall be two hundred fifty (250) feet at the building line.
- (3) Side Yards:
  - (a) Side yards shall be not less than fifteen (15) feet wide, and
  - (b) There shall be a side yard not less than twenty-five (25) feet wide along the side of any lot in a Commercial District, which abuts the side lot line of a lot in a Residence District and is not separated therefrom by a street or alley.
- (4) Rear Yard:  
There shall be a rear yard of not less than fifty (50) feet in depth.
- (5) Setback Lines:  
See Sections 3.08 and 3.11.

SECTION 9

M-1 INDUSTRIAL DISTRICT

9.01 PURPOSE:

The Industrial District is intended for any manufacturing or industrial operation 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 noise, dirt, smoke, odor, traffic, physical appearance, or other similar factors.

9.02 PERMITTED USES:

Only the following uses are permitted in the M-1 Industrial District:

- (1) Automotive heavy repair, body shop, and upholstery.
- (2) Cleaning, pressing and dyeing establishments.
- (3) Commercial greenhouses.
- (4) Dwellings, single family for the caretaker or owner and his/her family only on parcels of three acres or more.
- (5) Food locker plants.
- (6) Freight yards and depots including livestock collection, transfer and sales.
- (7) Inside storage and outside storage when fenced.
- (8) Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication, and similar small industries which do not require loud presses.
- (9) Lumber yards and sawmills.
- (10) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastic, textiles, and wood.
- (11) Manufacture, fabrication, packing, packaging and assembly of confections; cosmetics; electrical appliances; electronic devices; instruments; jewelry; pharmaceuticals; tobacco; toiletries; and foods except cabbage, fish and fish products, meat and meat products, and pea vineries.
- (12) Painting facilities.
- (13) Printing facilities.
- (14) Warehousing, inside storage and miniwarehousing. Inside storage of contractors supplies and equipment, and outside of storage when screened from the view of any public right-of-way and residences other than the owners.
- (15) Wholesalers and distributors. Common and contract hauler parking and structures for the repair and maintenance of the vehicles.

### 9.03

#### CONDITIONAL USES:

Only the following conditional uses may be allowed in the M-1 Industrial District, subject to the provisions of Section 4.07 of this Ordinance:

- (1) Airports, air strip and landing fields providing the site area is not less than twenty (20) acres.
- (2) Animal hospitals and clinics, but not the boarding of animals.
- (3) Automobile sales or service stations.
- (4) Commercial service facilities, such as restaurants and bulk fueling stations provided all such services are physically and sales-wise oriented toward industrial district users and employees and other users are only incidental customers.
- (5) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelter, parks, playgrounds, and museums.
- (6) Manufacturing, processing, and storage of dry ice, and building materials.
- (7) Manufacture and processing of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, fish, fuel, gelatin, glucose, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil, cloth, paint, peas, perfume, pickle, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, size, starch, stove polish, textiles, and varnish.
- (8) Manufacture and bottling of alcoholic beverages; bag cleaning; canneries, cold storage warehouse; electric and steam generating plants; electroplating; enameling; forges, foundries, garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; and tanneries provided such uses shall be at least six hundred (600) feet from residential districts.
- (9) Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.
- (10) Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from the nearest except that of the owner, his agent or employee.

#### 9.04

#### HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:

The maximum height shall be forty-five (45) feet.

- (2) Lot area:  
The minimum lot area shall be two (2) acres.
- (3) Width:  
The minimum width shall be 250 feet.
- (4) Side yards:  
The minimum side yard shall be twenty-five (25) feet, provided further that any such side yard which abuts a boundary of a Residence District shall be not less than one hundred (100) feet wide.
- (5) Rear yard:  
The minimum rear yard shall be not less than fifty (50) feet in depth.
  - (a) Any yard which abuts a boundary of a Residence District shall not have an automobile parking lot, stock pile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open placed in such yard, except that loading platforms may be established in a yard if it abuts on a railroad.
- (6) Setback Lines:  
See Sections 3.08 and 3.11.