

ZONING CODE OF THE TOWN OF PLOVER MARATHON COUNTY, WISCONSIN

2008

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SECTION 1

1.01 TITLE:

This Ordinance shall be known, cited, and referred to as: The Town of Plover Zoning Ordinance.

1.02 PURPOSES:

The Zoning Ordinance of the Town of Plover is adopted for the following purposes: 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 Ordinance on a local level and to provide penalties for its violation.

1.03 AUTHORITY:

These regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23(7) of the Wisconsin Statutes.

1.04 EFFECTIVE DATE:

This Code of Ordinances shall be effective after a public hearing, adoption by the Town Board, publication, and approval by the Marathon County Board of Supervisors.

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 Plover, Marathon 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 Marathon County, related 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 SEVARABILITY:

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

- (1) If any Court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- (2) If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance 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 Ordinance: The particular shall control the general: in case of any difference of meaning or implication between the text of this Ordinance 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 neuter.

The provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Ordinance 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 Ordinance, shall be interpreted as herein defined. Words not defined herein shall have their ordinary meaning.

Accessory Use: A use customarily incident and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.

Agriculture: "Agriculture" is the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Airport: An "airport" is any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Animal Unit: A unit of measure used to determine the total number of animal types that are maintained on a livestock operation. Refer to and incorporated herein, is NR 243.11 for details on all animal types.

Apartment House: A building containing accommodations for more than two families living independently of each other.

Automobile Service Station: Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings and premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

Automobile Wrecking or Salvage Yard: Any area of land where three or more vehicles, unlicensed or not in running condition, accumulation of auto parts, or both, are stored in the open and are not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition. Any area where tire carcasses are stored or recycled. Any area where three or more pieces of construction equipment, or appliances are stored and are not being restored to operation, or any land or structure for the wrecking or storing of such equipment or appliances, or parts thereof, not in working condition.

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.

Boarding House: A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for five (5) or more persons not members of a family but not exceeding twenty (20) persons and not open to transient customers.

Boathouse: Any structure designed for the purpose of protecting or storing boats for non-commercial purposes, and not for human habitation.

Boat Liveries: Establishment offering the rental of boats, boat repairs, and fishing equipment.

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 Line / Setback Line: The minimum allowable distance is 75 feet from the roadway center to the nearest vertical wall or other element of a building or structure.

Building, Principal: A non-accessory building used for the protection of goods or chattels in which a principal use of the premises on which it is located is conducted.

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 Ordinance.

Campgrounds: Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping and for which a fee is charged.

Club: An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

Conditional Uses: Uses which may be permitted in a district through the granting of a Conditional Use Permit by the Town Board, upon recommendation by the Plan Commission and a finding that specified conditions are met.

Condominium: Property subject to a condominium declaration established under Wis. Stats. §703.02.

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 Wis. Stats. § 48.65(1).

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.

Dog Kennel: A structure used for the harboring of more than three dogs that are more than 6 months old.

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.

Establishment, Business: A "business establishment" is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each "business establishment" shall be separate and distinct from direct access to any other business establishment, and in no case shall there be access to one such establishment from within another such establishment.

Family: A "family" consists of one or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house.

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 land as defined in Wis. Stats. §91.01(6).

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. Stats. §29.01(3)(c), and also including chinchillas and other fur bearing animals, whether the animals are kept for breeding or slaughtering or pelting purposes.

Garage Private: An accessory building or accessory portion of the main building, used or designed or intended to be used for the storage of private motor vehicles.

Garage, Public: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

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

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, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, non-retail cabinet making, real estate brokerage or photographic studios.

Home Professional Business: Any professional 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 such business is conducted solely by a member or members of the resident family entirely within the residence, that not more than 50% of only one floor of the dwelling shall be devoted to such business and that no more than two persons not members of the resident family are employed in nonprofessional capacities in any such office. A home professional business includes uses such as attorneys, doctors and dentistry offices, real estate brokerages, photographic studios and service oriented shops such as beauty and barber shops, offices for tax preparation and licensed children day care for no more than twelve (12) children. Before any home professional business may be opened, a complete septic system evaluation shall be conducted and any improvement to or replacement of the system must be completed before the business may commence.

Hotel: A building in which board and lodging are provided to the transient public for compensation.

House Trailer: A "house trailer" is a trailer or other vehicle designed and constructed for dwelling purposes.

Interchange: A grade separated intersection with one or more turning lanes for travel between intersecting highways.

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.

Livestock Facility: Pursuant to, which is incorporated herein, ATCP 51 Wisconsin Administrative Code a livestock facility is a feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels of land

on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purpose of this chapter except that an operator may elect to treat a separate species facility as a separate "livestock facility".

Lot: A parcel of land occupied or designed to be occupied by one (1) building and its accessory buildings or uses, including the open spaces required by this Ordinance, 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 large parcel when such part complies with the requirements of this Ordinance 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 Ordinance 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 COMM 21, or a comparable foundation as approved by the local building inspector, is installed according to manufacturer's instructions, and is properly connected to utilities. For purposes of this Ordinance, a "manufactured home" shall be treated the same as a "single-family residence" and, where appropriate, a "two-family residence".

Mobile Home: "Mobile home" means 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 which contain less than 1,000 square feet of floor area 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.

Motel or Tourist Cabin: A building or group of buildings which: (a) Contains living or sleeping accommodations used primarily for transient occupancy, and (b) Has individual entrances from outside the building to serve each such living or sleeping unit.

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

Non-Conforming Use: Any use, building, or land lawfully occupied by a use at the effective date of this Ordinance or amendment thereto which does not conform after the passage of this Ordinance or amendment with the requirements of the district in which it is situated.

Noxious Matter: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic wellbeing of individuals.

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.

Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

Park: A pleasure ground set apart for recreation of the public, to promote its health and enjoyment.

Park, Amusement: An area publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.

Parking Lot: A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobile or other vehicles or storage for the purpose of repair or wrecking.

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

Planned Development: A "planned development" is a tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.

Professional Office: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession.

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

Protected Shorelands: Those lands lying within the following distances from the normal high water elevations of navigable waters as defined in Wis. Stats. §144.26, i.e. 1,000 feet from a lake, pond or flowage, 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pot hole lake, the distance shall be measured from the high water mark thereof.

Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Public Way: A "public way" is any sidewalk, street, alley, highway, or other public thoroughfare.

Quarrying: The removal of clay, rock, gravel, decomposed granite, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other process whereby the materials are substantially removed from the site.

Recreation or Youth Camp: An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.

Rendering Plant: A plant for the reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue, and soap, and for the storage of such by-products.

Riding Stable: A building or premises used for the rent or lease of horses or animals for hire.

Roadside Stand: A structure having a ground area of not more than 300 square feet, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products more than one-half of which were produced on the premises or adjacent premises. There shall not be more than one such roadside stand on any single premises.

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.

Setback Line / Building Line: The minimum allowable distance is 75 feet from the roadway center to the nearest vertical wall or other element of a building or structure.

Shopping Center: A group of contiguous retail stores, originally planned and developed as a single unit, with immediate adjoining off-street parking facilities.

Sign: Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any

printed, lettered, pictured, figured, or colored material on any building, structure, or surface. Signs placed or erected by governmental agencies or nonprofit civic associations for a public purpose in the public interest shall not be included herein nor shall this include signs which are a part of the architectural design of a building.

Sign, Billboard/Directional: Signs which direct potential patrons or visitors to a specific place of business interest or community and which may indicate either goods or services offered or both.

Sign, flashing: Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use.

Slaughterhouse: Any building or premises used for the killing or dressing of fowl, cattle, sheep, swine, goats or horses, and the storage, freezing and curing of meat in preparation of either meat products, by-products or both.

Story: The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

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 more or less 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, factories, sheds and 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 equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either 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 or chattels.

Tent: A "tent" is any temporary structure or enclosure, the roof of which and/or one-half or more of the sides., are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

Tourist Court: See Motel.

Trailer: A "trailer" is any vehicle, house-car, camp-car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping, or commercial purposes and herein referred to as a "trailer".

Unnecessary Hardship: A circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this chapter.

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, 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".

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.

Variance: A departure from the terms of this Ordinance as applied to a specific building, structure or parcel of land, which the Zoning Board of Appeals may permit, contrary to the regulations of this Ordinance for the district in which such building, structure or parcel of land is located, when the Board finds that a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is not compensating gain to the public health, safety or welfare.

Visual Clearance: A triangular space which permits an unobstructed view at the intersection of highways or streets with other highways, streets or roads or at the intersection of highways or streets with railroads.

Warehouse - Mini: Units rented to store residential personal property, sporting equipment such as snowmobiles and boats and other similar non-hazardous materials.

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.

Yard, Interior Side: An "interior side yard" is a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Yard, Transitional: A "transitional yard" is that yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.

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 Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.
- (2) However, where a building permit for building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within 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 Ordinance 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 Ordinance, 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 Marathon County Private Sewage System Ordinance, Ch. 15 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.

3.03 EXEMPTED USES:

The following uses are exempted by this Ordinance and permitted in any district: vaults, laterals, pipes, mains, valves, other similar distributing equipment for electric power, gas, water and sewer lines, provided that the installation shall conform to the rules and regulations of other authorities having jurisdiction.

3.04 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) Temporary Uses:

Uses such as real estate sales field office or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board.

(3) Unclassified Uses:

In case of question as to the classification of a use, the question shall be submitted to the Plan Commission for recommendation and determination by the Town Board.

3.05 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 Ordinance or amendment thereto may be continued although such building or use does not conform with the provisions of the Ordinance, but no nonconforming building or premises may be expanded unless approved in writing by the Town Board after a public hearing before the Plan Commission and recommendation by Plan Commission.

(2) Limitations:

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

(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 after recommendation by the Plan Commission, 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 a public hearing and recommendation by the Plan Commission, 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.

3.06 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 Town Board after recommendation by the Plan Commission.

(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 fifteen (15) 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.

3.07 AREA REGULATIONS:

(1) Lot Reduction:

After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met.

(2) Existing Lot:

Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which located, providing the requirements of Ch. COMM 83, 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 Ordinance may be modified as follows:

- (a) Uncovered stairs, landings, and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) 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, flag poles, trees and outdoor fuel-dispensing equipment is allowable in any yard.
- (d) Residential fences are permitted on the property lines in residential districts 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 residential districts, 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. The average is not to include any building not within 10 feet of the rear lot line.

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 4.06 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) 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.

3.08 HEIGHT REGULATIONS AND EXCEPTIONS:

- (1) Heights of the following structures may exceed Ordinance limits for the district in which they are located: cooling towers, stacks, barns, lookout towers, silos, windmills, water towers, church spires.
- (2) Churches, schools, hospitals, sanatoriums 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) Adjacent to airports the maximum height of any object, except for field crops and fences under five (5) feet high, located within five hundred (500) feet of either side of the centerline of a landing strip, and extended to a distance of two miles from the end of the runway shall be no higher than 1 - 50 of the distance of the object to the boundary of the airport as provided in Wis. Stats. §114.136(2)(b).

3.09 HIGHWAY SETBACKS:

For the purpose of determining the distance buildings and other structures shall be setback from streets and highways, the streets and highways of the township are divided into the following classes:

(1) Class A highways:

(a) All state and federal highways are hereby designated as Class A highways.

(b) The setback line of Class A highways shall be one hundred ten (110) feet from the centerline of the highway or fifty (50) feet from the average right-of-way line whichever is greater, except that for any freeway or divided Class A highway the setback distance shall be fifty (50) feet from the right-of-way line.

(2) Class B highway:

(a) All county trunks are hereby designated as Class B highways. For the purpose of this Ordinance any road will be considered a county trunk after it has been placed on the county trunk system by the county board and approved by the State Department of Transportation.

(b) The setback for Class B highways shall be eighty-three (83) feet from the centerline of such highway or forty-two (42) feet from the average right-of-way line, whichever is greater.

(3) Class C highways:

(a) All town roads, public streets and highways not otherwise classified, are hereby designated Class C highways.

(b) The setback from Class C highways shall be sixty-three (63) feet from the centerline of such highway or thirty (30) feet from the average right-of-way line, whichever is greater.

(4) Street access required. No lot shall be created nor any building placed on a lot that does not access onto a public street or way. Where the access street is not open to traffic at the time of a zoning permit application or is dedicated to only a portion of the minimum width required for that street, issuance of the zoning permit may be denied or delayed until the Town Board is satisfied that:

(a) In the case of an unopened or partially opened street, the necessary utilities drainage, or paving will be provided in time to facilitate the development or construction authorized by the permit, as assured by execution of a developer's agreement.

(b) In the case of a street not dedicated to its fully planned width, that the zoning permit applicant has dedicated all that is required from the applicant's ownership and that the resulting available width is sufficient to accommodate the necessary underground utilities and street paving adequate to assure access by public emergency vehicles.

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 may be permitted by the Board of Appeals upon recommendation from the Plan Commission.

3.11 VISION CLEARANCE TRIANGLE:

- (1) Purpose: The Vision Clearance Triangle ("VCT") setbacks are intended to provide motorists a safe braking and stopping distance to avoid accidents and to provide motorists turning onto roads, streets, and highways a safe accelerating distance to merge with traffic to reduce traffic congestion. As essential as they are to the traffic safety, VCT regulations cannot guarantee unobstructed vision due to topography, natural vegetative growth, and development that may encroach. Obstacles to be kept out of VCTs need only be capable of causing a traffic hazard, they need not actually be shown to cause unsafe traffic conditions. Obstacles which may be allowed are ones which a typical motorist in a vehicle can be expected to see over, under or through reasonably enough to see approaching traffic.

(2) Standards for VCTs

- (a) At each uncontrolled road intersection or road-railroad intersection in any of the Agricultural Zones there shall be a vision clearance triangle bounded by the road centerlines and a line connecting points on them 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection, and 150 feet from a Class C highway and private easement road intersections.

- (b) At controlled intersections vegetation and landscape restrictions shall be as follows:

- (1) In agricultural zones, when one road has a stop or yield sign: The leg of the VCT following the centerline of the road that has no stop or yield sign shall be the length as required in (2)(a). The VCT line shall extend from the end of that line to a point on the center line of the street which has the stop or yield sign and which is 100 feet from the intersection of the intersection of the centerlines of the two streets.

- (2) When both roads have stop signs, yield signs or traffic lights, or the intersection is in a non-agricultural zone, vegetation and landscape restrictions shall be as follows: The VCT line shall be bounded by the street centerlines and a line connecting points on them 100 feet from their intersection.

(3) Within a VCT, no structure shall be constructed and no vegetative material shall be planted or landscaping done that causes or will cause an obstruction to view between a height of 2 ½ feet and 10 feet above the elevation of the road or highway. Vegetation or landscaping occurring in the VCT may be ordered to be pruned, thinned and/or removed if it is capable of causing a traffic hazard and removal of the obstacle to view has been requested by the unit of government having jurisdiction over one or more of the intersecting roads, streets or highways, or by a law enforcement agency having jurisdiction.

(4) The planting and harvesting of field crops is permitted but not so as to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance triangle from one highway or street to another.

3.12 STRUCTURES PERMITTED WITHIN SETBACK LINES:

(1) Open fences.

(2) Petroleum and gas transmission lines, telephone, 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 Ordinance at his 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 overground structures.

(4) The planting and harvesting of field crops, shrubbery and trees, shall be planted so as to constitute no substantial obstruction to the view of motorists and pedestrians 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.

3.13 MOBILE HOME AND MANUFACTURED HOME LIMITATION:

Within those districts contained in this Code where mobile homes or manufactured homes containing less than 1,000 square feet of floor area are allowed as independent dwelling units, such mobile or manufactured home and the land upon which either is located shall be owned in common.

3.14 SOLID FUEL-FIRED OUTDOOR HEATING DEVICES

(1) Definitions

(a) Solid fuel-Fired Heating Devices: Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary

purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

- (b) Stacks or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structures extending above a roof.

(2) Substantive Requirements

All outdoor devices shall be installed, operated and maintained pursuant to the following conditions:

- (a) Fuel: Fuel shall be only corn, natural wood or wood specifically permitted by the manufacturer. The following fuels are strictly prohibited:

- (1) The burning of processed wood products and other non-wood products.
- (2) Petroleum, kerosene and gasoline products
- (3) Rubber
- (4) Plastics
- (5) Garbage and/or trash
- (6) Leaves
- (7) Paper products or cardboard
- (8) Painted wood or treated wood
- (9) Any other items not specifically allowed by the manufacturer.

(3) Outdoor Solid Fuel-Fired Heating Device Provision

- (a) An outdoor solid fuel-fired heating device may be used in the Town of Plover only in accordance with the following provisions:

- (1) The outdoor solid fuel-fired heating device shall not be used to burn any of the prohibited materials listed in this Ordinance.
- (2) The outdoor solid fuel-fired heating device shall be located at least 50 feet from the property line and on 2 acres or more of land, and 100 feet from the nearest neighboring residence.
- (3) The owner of the outdoor solid fuel-fired heating device shall obtain a building permit from the Building Inspector before installing the outdoor wood furnace. Such permit can be obtained from the Building Inspector upon payment of the appropriate fee. The Building Inspector shall issue the permit upon finding that the outdoor solid fuel-fired heating device will be located, constructed, and in compliance with the requirements of this Ordinance.

(4) Existing Outdoor Solid Fuel-Fired Heating Devices

All existing units shall immediately comply with all manufacturer's specifications.

(5) Enforcement and Penalties

- (a) The penalty for violation of any portion of this Ordinance shall be as set forth in Section 4.11.

(b) Outdoor solid fuel-fired heating device permits may be revoked by the Town of Plover if the Building Inspector or Town Officials finds that burning has been conducted in violation of this Ordinance.

(c) A violation of this Ordinance is hereby declared to be public nuisance which may be enforced through injunction or abatement proceedings or other applicable remedies as allowed by law, which shall be in addition to such other penalties and remedies as may apply.

(6) Property Owner's Assumption of all Risks

Persons responsible for lighting fires in the Town of Plover assume all risks associated with such fire. Compliance with the requirements of this Ordinance shall not relieve such person from the ultimate responsibility to ensure that the fire is conducted safely and appropriately with due regard for the health safety and welfare of all persons and property potentially affected by the fire.

3.15 TELECOMMUNICATIONS FACILITIES:

(1) The purpose of this Section is to provide a uniform and comprehensive set of standards for the development and installation of telecommunications towers, antennas and facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the Town, while at the same time not unduly restricting the development of needed telecommunications facilities. It is intended that these regulations shall accomplish the following:

(a) Facilitate the provision of non-discriminatory and competitive wireless telecommunications services to the residents of the Town.

(b) Provide a process for obtaining necessary permits for telecommunications facilities while protecting the interests of the citizens of the Town.

(c) Avoid potential damage to adjacent properties through tower failure by establishing structural standards and setback requirements.

(d) Minimize adverse visual effects of towers, antennas and facilities through careful design and siting standards.

(e) Minimize the total number of towers in the Town through the use of alternative support structures, co-location of new antennas on existing towers and buildings, and construction of towers with the ability to locate four or more providers.

(f) Protect environmentally sensitive areas of the Town, including the protection of migratory birds, through the placement of a maximum height limitation on new towers, the effective prohibition of guyed tower structures, and the prohibition of towers in key habitat areas such as wetlands, shorelands and floodplains.

(2) Definitions. The following definitions shall apply to this Section.

- (a) Alternative support structure means structures including but not limited to clock towers, steeples, silos, light poles, water towers, free-standing chimneys, utility poles and towers, towers, buildings or similar structures that may support telecommunications facilities.
- (b) Antenna means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which are deemed to be a part of the antenna.
- (c) Antenna building mounted means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.
- (d) Antenna ground mounted means any antenna with its base placed directly on the ground.
- (e) Camouflaged tower means any telecommunications tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. Camouflaging may be accomplished by a suitable combination of the following examples: lack of lighting, low tower height, non-contrasting colors, screening and landscaping, and others.
- (f) Carrier means companies licensed by the Federal Communications Commission (FCC) to build personal wireless telecommunications facilities and operate personal wireless telecommunications services. Also called a provider.
- (g) Co-location means a telecommunications facility comprised of a single telecommunications tower or building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.
- (h) FAA means Federal Aviation Administration.
- (i) FCC means Federal Communications Commission.
- (j) Ground equipment means telecommunications facility support equipment and buildings.
- (k) Guyed structure means a telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

- (l) Height, telecommunications tower means the distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, and lighting.
- (m) Lattice structure means a telecommunications tower that consists of vertical and horizontal supports and crossed metal braces.
- (n) Monopole structure means a telecommunications tower of a single pole design.
- (o) Operation means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications it shall be deemed in operation.
- (p) Provider: see Carrier.
- (q) Satellite dish means a device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVRO5 and satellite microwave antennas.
- (r) Telecommunications facility means a facility, site, or location that contains one or more antennas, telecommunications towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding facilities exempted under subsection (e).
- (s) Telecommunications facility structure means a telecommunications tower or alternative support structure on which telecommunications antenna(s) may be mounted.
- (t) Telecommunications tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under subsection (c).
- (u) Utility pole mounted antenna means an antenna attached to or upon an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light, or other approved similar structure.

(3) Exemptions.

- (a) Any addition or change to a pre-existing tower shall make such tower subject to all applicable requirements of this Ordinance.

- (b) Any tower or antenna that is used exclusively for federally licensed amateur radio is exempt from this Section, unless the tower or antenna exceeds 100 feet in height.
 - (c) Receive-only television or radio antennas and receive-only satellite dishes are exempt from this Section, unless the antennas or dishes exceed 100 feet in height.
 - (d) Public safety towers or antennas used for law enforcement and emergency communications are exempt from this Section.
 - (e) Mobile services providing public information coverage of news of a temporary or emergency nature are exempt from this Section.
 - (f) Exempt structures under this Section are subject to all other applicable provisions of the municipal zoning code of the Town.
- (4) Areas where telecommunications facilities may be allowed or prohibited.
- (a) Telecommunications facilities may be allowed as a conditional use only in the following zoning districts, subject to public hearing and recommendation by the Plan Commission and approval by the Town Board:
 - (1) AG Agriculture District
 - (2) C1 Commercial District
 - (3) M1 Light Industrial & Office District
 - (4) M2 Heavy Industrial District
 - (b) Telecommunications facilities, except exempt facilities, shall not be allowed in the following areas due to potential harm to the environment:
 - (1) Wetlands
 - (2) Shorelands
 - (3) Floodplains
 - (c) Telecommunications facilities, except exempt facilities, shall not be allowed in the following areas due to potential conflict with other uses of the land:
 - (1) Habitat areas of threatened or endangered species.
 - (2) Areas designated for planned residential use by the Town.
 - (3) Significant historic or cultural sites or buildings.

(5) Conditional use permit required.

(a) A conditional use permit pursuant to Section 4.09 of this Ordinance and the provisions herein is required for all telecommunications facilities.

(b) The application for telecommunication facilities shall include the following:

(1) A legal description of the facility site.

(2) A plat of survey showing the parcel boundaries, lease boundaries, tower, accessory structures, ancillary facilities, location, access, landscaping and fencing.

(3) An original signature of the applicant, landowner, lessees and holders of easements.

(4) The identity of the carrier, service provider, applicant, landowner and their legal status.

(5) The name, address and telephone number of the officer, agent or employee responsible for the application.

(6) A description of the telecommunications services that the applicant offers or provides to persons, firms, businesses or institutions.

(7) In the case of a leased site, a lease agreement or binding lease memorandum which shows on its face that it does not preclude the facility owner from entering into leases on the tower with other provider(s) and the legal description and amount of property leased.

(8) A description of the proposed tower's height and capacity, including the potential number and type of antennas and carriers/providers that it can accommodate.

(9) Location of all sites that were considered as possible alternatives to the site being applied for, including existing structures and towers, and the reasons for recommending the current site.

(10) Photo simulations of the proposed facility from points of interest as identified by the zoning administrator. A photo simulation shall be no smaller than eight inches by ten inches.

(11) A tabular and map inventory of all the applicant's existing telecommunications facilities located within the Town of Plover and including all of the applicants' existing telecommunications facilities within three miles of the Town boundary.

(12) FCC license numbers and registration numbers, if applicable.

- (13) Copies of finding of no significant impacts (FONSI) statement from the FCC or environmental impact study (EIS), if applicable.
 - (14) Copies of the determination of no hazard from the FAA including any aeronautical study determination or other findings from the Wisconsin Department of Transportation Bureau of Aeronautics if applicable.
 - (15) A report prepared by a structural engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate at least three additional antennas.
 - (16) Proof of liability coverage. The Town shall be a certificate holder in this policy.
 - (17) Proof of financial security for tower removal, as determined by the Town Board.
 - (18) Such other information as the Plan Commission or the Town Board may reasonably require.
 - (19) A narrative demonstrating how the applicant will comply with the requirements for the telecommunications facility conditional use permit.
- (6) The Town Board may employ an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of such review and/or independent analysis, and shall pay the estimated cost of such services before they are rendered. All invoices, fees and charges shall be paid in full before the issuance of a conditional use permit.
- (7) Co-location. Co-location shall be the preferred method for establishing new telecommunications facilities. Every effort shall be made to co-locate the proposed facility on existing telecommunications facilities or other similar facilities or alternative support structures.

No tower or structure shall be permitted as a matter of right or shall be permissible as a conditional use in the approved zoning districts unless the applicant proves with sufficient credible evidence to the satisfaction of the Town Board, after review and recommendation by the Plan Commission, that no existing tower can accommodate the applicant's proposed antenna.

Sufficient credible evidence as determined by the Town Board may include, but is not limited to, a signed statement by a licensed professional engineer that:

- (a) No existing towers or alternative support structures are located within the geographic area required to meet the applicant's engineering requirements.
- (b) Existing towers or alternative support structures are not of sufficient height to meet the applicant's engineering requirements.

- (c) Existing towers or alternative support structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.
- (d) The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or alternative support structure, or the system on the existing tower or alternative support structure would cause electromagnetic interference with the applicant's proposed system.
- (e) The fees, cost or contractual provisions required by the owner to share an existing tower or alternative support structure or to adapt an existing tower or alternative support structure for co-location are unreasonable. Costs are considered unreasonable if they exceed 125 percent of new tower construction and development.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers or alternative support structures unsuitable.
 - (1) Tower owners are required to accommodate the applicant's antenna and compatible antennas for at least three additional users (a minimum of four total users) if the tower or structure exceeds 100 feet in height. Any owner authorized to construct a tower or structure who refuses to allow use by other parties by the position of contractual provisions, fees or costs that are unreasonable shall be subject to revocation of the conditional use permit.
 - (2) All co-location inquiries made to an owner shall be made in writing. An owner who is contacted for the purpose of potential co-location shall respond in writing within 30 days of receipt of a written inquiry.
 - (3) The Town and local government agencies shall have the right to reserve space upon any new tower or upon any tower being substantially modified. Reservation of the accommodation upon the structure shall be acquired during the permit approval process through good faith negotiations with the applicant.

(8) Design requirements.

- (a) All towers and antennas must comply with all FCC and FAA rules and regulations.
- (b) The design and installation of all towers and antennas shall comply with the manufacturer's specifications. Plans shall be approved and certified by a registered professional engineer.
- (c) Installation of all towers shall comply with all applicable state building and electrical codes.
- (d) Lattice towers may be allowed if all other requirements of this Section are met.

- (e) Monopole structures may be allowed if all other requirements of this Section are met.
 - (f) Guyed structures shall only be allowed if the applicant demonstrates to the satisfaction of the Town Board that no other type of telecommunications facility structure will provide an equivalent level of service. Economic considerations shall not be used in determining whether a guyed structure may be used.
 - (g) Height of all telecommunications towers shall be limited to no more than 199 feet above original grade, unless the applicant can demonstrate to the satisfaction of the Plan Commission that a greater height is necessary to provide coverage meeting the minimum requirements of the FCC license(s) and that no feasible alternative exists to provide coverage, such as co-locating on existing telecommunications towers or alternative support structures, constructing a new tower in a different location or constructing multiple towers of a shorter height.
 - (h) New towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least three additional users (minimum of four total users). Towers must also be designed to allow for future rearrangement of antennas on the tower and to accept antennas mounted at different heights.
- (9) Performance standards.
- (a) Monitoring and reporting. The applicant shall monitor the telecommunications facility to ensure full compliance with FCC regulations. A report shall be submitted to the Town within one month of activation of the facility. Additional reports shall be submitted as needed in conformance with subsection (k) of this Section.
 - (b) Insurance. All towers, antennas and telecommunications structures must be adequately insured for injury to persons and damage to property. The Town shall be listed as an additional "insured" for liability in the event of tower or facility failure.
 - (c) Security for removal. The applicant or owner of the telecommunications facility shall provide a bond, irrevocable letter of credit or other suitable financial guarantee as determined by the Town Board to ensure the removal of the facility and restoration of the site to its pre-construction state when use of the facility has been discontinued as defined by subsection (i) of this Section. The amount of financial guarantee as determined by the Town Board shall be no less than the cost of removal. The Town shall be the certificate holder in the financial guarantee.
 - (d) Security. All telecommunications facilities shall be reasonably protected against unauthorized access. The bottom of all towers from the ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a eight foot high chain link fence with a locked gate. Guy anchors of guyed towers shall be similarly protected.

- (e) Signs. Signs shall be mounted on the fenced enclosure on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency. The sign shall be no larger than six square feet. No commercial advertising signs may be located on a telecommunications facility site or tower,
- (f) Screening and landscaping. All telecommunications facilities shall be designed to blend into the surrounding environment and to hide views of the facility from adjoining properties and public roads to the greatest extent feasible.
 - (1) Existing mature vegetation and natural landforms shall be preserved to the greatest extent possible.
 - (2) In locations where existing mature vegetation and landforms will not adequately screen the views of the facility, the site shall be landscaped and maintained with a buffer of plant materials.
 - i. The landscaped buffer shall effectively screen the view of all tower accessory structures, equipment and improvements at ground level.
 - ii. The area shall be so designed and planted as to be 75 percent or more opaque between two and six feet above ground level within not less than 24 months of the date of planting.
 - iii. Upon project completion the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping and screening.
 - iv. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the Town Board upon the recommendation of the Plan Commission.
 - (3).A camouflaged tower may be required by the Town Board in order to minimize adverse visual effects.
- (g) Lighting. No lighting of the principal telecommunications facility structure shall be allowed unless required by the FAA or the FCC. If required, lighting shall be installed only when no other options are available.
 - (1) Red lights shall be preferred to white lights on the primary telecommunications facility structure or tower.
 - (2) High visibility paint shall be preferred to daytime lighting of any kind on the primary telecommunications facility structure or tower.
 - (3) Lighting of accessory structures and the facility site may be permitted by the Town Board upon the recommendation of the Plan Commission if it is of low

intensity, directed inward and downward and is limited to within the facility site boundary.

- (h) Access. Access shall be provided by an all-weather gravel or paved driveway.
- (i) Setbacks. The following minimum setback distances shall apply:
 - (1) No tower shall be located within 600 feet of any residence other than the residence on the parcel on which the tower is to be located.
 - (2) No tower shall be located within 1,200 feet of any school, or any single-family dwelling within major plats, county plats, or residential zoning districts.
 - (3) Tower structures shall be set back from the nearest property line, and from the residence on the parcel on which the tower is to be located, by a distance equal to the height of the tower. This setback may be reduced to one-half height of the tower if the applicant submits a report approved by a professional engineer registered in the State of Wisconsin that certifies that the tower is designed and engineered to collapse upon failure within the distance from the tower to the property line.
 - (4) Tower structures shall be set back from the nearest road right-of-way a distance equal to the height of the tower. The setback may be reduced to one-half the height of the tower if the applicant submits a report approved by a professional engineer registered in the State of Wisconsin that certifies that the tower is designed and engineered to collapse upon failure within the distance from the tower to the road right-of-way.
 - (5) All guy wire anchors shall be set back a minimum of 25 feet from all property lines; this does not include leased parcels with boundaries located within a larger property. Subsurface anchors or portions of anchors that are subsurface shall be located on the property in which the tower has been constructed.
 - (6) Setbacks required for telecommunications towers shall be measured from the center of the tower structure.
 - (7) The required separation distance between tower and dwelling and/or subdivision may be reduced by obtaining the written agreement of the adjacent property owner, with the approval of the Town Board.
- (j) Lot size. When a new lot is created for the purpose of locating a telecommunications facility, a 2-acre minimum lot size shall apply.
- (k) Facility construction. All telecommunications facilities approved with a conditional use permit shall be completely constructed and in operation within six months of the date of approval. An extension of time, not to exceed six months, may be granted by the Town Board due to inclement weather or other

extenuating circumstances. There is no additional fee for the request for an extension.

(10) Removal of abandoned telecommunications facility. It is the express policy of the Town that telecommunications facilities be removed and their sites restored to their pre-construction state once they are no longer in use and not a functional part of providing telecommunications service.

(a) Removal and restoration of such facilities is the responsibility of the owner of the facility.

(b) The telecommunications facility(s) shall be removed when use of the facility(s) has been discontinued or the facility not been used for its permitted purpose for 12 consecutive months. Mere intent to use the facility(s) shall not constitute use. The applicant/owner shall demonstrate through facility(s) lease(s) or other similar instruments that the use will be continued without a lapse of more than 12 consecutive months to constitute actual use. If the applicant cannot demonstrate actual use, the facility shall be considered abandoned and shall be removed.

(c) This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications facility.

(d) Nothing in this Section prevents the removal of the facility prior to expiration of the 12-month period.

(11) Compliance review and revocation. Each telecommunications facility under the jurisdiction of this Section will be reviewed by the Town for compliance each year. To facilitate the review, each telecommunications tower owner/operator shall submit annually on or before January 31st of each year, to the zoning administrator a telecommunications facility annual information report. This annual report shall include the owner/operator names, addresses, phone numbers, contact person(s), and any other appropriate information deemed necessary by the Town Board. The owner/operator shall supply the number of co-location positions designated, occupied or vacant. The information shall be submitted on a Town form, designated for such use, and shall become evidence of compliance. An annual fee shall be collected from the owner/operator for the review of the requirements of this Section. Failure to comply with the requirements of this Section may result in the revocation of a conditional use permit, if such action is deemed necessary by the Town Board.

(12) Fees. See Section 4.10 of this Ordinance for the permit and review fees for telecommunications facilities.

SECTION 4

ADMINISTRATION AND ENFORCEMENT

4.01 ORGANIZATION:

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

Building Inspector
Zoning Administrator
Board of Appeals
Town Board
Town Plan Commission

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:

- (a) Issuance of occupancy certificates.
- (b) Variances.
- (c) Appeals.
- (d) Amendments.
- (e) Conditional uses.
- (f) Fees.
- (g) Penalties.

4.02 ADMINISTRATION:

(1) BUILDING INSPECTOR:

The Building Inspector of the Town and such deputies or assistants that have been, or shall be, duly appointed by the Town Board, and in furtherance of such authority shall:

- (a) Issue all certificates of occupancy, and make and maintain records thereof;
- (b) Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of the State Building Codes;
- (c) Maintain permanent and current records of the State Building Codes.
- (d) Forward to the Board of Appeals applications for appeals, variances, or other matters on which the Board of Appeals is required to pass under this Ordinance;

(2) ZONING ADMINISTRATOR:

The Zoning Administrator of the Town and such deputies or assistants that have been, or shall be, duly appointed by the Town Board, shall enforce this Ordinance, and in addition, thereto, and in furtherance of such authority shall:

- (a) Maintain permanent and current records of this Ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals, and applications therefore;
- (b) Provide and maintain a public information service relative to all matters arising out of this Ordinance;
- (c) Forward to the Town Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the office of the Building Inspector;
- (d) Forward to the Board of Appeals applications for appeals, variances, or other matters on which the Board of Appeals is required to pass under this Ordinance;
- (e) Initiate, direct, and review, from time to time, a study of the provisions of this Ordinance, and to make reports of his/her recommendations to the Town Plan Commission not less frequently than once a year.

4.03 BOARD OF APPEALS:

The Board of Appeals as it is established under the provisions of Wis. Stats. §62.23(7)(e), is the Board of Appeals referred to in this Ordinance.

(1) 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 Ordinance;
- (b) To hear and pass upon the applications for variances from the terms provided in this Ordinance in the manner prescribed by and subject to the standards established herein;
- (c) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, as prescribed by Wis. Stats. §62.23(7)(e).

(2) 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/her 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 Town Clerk and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.

- (3) 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.
- (4) Rehearings, Reconsideration, 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 subsequent application. A change of ownership or the passage of time without additional conditions or circumstances will not justify substantial change.
- (5) 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 hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

4.04 TOWN PLAN COMMISSION:

(1) Purpose

The purpose of this Ordinance is to establish a Town of Plover Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

(2) Authority; Establishment (7-Member)

The Town Board of the Town of Plover, having been authorized by the Town meeting under Wis. Stats. §60.10(2)(c), to exercise Village powers, hereby exercises Village powers under Wis. Stats. §60.22(3), and establishes a seven (7) member Plan Commission under Wis. Stats. §61.35 and §62.23. The Plan Commission shall be considered the "Town Planning Agency" under Wis. Stats. §236.02(13) and §236.45, which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

(3) Membership (7-Member)

The Plan Commission consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and six (6) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

(4) Appointments

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission.

In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under Wis. Stats. §19.01 and §60.31.

(5) Terms of Office

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

(a) Initial Terms. The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.

(b) Town Board Member or Chairperson. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under Wis. Stats. §66.0501(2), concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

(6) Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

(7) Compensation; Expenses

The Town Board of the Town of Plover hereby sets a per diem allowance of \$20.00 per meeting for citizen members of the Plan Commission, as allowed under Wis. Stats. §66.0501(2). In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under Wis. Stats. §60.321.

(8) Experts & Staff

The Plan Commission may, under Wis. Stats. §62.23(1), recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

(9) Rules; Records

The Plan Commission, under Wis. Stats. §62.23(2), may adopt rules for the transaction of its business, subject to Town Ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Wis. Stats. §19.21-19.39.

(10) Chairperson & Officers

(a) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in Sections 5 and 6 of this Ordinance. The Chairperson shall, subject to Town Ordinances and Commission rules:

- (1) provide leadership to the Commission;
- (2) set Commission meeting and hearing dates;
- (3) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (4) preside at Commission meetings and hearings; and
- (5) ensure that the laws are followed.

(b) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under Wis. Stats. §19.88(1), a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(c) Secretary. The Plan Commission shall elect, by open vote or secret ballot under Wis. Stats. §19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

(11) Commission Members as Local Public Officials

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, Wis. Stats. §19.01, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on:

Public Records, §19.21-19.39; Code of Ethics for Local Government Officials, §19.42, §19.58 & §19.59; Open Meetings, §19.81-19.89; Misconduct in office, §946.12; and Private Interests in Public Contracts, §946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

(12) General & Miscellaneous Powers

The Plan Commission, under Wis. Stats. §62.23(4), shall have the power:

- (a) Necessary to enable it to perform its functions and promote Town planning.
- (b) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- (c) To recommend to the Town Board programs for public improvements and the financing of such improvements.

- (d) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (e) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Wis. Stats. §66.0119, or other court-issued warrant.

(13)Town Comprehensive Planning: General Authority & Requirements

- (a) The Plan Commission shall make and adopt a Comprehensive Plan under Wis. Stats. §62.23 and §66.1001, which contains the elements specified in Wis. Stats. §66.1001(2), and follows the procedures in Wis. Stats. §66.1001(4).
- (b) The Plan Commission shall make and adopt the Comprehensive Plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town Comprehensive Plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town Comprehensive Plan under Wis. Stats. §66.1001(3).
- (c) In this Section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(14)Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment. The Plan Commission, in order to ensure that the requirements of Wis. Stats. §66.1001(4), are met, shall proceed as follows.

- (a) Public participation verification. Prior to beginning work on a Comprehensive Plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
- (b) Resolution. The Plan Commission, under Wis. Stats. §66.1001(4)(b), shall recommend its proposed Comprehensive Plan or amendment to the Town Board

by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a Comprehensive Plan shall further recite that the requirements of the comprehensive planning law have been met, under Wis. Stats. §66.1001, namely that:

- (1) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan;
 - (2) the plan contains the nine (9) specified elements and meets the requirements of those elements;
 - (3) the (specified) maps and (specified) other descriptive materials relate to the plan;
 - (4) the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
 - (5) the Plan Commission clerk or secretary is directed to send a copy of the Comprehensive Plan adopted by the Commission to the governmental units specified in Wis. Stats. §66.1001(4), and sub. (3) of this Section.
- (c) Transmittal. One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
- (1) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
 - (2) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
 - (3) The Wisconsin Land Council.
 - (4) After September 1, 2003, the Department of Administration.
 - (5) The regional planning commission in which the Town is located.
 - (6) The public library that serves the area in which the Town is located.
- (15) Plan Implementation & Administration
- (a) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
 - (1) Zoning. A proposed Town zoning ordinance under village powers, Wis. Stats. §60.22(3), 61.35 and 62.23(7), a Town construction site erosion control and stormwater management zoning ordinance under Wis. Stats.

§60.627(6), a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, and any other zoning ordinance within the Town's authority.

(2) Official map. A proposed official map ordinance under Wis. Stats. §62.23(6).

(3) Subdivisions. A proposed Town subdivision or other land division ordinance under Wis. Stats. §236.45.

(4) Other. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).

(b) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(c) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(d) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.

(1) Zoning conditional use permits. The Zoning Administrator shall refer applications for conditional use permits under Town zoning to the Plan Commission for review and recommendation to the Town Board.

(2) Subdivision review. Proposed plats under Wis. Stats. ch. 236, [and proposed subdivisions or other land divisions under the Town subdivision ordinance under Wis. Stats. §236.45 shall be referred to the Plan Commission for review and recommendation to the Town Board.

(e) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's Comprehensive Plan under Wis. Stats. §62.23 and 66.1001, shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.

(16) Referrals to the Plan Commission

(a) Required referrals under Wis. Stats. §62.23(5). The following shall be referred to the Plan Commission for report:

(1) The location and architectural design of any public building.

- (2) The location of any statue or other memorial.
 - (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
 - (i) street, alley or other public way;
 - (ii) park or playground;
 - (iii) airport;
 - (iv) area for parking vehicles; or
 - (v) other memorial or public grounds.
 - (4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - (5) All plats under the Town's jurisdiction under Wis. Stats. ch. 236, including divisions under a Town subdivision or other land division ordinance adopted under Wis. Stats. sec. 236.45.
 - (6) The location, character and extent or acquisition, leasing or sale of lands for
 - (i) public or semi-public housing;
 - (ii) slum clearance;
 - (iii) relief of congestion; or
 - (iv) vacation camps for children.
 - (7) The amendment or repeal of any ordinance adopted under Wis. Stats. §62.23, including ordinances relating to: the Town Plan Commission; the Town Master plan or the Town Comprehensive Plan under Wis. Stats. §66.1001; a Town official map; and Town zoning under village powers.
- (b) Required referrals under sections of the Wisconsin Statutes other than Wis. Stats. §62.23(5). The following shall be referred to the Plan Commission for report:
- (1) An application for initial licensure of a child welfare agency or group home under Wis. Stats. §48.68(3).
 - (2) An application for initial licensure of a community-based residential facility under Wis. Stats. §50.03(4).
 - (3) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under Wis. Stats. §66.0905.
 - (4) Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stats. §66.1007.
 - (5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stats. §66.1107.

- (6) Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stats. §66.1109.
 - (7) A proposed housing project under Wis. Stats. §66.1211(3).
 - (8) Matters relating to urban redevelopment and renewal in the Town required to be referred under Wis. Stats. subch. XIII of ch. 66.
 - (9) The adoption or amendment of a Town subdivision or other land division ordinance under Wis. Stats. §236.45(4).
 - (10) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (c) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:
- (1) Any proposal, under Wis. Stats. §59.69, for the Town to approve general county zoning so that it takes effect in the Town, or to remain under general county zoning.
 - (2) Proposed regulations or amendments relating to historic preservation under Wis. Stats. §60.64.
 - (3) A proposed driveway access ordinance or amendment.
 - (4) A proposed Town official map ordinance under Wis. Stats. §62.23(6), or any other proposed Town ordinance under Wis. Stats. §62.23, not specifically required by the Wisconsin Statutes to be referred to the commission.
 - (5) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to Wis. Stats. §62.23, including a Town construction site erosion control and stormwater management zoning ordinance under Wis. Stats. §60.627(6), and a Town exclusive agricultural zoning ordinance under Wis. Stats. subch. V of ch. 91.
 - (6) An application for a conditional use permit under the Town zoning ordinance.
 - (7) A proposed site plan.
 - (8) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Wis. Stats. §62.23(7a).
 - (9) A proposed boundary change pursuant to an approved cooperative plan agreement under Wis. Stats. §66.0307, or a proposed boundary agreement under Wis. Stats. §66.0225, or other authority.

- (10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Wis. Stats. §66.0307(7m).
 - (11) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
 - (12) Any proposed contract, for the provision of information, or the preparation of a Comprehensive Plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under Wis. Stats. §66.0309, another unit of government, a consultant or any other person or organization.
 - (13) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Wis. Stats. §66.0435,
 - (14) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Wis. Stats. §66.1009.
 - (15) A proposed Town airport zoning ordinance under Wis. Stats. §114.136(2).
 - (16) A proposal to create environmental remediation tax incremental financing in the Town under Wis. Stats. §66.1106.
 - (17) A proposed county agricultural preservation plan or amendment, under Wis. Stats. subch. IV of ch. 91, referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
 - (18) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
- (d) Discretionary referrals. The Town Board, or other Town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:
- (1) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
 - (2) A proposed county zoning ordinance or amendment.
 - (3) A proposed county subdivision or other land division ordinance under Wis. Stats. §236.45, or amendment.
 - (4) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
 - (5) A proposed intergovernmental cooperation agreement, under Wis. Stats. §66.0301, or other statute, affecting land use, or a municipal revenue sharing agreement under Wis. Stats. §66.0305.

- (6) A proposed plat or other land division under the county subdivision or other land division ordinance under Wis. Stats. §236.45.
 - (7) A proposed county plan, under Wis. Stats. §236.46, or the proposed amendment or repeal of the ordinance adopting such plan, for a system of Town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
 - (8) Any other matter deemed advisable for referral to the Plan Commission for report.
- (e) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

4.05 OCCUPANCY CERTIFICATES:

No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a certificate of occupancy has been issued by the Building Inspector. No change in a use, other than that of a permitted use to another similar permitted use, shall be made until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this Ordinance.

(1) Application for Occupancy Certificate:

Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the Building Inspector.

(2) Issuance of Occupancy Certificate:

No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than 14 days after the Building inspector is notified in writing that the building or premises is ready for

occupancy. Upon written request from the owner, the Building Inspector shall issue an occupancy certificate for any building or premises existing at the time of adoption of this Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the applicable provisions of this Ordinance.

4.06 VARIANCES:

(1) Purpose:

The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their 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 Ordinance.

(2) Application for Variance and Notice of Hearing:

An application for a variance shall be filed in writing with the Building Inspector. 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 as a Class 2 notice in a newspaper of general circulation in the Town, and a copy of said notice shall be mailed to the office of the Marathon County Zoning Administrator and to all adjoining property owners, said publication and mailing to be made 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, if no decision is reached within 90 days, it shall be deemed as a denial.

(3) Standards for Variances:

The Board of Appeals shall not vary the regulations of this Ordinance, unless it shall make 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 Ordinance 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.

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.

(4) Authorized Variances:

Variances from the regulations of this Ordinance shall be granted by the Board of Appeals only in accordance with the standards established in Section 4.07(3) above, and may be granted only in the following instances and in no others:

- (a) To permit any yard or setback less than a yard or a setback required by the applicable regulations;
- (b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80 percent of the required area and width;
- (c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- (d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;
- (e) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served; and
- (f) To increase by not more than 10 percent the maximum gross floor area of any use so limited by the applicable regulations;
- (g) To permit a reasonable variation in the height restrictions on fences.

(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 the 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.

4.07 APPEALS:

(1) Scope of Appeals:

An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Building Inspector. Such an appeal shall be taken within 30 days after the decision or the action complained of, by filing with the Building Inspector a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.

(2) Findings on Appeals:

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice of the Building Inspector and on due cause shown.

The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties by Class 2 notice in a newspaper of general circulation in the Town, and also by mailing a copy of said notice to the office of the Marathon County Zoning Administrator and to all adjoining property owners, and said publication and mailing to be made at least 7 days prior to the date of hearing. The Board shall thereafter reach its decision within 90 days from the filing of the appeal. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken, and may issue and direct the issue of a permit. The concurring vote of majority of the members present of the Board shall be necessary to reverse any order, requirement, decision or determination of any official, or to decide in favor of the applicant on any matter upon which it is required to pass under any provision of the Ordinance, or to effect any variance in the Ordinance. The Building Inspector shall maintain records of all actions of the Board of Appeals relative to appeals.

4.08 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 Ordinance, provided that in all amendatory ordinances 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 ordinance.

(2) Petitions:

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

(a) Plot plan drawn to scale of not less than 1" equals 200' showing the area proposed to be rezoned, its location, and existing use of all properties within 300' of the area proposed to be rezoned.

(b) Additional information as may be required by the Plan Commission or Town Board, including but not limited to:

1. Written approval from the Wis. Dept. of Transportation or County Highway Dept. authorizing the construction/use of a driveway in their respective jurisdictions for the use proposed in the zone change request. Failure to provide approval for a driveway or alternate access (i.e. shared access, frontage road, backage road, or other) will cause the petition to be considered incomplete and it will not be advertised or heard.

(3) Application for Amendment:

An application for an amendment shall be filed with the Building Inspector (Zoning Administrator) in such form and accompanied by such information as required by the Town Board. Such application shall be forwarded to the Town Plan Commission with the request to hold a public hearing on said application for amendment.

(4) Hearing on Application:

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

(5) Notice of Hearing:

Notice of time and place of such hearing shall be published by a Class 2 notice in a newspaper of general circulation in the Town not less than 7 days before such hearing. In addition thereto, a copy of such notice shall be mailed to the office of the Marathon County Zoning Administrator and to all adjoining property owners not less than 7 days before the hearing.

(6) Findings of Fact and Recommendation of the Town Plan Commission:

Within 30 days after the close of the public hearing on a proposed amendment, the Town Plan Commission 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 Plan Commission 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) Consistent with the Town's Comprehensive Plan.
- (f) 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 or contains at least 2 acres, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

The Town Plan Commission 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 Plan Commission 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 Ordinance until it shall have received a written report and recommendation from the Town Plan Commission 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 3/4 of all majority of all the members of the Town Board voting on the proposed change.

- (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.

4.09 CONDITIONAL USES:

(1) Purpose:

The development and execution of this Ordinance 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 Ordinance 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 Building Inspector on a form prescribed by the Town Board. The application shall be accompanied by the appropriate fee and such plans and/or data prescribed by the Town Plan Commission, 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 4.09(6), hereinafter. Such application shall be forwarded from the Building Inspector to the Town Plan Commission 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 4.09(3) above, the Town Plan Commission shall hold at least one public hearing on the proposed conditional use. At least 7 days in advance of such public hearing, Class 2 notice, and place of such hearing shall be in a newspaper of general circulation in the Town. In addition thereto, a copy of the said notice shall be mailed to the office of the Marathon County Zoning Administrator and to all adjoining property owners, at least 7 days before the hearing.

(5) Authorization:

For each application for a conditional use, the Town Plan Commission 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 Plan Commission nor approved by the Town Board unless such Commission 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 Plan Commission 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 4.09(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) Planned Developments:

Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby

established to govern the recommendations of the Town Plan Commission and the action of the Town Board.

(a) Use exceptions: The Town Plan Commission may recommend and the Town Board may authorize that there be in part of the area of such development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the Town Plan Commission shall find:

- (1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;
- (2) That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and
- (3) That not more than 20 percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exception.

(b) Bulk regulations: In the case of any planned development, the Town Plan Commission may recommend and the Town Board may authorize exceptions to the applicable bulk regulations of this Ordinance within the boundaries of such development, provided that the Town Plan Commission shall find:

- (1) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of this Ordinance for buildings developed on separate zoning lots;
- (2) That the overall floor area ratio for the planned development would not exceed, by more than 20 percent, the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in such planned developments, as stipulated in each district;
- (3) That the minimum lot area per dwelling unit requirements of this Ordinance shall not be decreased by more than 20 percent in any such development containing residential uses, and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in common recreation area within the development;
- (4) That spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this Ordinance on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys; and

(5) That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

(9) 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 Plan Commission and the Town Board.

(10) 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 Plan Commission or the Town Board, the conditional use or authorization shall be null and void.

(a) The Conditional Use Permit may be terminated after public hearing and a Class 2 notice is published, and notice is provided to the applicant or holder of the Conditional Use Permit and the owner of the subject property, upon the Town Board determining any of the following:

(1) The Conditional Use has not continued in conformity with the conditions of the permit.

(2) The Conditional Use has been discontinued for a period of 12 consecutive or eighteen (18) cumulative months. A business of seasonal nature shall not be deemed discontinued during the periods in which it is normally inactive (i.e. summer camps, ski hills, quarries, marinas, etc.).

4.10 FEE SCHEDULE:

(1) See the Town of Plover Fee Schedule for individual fees (zoning, building permits, hearings, etc.).

(2) Third Party Consultant Fees: In the event the Town determines that it is necessary to consult with a third party, such as a planner, attorney, or engineer in review and considering the application, all reasonable costs and expenses associated with such consultation shall be charged to the applicant.

(3) Public Hearing: A fee shall be required for all public hearings.

(4) Double Fees: At the discretion of the Town, a double fee shall be charged by the Town if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

4.11 PENALTIES:

(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 Ordinance 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 Ordinance, 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 Ordinance, shall, upon conviction, forfeit not less than \$50.00 nor more than \$300.00 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, an action for violation of this Ordinance 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. Stats. §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. Stats. §66.122 and 66.123, shall govern the issuance of all special inspection warrants.

(e) Statute of limitations. Pursuant to Wis. Stats. §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 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) AG Agricultural District,
- (2) RS Single Family Residence District
- (2) RS-M Multiple Family Residence District,
- (3) RP Planned Development Residence District,
- (4) CV Conservancy District,
- (5) RC Recreation District,
- (6) HI Highway Interchange District,
- (7) CI Commercial District,
- (8) MI Light Industrial and Office District, and
- (9) M2 Heavy Industrial District.

5.02 MAPS:

The location and boundaries of the zoning districts established by this Ordinance are set forth on the Zoning Map entitled "Town of Plover Zoning Map" and dated the 21st day of April, 1981, revised the 28th day of March, 2006, which is incorporated herein and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

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 contiguous with property boundaries.

SECTION 6

AG AGRICULTURAL DISTRICT

6.01 PURPOSE:

The AG Agricultural District is designed to foster the preservation and use of prime agricultural-land related uses, and to provide for certain residential uses in a rural environment.

6.02 PERMITTED USES:

Only the following uses are permitted in the Agricultural District (AG):

- (a) Single family dwellings designed for and occupied exclusively by one family, but not including a mobile home or manufactured home containing less than 1,000 square feet of floor area.
- (b) Churches, cemeteries subject to Wis. Stats. §157, public and private schools, colleges and universities.
- (c) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.
- (d) 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.
- (e) Gardening and farming, including nurseries for the propagation of plants only, but not farms operated for the disposal of sewage, rubbish or offal, fur farms, and stock farms.
- (f) Telephone exchanges
- (g) Home occupations
- (h) Professional offices
- (i) Railroad right-of-way but not including switching, classification yards or sidings.
- (j) Vending machines when the use is clearly an indoor accessory use to the primary use.
- (k) Ponds subject to the conditions contained in Section 6.02(m) of this Code. In addition, ponds shall maintain a minimum slope of 4' horizontal to 1' vertical to a water depth of 6' and a 3' horizontal to 1' horizontal slope below the 6' depth. Disposal and/or stabilization of spoil from pond excavation shall be addressed on the pond plans and a 3' horizontal to 1' vertical slope shall be the minimum.
- (l) Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored under cover or is screened from the road with natural screening. Tents and

self-contained campers or camping trailers may be occupied on a temporary basis, not to exceed 60 calendar days in a calendar year.

- (m) Dams, power plants, flowage areas and farm ponds, which are outside the jurisdiction of county-regulated shorelands. Farm ponds shall maintain a slope from the shoreline no greater than 3' horizontal to 1' vertical to water depth of 6' when the pond is at its lowest level due either to seasonally fluctuating groundwater levels or pumping for irrigation. Ponds shall be located at least 30' from any property boundary or R/W line, 50' from any septic system drain field area, and 25' from a septic or holding tank. Pond outlets shall be designed so as not to concentrate runoff onto another person's property or to cause erosion. Permits for ponds shall be granted or denied based on plans submitted. The permit holder shall notify the Town Building Inspector or the Town Board upon completion of the excavation.
- (n) General farming, including livestock facilities, which standards shall be regulated through the Marathon County Livestock Facilities Licensing Ordinance, with animal unit densities of 1 animal unit-per acre or less including dairying, livestock and poultry raising. Other agricultural activities such as nurseries, greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewerage, rubbish or offal; provided that no greenhouse or building for the housing of livestock or poultry shall be located within 300' of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry. Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located no less than 300' from navigable waters and designed or constructed to prevent animal waste material from entering watercourses, waterways or other navigable waters.
- (o) Forestry and forest products.
- (p) Hunting and fishing shelters. A building, sometimes referred to as a "hunting shack", intended for temporary occupancy for hunting, fishing or other recreational purposes, provided that the building is located no less than 600' from the nearest residence other than that of the owner, and complies with the provisions of the Marathon County Private Sewage System Ordinance, all municipal sanitary requirements, and has the written approval of the Town Board. This definition does not include cottages, campers, camping trailers or non-farm residences. As a condition of the shelter permit, a statement shall be recorded at the Register of Deeds, stating that the structure cannot be improved or used for anything other than its originally-approved use, unless it can be brought into compliance with this chapter. The recorded statement shall be made binding on all heirs and assigns.
- (q) Hunting, fishing and trapping,
- (r) Maple syrup processing plant.
- (s) Sawmills. When located 500 feet minimum distance from a residence other than the owners.

- (t) Signs:
 - (1) Signs not to exceed fifteen (15) square feet used exclusively to advertise sale of agricultural products produced on the premises, signs giving the name of the farm owner and rural directory signs when all such signs are established in accordance with the provisions of Section 18.
- (u) Mobile homes and small manufactured homes.
 - (1) One manufactured home containing less than 1,000 square feet of floor area or one mobile home, each of which is to be used for habitation and which is not the primary place of residence shall be permitted as an accessory building on any operating farm providing:
 - (i) A determination is made in writing by the Town Plan Commission that one or more of the occupants of either the mobile home or such that manufactured home derives a substantial portion of their livelihood from their farm operation and/or substantially participates in the operation of the farm.
 - (ii) More than one mobile home or manufactured home containing less than 1,000 square feet of floor area on the property may be permitted with Town Board approval and a conditional use permit issued in accordance with Section 4.09 of this Code.
 - (2) The temporary use of a mobile home or a manufactured home containing less than 1,000 square feet of floor area, not to exceed one year, unless an extension is authorized in writing by the Town Board, shall be permitted while a permanent dwelling is under construction, providing such mobile or 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 waste disposal system is utilized by the temporary mobile or manufactured home.
- (v) Uses customarily accessory to a permitted agricultural use.
- (w) Machinery or road maintenance materials and recycling collection centers or depots.

6.03 CONDITIONAL USES:

The following conditional uses may be allowed in the A-I Agricultural District subject to the provisions, in addition to the requirements of Section 4.09, such approval shall be consistent with the general purpose and intent of this Ordinance and shall be based upon such evidence as may be presented at a public hearing, tending to show the desirability of specific proposed locations for a specific use from the standpoint of the public interest when considering such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases and odors, noise vibration, operation for heavy vehicular traffic and increased traffic on the public streets. Such uses shall also be subject to certain specific conditions as may be required.

- (1) Aircraft landing fields, basins and hangers providing the site area is not less than twenty (20) acres.

- (2) Animal hospitals, but not the boarding of animals. See (i) below.
- (3) Canneries.
- (4) Cheese factories.
- (5) Concrete batching and/or blacktop mix plant (temporary).
- (6) Condenseries.
- (7) Contractor's storage yards, when any such yard shall be so placed, fenced, or screened by a planting so as not to be visible from any public highway or residential building other than that of the owner of such yard, his agent or employee.
- (8) Creameries.
- (9) Dog kennels, when located not less than three hundred (300) feet from any residential building other than that of the owner of such kennels, his agent or employee.
- (10) Drive-in theaters, provided there is a distance of not less than 1,000 feet between the boundary of any Residential District and the drive-in theater, site, measured in a straight line.
- (11) Feed lots provided, buildings housing animals or poultry and barnyards or feed lots shall be located not less than one hundred (100) feet from any navigable water and shall be so designed and located that waste or manure will not drain into any navigable water or contaminate groundwater.
- (12) Fish hatchery-Commercial.
- (13) Fur farms; pea viners and charcoal kilns, when located not less than one thousand (1,000) feet from any residential building other than that of the owner of the premises, his agent or employee and not less than one thousand (1,000) feet from the right-of-way line of any Federal, State and County trunk highway; provided that this regulation shall not apply to portable pea viners where there is no stacking of the vines.
- (14) Garden or nursery store.
- (15) Grain elevators (commercial).
- (16) Housing for migrant workers.
- (17) Hunting grounds and game reserves (commercial).
- (18) Incinerator-public.
- (19) Medical, correctional or charitable institutions.

- (20) Non-metallic mining.
- (21) Mini Warehousing. It is generally expected that "mini warehousing" as defined will only be allowed in existing farm buildings which would otherwise be vacant due to farm consolidation or for other reasons.
- (22) Mobile home parks, subject to the condition in Section 16 of this Ordinance.
- (23) Radio or TV broadcasting studio and/or tower.
- (24) Riding stables and riding academies subject to the following:
- (a) Equestrian trails shall be no closer than 200' from any property line or 300' from any residence other than that of the owner unless written approval is granted by the adjoining owner(s) for a lesser setback and approval is granted by the Planning Commission.
 - (b) Stables, barns, corrals and exercise yards shall be located no closer than 300' from any property line.
 - (c) Except in the RC Recreation District, the hours of operation shall include only daylight hours.
 - (d) Except in the RC Recreation District, no person other than a member of the resident family shall be employed on the premises.
 - (e) Animal unit densities shall be one (1) animal unit per three (3) acres or less.
- (25) Roadside stand.
- (26) Sanitary landfill, provided no location shall be within one mile of the boundary of any residence district and the operation shall be in full compliance with NR 51, Wisconsin Solid Waste Disposal Standards.
- (27) Slaughterhouses, when located not less than one thousand (1,000) feet from any residential building other than that of the owner of the premises, his agent or employee.
- (28) Shooting ranges provided:
- (a) Shooting stands shall be no less than one thousand (1,000) feet from residential building, other than that of the owner, his agent, or employee, unless occupants of such residences waive this condition in writing.
 - (b) The range shall be clearly identified from all directions with conspicuous "Danger Shooting Range" signs.
 - (c) There shall be a barrier, impenetrable to any missile fired on the range, which shall extend a distance above and to each side of the targets equal to one (1) foot for each twenty-five (25) yards to the most remote shooting stand, but in no case less than four (4) feet.

(d) Any other conditions the Town Board considers necessary for the public safety.

(e) Trap and skeet ranges providing the owner of a trap or skeet range has under control by ownership or lease an area no less than 1,800' wide and 900' deep and providing further that there shall be no residences within 1,000' of the external boundaries of the range.

(29) Snowmobile trails and accessory buildings and operations when operated commercially.

(30) Telephone, telegraph and power transmission and distribution towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities, radio and television stations and transmission towers and microwave relay towers (See Section 3.15).

(31) Transient amusements, such as music festivals, carnivals and circuses.

(32) Travel trailer parks, subject to the provisions for travel trailer parks in the Recreation District, Section 11.03(n).

(33) Boarding house or bed and breakfast establishments subject to Wis. Stats. Ch. 50.

(34) Dams, power plants and flowages.

(35) Farms exceeding one animal unit per acre, with less than 500 animal units. Provisions for approval must include a suitable manure disposal plan, controlled barnyard runoff, and must address other management concerns.

(36) Farms greater than 500 animal units, shall comply with the requirements of the Marathon County Livestock Facilities Licensing Ordinance.

6.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. See Section 3.08.

(2) Lot Area:

Buildings used in whole or in part for residential dwelling purposes which are hereafter erected or structurally altered shall be located on a lot having an area of not less than ten (10) acres and no such lot shall be less than three hundred (300) feet in width. This requirement shall not apply to mobile homes permitted on farms as an accessory use.

(a) Riding stable/academy hereafter established shall be located on a parcel having a contiguous area of not less than 35 acres.

(3) 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 1,000 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 24 feet in width.

(4) Side Yards:

There shall be side yards provided between each building and the property line of no less than twenty (20) feet.

(5) Rear Yard:

The minimum depth of any rear yard shall be fifty (50) feet.

(6) Setback Lines:

See Sections 3.09, 3.11.

(7) Off-Street Parking:

See Section 17.00.

SECTION 7

RS SINGLE FAMILY RESIDENCE DISTRICT

7.01 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 districts are 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.

7.02 RS SINGLE FAMILY RESIDENCE DISTRICT:

(1) PERMITTED USES:

Only the following uses are permitted in the Single Family Residence District (RS):

- (a) Single family dwellings designed for and occupied exclusively by one family, but not including a mobile home or manufactured home containing less than 1,000 square feet of floor area.
- (b) Churches, cemeteries subject to Wis. Stats, §157, public and private schools, colleges and universities.
- (c) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.
- (d) 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.
- (e) Telephone exchanges.
- (f) Home occupations
- (g) Professional offices
- (h) Railroad right-of-way but not including switching, classification yards or sidings.
- (i) Vending machines when the use is clearly an indoor accessory use to the primary use.
- (j) Signs, See Section 18.
- (k) Ponds subject to the conditions contained in Section 6.02(m) of this Code. In addition, ponds shall maintain a minimum slope of 4' horizontal to 1' vertical to a water depth of 6' and a 3' horizontal to 1' horizontal slope below the 6' depth. Disposal and/or stabilization of spoil from pond excavation shall be addressed on the pond plans and a 3' horizontal to 1' vertical slope shall be minimum.

7.03 CONDITIONAL USES:

The following conditional uses may be allowed in the RS District subject to the provisions of Section 4.09 of this Ordinance:

- (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) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
- (4) Bed and breakfast establishments subject to Wis. Stats. Chapter 50.

7.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. (See Section 3.08).

(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 1,000 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 24 feet in width.

(3) Lot Area:

- (a) For platted or unplatted lands where public sewer is not available, the minimum lot area shall be two (2) acres. Lot width shall not be less than 210 feet at the building setback line.
- (b) For platted or unplatted lands where public sewer is available, the minimum lot area in the RS may be reduced to ten thousand (10,000) square feet and the minimum lot width shall be seventy-five (75) feet at the building line.
- (c) 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. The aggregate width of the side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet wide. (See Section 3.06).

(5) Rear Yards:

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

(6) Setback Lines (Streets and Waterline):

See Sections 3.09, 3.11.

(7) Off-Street Parking:

See Section 17.00.

SECTION 8

RS-M MULTIPLE FAMILY RESIDENCE DISTRICT

8.01 PERMITTED USES:

Only the following uses are permitted in the Multiple Family Residence District (RS-M):

- (1) Any use permitted in the RS-1 Single Family Residence District.
- (2) Multiple family dwellings, duplexes, apartment houses, condominiums.
- (3) Retail consumer goods, sales and service conducted solely for the convenience of the resident of a multi-family development.
- (4) Bed and breakfast establishments subject to Wis. Stats. Chapter 50.

8.02 CONDITIONAL USES:

The following conditional uses may be allowed in the RS-M Multiple Family Residence District subject to the provisions of Section 4.09 of this Ordinance:

- (1) Rooming and boarding houses, and day care or childcare facilities are conditional uses permitted when the location of the use shall have been approved in writing and a conditional use permit granted after a public hearing by the Board of Appeals.

8.03 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

- (a) For single-family dwellings and duplexes the maximum building height shall be thirty-five (35) feet.
- (b) For apartments the maximum building height shall be four (4) stories.
- (c) See Section 3.08.

(2) Lot Area and Floor Area:

- (a) The lot area, lot width and floor area requirements for single family dwellings hereafter erected, moved or structurally altered in the RS-M Multiple Family Residence District shall be the same as those required under RS Single Family Residence District.
- (b) Buildings used in whole or in part for multiple family dwelling purposes, which are hereafter erected, moved, or structurally altered shall provide a minimum lot area and a minimum floor area as required by the following table:

<u>Number of Families</u>	<u>Lot Area</u>	<u>Total heated living area</u>
2	2 acres	1,200 sq. ft.
3	2 acres	1,500 sq. ft.
4	2 acres	2,000 sq. ft.

For each additional family unit added, a minimum of 10,000 square feet shall be added to the lot area and 600 square feet shall be added to the heated living space.

(c) When regulations of other state or local agencies require a larger lot area than any of the above, such regulations shall govern for platted and unplatted areas and lots

(3) Side Yards:

There shall be a side yard on each side of a building. The aggregate width of the side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet wide. See Section 3.06.

(4) Rear Yard: The minimum depth of any rear yard shall be fifty (50) feet, except water Front lots.

(5) Setback Lines:

See Sections 3.09, 3.11.

(6) Off-Street Parking:

See Section 17.00.

SECTION 9

RP RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

9.01 PURPOSE:

The purpose of the RP Residential Planned Development District is to provide the means whereby land may be planned and developed as a unit for residential uses under standards and conditions which afford flexibility; encourage good design, open spaces, the preservation of natural features, and to minimize the present and future burdens upon the community as a whole which result from poor planning.

In Cluster Subdivisions the grouping of residences will permit individual lot sizes to be reduced provided that the overall density within the development is maintained. The remaining undeveloped area shall be required to remain a common open space, preferably on the shoreline if the subdivision is located in a shore area, in perpetuity. Such grouping of residences facilitates common water supply and sewerage disposal systems.

Such developments shall be site designed as a total unit development and may be developed by subunits in accordance to the approved overall site plan.

9.02 REZONING REQUIRED:

The rezoning to the RP District shall be required. A site plan of a continuous area of no less than 20 acres shall be submitted at the time the zone change is requested. The site plan shall be acted upon by the Town Plan Commission following a public hearing, and recommendations shall be made to the Town Board, in accordance with Section 4.09 of this Ordinance.

9.03 PERMITTED USES:

Only the following uses are permitted in the Residential Planned Development District (RP):

- (1) Clustered single-family lot developments.
- (2) Two-family dwellings.
- (3) Multi-family dwellings.
- (4) Any permitted use in the RS-1 Single Family Residence District.
- (5) Accessory uses, structures and amenities in the approved development plan.
- (6) Retail consumer goods sales and service.

9.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. (See Section 3.08)

(2) Floor Area:

Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a floor area as follows:

(a) Minimum 1,200 square feet for single family dwellings.

(b) Minimum 1,000 square feet for row-houses.

(c) Minimum 600 square feet for each apartment.

(3) Park Area:

The minimum of open space or excess land not used for lots or streets shall be 20 percent of any platted subdivision and shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to and the acceptance by the Town. If the land is to be conveyed to owners of lots in the development, a homeowners association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

(4) Lot Area and Width:

(a) Total Lot Area to be a minimum of twenty (20) acres.

(b) For lots not served by public sewer, the minimum size shall be governed by Ch. COMM 83, Wisconsin Administrative Code and the Marathon County Private Sewerage System ordinance, and the minimum width shall be 75 feet for single-family residences and 150 feet for multiple-family residences.

(c) For lots served by a public sewer the minimum lot size shall be:

(1) 8,000 square feet for single-family dwellings.

(2) 4,000 square feet for each row-house or apartment.

(d) The minimum width shall be:

(1) 65 feet for single-family residences.

(2) 120 feet for row-house or apartment development.

(5) Side Yards:

There shall be a side yard on each side of a building having a minimum width of ten (10) feet except a corner lot shall have a side yard of thirty (30) feet from the street right-of-way. See Section 3.06.

(6) Rear Yard:

The minimum depth of any rear yard shall be fifty (50) feet.

(7) Setback Lines:

(a) Highways - See Sections 3.09, 3.11.

(b) Waterline - All buildings and structures, except piers, wharves, marinas and boathouses shall be setback at least one hundred twenty-five (125) feet from all points along the normal high water line.

(8) Refer to the Town of Plover Access Control and Land Division Ordinance, adopted on November 14, 2006, Ordinance #06-03, and also the requirements of this District.

SECTION 10

CV CONSERVANCY DISTRICT

10.01 PURPOSE:

The Conservancy District provides for the protection of the ecology and conservation of natural resources of the Town. Generally this includes swamps, marshlands and areas where the highest groundwater is at or near the surface of the ground.

10.02 PERMITTED USES:

Only the following uses are permitted in the Conservancy District (CV):

- (1) Forestry.
- (2) Grazing livestock.
- (3) Harvesting wild crops, such as wild hay, ferns, moss, berries and tree fruits.
- (4) Hiking trails and bridle paths.
- (5) Hunting, fishing and trapping.
- (6) Hydro-electric power stations, dams and other structures for the use or control of flowing water.
- (7) Open-type shelters for public use and non-residential buildings or structures used in conjunction with the raising of wildlife and fish and the practice of forestry. This shall include buildings and structures used by the public and semi-public agencies or groups for research in, or the rehabilitation of, natural resources.
- (8) Telephone, telegraph and power transmission and distribution lines and necessary appurtenant structures.
- (9) Wildlife preserves.

10.03 SETBACK LINES:

See Sections 3.09, 3.11.

10.04 OFF-STREET PARKING:

See Section 17.00.

SECTION 11

RC RECREATION DISTRICT

11.01 PURPOSE:

This district is intended to provide for the orderly and attractive grouping of recreational oriented establishments, facilities, and structures.

11.02 PERMITTED USES:

Only the following uses are permitted in the Recreation District (RC):

- (1) Agriculture, and other open land-uses including, beekeeping, dairying and grazing, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
- (2) Any use permitted in the Conservancy District.
- (3) Camping trailers, mobile campers, or houseboats for temporary parking and living purposes.
- (4) Fish hatcheries and farm ponds.
- (5) Community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
- (6) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (7) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.
- (8) Railroad right-of-way but not including switching, spurs, classification yards or sidings.
- (9) Signs: See Section 18.00.
- (10) Telephone exchanges, provided there is no service garage or storage yard; telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings.
- (11) Vending machines when the use is clearly an indoor accessory to the principal use.
- (12) Buildings and structures and uses of land customarily incidental to the above permitted uses, but only on same premises with the primary permitted uses.

11.03 CONDITIONAL USES:

The following conditional uses may be allowed in the RC Recreation District subject to the provisions of Sec. 4.09 of this Ordinance:

- (1) Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishments.
- (2) Concession stands.
- (3) Dwelling, single family, providing it shall be an accessory to a principal use.
- (4) Gift and Specialty shops customarily found in recreational areas.
- (5) Institutions of philanthropic or educational nature.
- (6) Marinas, boat liveries, sale of bait and fishing equipment. The service and repair of boats and motors.
- (7) Microwave radio relay structures, providing there would be no adverse affect on neighboring properties.
- (8) Motels, hotels, resorts (including two or more seasonal single family dwellings for rent or lease).
- (9) Restaurants.
- (10) Recreation camps, youth camps and campgrounds, provided all buildings shall be more than 100 feet from the side lot line. Recreation camps shall conform to Ch. HSS 175, Wis. Adm. Code, and campgrounds shall conform to Ch. HSS 178, Wis. Adm. Code, which shall apply until amended and then apply as amended.
- (11) Riding stables.
- (12) Sanitary landfill, provided no location shall be within one-half mile of the boundary of a Residence District and the operation shall be in full compliance with NR 51, Wisconsin Solid Waste Disposal Standards.
- (13) Shooting ranges provided the requirements for such ranges as stated in the Agricultural District are met.
- (14) Travel Trailer Parks provided:
 - (a) The minimum size of a travel trailer park shall be five (5) acres.
 - (b) The maximum number of travel trailers shall be ten (10) per acre.
 - (c) Minimum dimension of a travel trailer site shall be thirty (30) feet wide by fifty (50) feet long.
 - (d) Each travel trailer shall be so located that there shall be at least a fifteen (15) foot clearance between travel trailers.
 - (e) There shall be 1 ½ automobile parking spaces available for each trailer site.
 - (f) In addition to setback line requirements of Section 3.07 of this Ordinance there shall be a minimum setback of forty (40) feet from all other exterior lot lines.
 - (g) Travel trailer parks shall conform to the requirements of Ch. 178, Wis. Adm. Code, which shall apply until amended and then apply as amended.

11.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

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

(2) Lot area:

Five acre minimum, with a minimum width of 150 feet.

(3) 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 1,000 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 24 feet in width.

(4) Side yards:

There shall be a minimum side yard of twenty-five (25) feet.

(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 3.09, 3.11.

(7) Off-Street Parking:

See Section 17.00.

SECTION 12

HI HIGHWAY INTERCHANGE DISTRICT

12.01 PURPOSE:

The Highway Interchange District is intended to promote highway safety by protecting the traffic carrying capacity of freeway interchanges through access controls to the intersecting roads and the orderly development of adjacent lands much of which will be related to the particular interchange.

12.02 DISTRICT BOUNDARIES:

(1) The boundaries of the Highway Interchange District shall be determined by the Town Board after recommendation by the Town Plan Commission and with the appropriate representatives of the Department of Transportation, Division of Highways.

12.03 ABROGATION AND GREATER RESTRICTIONS:

When the Highway Interchange District and the underlying zoning district regulations conflict, the most restrictive combination of regulations shall prevail.

12.04 DESCRIPTION OF DISTRICT:

The Highway Interchange Districts have been established utilizing the most appropriate information to and including:

- (1) The physical characteristics and service resources of the surrounding area.
- (2) The location of nearby developments.
- (3) Traffic volumes.
- (4) The local road system.
- (5) Relationship to neighboring interchanges.

12.05 SPECIAL PROVISIONS:

The following provisions shall apply to all Highway Interchange Districts:

(1) In order to maintain the natural beauty of the Interchange areas and prevent distraction to the highway traveler, preservation of trees and landscaping of all development may be required. The lot owner or developer, in making an application for a zoning permit, shall submit a sketch of his lot or area to be developed and include the following information:

- (a) Location of all structures.
- (b) Location of parking.
- (c) Gradient of the land.
- (d) Proposed tree cutting or tree planting and landscaping.

- (2) Filling, grading and excavating which would result in substantial erosion of soils which adversely affects roads, ditches or adjoining property and affect the scenic beauty is prohibited. The following shall require a Conditional Use Permit:
 - (a) Filling or grading on slopes of 20 percent or more.
 - (b) Filling or grading of more than 20,000 square feet on slopes of 12-20 percent.
 - (c) Filling or grading of 40,000 square feet on slopes of 12 percent or less.
- (3) In granting a permit the Town Board may attach conditions which may include the following:
 - (a) The smallest amount of bare ground be exposed for the shortest time feasible.
 - (b) Acceptable erosion control ground cover such as mulch be used and permanent cover such as sod be planted.
 - (c) Diversions, silting basins, terraces and other methods be used to reduce erosion.
 - (d) Fill to be stabilized according to accepted engineering practices.
- (4) In keeping with the intent of this Ordinance the following considerations and any other relevant factors, shall serve as criteria in evaluating the suitability of the proposed uses within the Highway Interchange District.
 - (a) The existing topography, vegetative cover, drainage patterns and ground water table.
 - (b) The relation to scenic or recreation values.
 - (c) The characteristics of the soil where septic tanks are required.
 - (d) The compatibility of the proposed use with existing or other proposed uses in the area and its relation to any existing land use plan.
 - (e) The expected composition of site generated traffic by vehicle types.
 - (f) The volume of traffic expected to be generated relative to existing and forecasted volume in the interchange and its effect on the operation of the interchange and local road system.

12.06 ACCESS CONTROL:

Access from abutting property to an intersecting highway shall be permitted only at designated access points, which shall be located as follows:

- (1) There shall be no access points located within 1,000 feet of the most remote end of taper or less than 1,000 feet thereafter. A lesser distance may be permitted by the

Town Board upon prior written approval by a designated representative of the agency having jurisdiction over such highway.

- (2) To avoid dangerous jogs in alignment, permitted access points along opposite sides of intersecting highways shall be located with or directly opposite each other, or directly opposite a median strip crossover, or separated by no less than 300 feet of lateral distance along the highway centerline.
- (3) Each building or group of contiguous buildings shall have not more than two access points to the abutting frontage road, and no such access point shall exceed 35 feet in width at the property line. In order to reduce the number of such entrances and promote the safety of travel upon the abutting frontage road, wherever practicable, buildings or groups of buildings shall use entrances in common.
- (4) The intervals between permitted entrances onto a frontage road shall be closed to vehicular access by a curb, drainage ditch, planting strip or other equally effective barrier.
- (5) The access requirements hereof may be temporarily waived subject to the following conditions:
 - (a) A temporary Access Permit may be obtained from the Town Board for a period of one year, providing the applicant has obtained approval in writing for such a temporary permit from the agency having jurisdiction over the highway.
 - (b) Use of access shall be limited to the use described in the application for the Temporary Access Permit.
 - (c) This Access Permit shall be temporary in nature and may be revoked upon the provision of a frontage road or other internal circulation system which would provide a reasonable alternate means of access.

12.07 SETBACK REGULATIONS:

- (1) Setback lines are hereby established:
 - (a) Along any fully-controlled access highway. Setbacks shall be 100 feet from the right-of-way.
 - (b) Along intersecting highways, setbacks shall be as provided for in Section 3.09 Highway Setbacks.
 - (c) Along frontage road, setbacks shall be 30 feet from the right-of-way of an existing or designated frontage road.
 - (d) Where an alternative internal circulation system is provided in lieu of a frontage road, setbacks shall be 30 feet from the right-of-way of any existing or mapped public street or road which is a component of the internal circulation system.

(2) In case of unusual changes in alignment of the intersecting highway right-of-way line or unusual topographic conditions which would cause unnecessary hardship in the application of this Section, a variance for a lesser setback from the intersection highway may be granted by the Board of Appeals. Such variance may be conditioned upon the prior written approval of the agency having jurisdiction over the intersecting highway.

SECTION 13

CI COMMERCIAL DISTRICT

13.01 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 retain development by encouraging continuous retail frontage.

13.02 PERMITTED USES:

Only the following uses are permitted in the Commercial District (C1):

- (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.
- (11a) Dance studios.
- (12) Drugstore.
- (13) Dwelling, single family, but only as an accessory to a principal use.
- (14) Florist shop, greenhouse.
- (15) Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket.
- (15a) Funeral homes.
- (16) Furniture store, appliances, office equipment, upholstering.

- (17) Hardware, household appliances, plumbing, heating and electrical supplies, auto supplies.
- (18)Hotel, motel.
- (19)Insurance firms, real estate firms, stock brokers.
- (20)Jewelry store.
- (21)Laundry, cleaning and dyeing establishment.
- (21a)Libraries, museums.
- (21b)Martial arts schools.
- (22)Music, radio and television store, record shop.
- (23)Paint store, interior decorator.
- (24)Parking lot.
- (25)Photographer, photography supply shop.
- (26)Printing and duplicating.
- (27)Public utility office or substation, telephone exchanges, fire stations, police station, administration buildings and similar uses.
- (27a)Publishing office.
- (28)Radio and television broadcasting studio, tower, mast or aerial, microwave radio relay structures.
- (29)Retail stores and shops offering convenience goods and services.
- (30)Restaurant, cafe, tavern, but not drive-in restaurant.
- (31)Signs, billboards, sign painting shop.
- (32)Sporting goods stores.
- (33)Theater, except drive-in theater.
- (34)Vocational schools and learning centers conducted for profit.
- (35)Manufacturing or storage in connection with any of the above uses, when clearly incidental to the conduct of a retail business on the premises.

13.03 CONDITIONAL USES:

The following conditional uses may be allowed in the CI Commercial District subject to the provisions of Section 4.09 of this Ordinance.

- (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.

13.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. One additional foot of extra height may be permitted provided one additional foot of each side and rear yards for each additional foot of extra

height is also established up to a maximum height of sixty (60) feet unless the Plan Commission approves a greater height. (See Section 3.08).

(2) Lot Area:

The minimum lot area shall be 2 acres and the minimum lot width shall be seventy-five (75) feet at the building line.

(3) Floor Area:

Buildings used in whole or part for dwelling purposes, as opposed to accommodations for transients, shall have a floor area as required by the regulations of RS-M Multiple Family Residence District.

(4) Side Yards:

(a) If a side yard is provided, the same shall be not less than six (6) feet wide, and

(b) There shall be a side yard not less than ten (10) 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.

(5) Rear Yard:

There shall be a rear yard of not less than twenty (20) feet in depth.

(6) Setback Lines:

See Sections 3.09, 3.11.

(7) Off-Street Parking:

See Section 17.00.

SECTION 14

MI LIGHT INDUSTRIAL AND OFFICE DISTRICT

14.01 PURPOSE:

The Light Industrial and Office 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.

14.02 PERMITTED USES:

Only the following uses are permitted in the Light Industrial and Office District (M1):

- (1) Automotive heavy repair and upholstery.
- (2) Cleaning, pressing and dyeing establishments.
- (3) Commercial greenhouses.
- (4) Dwellings, single family for the caretaker or owner and his family only.
- (5) Food locker plants.
- (6) General or clerical offices.
- (7) 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.
- (8) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastic, textiles, and wood.
- (9) 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.
- (10) Manufacturing and bottling of non-alcoholic beverages.
- (11) Painting.
- (12) Printing.
- (13) Professional offices.
- (14) Publishing.
- (15) Research and testing laboratories.

(16) Schools and training centers.

(17) Warehousing.

(18) Wholesalers and distributors.

14.03 CONDITIONAL USES:

The following conditional uses may be allowed in the MI Light Industrial and Office District, subject to the provisions of Section 4.09 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 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) Public passenger transportation terminals, such as heliports, bus and rail depots, provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

14.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

The maximum height shall be forty-five (45) feet except that this may be increased to sixty (60) feet, provided all yards are increased three (3) feet in width for each five (5) feet of additional height.

(2) Lot area:

The minimum lot area shall be 2 acres.

(3) Width:

The minimum width shall be 150 feet.

(4) Side yards:

The minimum side yard shall be twenty (20) feet, provided further that any such side yard which abuts a boundary of a Residence District shall be not less than 25 feet wide, unless such Residence District boundary lies within a street or alley.

(5) Rear yard:

The minimum rear yard shall be not less than twenty-five (25) 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 3.09, 3.11.

(7) Off-Street Parking:
See Section 17.00.

SECTION 15

M2 HEAVY INDUSTRIAL DISTRICT

15.01 PURPOSE:

The Heavy Industrial District is intended to provide for uses which by their nature could exhibit characteristics harmful, noxious, or detrimental to surrounding uses of the land.

15.02 PERMITTED USES:

Only the following uses are permitted in the Heavy Industrial District (M2):

- (1) Any use permitted in the MI Light Industrial District.
- (2) Lumber yards.
- (3) Automobile sales and service stations.
- (4) Freight yards and depots including livestock collection, transfer and sales.
- (5) Breweries.
- (6) Inside storage and outside storage when fenced.
- (7) Binderies.
- (8) Mining of nonmetallic minerals and the processing for manufacture of materials incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted provided:
 - (a) Nonmetallic mining shall comply with the terms of the Marathon County Nonmetallic Mining Code, Chapter 21, General Code of Ordinances.
 - (b) All excavations shall be at least 50' from the center line of any right-of-way and 10' from any property line of another person or company. All accessory uses such as offices and parking areas shall be at least 100' from any right-of-way or property line.

15.03 CONDITIONAL USES:

The following conditional uses may be allowed in the M2 Heavy Industrial District subject to the provisions of Section 4.09 of this Ordinance:

- (1) Airports, airstrips, and landing fields provided the site area is not less than twenty (20) acres.
- (2) Municipal sewerage disposal plants and related facilities.
- (3) Commercial service facilities, such as restaurants and bulk fueling stations provided all such services are physically and sales oriented toward industrial district users and employees and other users are only incidental customers.

- (4) Creameries, condenseries.
- (5) Crematories.
- (6) Manufacture and processing of abrasives, acetylene, acid, alkalies, 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, shoddy, size, starch, stove polish, textiles, and varnish.
- (7) 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.
- (8) 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.
- (9) 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.

15.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:
The maximum height of buildings shall be forty-five (45) feet except that this may be increased to sixty (60) feet, provided all yards are increased three (3) feet in width for each five (5) feet of additional height.
- (2) Lot Area:
The minimum lot area shall be 2 acres.
- (3) Width:
The minimum width shall be one hundred fifty (150) feet.
- (4) Side Yards:
The minimum side yard shall be twenty (20) feet, provided further that any such side yard which abuts a boundary of a Residence District shall not be less than twenty-five (25) feet wide, unless such Residence District boundary lies within a street or alley.

(5) Rear Yard:

The minimum rear yard shall be not less than twenty-five (25) feet in depth.

(a) Any yard which abuts a boundary of a Residence District shall not have an automobile parking lot, stockpile, 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 3.09, 3.11.

(7) Off-Street Parking:

See Section 17.00.

SECTION 16

MOBILE HOME PARKS

16.01 DISTRICTS ALLOWED:

Mobile home parks may be allowed as a conditional use in the AG Agricultural Districts subject to the requirements of this section and upon issuance of a Conditional Use Permit by the Town Board pursuant to Section 4.09 of this Ordinance.

16.02 DEFINITIONS:

- (1) "Mobile home" has the meaning given in Wis. Stats. §101.91 (10) and includes any additions, attachments, annexes, foundations and appurtenances.
- (2) "Manufactured home" has the meaning given in Wis. Stats. §101.91 (2) and includes any additions, attachments, annexes, foundations, and appurtenances.
- (3) "Mobile Home Park" means any plot or plots of ground upon which any 2 or more mobile homes or manufactured homes containing less than 1,000 square feet of floor area or any combination of two or more such mobile homes or manufactured homes occupied for dwelling or sleeping purposes are located, and a charge is made for such accommodation.
- (4) "Space" means a plot of ground within a manufactured and mobile home community, designed for the accommodation of one manufactured or mobile home.
- (5) "Lot" means either a mobile home space or a space for a manufactured home containing less than 1,000 square feet of floor area plus all required yards for such mobile or manufactured home.

16.03 APPLICATION FOR PERMIT:

- (1) An application for a Conditional Use Permit for a Mobile Home Park must be made in the manner provided in Section 4.09 of this Ordinance, irrespective of whether or not a license or permit from the Town to operate a Mobile Home Park has been issued. The application shall be filed with the Building Inspector in triplicate and shall be accompanied with duplicate sets of plans and specifications which shall be in compliance with all State, County or Town Ordinances and the provisions of the State Department of Commerce and a performance bond in the sum of \$5,000.00 to insure completion of the Mobile Home Park within twelve (12) months from the date of the issuance of the Conditional Use Permit or as otherwise approved by the Town Board and insuring further that such completion is in compliance with the requirements of this Ordinance. No mobile home or manufactured home containing less than 1,000 square feet of floor area shall be occupied until all conditions of this Ordinance have been met and an occupancy permit issued.
- (2) The application shall contain the following information:
 - (a) Name, address and telephone number of applicant;

- (b) A legal description of the land upon which applicant requests a permit for a Mobile Home Park;
- (c) The names and addresses of all persons owning land abutting upon said land; and
- (d) The names and addresses of all persons owning lands located across the street from said land.

16.04 LOCATION:

- (1) The park shall be located on a well drained site, properly graded to insure rapid drainage and free from stagnant pools of water.
- (2) In approving such location, the Town Board consider such evidence as may be presented, bearing upon the general purpose and intent of this Ordinance to promote the public health, safety and general welfare and the specific purpose of this paragraph to prevent the overcrowding of land and the development of housing blight in rural areas.

16.05 REQUIREMENTS:

- (1) The minimum area of a Mobile Home Park shall be ten (10) acres.
- (2) Each park shall provide mobile home lots, and each such lot shall be clearly defined or delineated. Each lot shall have an area of not less than four thousand (4,000) square feet and an average width of not less than fifty (50) feet; provided, however, that mobile home parks which existed lawfully at the time of the adoption of this Ordinance and have lots that do not comply with any of the foregoing minimum area and width requirements may continue to operate. New site development within or contiguous to an existing park shall conform to the standards of this Ordinance.
- (3) All mobile homes and manufactured homes shall be so located on each lot that there shall be at least a twenty (20) foot clearance between each such home. No mobile home or manufactured home shall be located closer than ten (10) feet to any accessory building within the park. No mobile or manufactured home shall be located closer to any property line of the park abutting upon a public street or highway than thirty (30) feet or such other distance as may be established by ordinance as front yard or setback requirements with respect to conventional buildings in the district in which the mobile home park is located.
- (4) There shall be a system of driveways, with a minimum of thirty (30) feet widths, graveled or paved with concrete or bituminous material, providing access from each and every mobile home and automobile parking space within such park to the public street or highway, provided that there shall not be more than two entrances from or exits to such street or highway from any one such park.

- (5) Walkways to service buildings shall be not less than thirty-six (36) inches wide and shall be graveled or paved.
- (6) All driveways and walkways, within the park shall be well lighted at night.
- (7) An electrical outlet supplying at least 100-115/220-250 volts, 100 amperes shall be provided for each mobile home space.
- (8) Each mobile home lot shall be provided with two off-street parking spaces and no on-street parking shall be permitted.
- (9) Each Mobile Home Park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall be planted to permanent grasses, flowers, shrubs and trees so as to provide a fifty percent opacity to a height of eight (8) feet.
- (10) Mobile Home Parks shall conform to the requirements of Ch. COMM 95, Wisconsin Administrative Code as amended.
- (11) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- (12) Metal garbage cans with tight-fitting lids shall be provided in quantities adequate to permit disposal of all garbage and rubbish. The cans shall be kept in sanitary condition and the contents thereof shall be disposed of at least twice each week.
- (13) Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property.
- (14) Adequate provisions shall be made for the disposal of all sewage from a mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewage system approved by the State Division of Health and/or Division of Environmental Health.

16.06 MOBILE HOME USE RESTRICTIONS:

No business shall be conducted in any mobile home or manufactured home within a mobile home park.

16.07 REGISTERS:

Each mobile home park shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to Town officials for inspection and shall contain information as follows:

- (1) Name and address of each occupant.
- (2) Mobile home license number and name of manufacturer.

(3) Automobile license number, and name and make of automobile.

(4) Number of site to which assigned.

(5) Last place of location.

(6) Date of arrival, and

(7) Date of departure.

SECTION 17

MOTOR VEHICLE AND PARKING REGULATIONS

17.01 LOADING REQUIREMENTS:

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

17.02 PARKING REQUIREMENTS:

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

- (a) Adequate access to a public street shall be provided for each parking stall, and driveways shall be at least ten (10) feet wide.
- (b) Each parking stall shall be not less than nine (9) feet in width and not less than one hundred eighty (180) square feet in area exclusive of the space required for ingress and egress.
- (c) No parking stall or driveway except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.

(2) Number of parking stalls required:

Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Two-family and multi-family dwellings	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges sororities, dormitories, lodging and boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	4 stalls for each doctor plus 1 stall for each employee
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats

Colleges, secondary and elementary schools	1 stall for each 2 employees plus a reasonable number of stalls for student and other parking
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for each 2 employees during any 12-hour period
Financial institutions, business, governmental and professional offices	1 stall for each 300 square feet of floor area
Funeral Home	1 stall for each 4 seats
Bowling alleys	3 stalls for each bowling lane

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.

Parking lots containing 10 or more stalls which are located in the Residence District or adjoin residential lots shall be screened along the side or sides of such lots which abut the lot lines of residential lots by a solid wall, fence, evergreen planting of equivalent opacity or other equally effective means, built or maintained at a minimum height of four (4) feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent glare or illumination of adjoining residential property.

17.03 DRIVEWAYS:

- (1) All new driveways require a permit from the building inspector. Culverts will be at minimum 15 inches in diameter and 24 feet in length.
- (2) No direct access shall be permitted to the existing or proposed right-of-way of: expressways, freeways or interstate highways; nor to any other road, street, or highway without permission of the authority maintaining the facility.
- (3) Vehicle entrances and exits to drive-in theater, banks, and restaurants; motels, funeral homes, vehicular sales, service, washing and repair stations; garages, or parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.
- (4) Vehicle entrances or exits to drive-in or outdoor theaters, race tracks or other forms of open space facilities shall be subject to the following:

(a) That there be no direct entrance to or exit from any of the above to any federal, state or county highway.

SECTION 18

SIGNS

18.01 GENERAL:

No signs or billboards shall be permitted in any district except as specifically permitted herein.

- (1) At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety.
- (2) No sign shall be illuminated by any source of light that is not shielded to prevent glare or illumination of residential property other than that of the sign owner; nor shall the glare of any light source be so directed as to impair the safety of moving vehicles.
- (3) No signs, except of a public nature normal to public right-of-ways, shall be permitted within any public right-of-way without approval in writing from the Town Board.
- (4) No sign larger than five (5) square feet shall be located, erected, moved, reconstructed or enlarged until a zoning permit has been issued. The permit number shall appear in the lower right hand corner of such signs.

18.02 SIGNS IN RESIDENTIAL, CONSERVANCY, RECREATIONAL AND AGRICULTURAL DISTRICTS:

The following signs are permitted when located no less than fifteen (15) feet from the public right-of-way line:

- (1) Customary professional and home occupation signs and "For Rent" or "For Sale" signs, not exceeding four (4) square feet in area or as provided for in Section 6.02(g).
- (2) Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation.
- (3) One announcement sign or bulletin board of an appropriate nature, identifying a hospital, school, church or other similar facility or institution, not exceeding twenty (20) square feet in area.
- (4) Temporary signs of not more than twenty (20) square feet in area for the purpose of advertising an auction, bazaar, festival, political or other special event. Signs shall be removed at the conclusion of the event. Temporary signs other than those announcing a special event shall be removed after 30 days.

18.03 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS:

The following signs are permitted:

- (1) All signs permitted in Section 17.02.

(2) Identifying sign(s) for the principal building of the commercial or industrial enterprise advertising a business or activity conducted on the premises in accordance with the following provisions:

(a) Wall signs placed against the exterior walls of buildings shall not extend more than one (1) foot from the wall surface and shall not exceed three hundred (300) square feet in area.

(b) Projecting signs fastened to, suspended from, or supported by attached structures shall not exceed forty (40) square feet in area on a side.

(c) Ground signs shall meet all yard requirements for the district in which it is located, shall not exceed two hundred (200) square feet on a side and shall not exceed twenty-five (25) feet in height above the main road grade.

(d) Roof signs shall not exceed ten (10) feet in height above the roof or parapet nor may such a sign extend beyond the building upon which it is located and shall not exceed two hundred (200) square feet on a side.

18.04 SPECIAL PROVISION:

(1) Signs lawfully existing at the time of the adoption or amendments of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, such signs shall be deemed a nonconforming use or structure and shall therefore be subject to the provisions of Section 3.06 Nonconforming Structures and Uses.