

Zoning Ordinance

Town of Hartford
Washington County, Wisconsin

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Town of Hartford Board of Supervisors
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TABLE OF CONTENTS

CHAPTER 1

TITLE, AUTHORITY and GENERAL PROVISIONS Page -1-

- 1.01 Title..... Page -1-
- 1.02 Authority..... Page -1-
- 1.03 Contents..... Page -1-
- 1.04 Purpose..... Page -1-
- 1.05 Compliance..... Page -2-
- 1.06 Force & Effect..... Page -2-
- 1.07 Abrogation & Greater Restrictions..... Page -2-
- 1.08 Interpretation & Application..... Page -2-
- 1.09 Severability..... Page -3-
- 1.10 Headings..... Page -3-

CHAPTER 2

ZONING DISTRICTS, MAPS and USE REGULATIONS Page -4-

- 2.01 Zoning Districts..... Page -4-
- 2.02 Zoning Map..... Page -5-
- 2.03 Purpose & Intent of Zoning Districts..... Page -6-
- 2.04 Types of Uses..... Page -7-
- 2.05 Table of Uses..... Page -9-
- 2.06 Principal Uses..... Page -12-
- 2.07 Accessory Uses..... Page -14-
- 2.08 Temporary Uses..... Page -14-
- 2.09 Uses Not Listed..... Page -15-

CHAPTER 3

GENERAL REQUIREMENTS Page -16-

- 3.01 Compliance..... Page -16-
- 3.02 District Requirements..... Page -16-
- TABLE OF DISTRICT REQUIREMENTS..... Page -17-**
- 3.03 Lot Requirements..... Page -18-
- 3.04 Setbacks from Highways and Roads..... Page -19-
- 3.04 (1) Setbacks from Highways and Roads - R4 ONLY..... Page -22-
- 3.05 Height Requirements..... Page -25-
- 3.06 Yards, Modifications..... Page -25-
- 3.07 Landscape Buffers, Fences, Walls and Hedges..... Page -26-
- 3.08 Site Restrictions..... Page -27-
- 3.09 Accessory Structures..... Page -27-
- 3.10 Swimming Pools..... Page -28-

CHAPTER 4

SPECIFIC USE REQUIREMENTS..... Page -30-

- 4.01 Purpose..... Page -30-
- 4.02 Applicability..... Page -30-
- 4.03 Agricultural Uses..... Page -30-
- 4.04 Residential Uses..... Page -30-

4.05	Commercial Uses	Page -32-
4.06	Industrial Uses.....	Page -35-
4.07	Institutional Uses.....	Page -38-
4.08	Miscellaneous Uses.....	Page -38-
4.09	Accessory Uses.	Page -40-
4.10	Temporary Uses.	Page -41-
 CHAPTER 5		
PLANNED RESIDENTIAL DEVELOPMENT.....		Page -44-
5.01	Purpose.....	Page -44-
5.02	General Requirements.....	Page -45-
5.03	Preserved Open Space.	Page -45-
5.04	Reservation of Development Rights Agreement.	Page -45-
5.05	Application.....	Page -45-
5.06	Permit Requirements.....	Page -47-
 CHAPTER 6		
PARKING, LOADING, and ACCESS REQUIREMENTS.....		Page -48-
6.01	Purpose.	Page -48-
6.02	Off-street Parking Requirements.....	Page -48-
6.03	Parking Area Landscaping Requirements.	Page -50-
6.04	Loading and Unloading Requirements.....	Page -51-
6.05	Access and Culvert Requirements.....	Page -51-
 CHAPTER 7		
SIGNS.....		Page -54-
7.01	Purpose.....	Page -54-
7.02	Applicability.....	Page -54-
7.03	General Sign Requirements.....	Page -54-
7.04	Specific Requirements for Particular Signs.....	Page -56-
7.05	Sign Permits.	Page -58-
7.06	Nonconforming Signs.	Page -58-
7.07	Sign Design, Construction and Maintenance.	Page -59-
	Table of Signs	Page -60-
 CHAPTER 8		
NONCONFORMING USES, STRUCTURES and LOTS.....		Page -61-
8.01	Previously Lawful Condition.	Page -61-
8.02	Nonconforming Uses.....	Page -61-
8.03	Nonconforming Structures.	Page -62-
8.04	Nonconforming Lots.	Page -62-
 CHAPTER 9		
ADMINISTRATION		Page -63-
9.01	Planning Commission.	Page -63-
9.02	Board of Zoning Appeals.	Page -63-

9.03	Zoning Administrator.....	Page -66-
9.04	Building Inspector.....	Page -66-

CHAPTER 10
PROCEDURES..... Page -67-

10.01	Building Permits.....	Page -67-
10.02	Sign Permits.....	Page -68-
10.03	Conditional Use Permits.....	Page -69-
10.04	Road Access and Culvert Permits.....	Page -72-
10.05	Site Plan Review.....	Page -72-
10.08	Amendments.....	Page -76-
10.09	Public Hearings.....	Page -78-

CHAPTER 11
ENFORCEMENT..... Page -79-

11.01	Violations.....	Page -79-
11.02	Prosecution.....	Page -79-
11.03	Orders and Citations.....	Page -80-
11.04	Penalties.....	Page -80-
11.05	After-the-fact Conditional Use Applications & Variance Petitions.....	Page -80-

CHAPTER 12
SHORELAND and FLOODPLAIN ZONING..... Page -82-

CHAPTER 13
DEFINITIONS..... Page -83-

CHAPTER 1

TITLE, AUTHORITY and GENERAL PROVISIONS

The Board of Supervisors of the Town of Hartford, Wisconsin does ordain as follows:

1.01 TITLE.

This Ordinance shall be known as the “Town of Hartford Zoning Ordinance”, hereinafter referred to as “this Ordinance”.

1.02 AUTHORITY.

This Ordinance is adopted pursuant to the authority granted by sections 60.61 and 60.62 of the Wisconsin Statutes.

1.03 CONTENTS.

This Ordinance consists of written text and zoning maps, which shall, at all times, be considered as parts of a whole. In addition, other maps and materials referenced in the text are used to support this Ordinance.

1.04 PURPOSE.

The purpose of this Ordinance is to promote and protect public health, safety, aesthetics, and other aspects of the general welfare. Further purposes of this Ordinance are to:

- (1) Aid in implementing the adopted Town Land Use Plan.
- (2) Promote planned and orderly land use development.
- (3) Fix reasonable dimensional requirements to which buildings, structures, and lots shall conform.
- (4) Establish appropriate densities and standards for residential, commercial and industrial land uses.
- (5) Advance uses of land in accordance with its character and suitability.
- (6) Provide property with access to adequate sunlight.
- (7) Aid in protection of groundwater and surface water.
- (8) Aid in the preservation of agricultural lands.
- (9) Preserve wetlands.
- (10) Protect the beauty of landscapes and scenic vistas in the town.
- (11) Conserve flora and fauna habitats.
- (12) Preserve and enhance the Town's rural characteristics.
- (13) Promote safety and efficiency in the Town's road transportation system.
- (14) Define the duties and powers of administrative bodies in administering this Ordinance.
- (15) Prescribe penalties for violation of this Ordinance.

1.05 COMPLIANCE.

- (1) No land or water shall hereafter be used and no structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance.

State agencies are required to comply when section 13.48 (13), Wisconsin Statutes, applies. The Wisconsin Department of Transportation is exempt from the requirements of this Ordinance when section 30.12 (4), Wisconsin Statutes applies.

1.06 FORCE & EFFECT.

- (1) Applicability. This Ordinance shall affect the unincorporated areas of Town of Hartford, or applicable portions thereof, as provided in sub. (2).

1.07 ABROGATION & GREATER RESTRICTIONS.

- (1) The Town of Hartford Zoning Ordinance, Ordinance No. 86-4, adopted March 24, 1986, as amended, is hereby repealed.
- (2) Except as this Ordinance may conflict with Chapter 91, Farmland Preservation, Wisconsin Statutes, wherever this Ordinance imposes greater restrictions than other similar regulations, the provisions of this Ordinance shall govern. Wherever the provisions of this Ordinance conflict with the provisions of Chapter 91, Farmland Preservation,

Wisconsin Statutes, the provisions of Chapter 91 shall prevail.

- (3) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement. The Town of Hartford shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party.
- (4) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant by the Town of Hartford.
- (5) Any comprehensive revision of this Ordinance adopted by the Town of Hartford shall be subject to certification of Land and Water Conservation Board, State of Wisconsin, in order to qualify for farmland preservation tax credits under Chapter 91, Farmland Preservation, Wisconsin Statutes.

1.08 INTERPRETATION & APPLICATION.

The provisions of this Ordinance shall be construed to be minimum requirements. Further, interpretation and application of the provisions of this Ordinance shall take into account the purposes of this Ordinance and any adverse effects that an interpretation may have upon such purposes.

1.09 SEVERABILITY.

If any section, paragraph, clause, provision, or portion of this Ordinance is determined unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

1.10 HEADINGS.

Headings are used throughout this Ordinance to assist users. If a heading should conflict with the text in interpreting this Ordinance, the text shall control.

CHAPTER 2

ZONING DISTRICTS, MAPS and USE REGULATIONS

2.01 ZONING DISTRICTS.

For the purpose of this Ordinance, the Town of Hartford is divided into the following zoning districts (with their symbols):

Agricultural Districts

Agricultural Preservation (AP)

Agricultural Transition (AT)

Residential Districts

Rural Residential (RR)

Residential (R)

Pike Lake Residential District (R4)

Commercial Districts

Commercial (C)

Industrial Districts

Light Industry (LI)

Conservancy & Recreation Districts

Wetlands Conservancy (WC)

Outdoor Recreation (OR)

2.02 ZONING MAP.

- (1) **Zoning Districts.** Zoning districts shall be as shown on zoning map prepared for the Town. The zoning map shall be on file and display at the Town of Hartford, Town Hall, 3360 County Highway K, Hartford, Wisconsin.
- (2) **Interpretation of Zoning District Boundaries.** The following rules shall be used to determine the precise location of zoning district boundaries shown on the Zoning Map of Town of Hartford:
 - (a) Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
 - (b) Boundaries shown as following or approximately following roads shall be construed as following the center lines of such roads.
 - (c) Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Washington Town Real Property Listing Tax Maps shall be construed as following such lines.
 - (d) Boundaries shown as following or approximately following the center lines of streams, rivers, or other water courses shall be construed as following the centerline of such water courses; in the event of a natural change in the location of such water courses, the zoning district boundary shall be construed as moving with the centerline.
 - (e) Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs (a) through (d), shall be construed to be parallel to such

- features and at such distances therefrom as are shown on the Zoning Map of the Town of Hartford. In the event such boundaries are not parallel or approximately parallel to any of the features listed in paragraphs (a) through (d) the interpretation of district boundaries by the Zoning Administrator shall be conclusive.
- (f) Boundaries below the ordinary high water mark which coincide with riparian rights lines as determined by NR 326.07, Wisconsin Administrative Code, shall be construed as such riparian rights lines.
 - (g) Boundaries below the ordinary high water mark which do not coincide with riparian rights lines as determined by NR 326.07, Wisconsin Administrative Code, shall be construed as running perpendicular to the shoreline where the boundaries intersect with the shoreline.

2.03 PURPOSE & INTENT OF ZONING DISTRICTS.

The following specifies the purpose and intent of each of the zoning districts established by this Ordinance.

- (1) **Agricultural Preservation District (AP).** This district is established to protect the agricultural and farming operations, woodlands, and other open space from scattered non-agricultural development that may displace agricultural uses. Land uses in this district shall be restricted to agricultural uses and those consistent with agricultural use. This district is intended to help implement the Town of Hartford Land Use Plan. Further, it is intended to meet the provisions of the Wisconsin Farmland Preservation Program, as specified in Chapter 91, Wisconsin Statutes, and thereby establish eligibility for tax credits to farm owners as provided in section 71.59, Wisconsin Statutes. It is intended that this district apply to lands included in productive farm operations and which have historically exhibited good crop yields, or are capable of such yields; have demonstrated productivity for dairying, livestock raising, and grazing; have been used for production of specialty crops such as tree and plant materials, fruits, and vegetables; have been integral parts of such farm operations; have been used for woodlots or timber production; or have significance as open space for environmental or other public purposes.
- (2) **Agricultural Transition District (AT).** This district is established to preserve agricultural and open space lands. Land uses in this district shall be restricted to agricultural uses and those consistent with agricultural use, until such time that the Town determines that non-agricultural development is appropriate. Any such determinations and rezonings will consider uses and activities in keeping with the Town Land Use Plan. Further, this district intended to meet the provisions of the Wisconsin Farmland Preservation Program, as specified in Chapter 91, Wisconsin Statutes, and thereby establish eligibility for tax credits to farm owners as provided in section 71.59, Wisconsin Statutes.
- (3) **Rural Residential District (RR).** This district is established to provide for low-density residential development in rural areas of the Town on unsewered lots. Lands in this district are not compatible with general agricultural and livestock operations.
- (4) **Residential District (R).** This district is established to provide for residential development

and some public facilities in areas which are not suited for agricultural operations. Building lots in this district may be served by on-site waste disposal systems or public sewer.

- (4.01) **Pike Lake Residential District (R4).** The R4 single family residential district is intended to provide for single-family development, served by city sewer and private wells in the Pike Lake Utility District.

NOTE: County Shoreland zoning may be more restrictive than Town zoning.

- (5) **Commercial District (C).** This district is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire Town. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other non-residential uses while affording protection to surrounding properties from excessive noise, traffic, drainage, or other nuisance factors.
- (6) **Light Industrial District (LI).** This district is established primarily for production, processing, and assembly plants that are operated so that noise, odor, dust, glare and other invasive outputs from such operations are completely confined within an enclosed building. These industries will by their nature generate traffic. However, the size and volume of raw materials and finished products should not produce the volume of traffic generated by heavy industrial uses. The district is also designed to accommodate warehouse and limited commercial uses.
- (7) **Outdoor Recreation District (OR).** This district is established for those areas dedicated to or owned by the public for park and open space uses. This district also provides appropriate areas for certain commercially operated recreational uses. Under special circumstances, residences may be allowed in this district.
- (8) **Wetland Conservancy District (WC).** This district is established to preserve, protect, and enhance the Town's marshes, bogs, swamps and other wetlands; to protect water courses and navigable waters and the public rights therein; to maintain the purity of water in lakes and streams and prevent pollution thereof; and to protect spawning grounds, fish and habitats for wild flora and fauna.

2.04 TYPES OF USES.

- (1) **Principal Uses.** These uses are sorted and assigned to specific zoning districts. (see section 2.05, Table of Uses) Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following categories:
- (a) Permitted Uses. These uses are permitted by right, provided all requirements of the Ordinance are met.

- (b) Conditional Uses. These uses are not permitted by right. Rather, their allowance is subject to the discretionary judgment of the Planning Commission and Town Board, as described in section 10.03, Conditional Use Permits.
- (2) **Accessory Uses**. (see section 2.07, Accessory Uses) These uses are sorted and assigned to specific zoning districts. Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following categories:
- (a) Permitted Uses. These uses are permitted by right, provided all requirements of the Ordinance are met.
- (b) Conditional Uses. These uses are not permitted by right. Rather, their allowance is subject to the discretionary judgment of the Planning Commission and Town Board, as described in section 10.03, Conditional Use Permits.
- (3) **Temporary Uses**. (see section 2.08, Temporary Uses) These uses are sorted and assigned to specific zoning districts. Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following categories:
- (a) Permitted Uses. These uses are permitted by right, provided all requirements of the Ordinance are met.
- (b) Conditional Uses. These uses are not permitted by right. Rather, their allowance is subject to the discretionary judgment of the Planning Commission and Town Board, as described in section 10.03, Conditional Use Permits
- (4) **Uses Not Listed**. (see section 2.09, Uses Not Listed)

2.05 TABLE OF USES.

Land uses in Town of Hartford shall be allowed as shown on the following pages in the Table of Uses.

TYPE OF USE	ZONING DISTRICT								
	AP	AT	RR	R	R4	C	LI	OR	WC
AGRICULTURAL USES									
Agriculture, General (4.03)(1)	P	P							
Agriculture, Intensive (4.03)(2)	C								
Agricultural, Rental Buildings (4.03)(3)	C	C	P						
					R4				

RESIDENTIAL USES	AP	AT	RR	R		C	LI	OR	WC
Accessory Residence (4.04)(1)						P			
Community Living Arrangements, up to 8				P	P				
Community Living Arrangements, more than 8				C	C				
Farm Dwelling, Primary	C	C							
Farm Dwelling, Secondary (4.04)(1)	C	C							
Farm Dwelling, Separated (4.04)(2)	C	C							
Manufactured Home (4.04)(3)	C	C	C						
Single Family Dwelling (4.04)(4)			P	P	P			C	
Two-Family Dwelling (4.04)(5)	C	C	C	C	C				
COMMERCIAL USES	AP	AT	RR	R	R4	C	LI	OR	WC
Auto Repair, Sales/Service Stations (4.05)(1)						C	P		
Bed & Breakfast (4.05)(2)			C	C	C				
Commercial Parking						P	P		
Day Care Center (4.05)(3)	C	C	C	C	C				
Farm-Based Business (4.05)(4)	C	C							
Farm Machinery Service						C	P		
Farm Markets (4.05)(5)	C	C							
Home Occupation (4.05)(6)			P	P	P	P			
Hotels & Motels						C			
Kennels (4.05)(7)			C			C			
Office Buildings						P	P		
Outdoor Commercial Recreation, Private								C	
Outside Seating for Rest. or Tavern (4.05)(8)						C			
Retail Sales, Service, Indoor Entertainment						P	P		
COMMERCIAL USES (continued)	AP	AT	RR	R	R4	C	LI	OR	WC

Riding Stables, Commercial (4.05)(9)	C	C	C					C	
Roadside Stand (4.05)(10)	P	P	C						
Seed & Feed Sales (4.05)(11)	C	C				P			
Trade & Contractor Establishment						C	P		
Veterinarian Service			C			P			
INDUSTRIAL USES	AP	AT	RR	R	R4	C	LI	OR	WC
Ag. Bulk Prod. Collect., Storage, Transfer						C	P		
Agricultural Product Processing						C	P		
Asphalt & Concrete Plants (4.06)(1)							C		
Light Industry							P		
Mini-Warehouses (4.06)(2)						C	P		
Non-Metallic Mining (4.06)(3)	C	C							
Recycling/Waste Recovery Facility (4.06)(4)							C		
Salvage or Junk Yards (4.06)(5)							C		
INDUSTRIAL USES (continued)	AP	AT	RR	R	R4	C	LI	OR	WC
Warehousing, Wholesale & Trucking (4.06)(6)							P		
Wood Processing Plants (4.06)(7)							P		
INSTITUTIONAL USES	AP	AT	RR	R	R4	C	LI	OR	WC
Cemeteries (4.07)		C	C						
Private Institutional (4.07)		C	C	P	P	P			
Public Institutional (4.07)		C	P	P	P	P			
Public Recreation (4.07)		C	P	P	P			P	
MISCELLANEOUS USES	AP	AT	RR	R	R4	C	LI	OR	WC
Accessory Energy Systems (4.08)(4)	C	C	C	C	C	C	C	C	
Communication Towers & Ant. >35' (4.08)(1)	C	C				C	C	C	
Landing Strip (4.08)(2)	C	C							

Utilities (4.08)(3)	C	C							
Wind & Solar Energy Facilities	C	C	C		C				

2.06 PRINCIPAL USES.

(1) **Exceptions.** Except as pertains to the Wetlands Conservancy District, the principal uses allowed in each zoning district shall be as shown in section 2.05, Table of Uses.

(2) **Uses Pertaining to the Wetlands Conservancy District.**

(a) Activities and uses which do not require the issuance of a building permit provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done:

1. Hiking, fishing, trapping, hunting, swimming, and boating.
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
3. The pasturing of livestock.
4. The cultivation of agricultural crops.
5. The practice of silviculture including the planting, thinning, and harvesting of timber.
6. The construction and maintenance of duck blinds.

(b) Uses which do not require the issuance of a building permit that may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

1. In the practice of silviculture, temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
2. Ditching, tiling, dredging, excavating, or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use and only where permissible under section 30.20, Wisconsin Statutes. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that dredged spoil is placed on existing spoil banks where possible and such filling is permissible under section 30, Wisconsin Statutes.
3. For the pasturing of livestock, limited excavating and filling necessary for the construction and maintenance of fences.
4. The construction and maintenance of piers, docks and walkways built on pilings including limited excavating and filling necessary for such construction and maintenance.
5. The maintenance, repair, replacement and reconstruction of existing Town roads,

highways and bridges, including limited excavating and filling necessary for such activities.

- (c) Uses which require the issuance of a building permit that may include limited filling, flooding, draining, dredging, ditching, tiling or excavating but only to the extent specifically provided below:
1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - a. The road cannot, as a practical matter, be located outside the wetland.
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland.
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
 - d. Road construction activities are carried out in the immediate area of the roadbed only.
 - e. Any filling, flooding, draining, dredging, ditching, tiling, or excavating must be necessary for the construction or maintenance of the road.
 2. The construction and maintenance of nonresidential buildings, provided that:
 - a. The building is essential for and used solely in conjunction with a use permitted in the wetland district.
 - b. The building cannot, as a practical matter, be located outside the wetland.
 - c. Such building is not designed for human habitation and does not exceed five hundred square feet in floor area.
 - d. Only limited excavating and filling necessary to provide structural support for the building is allowed.
 3. The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur farms, shooting preserves, public boat ramps and access roads used in conjunction with a public boat ramp, provided that:
 - a. Any private wildlife habitat area must be used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wisconsin Statutes, where applicable.
 - b. Filling and excavating necessary for the construction and maintenance of public boat launching ramps and access roads is allowed only where such construction meets the criteria under (c) (1) of this section.
 - c. Ditching, excavating, dredging, and dike and dam construction in wildlife refuges, game bird and animal farms, fur animal farms and shooting preserves must be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

4. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members, provided that:
 - a. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland.
 - b. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetlands.
 - c. Only limited filling or excavating necessary for such construction or maintenance is allowed.
5. The construction and maintenance of railroad lines provided that:
 - a. The railroad lines cannot, as a practical matter, be located outside the wetland.
 - b. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.

(d) Prohibited Uses. Any use not listed in sub. (4), pars. (a) - (c) is prohibited, unless the wetland or portion of the wetland has been reasoned by amendment of this Ordinance in accordance with this Ordinance and section 59.97 (5)(e), Wisconsin Statutes.

2.07 ACCESSORY USES.

For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 3.09, Accessory Structures.

- (1) Except as pertains to the Wetlands Conservancy District, the accessory uses allowed in each zoning district shall be as shown in section 2.05 (1), Table of Uses.
- (2) Accessory uses which have particular use requirements listed in Chapter 4 shall comply with such requirements.

2.08 TEMPORARY USES.

- (1) Except as pertains to the Wetlands Conservancy District, the temporary uses allowed in each zoning district shall be as shown in section 2.05, Table of Uses.
- (2) Temporary uses which have particular use requirements listed in Chapter 4 shall comply with such requirements.

2.09 USES NOT LISTED.

- (1) **Determination of Use Classification by the Zoning Administrator.** The Zoning Administrator shall determine if a proposed use can be classified as one of the principal uses already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this Ordinance.

- (2) **Unclassified Uses.** A proposed use that cannot be classified as one of the principal uses shall be considered an unclassified use and shall be regulated as follows:

The Zoning Administrator shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this Ordinance. If the Zoning Administrator determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be so notified in writing. The Zoning Administrator may refer unclassified uses to the Planning Commission or Town Board if uncertain how to classify any uses not listed.

- (3) **Amendment for Unclassified Use.** After making a determination regarding an unclassified use, the Zoning Administrator shall recommend an amendment to this Ordinance adding the previously unclassified use to the Table of Uses.

CHAPTER 3 GENERAL REQUIREMENTS

3.01 COMPLIANCE.

- (1) All development shall comply fully with the requirements of this Chapter.
 - (a) The Planning Commission or its designee shall have the power to designate a principal structure and any accessory structures for each lot.

3.02 DISTRICT REQUIREMENTS.

- (1) Developments shall meet the minimum requirements for the applicable district shown on the following page in the Table of District Requirements.

District	Minimum Lot Area	Min. Average Lot Width	Maximum Coverage	Max. Building Height	Minimum Side yard	Min. Rear Yard	Min. Floor Area
AP	35 acres	600 feet		35 feet (residential dwelling) 70 feet (accessory building)	25 feet	25 feet	1,000 square feet (sf) (1 story) 1,200 sf (multi-story)
AT	35 acres	600 feet		35 feet (residential dwelling) 70 feet (accessory building)	25 feet	25 feet	1,000 sf (1 story) 1,200 sf (multi-story)
RR	40,000 sf	125 feet	20%	35 feet	25 feet	25 feet	1,000 sf (1 story) 1,200 sf (multi-story)
R	40,000 sf unsewered 12,000 sf sewer	125 feet 75 feet sewer	20%	35 feet (residential dwelling) 20 feet (accessory building)	10 feet	25 feet	1,000 sf (1 story) 1,200 sf (multi-story)
R4	12,000 sf (new lots) 7,500 sf (existing)	75 feet	20%	35 feet (residential dwelling) 25 feet (accessory building)	10 feet (new lots) 5 feet (existing 3.04 (2))	25 feet	1,000 sf (1-story) 1,200 sf (multi-story)
OR	40,000 sf	125 feet	20%	35 feet	25 feet	25 feet	1,000 sf (1 story) 1,200 sf (multi-story) residence dwelling
C	40,000 sf unsewered 12,000 sf sewer	125 feet unsewered 75 feet sewer	35%	45 feet	25 feet	10 feet	1,000 sf (1 story) 1,200 sf (multi-story) accessory residence
LI	40,000 sf unsewered 5,000 sf (sewer)	125 feet unsewered 75 feet (sewer)	50%	45 feet	25 feet	10 feet	
WC							

3.03 LOT REQUIREMENTS.

- (1) **Minimum Width and Area.** No lot shall hereafter be created which does not meet the minimum width and area requirements of this Ordinance. No lot shall be so reduced that it fails to meet any density or dimensional requirement of this Ordinance.
- (2) **Lot of Record Required.** Every building hereafter erected, structurally altered, or relocated shall be placed on a lot of record.
- (3) **Access to Road.** No lot shall hereafter be created nor any building placed on a lot shall be allowed unless the main body of the lot upon which the building or structure is to be erected fronts on a public road by at least sixty-six (66) feet or unless the lot includes an access strip which is at least sixty-six (66) feet wide from its main body to a public road. Said access strip shall be a part of the subject lot and held in fee simple.
- (4) **Building on Lot.**
 - (a) All structures shall be located on a lot, and in agricultural and residential districts, only one principal structure shall be located, erected, or moved onto a lot.
 - (b) The Town Board may permit more than one (1) structure per lot in other districts where more than one (1) structure is needed for the orderly development of the parcel.
 - (c) Where additional structures are permitted, the Town Board may impose additional yard requirements, landscaping requirements, parking requirements or require a minimum separation distance between principal structures.
 - (d) All structures and improvements allowed within the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts must be consistent with agricultural use as defined in section 91.01(10), Farmland Preservation, Wisconsin Statutes, and meet the requirements of sections 91.75(3) and 91.75(5), Farmland Preservation, Wisconsin Statutes.
- (5) **Lots Created Prior to the Effective Date of this Ordinance.** Lots which were created before the effective date of this Ordinance shall be considered building sites provided they meet the criteria established in both pars. (a), (b) and (c):
 - (a) They are of record in at least one of the following forms to establish the lot's date of creation:
 1. A recorded land subdivision or certified survey map on file in the Town Hall of the Town of Hartford showing the lot in its present form.
 2. A lot of record by means of a deed or land contract on file in the Washington County Register of Deeds Office and which predates the effective date of this Ordinance.
 - (b) Lots created after the adoption of this Ordinance shall meet the minimum area requirements shown on the Table of District Requirements found in section 3.02.

(c) Lots located in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts which are less than thirty five (35) acres shall be subject to section 91.75, Farmland Preservation, Wisconsin Statutes.

- (6) **Lots Qualifying as Building Sites.** Lots which qualify as building sites as provided in sub. (5) may be enlarged through acquisition of adjacent property, but need not comply with the lot area provisions of section 3.02, Table of District Requirements. Any lot so enlarged shall not thereafter be reduced below the minimum lot size required in the zoning district.
- (7) **Maximum Lot Depth.** Maximum depth of a building lot shall not exceed three (3) times the width thereof.

NOTE: Existing lots of record in the Pike Lake Residential District (R4) are exempt from this requirement.

- (8) The Town Board may grant conditional use permits if the size and location of the parcel is conducive to the health, safety and welfare of the citizens of the Town by the provision of a potable water source, proper on-site septic system, safe ingress and egress to public highways or other similar matters. This list is not inclusive, but illustrative of site-specific health, safety and welfare factors upon which the Town Board may conditional approval. **(Repealed & recreated ord. #08-01).**
- (9) **Lots in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts.** Lots less than thirty-five (35) acres in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall be created only if intended for agricultural use or as part of a farm consolidation.

3.04 SETBACKS FROM HIGHWAYS AND ROADS. (SEE 3.04 (1) FOR R4 DISTRICT)

- (1) **Established.** Setback lines are hereby established in the Town along all public highways and at the intersections of highways with highways and of highways with railways. Where a highway is located on a town, city or village boundary, this section shall not be effective on the side of such highway that is within the city, village or adjoining town.
- (2) **Center Lines of Highways.** For purposes of this ordinance, the centerline of any road or highway is the legal centerline according to description as recorded with the County Register of Deeds. If there is no such legal description, the centerline is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof. If there are no such fences or markers, the centerline is the midpoint between opposite sides of the road surface. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail. Except as otherwise provided, the distances from the centerline or from the nearest highway right-of-way line to the setback line shall be as follows:
- (a) **Class A Highways.** The setback distance form a Class A Highway shall be one hundred (100) feet from the centerline of the highway or forty-two (42) feet from the highway right-of-way line, whichever is greater. The setback distances shall be increased by fifty (50) feet on highways which have been designated by the State or Town as controlled or

partially controlled highways. The following highways in the Town are hereby designated as Class A Highways:

1. All U.S. and state (numbered) highways.
2. All county trunk (lettered) highways.
3. Any town road designated by the Town Board as a Class A road.

(b) **Class B Highways.** The setback distance from a Class B highway shall be seventy-five (75) feet from the centerline of the highway or thirty (30) feet from the highway right-of-way line, whichever is greater. The following highways in the Town are hereby designated as Class B highways:

1. All town roads other than interior streets within recorded subdivisions.
2. Any other town road designated by the Town Board as a Class B road.

(c) **Class C Highways.** The setback distance from a Class C highway shall be fifty five (55) feet from the centerline of the highway or twenty five (25) feet from the highway right-of-way line, whichever is greater. All interior streets in recorded subdivision plats are hereby designated as Class C highways unless designated otherwise by the Town Board.

(3) **Vision Clearance.** There shall be a vision clearance triangle in each quadrant of all intersections of highways or streets with other highways or streets, of driveways with highways or streets, and of highways or streets with railroads. Such vision clearance triangle shall be bounded by the highway, street, driveway, or railroad right-of-way lines and a vision clearance setback line connecting points on each right-of-way line which are located a distance back from the center lines equal to one and one-half times the setback required on the intersecting highway or street.

(a) In the case of railroads, and roads for which the right-of-way cannot be determined, the setback for purposes of this paragraph shall be considered to be 100 feet from the centerline of the road bed or road surface.

(b) Within a vision clearance triangle, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half (2 ½) feet and ten (10) feet above the elevation of the street or highway grade at the centerline or of the top of the curb if there is a curb. This shall not apply to the trunks of trees, posts not over six (6) inches square or in diameter, retaining walls used to support ground at or below its natural level, field crops in season, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians.

(4) **Structures Permitted Within Setback Lines.** The following structures shall be permitted within the setback lines:

(a) Open fences, as allowed under section 3.07, Landscape Buffers, Fences, Walls and Hedges.

- (b) Telephone, telegraph and power transmission and distribution towers, poles and lines; transformers, substations, repeater stations and similar necessary mechanical appurtenances and equipment that are readily removable in their entirety. Additions to and replacements of all such structures may be made, provided the owner files with the Town Clerk an agreement in writing to the effect that the owner will move or remove all new construction, additions and replacements at his expense when necessary for the improvement of the highway.
 - (c) Underground structures not capable of being used as foundations for future prohibited over ground structures provided that this regulation shall not apply to wells and septic tanks or other means of private sanitary waste disposal.
 - (d) Access or frontage roads constructed according to plans approved by the Town Board.
 - (e) Permitted signs and signs placed by public authorities for the guidance or warning of traffic.
 - (f) Parking lots
 - (g) Planting and harvesting of field crops.
- (5) **Structures Not Permitted Within Setback Lines.** No new building, new sign or other new structures including burial plots, or part thereof, shall be placed between the setback lines established by this ordinance and the highway except as otherwise provided by this ordinance; and no building, sign or structure, or part thereof existing within such setback lines on the effective date of this ordinance shall be altered or enlarged in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of fifty (50) percent or more of its current market value as determined by the local assessor, unless such alteration, enlargement or reconstruction shall have been ordered by the Town Board after public hearing and a view of the premises.
- (6) **Average Setbacks.**
- (a) The required street yard, or setback, may be decreased in any residential district to the average of the existing setbacks of the abutting structures on each side but in no case less than 15 feet.
 - 1. In the event structures about on only one side and an average cannot be determined, the distance may be decreased to the average setback of the one structure and the required setback for that district, except as limited to 15 feet in a street yard setback.
 - (b) The required shoreyard, or setback shall not be reduced to a lesser setback than allowed by any provision of the Washington County Shoreland and Wetland Zoning ordinance (75 feet) or a variance approved by its Board of Adjustment.
 - 1. A Shoreland Permit issued by Washington County utilizing setback averaging or a variance granted by its Board of Adjustment shall eliminate additional variance approval by the Town.

- (7) **Abutting a Lake or Stream.** For vacant lots in partially occupied blocks that abut upon a lake or stream, Chapter 12, the Shoreland-Floodplain Zoning provisions of this Ordinance shall apply.

3.04.01 SETBACKS FROM HIGHWAYS AND ROADS IN PIKE LAKE RESIDENTIAL DISTRICT (R4) ONLY.

- (1) **Established.** Setback lines are hereby established in the Town along all public highways and at the intersection of highways with highways and of highways with railways.

- (2) **Yards.** Lots shall have a street yard and a rear yard.
Lake lots shall have a street yard and a shore yard.

(a) **Street Yard Setback.** The minimum street yard setback shall be fifty (50) feet measured from the highway right-of-way line, or street property line along all State Highways, County Trunk Highways, and Town roads, except:

1. The minimum street yard setback shall be twenty-five (25) feet along all interior streets in recorded subdivision plats.
2. As reduced elsewhere in this ordinance.

(b) **Side Yard Setback.** There shall be a side yard on each side of all principle structures.

1. The minimum single side yard shall be five (5) feet for lots less than seventy-five (75) feet wide. The minimum side yard shall increase five (5) feet for each fifty (50) feet of additional lot width, up to a minimum of twenty-five (25) for lots two hundred twenty-five (225) feet and wider
 - 5 feet for lots 50 feet to 74.9 feet in width
 - 10 feet for lots 75 feet to 124.9 feet in width
 - 15 feet for lots 125 feet to 174.9 feet in width
 - 20 feet for lots 175 feet to 224.9 feet in width
 - 25 feet for lots over 225 feet in width
2. There shall be a total side yard of fifteen (15) feet plus an additional one (1) foot of side yard for each five (5) feet of additional lot width in excess of fifty (50) feet up to a maximum total side yard width of fifty (50) feet.
3. The required minimum side yard shall be increased two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet. Only the portion of the wall in excess of forty (40) feet must meet the increased side yard requirement.
4. Adjacent lots under common ownership shall meet the side yard requirement for the combined lot width, unless all principle structures are maintained.

Lot Width	Minimum Side yard	Total Side yard
Less than 34.9 feet	5 feet	11 feet
35.0 feet to 39.9 feet		12 feet
40.0 feet to 44.9 feet		13 feet
45.0 feet to 49.9 feet		14 feet
50.0 feet to 54.9 feet		15 feet
55.0 feet to 59.9 feet		16 feet
60.0 feet to 64.9 feet		17 feet
65.0 feet to 69.9 feet		18 feet
70.0 feet to 74.9 feet		19 feet
75.0 feet to 79.9 feet		10 feet
80.0 feet to 84.9 feet	21 feet	
85.0 feet to 89.9 feet	22 feet	
90.0 feet to 94.9 feet	23 feet	
95.0 feet to 99.9 feet	24 feet	
100.0 feet to 104.9 feet	25 feet	
105.0 feet to 109.9 feet	26 feet	
110.0 feet to 114.9 feet	27 feet	
115.0 feet to 119.9 feet	28 feet	
120.0 feet to 124.9 feet	29 feet	
125.0 feet to 129.9 feet	15 feet	30 feet
130.0 feet to 134.9 feet	15 feet	31 feet

- (c) The minimum shoreyard (shoreline setback) shall be determined by Washington County Planning & Parks Department.
- (3) **Vision Clearances.** No vision clearance triangle shall be required.
- (4) **Structures Permitted Within Setback Lines.** The following structures shall be permitted within the setback lines:
- (a) Fences, as allowed under Section 3.07, Landscape Buffers, Fences, Walls, and Hedges.
 - (b) Telephone, telegraph, and power transmission and distribution towers, poles and lines; transformers, substations, repeater stations and similar necessary mechanical appurtenances and equipment that are readily removable in their entirety. Additions to and replacements of all such structures may be made, provided the owner files with the Town Clerk an agreement in writing to the effect that the owner will move or remove all new construction, additions and replacements at his expense when necessary for the improvement of the highway.
 - (c) Underground structures not capable of being used as foundations for future prohibited over ground structures provided that this regulation shall not apply to wells and septic tanks

or other means of private sanitary waste disposal.

(d) Access or frontage roads constructed according to plans approved by the Town Board.

(e) Permitted signs and signs placed by public authorities for the guidance or warning of traffic.

(f) Parking lots.

(g) Planting and harvesting of field crops.

- (5) **Structures Not Permitted Within Setback Lines.** No new building, new sign or other new structures including burial plots, or part thereof, shall be placed between the setback lines established by this ordinance and the highway except as otherwise provided by this ordinance; and no building, sign or structure, or part thereof existing within such setback lines on the effective date of this ordinance shall be altered or enlarged in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of fifty (50) percent or more of its current market value as determined by the local assessor, unless such alteration, enlargement or reconstruction shall have been ordered by the Town Board after public hearing and a view of the premises.

- (6) **Average setbacks.**

(a) The required average street yard setbacks for structures may be decreased in the Pike Lake Residential District (R4) to the average of the existing setbacks of the abutting structures on each side but in no case less than fifteen (15) feet.

1. Principle structures shall be averaged with principle structures.
2. Buildings encroaching into the street right-of-way and accessory structures less than 150 square feet shall not be used for averaging.
3. In the event structures abut on only one side, the average setback shall be the setback of the abutting structure averaged with the required setback for that district.

(b) The required shoreyard, or shoreline setback, shall be determined by Washington County Planning & Parks Department.

1. A Shoreland Permit issued by Washington County Planning & Parks Development Department utilizing setback averaging or a variance granted by its Board of Adjustment shall eliminate the requirement for an additional variances approved by the Town.

- (7) **Abutting a Lake or Stream.** For vacant lots in partially occupied blocks that abut upon a lake or stream, Chapter 12, the Shoreland Floodplain Zoning provisions of this Ordinance shall apply.

- (8) **Corner Lots.**

- (a) Corner lots shall provide a street yard on each street that the lot abuts. The remaining yards shall be a rear yard behind the main entrance to the structure and one side yard.
- (b) Corner lots at the intersection of a street with an alley (the public boat launch roads) in the Pike Lake Residential District (R4) shall provide a street yard on the street that the lot abuts and a side yard adjacent to the alley. The remaining yards shall be a side yard and a rear yard, or a side yard and a shore yard.

3.05 HEIGHT REQUIREMENTS.

- (1) Churches, schools, hospitals, and other public and quasi-public buildings may be erected to a height not exceeding forty-five (45) feet or four (4) stories, provided the front, side and rear yards required in the district 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.
- (2) Chimneys, agricultural silos, cooling towers, elevator bulkheads, fire towers, stacks, tanks, water towers, spires, monuments, belfries, television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines are hereby exempted from the height regulations of this Ordinance, and may be erected in accordance with other regulations or ordinances of the Town, except that towers designed and used for the purpose of generating electrical power by wind shall be set back one (1) foot from the lot lines for every one (1) foot of height.
- (3) The height of accessory structures located in a shoreyard shall be determined by the Washington County Planning & Parks Department in the **Pike Lake Residential District (R4) only**.

3.06 YARDS, MODIFICATIONS.

No building or structure shall be erected or extended into a required yard except as otherwise provided below. Every part of a required yard shall be open and unoccupied by any structure from the ground upward, except as follows:

- (1) **Architectural Projections.** Sills, belt courses, bay windows, chimneys, cornices canopies, eaves and ornamental architectural features may project into a required yard, but such projections shall not exceed three (3) feet, nor be closer than three (3) feet to a lot line. Architectural projections into a shoreyard shall be determined by Washington County Parks & Planning Department.
- (2) **Fire Escapes.** Fire escapes may project into a required yard not more than six (6) feet, and shall be no closer than six (6) feet to any lot line.
- (3) **Uncovered Steps, Landings and Decks.** Uncovered stairs, landings, and decks may project into any yard but shall not exceed six (6) feet, nor be closer than six (6) feet to any lot line
- (4) **Platforms, Walks & Drives.** Platforms, walks and drives extending not more than six (6) inches above the average ground level at their edges and retaining walls when the top of such walls are not more than six (6) inches above the average level of abutting ground on one side may be located in any yard.
- (5) **Wheelchair Access Ramps.** Ramps used for wheelchair access are exempt from the yard and distance requirements of this Ordinance.
- (6) **Buildings on Through Lots.** Buildings on through lots and extending from street to street may waive the requirements for the rear yard, provided that the setback requirements on both streets be complied with.

- (7) **Fences.** Except as noted in Section 3.07, fences may be built up to the side and rear property lines and up to the right-of-way line

3.07 LANDSCAPE BUFFERS, FENCES, WALLS AND HEDGES.

- (1) **Purpose.** These requirements are intended to reduce potential adverse impacts that a particular land use might have on occupiers of adjacent properties, such as glare of lights, dust, litter and appearance.
- (2) **Applicability.** Landscape buffer requirements shall only apply to proposed uses in cases where non-residential use abuts a residential district or such landscape buffer is required by a provision in this Ordinance.
- (3) **General Requirements.**
 - (a) Landscape buffers shall be located in such manner that principal buildings and outdoor storage areas associated with the proposed use are screened as viewed from the vantage point of the principal buildings on affected adjoining lots.
 - (b) Landscape buffers may be located in an area devoted to meeting minimum side or rear yard requirements.
 - (c) Landscape buffers, when required, shall be established on a lot at the time of the lot's development, or at the time the use of the lot is changed to a use which requires a landscape buffer.
 - (d) Landscape buffers shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.
 - (e) Installation and maintenance of the required landscape buffers shall be the responsibility of the owner of the lot.

(4) Fences, Walls, and Hedges May Be Located as Follows (see also sec. 3.06 (7)).

Fences are a permitted accessory use in any district, unless otherwise specified. All fences shall comply with the following requirements:

- (a) Fences in Agricultural and Conservancy Districts are permitted up to the lot line and shall not exceed four (4) feet in height in the street yard, or six (6) feet in height in the side or rear yard. All fences in agricultural and conservancy district erected in a street yard shall be "open fences". Barbed wire and electric fences are permitted in the AP, AT, WC, and OR and LI, zoning districts
- (b) Residential fences are permitted up to the lot line in the side and rear yards of residential districts, or the side and shoreyard of a lake lot, but shall not exceed a height of six (6) feet, and shall not extend into the street yard. Residential fences may be "solid fences", however the county may require an "open fence" in a shore yard. Residential fences shall be constructed in such a manor that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing property owner's property.
- (c) Ornamental or open fences are permitted up to the lot line in the street yard in any

- district, but shall not be erected in a street right-of-way, and shall not exceed a height of four (4) feet. Ornamental fences or open fences shall be constructed in such a manner that the “finished” side shall face the neighboring property or the street. Fence posts shall be on the side of the fence facing the property owner’s property.
- (d) Security fences or screening fences, are permitted up to the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be “open fences” when located in the street yard. Security fences may include up to 4 strands of barbed wire on the top of the fence provided that the barb wire is at least eight (8) feet above grade with the vertical supports for the barbed wire slanting inward away from the property line. Security fences shall be constructed in such a manner that the “finished” side shall face the neighboring property. Fence posts shall be on the side of the fence facing the property owner’s property.

3.08 SITE RESTRICTIONS.

- (1) **Minimum Floor Area.** All single family dwellings shall be 1,000 square feet for a one (1) story and 1,200 square feet for a two (2) story building.
- (2) **Garages.** All new residential dwellings shall include either an attached or detached-garage which shall be completed at the time the dwelling is completed.
- (3) **Maximum Residential Building Lot Coverage.** Maximum building coverage for lots in residential districts is twenty (20) percent.
- (4) **Maximum Commercial Building Lot Coverage.** Maximum building coverage for lots in commercial districts is thirty-five (35) percent.
- (5) **Maximum Industrial Building Lot Coverage.** Maximum building coverage for lots in industrial districts is fifty (50) percent.

3.09 ACCESSORY STRUCTURES.

- (1) The following accessory structures may be permitted only in the side or rear yard, or in the side yard or street yard of a lake lot.
 - (a) Accessory buildings such as garages, gardening, tool, storage sheds, playhouses, or gazebos, require the issuance of a building permit. Accessory buildings shall be located at least seven and one-half (7-1/2) feet from the principle structure, shall be located not closer than seven and one-half (7-1/2) feet to a lot line, and shall not exceed twenty-five (25) feet in height. Accessory structures 150 square feet or less may be permitted up to five (5) feet from a side or rear property line.
 - (b) If an accessory structure is to be joined to a principle structure, the joined structure must meet all the requirements for a principle structure.
 - (c) Requirements for accessory structures in a shoreyard shall be determined by Washington County Parks & Planning Department.
 - (d) Accessory structures shall be located no closer than twenty-five (25) feet to an access easement or existing private roadway unless a greater setback is required by other

provisions of this ordinance
(e) In the case of through lots, no accessory building or structure shall extend into the setback area of either street unless specifically exempted by this ordinance.

- (2) The following accessory uses and structures are permitted in any yard. Accessory structures are not permitted in a front/street yard unless otherwise specifically exempted by this ordinance. The following accessory uses and structures may be placed in any yard without a building permit provided that such use shall not be located closer than five (5) feet to a side or rear lot line and shall not exceed fifteen (15) feet in height; basketball hoops, bird baths, fountains, lawn furniture, religious statues, and wishing wells. Flag poles shall not be located closer than five (5) feet to a side or rear lot line, shall provide at least ten (10) feet of clearance to any electric wire, and shall not exceed the height limitation for the zoning district in which they are located.
- (3) Ground mounted satellite dishes. Microwave, television, radio dish antenna, and satellite dishes, except satellite dishes under two (2) feet in diameter, must be located at least seven and one-half (7-1/2) feet from any property line and may not be installed in any front street yard.

3.10 SWIMMING POOLS.

Swimming pools, whether in-ground or above-ground, having a depth greater than three (3) feet or a diameter greater than twelve (12) feet or a surface area greater than one hundred and twenty (120) square feet, may be located in any district permitting residential uses but shall be installed in accordance with the following provisions:

- (1) **Location.** Minimum setback of ten (10) feet from side and rear lot lines, and fifteen (15) feet from septic field or drywell.
- (2) **Drains.** Pool drains shall be located so no discharge of water from the pool takes place closer than twenty-five (25) feet from a septic field or drywell.
- (3) **Fences.** All in ground pools shall be completely enclosed with a fence having a minimum height of four (4) feet of non-climbable fencing material with a locking gate. All above ground pools with a deck height above four (4) feet at any point are exempt from the fencing requirement, except that all points where a ladder or steps or other means of access to the pool is to be located must be safeguarded by means of a locking gate. A portion of a building may be used as a portion of the fence, provided the pool is located at least ten (10) feet from the building.
- (4) **Electrical.** Swimming pools must be at least twenty (20) feet from any overhead electric power lines. A horizontal clearance of at least ten (10) feet shall be maintained between service drops or other open overhead wiring and swimming pools, diving structures, observation stands, towers or platforms. Any outlets associated with the pool or related mechanical equipment must be protected by a ground current interrupter. All other applicable state or local electrical code provisions are incorporated herein by reference.

reference.CHAPTER 4

SPECIFIC USE REQUIREMENTS

4.01 PURPOSE.

The purpose of these requirements is to minimize potential negative impacts from certain uses and to promote compatibility between particular uses and surrounding uses.

4.02 APPLICABILITY.

In addition to complying with other regulations established in this Ordinance, these requirements must be met for each specific use.

4.03 AGRICULTURAL USES.

- (1) **General Agricultural Practices.** Agricultural practices, except feedlots of greater than 300 head of livestock, poultry raising and egg production operation of more than 1,000 birds, shall be allowed in all agricultural districts without the issuance of a permit, except that agricultural structures shall require a building permit.
- (2) **Intensive Agricultural Practices.** Feedlots of over 300 head and poultry operations of over 1,000 birds shall require a conditional use permit. These must be located at least 100 feet from navigable waters and at least 500 feet from any other dwelling unit other than the animal keeper's dwelling unit. Structures shall be located so that manure will not drain into navigable waters.
- (3) **Renting of Agricultural Buildings.** Incidental renting of agricultural buildings for indoor storage of boats, trailers, recreational vehicles, cars, and equipment shall be allowed provided that:
 - (a) Such building used for storage was originally constructed for agricultural purposes and was constructed at least ten (10) years prior to its use as incidental indoor storage.
 - (b) No signs shall be permitted which advertise or direct the public to such storage.
 - (c) Outside storage shall not be allowed.
 - (d) The renting of such buildings within the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall be permitted only as a conditional use and shall meet the requirements of a "farm family business" as defined under section 91.75(8), Farmland Preservation, Wisconsin Statutes.

4.04 RESIDENTIAL USES.

New residential dwellings constructed in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall be prohibited on parcels less than thirty five (35) acres, except those consistent with agricultural use that are constructed by persons identified under section 91.75(2)(b), Farmland Preservation, Wisconsin Statutes.

- (1) **Farm Dwelling, Secondary.** Residences for a living child or parent of the farm operator on minimum 40,000 square foot lot may be allowed provided that:
 - (a) Construction of such proposed residence will be started within twelve (12) months of approval of the land division and issuance of a conditional use permit.
 - (b) Such proposed residential use will not adversely affect the existing agricultural uses in the neighborhood.

- (c) Residents of such dwellings in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall meet the occupant requirements of section 91.75(2)(b), Farmland Preservation, Wisconsin Statutes.
- (2) **Farm Dwelling, Separated.** Single family residences existing prior to the effective date of this Ordinance may be separated from farm parcels, subject to the following:
- (a) The lot created shall contain at least 40,000 square feet, but no more than three (3) acres, exclusive of lands within any public right-of-way.
 - (b) The lot width of the resultant lot shall be at least 200 feet.
 - (c) The lot lines created shall place all existing structures in conformance with applicable setback and yard requirements.
 - (d) The creation of the separate lot shall not reduce the remaining tract to a lot area of less than that required for a new lot in the zoning district.
 - (e) Separated farm dwellings shall be allowed in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts only if the separation is for the purpose of farm consolidation as required by section 91.75(6), Farmland Preservation, Wisconsin Statutes.
 - (f) Residents of such dwellings in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall meet the occupant requirements of section 91.75(2)(b), Farmland Preservation, Wisconsin Statutes.
- (3) **Manufactured Homes.** The following requirements apply to manufactured homes:
- (a) Manufactured homes shall comply with federal inspection requirements per the federal Housing Act of 1976.
 - (b) The towing and transportation equipment, including the wheel assembly, shall be removed and the manufactured home shall be mounted on and attached to a permanent foundation.
 - (c) Conventional house siding or simulated wood siding and a shingled, gable roof shall be required.
 - (d) Manufactured homes shall meet the minimum required floor area for dwelling units.
 - (e) Residents of such manufactured homes in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall meet the occupant requirements of section 91.75(2)(b), Farmland Preservation, Wisconsin Statutes.
- (4) **Single-family Dwellings.**
- (a) Single-family dwellings in Agricultural Preservation (AP) and Agricultural Transition (AT) Districts existing on September 9, 1979 and which were in ownership unrelated to adjoining lands at that time on lots of at least 40,000 square feet shall be considered principal permitted uses.
- (5) **Two-family Dwellings.**
- (a) Two-family dwellings with a minimum of 900 square feet per unit shall be allowed.

4.05 COMMERCIAL USES.

(1) **Auto Repair, Sales and Service.**

- (a) All repair, painting, parts storage, and body work activities shall take place within a building.
- (b) All damaged or non-operable parts shall be stored indoors.

(2) **Bed and Breakfast Establishments.**

- (a) There shall be no more than four (4) rooms available for rent to transient guests.
- (b) Bed and breakfast establishments shall comply with the parking requirements of this Ordinance.
- (c) All bed and breakfast establishments with sleeping rooms above the ground floor shall provide an outside fire escape or escape balcony from an area accessible to the occupants of the upper floor(s) and appropriate exit signs.
- (d) All lot size and other dimensional requirements for single family residences shall be met.
- (e) The building proposed to house the bed and breakfast establishment shall be at least ten (10) years old, as dated from original construction.

(3) **Day Care Centers.**

- (a) Pick up and drop off areas shall not be located within any public right-of-way.
- (b) Day care centers shall provide at least 100 square feet of outdoor play area per child.
- (c) Outdoor play areas shall be enclosed by a wall or fence and shall be separated from vehicular circulation and parking areas.
- (d) Day care centers within the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall be allowed only as a conditional use and if the proposed use meets the definition of a “farm family business” under section 91.75(8), Farmland Preservation, Wisconsin Statutes.

(4) **Farm-Based Businesses.** Farm-based businesses accessory to permitted single family residences shall be permitted in agricultural districts subject to the following:

- (a) Farm-based businesses within the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall be permitted only as a conditional use and if the proposed use meets the definition of a “farm family business” under section 91.75(8), Farmland Preservation, Wisconsin Statutes.
- (b) If located within a dwelling unit, the farm-based business shall occupy no more than fifty (50) percent of the dwelling unit. If located in an accessory building, the farm-based business shall not occupy an area greater than 5,000 square feet.

(5) **Farm Markets.** Farm markets are permitted as part of an agricultural operation, subject to the following:

- (a) Such use shall principally involve the sale of farm and garden products, but other types of merchandise may be sold, provided such merchandise occupies not more than thirty (30) percent of the indoor and outdoor display area of the farm market.
 - (b) At least one (1) off-street parking space shall be provided for each 200 square feet of indoor and outdoor display area.
 - (c) Combined indoor and outdoor display areas shall not exceed 2,000 square feet.
 - (d) The farm market shall obtain site plan approval and a building permit.
 - (e) Farm markets within the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall be allowed only as a conditional use and if the proposed use meets the requirements of a “farm family business” under section 91.75(8), Farmland Preservation, Wisconsin Statutes.
- (6) **Home Occupation.** The use of a principal permitted single family dwelling unit for a home occupation shall be clearly secondary to the residential use of the dwelling unit and shall not change the residential character of the dwelling unit. The following shall apply:
- (a) Home occupations shall be conducted only inside a single family residence (including any attached garage). Home occupations shall not be conducted in an accessory building.
 - (b) The home occupation shall be conducted by a resident of the dwelling unit. Such use shall not employ more than one person that is not a resident of the dwelling unit.
 - (c) Such use shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products produced by the home occupation.
 - (d) Such use shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.
 - (e) Such use shall not involve any outdoor storage or display of any articles offered for sale or produced on the premises in conjunction with the home occupation. Outdoor storage of materials or machinery used in conjunction with the home occupation shall not be permitted.
 - (f) No more than one on-premise sign shall be permitted. The sign shall not be illuminated.
 - (g) One (1) off-street parking space shall be provided for each 150 square feet of primary floor area used for the home occupation.
- (7) **Kennels.**
- (a) All dogs shall be housed indoors during the hours from 9:00 p.m. to 6:00 a.m.
 - (b) Minimum side and rear yards for all structures associated with kennels shall be 200 feet.
 - (c) Except as exempted here, all kennels shall be screened from public roads by vegetative screening. Structures located at least 200 feet from the centerline of public roads are exempt from the screening requirement.
 - (d) There shall be no more than two (2) adult dogs in any single enclosure unit.
- (8) **Outside Seating for Tavern or Restaurant.**

- (a) Unenclosed Seating. Unenclosed seating areas shall comply with the side yard and rear yard requirements for principal buildings.
 - (b) Screening. All unenclosed seating areas shall be screened from adjacent residential properties by a vegetative buffer.
 - (c) Lighting. Lighting fixtures intended to illuminate unenclosed seating areas shall be placed no higher than fourteen (14) feet above the ground and shall be directed and/or hooded such that no light elements shall be visible from adjacent properties or public roads.
- (9) **Riding Stables, Commercial.**
- (a) Minimum lot size for commercial riding stables shall be five (5) acres.
 - (b) There shall be at least 20,000 square feet of open space provided on the lot for each horse kept on the lot.
 - (c) All stables shall be located at least one hundred (100) feet from navigable water and shall be located such that manure will not drain into navigable water.
 - (d) All stables shall be located at least two hundred (200) feet from a dwelling unit other than that of the owner or operator of the establishment.
- (10) **Roadside Stands.** Roadside stands are permitted as part of an agricultural operation subject to the following:
- (a) Such use shall only involve the sale of farm products produced on the premises.
 - (b) Except for a temporary structure not exceeding 160 square feet of floor area, a roadside stand shall meet all setbacks and other provisions of this Ordinance. A temporary roadside stand which does not exceed 160 square feet of floor area is exempt from section 3.05, Setbacks from Roads, but shall not be placed in a public right-of-way.
 - (c) Only one (1) roadside stand shall be permitted on a lot.
 - (d) No more than two (2) persons who are not members of the resident farm family shall be employed at a roadside stand.
- (11) **Seed & Feed Sales.**
- (a) Seed and feed sales businesses within the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall be permitted only as a conditional use and if the proposed business meets the requirements of a “farm family business” under section 91.75(8), Farmland Preservation, Wisconsin Statutes.

4.06 INDUSTRIAL USES.

(1) Concrete or Asphalt Batch Plants, Temporary.

- (a) Application. In addition to the application requirements for a conditional use permit, the following information shall be submitted with the application:
1. Plans for controlling erosion of stockpiled material used in manufacturing concrete or asphalt.
 2. Restoration plans for the site which describes or illustrates measures taken to restore the site to a condition of practical usefulness and reasonable physical attractiveness. The restoration plan shall describe methods for establishing vegetative cover on all exposed soil.
- (b) Conditional use permits granted for temporary concrete or asphalt batch plants shall be only for the period of the actual project work.
- (c) Temporary concrete or asphalt batch plants shall be removed from the premises within sixty (60) days of completion of the project.

(2) Mini-Warehouses.

- (a) Except in the Light Industrial District, all buildings shall be located a minimum of fifty (50) feet from all lot lines.
- (b) All one-way driveways shall provide for a ten (10) foot wide parking lane and one fifteen (15) foot wide travel lane. All two-way drives shall provide a ten (10) foot wide parking lane and two (12) foot travel lanes. The parking lanes may be eliminated when the driveway does not serve storage cubicles.
- (c) Commercial storage facilities shall not be used as workshops or retail shops.
- (d) Outside storage shall be prohibited.
- (e) Screening with vegetation and/or fencing as approved by the Town Board shall be provided along property lines bordering residential districts.
- (f) Lighting shall be shielded to prevent direct illumination of adjacent properties not in industrial and commercial districts or public rights-of-way.

(3) Non-Metallic Mining Activities.

- (a) Non-metallic mining operations shall require a conditional use permit.
- (b) The conditional use permit application shall include the following information:
1. A site plan consisting of: property lines; the area to be excavated; location, width and grade of all easements or rights-of-way on or abutting the property; location of all structures on the property; location, width and direction of flow of all watercourses that may be affected by the excavation; property contours, as well as contours of abutting properties; ponding, processing and storage areas; proposed fencing, gates, parking and signs; and ingress, egress and on-site roads.

2. Diagrams of typical cross sections, showing extent of sand and gravel deposit, extent of overburden, and water table.
 3. A map showing access routes between the proposed mining site and the nearest public road.
 4. An operational statement which includes: the approximate date of commencement and duration of the operation; proposed hours and days of operation; estimated type and volume of excavation; method of storing or disposing of excess materials; method of extraction and processing of material; equipment proposed to be used; methods used to minimize noise, dust and vibration.
 5. A reclamation plan which includes: a statement of planned rehabilitation, including methods of accomplishment, phasing and timing; a plan indicating the final grade of excavation; proposed property contours; any water features included in the rehabilitation and methods planned to prevent stagnation and pollution; landscaping or vegetative planting; areas of cut and fill; methods of disposing any equipment or structures used in the operation; and a guarantee of available funding for reclamation.
- (c) Proposed mining operations shall be evaluated by the following criteria:
1. Expansion or establishment of a new mining site will not be detrimental to or endanger the public health, safety or general welfare.
 2. Other permitted uses, values and enjoyment of other property in the vicinity will be in no manner impaired or diminished by the establishment, maintenance or operation of the mining site.
 3. Excavation site will not negatively impact the future development or use of the neighboring property.
 4. Adequate access roads, drainage and other necessary site improvements are provided on the site.
 5. Excavation site will not adversely impact traffic or local roads.
 6. Excavation site will not damage environmental areas or groundwater supplies.
 7. Excavation site will be reclaimed to appropriate conditions as required under state and local regulations.
 8. The size and scale of the mining operation is of appropriate scale to the landscape of the Town.
 9. All associated processing operations will be terminated with the final phase of mining, and the mining operation will not be prolonged to serve as an industrial site.

(4) Recycling and Waste Recovery Facility, Non-Municipal.

- (a) Such facilities which are visible from public roads shall be screened by vegetation.

(5) Salvage and Junk Yards.

- (a) Salvage materials shall not be located within 600 feet of public roads and all establishments of this kind shall have minimum side and rear yards of 100 feet
- (b) Salvage material shall not be located in a wetland or floodplain.

- (c) Salvage materials shall be enclosed by a suitable fence or vegetative screen, so that the materials are not visible from other property in the vicinity of the salvage yard, nor from a public road, nor from navigable water. The fence or vegetative screen shall be a minimum of eight (8) feet in height and properly maintained to satisfy the obscuring objective.
- (d) Appropriate measures shall be taken to prevent water/soil contamination from oils, gasoline, grease, or other materials. At a minimum, there shall be five (5) feet of soil between the water table or bedrock. If wells are located within 1,000 feet of the site, the Town Board may require a liner and bonds for removal of contaminated topsoil.

(6) **Warehouses.**

- (a) Outside storage shall be prohibited.
- (b) Screening with vegetation and/or fencing as approved by the Town Board shall be provided along property lines bordering residential districts.
- (c) Lighting shall be shielded to prevent direct illumination of adjacent properties not in industrial and commercial districts or public rights-of-way.

(7) **Wood Products & Processing Plant.**

- (a) Such uses shall be located a minimum distance of 500 feet from any dwelling unit other than that of the owner or operator of the establishment.
- (b) No wood processing shall produce a sound level at its property boundary that exceeds sixty five (65) decibels.
- (c) Areas used for stockpiling and maneuvering shall be a minimum distance of two hundred (200) feet from any dwelling unit other than that of the owner or operator of the establishment.
- (d) Wood storage areas shall be screened with vegetation and/or fencing as approved by the Town Board.

4.07 INSTITUTIONAL USES.

Institutional uses in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall conform to the requirements of section 91.75(5), Farmland Preservation, Wisconsin Statutes, in order to qualify as a conditional use.

4.08 MISCELLANEOUS USES.

Miscellaneous uses in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts shall conform to the requirements of section 91.75(5) and (8), Farmland Preservation, Wisconsin Statutes, in order to qualify as a conditional use.

(1) **Communication Towers, Antennas, Transmitters.**

- (a) Permit. A building permit shall not be required for communication towers, antennas or transmitters which do not exceed thirty five (35) feet in height. A conditional use permit shall be required for commercial communication towers, antennas or transmitters greater than thirty five (35) feet.
- (b) Application. To avoid the needless proliferation of communication towers, antennas or transmitters, the application for any new structure shall be accompanied by the following in addition to information required for conditional use permits:
1. Applicants must provide documentation acceptable to the Town that existing communication structures within a one (1) mile radius of the proposed location are not available for co-location. This requirement shall not apply to towers not needing a conditional use permit.
 2. A map showing a proposed grid for the location of any future towers in the Town.
 3. A statement from the owner/operator that such tower will be constructed to accommodate at least two additional communication facilities, and that such additional facilities will be made available to commercial users at competitive rates. This requirement may be waived by the Town Board.
 4. A plan for abandonment of the communication structure, together with such surety as the Town Board may require to cover the cost of abandonment should the owner default. The property owner shall be responsible for removal of the unused communications structure within twelve (12) months of cessation of use.
 5. For communication structures over seventy (70) feet in height, the Town may require the dedication of space for communications equipment as required for public safety.
- (c) Appearance. Lighting or painting of structures shall conform to all FAA standards. Flashing or strobe type lights shall only be installed if required by FAA regulations and if specified in the application. For structures not regulated by the FAA, a surface paint or finish shall be used that blends with the surrounding environment.
- (d) Ancillary Uses. Ancillary uses and facilities associated with the structure, such as receivers, transmitters, other equipment, sheds, buildings, guy wires, lighting and fences, shall be included in the conditional use application.
- (e) Modifications. There shall be no change in the height of the communication structure, lighting or lighting intensity, facility use, or other changes unless a modification to the conditional use permit is obtained.

- (f) Setbacks. Setbacks from all property lines shall be a minimum of fifty (50) feet plus the height of the communication structure. All guy wires, supports, or structures associated with the structure shall be at least fifty (50) feet from any adjoining property line. The height of communication structure shall include all antennas and other equipment.
 - (g) Fencing and Landscaping. A locked chain link fence no less than six (6) feet in height from finished grade shall be constructed around the pad site of each communications structure and any related guy or support anchors. Vegetation around the pad site and guy wires shall be removed. Vegetation around the remainder of the site shall be controlled, unless the remainder of the site is used for agriculture. Landscape buffers of one (1) tree for every ten (10) linear feet of fence may be required.
 - (h) Access. A twelve (12) foot wide stabilized access driveway is acceptable unless the Town determines that a paved access is necessary. The turnaround shall be the minimum necessary to provide maneuverability for service and emergency vehicles. A minimum of one (1) parking space shall be provided on each site.
 - (i) Signs. The use of any portion of a tower for advertising purposes is prohibited. All towers shall prominently display ownership information and telephone numbers to call for tower maintenance.
- (2) **Landing Fields, Non-Commercial.**
- (a) The landing strip shall be sufficient in size, and the site shall otherwise be adequate, to meet the standards of the Federal Aviation Administration, U.S. Department of Transportation.
- (3) **Utility Facilities.** Utility facilities shall be subject to the following, except utility facilities in the Wetlands Conservancy (WC) District.
- (a) No building permit shall be required for any installation that is at or below grade elevation, nor for electrical distribution poles, towers, and wires.
 - (b) Those structures which are four (4) feet or less above grade elevation need not meet setback requirements nor need they be placed on conforming lots.
 - (c) Electrical substations shall be enclosed by a locked chain link fence at least ten (10) feet high. Such structures shall additionally be located at least seventy five (75) feet from a dwelling unit and fifty (50) feet from any residential lot line.
 - (d) Utility facilities where the land area bounded by the location of such structure or equipment is less than 1,000 square feet shall be exempt from the permit requirements of this Ordinance.
 - (e) Utility facilities not requiring authorization under section 196.491, Wisconsin Statutes, shall be allowed only as a conditional use in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts.
- (4) **Installation and use of an accessory energy system** commonly referred to as an outdoor boiler, furnace or stove as a heat source for a residence or any accessory use thereof.

- (a) Application for the accessory energy system shall be accompanied by a plat of survey for the property to be served showing the location of the unit, the means by which heat will be provided to the structure or structures and its aesthetic and smoke effect on neighboring residents.

4.09 ACCESSORY USES.

- (1) **Accessory Residences.** Accessory residences for business owners or caretakers shall be permitted in the Commercial District subject to the following:
 - (a) There shall be no more than one (1) accessory residence on a lot.
 - (b) The accessory residence may be either an attached or detached dwelling unit.
 - (c) The setbacks and minimum yards for such dwelling unit shall be the required setbacks and minimum yards for principal structures.
 - (d) Such dwelling unit shall meet all other provisions of this Ordinance, including parking, minimum floor area, etc.
 - (e) Such accessory residence shall not be a mobile home.
 - (f) Accessory residences shall require a building permit.
- (2) **Farm-based Businesses.** Farm-based businesses are subject to the requirements of section 4.05(4), Commercial Uses.
- (3) **Farm Markets.** Farm markets are subject to the requirements of section 4.05(6), Commercial Uses.
- (4) **Home Occupations.** Home occupations shall be subject to the requirements of section 4.05(5), Commercial Uses.
- (5) **Indoor Commercial Activity.** Indoor commercial activity incidental to industrial uses shall be permitted in the Light Industrial District subject to the following:
 - (a) Such use shall not occupy more than fifteen (15) percent of the principal building floor area unless authorized by conditional use permit. Occupancy of up to fifteen (15) percent shall not require a zoning permit.
 - (b) There shall be no outside display of products for sale, except as part of a permitted sign.
 - (c) Parking shall be provided in accordance with the requirements of Chapter 6.
- (6) **Light Industrial Activities.** Light industrial activities incidental to indoor commercial uses shall be permitted in the Commercial district subject to the following:
 - (a) Such activities shall be conducted indoors and shall not exceed fifteen (15) percent of the principal building floor area unless authorized by conditional use permit. Occupancy of up to fifteen (15) percent of the floor area shall not require a permit.
 - (b) Light industrial activities shall not create nuisances of noise, odor, glare, dust, heat, vibration or other conditions which adversely affects surrounding properties.
 - (c) Parking and loading facilities shall be provided in accordance with the requirements of Chapter 6.

(7) **Riding Stables, Non-Commercial**

- (a) Minimum lot size for a non-commercial riding stables shall be three (3) acres.
- (b) There shall be at least 20,000 square feet of open space provided on the lot for each horse kept on the lot.
- (c) All stables shall be located at least 100 feet from navigable water and shall be located such that manure will not drain into navigable water.
- (d) All stables shall be located at least 200 feet from a dwelling unit other than that of the owner or operator of the establishment.

- (8) **Roadside Stands.** Roadside stands are permitted as part of an agricultural operation subject to the requirements of section 4.05(10), Commercial Uses.

4.10 TEMPORARY USES.

- (1) **Unspecified Temporary Uses.** Uses which are conducted for not more than seven (7) consecutive days nor more than ten (10) days in any one year period may be conducted in any zoning district, except the Wetlands Conservancy District. Only those uses shown in section 2.05 (4), uses pertaining to the Wetlands Conservancy District, are allowed in the Wetland Conservancy District. Uses which are conducted for more than seven (7) consecutive days or for more than ten (10) days in any one year period, except for those listed in sub. (2) - (7), shall be regarded as principal uses and regulated accordingly. Unspecified temporary uses shall be subject to the following:
- (a) Such uses shall not require a building permit.
 - (b) Such uses shall meet all setback and yard requirements of this Ordinance.
 - (c) Such uses shall not involve the construction or alteration of any permanent structure.
 - (d) The previous operation of an unspecified temporary use shall not be considered grounds for reestablishment of such use on either a permanent or temporary basis.

- (2) **Temporary Uses in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts.** A temporary use shall be allowed in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts only as conditional use and only if the proposed use meets the following:
 - (a) The proposed use is consistent with agricultural use as defined in section 91.01(10), Farmland Preservation, Wisconsin Statutes.
 - (b) The proposed use falls into one of the use classes listed in section 91.75(5), Farmland Preservation, Wisconsin Statutes.
 - (c) The Town determines that no other suitable location exists for the proposed uses.
- (3) **Camping.** Camping on a lot by one camping party including the landowner or by one camping party with the landowner's written permission shall be allowed without issuance of a regular building permit, subject to the following:
 - (a) Camping shall not exceed fifteen (15) consecutive days nor more than thirty (30) days in any calendar year.
- (4) **Contractor's Project Office.** A contractor's project office shall be permitted by building permit subject to the following:
 - (a) Structure shall not exceed 2,000 square feet in floor area.
 - (b) Structure shall be removed within ten (10) days of completion or ceasing of development activity.
 - (c) Such project office that is to be in place for more than 365 days shall require a conditional use permit.
- (5) **On-site Real Estate Office.** An on-site real estate sales office shall be permitted by conditional use permit subject to the following:
 - (a) Structure shall not exceed 2,000 square feet in total floor area.
 - (b) Facility shall be removed or converted to a permitted land use within ten (10) days of the completion of sales activity.
 - (c) No more than one on-premise sign shall be permitted, such sign shall not be illuminated. No pennants, banners, flags, or similar devices shall be allowed.
- (6) **Concrete or Asphalt Plants.** Concrete or asphalt batch plants are subject to the requirements of section 4.06(1), Industrial Uses.
- 7) **Temporary Residence.** A mobile home may be used as a temporary residence during construction of a new dwelling on the same parcel, subject to the following:
 - (a) A conditional use shall be obtained for the temporary residence.
 - (b) The temporary residence shall comply with all setback requirements of this Ordinance.
 - (c) Such temporary residence shall be connected to an approved wastewater disposal system.
 - (d) The conditional use permit for the temporary residence shall lapse at such time when the

- occupancy permit is issued for the principal dwelling.
- (e) The temporary residence shall be removed or destroyed within sixty (60) days after the conditional use permit has expired.

CHAPTER 5

PLANNED RESIDENTIAL DEVELOPMENT

5.01 PURPOSE.

- (1) The planned residential development option is intended to give landowners greater flexibility in developing tracts of land on a project basis by relaxing the various lot area, lot width, setback, yard, and other regulations.
- (2) The planned residential development option is intended to promote the benefits of:
 - (a) Coordinated area site planning.
 - (b) Diversified location of structures.
 - (c) Safe and efficient pedestrian and vehicular traffic systems.
 - (d) Attractive recreation and open spaces.
 - (e) Economical arrangement of public and private utilities and community facilities.
 - (f) Preservation of natural resources and agricultural land.

5.02 GENERAL REQUIREMENTS.

- (1) A planned residential development is permissible only on tracts of two (2) acres or more on land zoned in the following districts: RR, R and OR.
- (2) The overall density of a tract developed as a planned residential development shall not be greater than two (2) times the maximum residential density of dwelling units of the underlying zoning district as contained in Table 3.2 of these regulations
- (3) Permissible types of residential development shall include only single-family residences. Approval of a planned residential development by the Town Board of shall remove the necessity to receive a conditional use permit where required by these regulations.
- (4) The requirements for minimum lot area in a planned residential development may be reduced by fifty (50) percent from those of the underlying zoning district as contained in Table 3.02 of these regulations.
- (5) The minimum lot width, side yards and rear yards in a planned residential development may be reduced by twenty (20) percent from those of the underlying zoning district as contained in section 3.02, Table of District Requirements.
- (6) The setback from roads as contained in Section 3.06 of these regulations and the height requirements as contained in Section 3.08 of these regulations may be reduced by twenty (20) percent.

5.03 PRESERVED OPEN SPACE.

- (1) At least twenty five (25) percent of the parcel designated as a planned residential development shall be devoted to open space and/or recreation uses.

5.04 RESERVATION OF DEVELOPMENT RIGHTS AGREEMENT.

- (1) Within thirty (30) days following approval of a development plan, there shall be filed with the Register of Deeds of Washington County a statement that a plan for the area has been approved. The statement shall contain the following information:
 - (a) A legal description of the property.
 - (b) A statement that copies of the plan are on file with the Zoning Administrator.
 - (c) A statement as to the nature of the plan, the proposed density of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan.
 - (d) A statement that the development plan shall become binding upon all successors and assigns unless amended in conformance with these regulations, or amendments thereto.

5.05 APPLICATION.

- (1) **Application.** All applicants who desire to construct a planned residential development shall submit a development plan to the Zoning Administrator. The development plan shall contain the following information:
 - (a) All of the information required for a building permit.
 - (b) Views and vistas within and around the site.
 - (c) Noise generation sources.
 - (d) Surrounding uses, activities and influences on the site within two hundred (200) feet including any existing or proposed streets, drives or buildings.
 - (e) A schedule of all total floor area, dwelling units, land area, parking areas and other aspects relative to these requirements in order that compliance with these regulations can be determined.
 - (f) Upon written request of the Zoning Administrator, such additional information as may be required by the Zoning Administrator so that the Planning Commission and/or the Town Board can determine whether or not the proposed planned residential development at the proposed location will not be detrimental or injurious to public health, public safety or the character of the surrounding area. The written request shall contain an explanation of why the additional information is needed.
- (2) **Fee.** All development plans shall be accompanied by a fee established by the Town Board.
- (3) **Acceptance.** No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by the Town Board have been paid in full.

- (4) **Public Hearing.** A public hearing shall be held by the Town Board after public notice has been given as provided in section 10.09, Notice for Public Hearings. At the public hearing, any party may appear in person or be represented by agent or attorney.
- (5) **Determination.** Following review, investigation and public hearing, the Planning Commission shall render a recommendation to the Town Board. After receiving such the recommendation, the Town Board shall render a decision.
 - (a) If the application is approved by the Town Board, such decision shall include an accurate and complete description of the uses as permitted, including all the conditions attached thereto. The Town Board may, in the process of approving the application, limit the use of the land to one specific permitted use in the zoning district for which the application has been submitted.
 - (b) If the application is denied, the reasons for denial shall be stated.
- (6) **Basis of Approval.**
 - (a) The Planning Commission and Town Board shall review each application for a planned residential development for compliance with all relevant provisions of these regulations. In approving a planned residential development, the Planning Commission and the Town Board also shall determine that the proposed planned residential development at the proposed location will not be detrimental or injurious to the public health, public safety or character of the surrounding area.
 - (b) To aid in the review of the proposed planned residential development consistent with the above criteria, the Planning Commission and the Town Board may evaluate the development according to the following specific criteria, but shall not be limited thereto:
 - 1. The basis for approval of a site plan contained in section 10.03.
 - 2. The basis for approval of a conditional use contained in section 10.04.
 - 3. Any additional criteria deemed relevant by the Planning Commission and the Town Board, including sureties, restrictions and conditions.
- (7) **Resubmission.** A development plan that has been heard and denied shall not be eligible to be resubmitted during the six (6) months following the decision. The six month period may be waived by the Town Board in the same manner provided for conditional uses contained in section 10.04.

5.06 PERMIT REQUIREMENTS.

(1) Changes to Development Plan.

- (a) In the event of any proposed substantial change in the development plan of a planned residential development, the modified development plan must again be submitted to and reviewed by the Planning Commission and approved by the Town Board before such modification can be made.
- (b) For the purposes of this section, substantial changes shall mean the following:

1. Increases in the density of residential uses of more than five (5) percent.
 2. Increases of lot coverage of more than five (5) percent.
 3. Increases in the height of any building of more than ten (10) percent.
 4. Changes of architectural style and building materials which will make the project less compatible with surrounding uses.
 5. Changes in ownership patterns or stages of construction that will lead to a different development concept.
 6. Decreases of any peripheral setback of more than five (5) percent.
 7. Decreases of areas devoted to open space of more than five (5) percent or the substantial relocation of such areas.
 8. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.
 9. Modification or removal of conditions or stipulations to the development plan approval.
- (c) All changes to the development plan which are not substantial shall be approved by the Zoning Administrator before the modification occurs.

- (2) **Abandonment of a Development Plan.** In the event that a development plan is approved and thereafter abandoned by the applicant, or in the event that the applicant fails to commence the planned residential development within eighteen (18) months after approval has been granted, then such approval shall terminate and be deemed null and void unless such time period as extended by the Town Board. Whenever a plan has been abandoned as provided by this section, no development shall take place on the property until a new development plan has been approved and filed in conformance with these regulations.

CHAPTER 6

PARKING, LOADING, and ACCESS REQUIREMENTS

6.01 PURPOSE.

These provisions are intended to reduce traffic congestion on streets by requiring adequate off-street parking and loading areas for each land use. These provisions provide landscaping requirements to improve the appearance of parking lots and to reduce the nuisance of glare. These provisions are also intended to promote traffic safety by ensuring proper access to roads.

6.02 OFF-STREET PARKING REQUIREMENTS.

- (1) **Required Number of Off-street Parking Spaces.** The minimum number of off-street automobile parking spaces to be provided shall be in accordance with the following schedule. In cases where garages are provided, the number of required spaces shall be reduced by the number of parking spaces within the garages.

<u>Type of Use</u>	<u>Minimum Parking Spaces Required</u>
Single-family & Two-family Homes.....	2 spaces per dwelling unit
Auto Repair & Service Stations.....	1 space per employee, plus 1 space per 250 square feet of floor area used for repair work
Bed & Breakfast.....	2 spaces plus 1 per rental room whichever is greater
Church/Theater/Auditorium.....	1 space per 3 seats
Commercial Lodging.....	1 space per room, plus 1 space per 3 employees
Commercial Recreation.....	1 space per 4 patrons
Commercial Riding Stables.....	1 space per 3 horses
Convenience Store.....	1 space per 150 square feet of primary floor area, plus 1 space per 2 employees
Driving Range.....	1 space per tee.
Drive-thru Facilities.....	4 vehicle queuing spaces
Funeral Home.....	20 spaces per viewing room
Golf Course.....	90 spaces per 9 holes
Hospital/Nursing Home.....	1 spaces per 5 beds, plus 1 space per 3 employees, plus 1 space per physician
Manufacturing/Trade/ Contractor Establishments.....	1 space per 500 square feet of primary building area
Medical/Dental Office.....	5 spaces per doctor/dentist
Outside Retail Sales.....	1 space per 150 square feet of primary floor area, plus 1 space per 2 employees
Professional Office.....	1 space per 200 square feet of floor area, plus 1 space per 2 employees
Restaurant/Tavern.....	1 space per 150 square feet of primary floor area, plus 1 space per 2 employees
Schools/College.....	1 space per employee, plus 1 space per 5 students of 16 years or more
Warehouse/Com. Storage.....	1 space per 500 square feet of primary building area

(a) If the parking requirements for specific uses described in Chapter 4, Specific Uses Requirements, are different from those shown here, the most restrictive requirements shall apply.

(b) Commercial establishments with drive-through facilities shall, in addition to providing the required off-street parking spaces, maintain an off-street queuing capacity of four (4)

- vehicles per service lane. Such queuing capacity shall be designed so that vehicles queuing in the drive-through lane do not interfere with street traffic flow.
- (c) **Computation.** When the computation of the minimum number of parking spaces results in a fractional number, the number shall be rounded up.
 - (d) **Uses not enumerated.** In the case of uses not specifically listed in sub. (1), the minimum number of parking spaces shall be determined by the Planning Commission and Town Board, based upon the requirements for similar uses.
 - (e) **Multiple Uses on a Lot.** Where more than one use is located on a lot, the required number of parking spaces shall be determined by the sum of the minimum total number of parking spaces for each individual use. The Planning Commission and Town Board may allow a reduction of parking facilities if:
 - 1. The peaks of demand for individual uses do not coincide, or
 - 2. The same parking space can simultaneously serve both uses.
- (2) **Application to Existing Uses.** Uses existing on the effective date of this Ordinance which do not have the required amount of parking space shall not further reduce said space; and no expansion of the use shall be permitted, unless parking spaces equal to the parking requirement for the expansion are provided as part of the expansion.
- (3) **Application for Change of Use.** Whenever an existing use of a lot is hereafter proposed to be changed to a use having greater parking requirements, the applicant shall provide additional parking spaces equal to the difference in required parking spaces between the existing use and the proposed use.
- (4) **Location.** Except for commercial, industrial, and institutional uses, all required off-street parking shall be provided on the same lot as the use it serves or on an adjoining lot under the same ownership as the lot containing the use it serves. For commercial, industrial, and institutional uses, parking may be provided off-premise, however:
 - (a) The off-premise property shall be under the same ownership as the lot containing the commercial, industrial, or institutional use; or the off-premise property to serve as the required parking lot shall be leased for such purpose for twenty (20) years or more.
 - (b) Each of the parking spaces shall be within 500 feet of the structure housing the use that the parking spaces are intended to serve.
 - (c) The off-premise parking area shall be located in the same district as the use that the parking spaces are intended to serve, or in an industrial or commercial district.
 - (d) A separate building permit shall be obtained for the off-premise parking area.
- (5) **Abandonment.** No parking space, or driveway providing access thereto, shall be abandoned, closed, converted to another use, or in any way eliminated from use as a parking space or driveway, unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this Ordinance.
- (6) **Lighting.** Lighting established for the purpose of illuminating off-street parking areas shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of

light from the fixture to be seen from off the property or to be cast skyward.

- (7) **Maintenance.** All parking areas shall be properly maintained by the owner, or lessee, of the property.
- (8) **Handicapped Parking.** All off-street parking areas shall provide parking spaces for use by motor vehicles which transport physically disabled persons, in accordance with standards established by the Town Zoning Administrator to comply with the Americans with Disabilities Act of 1990 and other applicable federal and state regulations.

6.03 PARKING AREA LANDSCAPING REQUIREMENTS.

- (1) **Applicability.** These requirements shall apply to all parking spaces created after the effective date of this Ordinance, except for parking spaces located in parking areas which accommodate fewer than six (6) vehicles.
- (2) **Accessory Landscape Areas.** All off-street parking areas shall be provided accessory landscape areas totaling not less than five (5) percent of the surfaced parking area. The minimum size of each landscape area shall be no less than seventy-five (75) square feet. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the minimum landscape area.
- (3) **Screening.** Each such parking area shall be surrounded by a greenbelt of at least eight (8) feet in width.
- (4) **Approval.** Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision of maintenance, shall be subject to the approval of the Town Board.

6.04 LOADING AND UNLOADING REQUIREMENTS.

- (1) Any use which requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.
- (2) The loading and unloading space shall be separate from any parking aisle or parking spaces unless delivery or pickup activities are scheduled for hours when the parking area is not in use.

6.05 ACCESS AND CULVERT REQUIREMENTS.

- (1) **Access Driveway to Public Road.** Every use shall have access to a public road. Property owners have the responsibility of securing the access. For all uses, except agricultural uses, as listed in Section 2.05, Table of Uses, access shall not be taken to a state highway if access to a Town or public frontage road is available.
- (2) **Lot/Building Access to Road.** No lot shall hereafter be created nor any building placed on a lot shall be allowed unless the main body of the lot upon which the building or structure is to be erected fronts on a public road by at least sixty-six (66) feet or unless the lot includes an access strip which is at least sixty-six (66) feet wide from its main body to a public road. Said access strip shall be a part of the subject lot and held in fee simple.
- (3) **Access Driveway Points.** For all uses, except agricultural uses, as listed in section 2.05, Table of Uses, no more than two (2) access points per lot shall be permitted.

- (4) **Driveway Width.**
 - (a) For all single family residential and duplex residential uses, access driveways shall be at least ten (10) feet wide and not more than twenty four (24) feet wide.
 - (b) Access driveways for all other uses, except agricultural uses, shall be at least twenty (20) feet wide and not more than thirty five (35) feet wide. Such drives may be reduced to ten (10) feet wide if they are enter-only or exit-only drives.
- (5) **Setback.** All access driveways shall be placed such that the driveway edge nearest to a neighbor's lot line is at least five (5) feet from the neighbor's lot line.

R-4 ONLY : Pike Lake Residential District (R-4) shall have all NEW access driveways be placed such that the driveway edge nearest to a neighbor's lot line is at least five (5) feet from the neighbor's lot line.

- (6) **Surfaced.** All access driveways, except those to farm fields, shall be surfaced with gravel or paved and pitched to prevent ponding.
- (7) **Location.**
 - (a) Access drives shall be located opposite median crossover where present.
 - (b) At road intersections, the midpoint of access driveways shall be located at least one hundred (100) feet from the point of intersection of the road edges. For lots existing prior to the effective date of this Ordinance which cannot meet this provision, one access driveway shall be permitted. Driveways shall be placed opposite existing driveways, or offset at least one hundred (100) feet from existing driveways.
 - (c) No access to a roadway shall be permitted within one hundred (100) feet of the intersection of the right of way lines of an arterial street intersecting with another arterial street, or within fifty (50) feet of the intersection of the right of way lines of any other street intersecting with an arterial street.
 - (d) In acting upon application for access permits, the Town Board or its designee shall, giving due regard to road surfaces, topography, visual obstructions, road grades, speed limits, traffic patterns and the development of nearby areas, determine whether the proposed access location is consistent with public safety, sound planning principles, and the logical extension of roads and public services.
- (8) **Grade.** All driveways shall accommodate emergency and other service vehicles. The maximum grade for driveways shall be ten (10) percent.
- (9) **Driveway Approach.** To prevent ponding on the road, all driveways shall slope from the road at least six (6) inches over twenty (20) feet.
- (10) **Culverts.**

(a) Limitations and Standards.

- 1. All culverts, drain pipes or other similar conduits placed on, in or along the public right of way of a Town road or highway to provide private driveway access or for any other reason shall be of sufficient size and constructed in such manner and of such materials as to provide adequate provision for the flowage of water naturally accumulating or flowing along the ditches and rights of ways of such roads or

highways. Such culverts shall be of sufficient length so as to prevent injury to persons or property in the use of the roadways or the entrances to or exits from the roadways over and across such culverts.

2. **Culvert Installation and Setback.** The applicant or his/her authorized agent shall provide and install each culvert placed in the right of way of a public road as required by the Town. The ditch shall be properly prepared to accept the placement of the culvert, the end of which shall be set at a minimum of five (5) feet from an abutting property line. The culvert shall be installed in accordance with the access and culvert permit and with sufficient gravel thereon to afford safe ingress and egress prior to the use thereof.
 3. **Diameter & Length.** All culverts shall be fifteen (15) inches in diameter and twenty two (22) feet in length unless otherwise specified by the Town. All culverts twenty two (22) feet in length or less shall consist of one piece of pipe. In no case shall any culvert consist of more than two pieces. Such pieces shall be securely fastened with approved connection bands.
 4. **Materials.** Culverts shall be made of corrugated steel. End culvert pieces or sections, when required, shall be of the type designated by the Town Board.
- (b) Repairs and Replacement of Existing Culverts. The Town Board shall investigate existing culverts or other drain pipes placed within the right of way of Towns roads and highways and, if it determines that an existing culvert is not properly maintained so as to provide for the proper flowage of water, it may order the abutting property owner to repair the same or to remove such culvert and replace it with a culvert meeting the requirements of this section.
- (c) Road or Right of Way Damage.
1. The permit holder shall be liable for all damages to the road surface or any portion of the road right of way which may result from any ingress or egress over the culvert, or any portion of the right of way abutting the property described on the permit.
 2. If any culvert is installed or any excavation, fill or any other alteration is made in violation of this section, the road or highway may be restored to its former condition by the Town and cost of materials, labor and equipment incurred by the Town shall be billed to the abutting property owner and, if not paid within 30 days, shall be a special charge to be collected as a tax upon the property.
 3. All debris carried onto to any Town road or highway shall be removed by the responsible party immediately or be subject to the provisions of section 86.07, Wisconsin Statutes.

CHAPTER 7

SIGNS

7.01 PURPOSE.

The purpose of these requirements is to ensure that the visual resources of the Town are protected and that traffic safety is enhanced by setting requirements for the size, number, placement, and lighting of signs

7.02 APPLICABILITY.

- (1) **Signs Restricted.** Unless exempted under sub. (2), no sign shall hereafter be located, erected, structurally altered, moved, or reconstructed, except as permitted by this chapter.
- (2) **Signs Exempted.** The following shall be exempt from the requirements of this chapter:
 - (a) Memorial signs and tablets displayed on public property or in cemeteries.
 - (b) Official traffic and parking signs, and informational, legal or directional notices erected by federal, state, or local units of government.
 - (c) Guidance signs authorized by the Wisconsin Department of Transportation under Transportation 200.03, Wisconsin Administrative Code.
 - (d) Official government entity flags.
 - (e) Outdoor murals or other outdoor artwork, determined by the Planning Commission and Town Board, not to be signs

7.03 GENERAL SIGN REQUIREMENTS.

The following requirements shall apply to all permitted signs, unless exempted in section 7.02 (2):

- (1) **Appearance, Placement & Visibility.**
 - (a) No undulating, swinging, rotating, or otherwise moving sign shall be permitted.
 - (b) Except for flashing or fluttering time and/or temperature sign messages, no flashing, fluttering, or otherwise animated sign messages shall be permitted.
 - (c) No sign shall obstruct clear visibility of traffic along any public road or intersection of roads or driveways.
 - (d) No signs, except signs erected by a unit of government, shall project over or be located within any public right-of-way.
 - (e) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices, nor be lighted in such a way so as to cause glare or impair driver visibility upon public roads.
 - (f) Signs shall not be located or maintained in such a way that prevents free ingress or egress from any floor, window, or fire escape; and no sign shall be attached to a fire escape.
 - (g) Any spotlights used to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads or properties.
 - (h) No sign shall be placed on or over the roof of any building.

- (i) No sign shall be painted or mounted on rocks or other natural features, except that nameplates and/or addresses for residences and “No Hunting,” “No Trespassing,” “No Dumping,” and signs of a similar nature may be affixed to trees.
- (j) No sign shall contain obscene or derogatory language, symbols, or pictures.

(2) **Freestanding Signs.**

(a) Size. The maximum size of freestanding signs shall be as follows:

1. Directional signs shall not exceed three (3) square feet in sign face area.
2. Nameplates and/or addresses for residences; “No Hunting,” “No Trespassing,” “No Dumping,” and signs of a similar nature; “Open/Closed” signs; “Vacancy/No Vacancy” signs; temporary on-premise real estate signs; and operational signs designating entrances, exits, service areas, parking areas, restrooms, and other functional operations of a building or premises shall not exceed four (4) square feet in sign face area.
3. On-premise signs which are not listed in section 7.02 shall not exceed twenty four (24) square feet in sign face area.
4. Off premise signs, except for directional signs, shall not exceed 100 square feet.

(b) Setback. Such signs shall be located at least five (5) feet from all lot lines.

(3) **Projecting Signs.**

(a) Size. The sign face area of a projecting sign shall not exceed twenty four (24) square feet.

(b) Design.

1. The sign shall not extend more than five (5) feet from the wall to which it is attached.
2. The bottom of such sign shall be at least seven (7) feet above the grade directly below the sign.
3. The top of such sign shall not extend above the building’s roof.

(4) **Wall Signs.**

(a) Size. The sign face area of a wall sign shall not exceed fifteen (15) percent of the area of the side of the building to which it is attached. If more than one sign is present, the combined sign face area shall not exceed fifteen (15) percent of the area of the side of the building to which they are attached.

(b) Design. Wall signs shall not extend more than six (6) inches from the building’s wall surface, nor beyond the end of the wall.

(5) **Window Signs.**

(a) Size. The sign face area of window signs shall not exceed twenty (20) percent of the glass area of the window.

7.04 SPECIFIC REQUIREMENTS FOR PARTICULAR SIGNS.

In addition to the requirements of section 7.03, general sign requirements, the following requirements shall be met for each specified sign. There shall be no specific requirements for particular signs that are not listed in this section, but such signs shall comply with the requirements of section 7.03, General Sign Requirements.

(1) **Advertising Signs.**

(a) Off- Premise. Advertising signs which are off-premise signs shall meet the following:

1. Number limited. No more than two (2) such signs shall be permitted for each business establishment, commodity, or product.
2. Sign spacing for freestanding and projecting signs. This spacing requirement shall only apply to advertising signs which are freestanding or projecting signs. In all districts, an off-premise advertising sign shall be located no closer to any advertising sign than a distance equal to one-half of the required minimum lot width for new lots in the zoning district in which the sign is located.
3. Off-premise advertising signs shall be allowed only in the Commercial and Light Industrial Districts.

(b) On-Premise. Advertising signs which are on-premise signs shall meet the following:

1. Number limited for freestanding and projecting signs
2. Sign spacing for freestanding and projecting signs. This spacing requirement shall only apply to advertising signs which are freestanding or projecting signs. No on-premise advertising sign shall be located closer to any advertising sign than a distance equal to one-half of the required minimum lot width for new lots in the zoning district in which the sign is located.

(2) **Directional Signs.** Directional signs shall be subject to the following:

- (a) Such signs may be in addition to, or in lieu of, off-premise advertising signs erected in accordance with sub.(6).
- (b) Directional signs are permitted where a change in travel direction. A directional sign which indicates that a use is straight ahead is permitted only where the person seeking the use might normally follow a main travel route.
- (c) Unless limitation is waived, no more than four (4) such signs shall be permitted for each use. If multiple travel routes to a particular use are logical, the Town may waive this limitation and authorize the number of such signs deemed necessary.
- (d) Directional signs shall only contain information identifying the name of an establishment, the distance to the establishment, and a directional arrow. No other information shall be identified on the sign.
- (e) Such signs shall only be permitted in proximity of road intersections, but shall not obstruct clear visibility of traffic along any public road or intersection of roads.

- (3) **Election Campaign Signs.** Election campaign signs shall be subject to the following:
- (a) Such signs located on residential property, as defined in section 12.04, Wisconsin Statutes, shall not be erected or displayed prior to the election campaign period, as defined in section 12.04, Wisconsin Statutes., and shall be removed within seven (7) days after the election.
 - (b) Such signs located on property other than residential property, as defined in section 12.04, Wisconsin Statutes, shall meet the following:
 1. The signs shall not be placed on public property.
 2. The signs shall not exceed twenty four (24) square feet in sign face area.
 3. The signs shall not be erected or displayed earlier than sixty (60) days prior to the election to which they pertain.
 4. The signs shall be removed within seven (7) days after the election.
 5. The sign shall not be illuminated.
 6. No signs shall be mounted on trees, rocks or other natural features.
- (4) **New Development Signs, Temporary.** Signs promoting a new subdivision, apartment complex, and other new developments shall not exceed twenty four (24) square feet in sign face area and shall be located on the premises of the new development. The sign permit for such signs shall expire after two (2) years.
- (5) **On-site Construction Signs, Temporary.** Temporary on-site construction signs, promoting a building under construction and/or the contractor(s) for such building, shall be subject to the following:
- (a) Only one construction sign shall be allowed per construction project.
 - (b) No such sign shall exceed twenty-four (24) square feet in sign face area.
 - (c) No such sign shall be erected prior to beginning of construction.
 - (d) All such signs shall be removed within one week after completion of construction and prior to occupancy.
 - (e) Construction signs which are freestanding signs shall be located at least fifteen (15) feet from any public right-of-way.
- (6) **Opinion signs.** One opinion sign, not to exceed six (6) square feet in sign face area, shall be allowed per lot.
- (7) **Real Estate Signs, Temporary.** Temporary real estate signs, advertising the sale, rent, or lease of property on which the sign is placed, shall be subject to the following:
- (a) Such signs shall be located at least fifteen (15) feet from a lot line.
 - (b) Such signs shall not be illuminated.
 - (c) Such signs shall be removed within ten (10) days of the sale, rent, or lease of the property.
 - (d) The number of such signs shall be limited to one along each road that abuts the property.

- (8) **Residential Neighborhood Signs, On-premise.** On-premise residential neighborhood signs shall be freestanding signs only; shall be limited to identifying the name of a neighborhood area, such as a subdivision or housing development; shall not exceed twenty four (24) square feet in sign face area; and shall be placed only at the entrance to the neighborhood area.

7.05 SIGN PERMITS.

- (1) The following signs shall require a sign permit as provided in section 10.02, Sign Permits:
 - (a) Directional Signs.
 - (b) Election Campaign Signs. Those signs which exceed four (4) square feet in sign face area and which are not located on residential property, as defined in section 12.04, Wisconsin Statutes.
 - (c) On-premise Signs. Those signs which are any of the following:
 1. Residential neighborhood signs.
 2. Temporary new development signs.
 - (d) Off-premise Signs. Off-premise signs except temporary civic event signs which promote events of community significance.
- (2) All other signs not listed in sub. (1) shall not require a sign permit, but shall comply with the other requirements of this Chapter.
- (3) The changing or altering of the sign face area shall require a sign permit, unless the sign is exempted from the permit requirements as provided in sub. (2). The changing of text or logos or the repainting and routine maintenance of signs shall not be deemed changes or alterations requiring a sign permit.

7.06 NONCONFORMING SIGNS.

- (1) Except as specified in sub. (2), nonconforming signs may continue, but structural alterations or repairs are prohibited, unless the sign is brought into conformity with this Ordinance.
- (2) Signs that are nonconforming because they are in a public right-of-way; are flashing, fluttering, or moving signs; contain obscene language, symbols, or pictures; or which remain beyond a time limit specified by this chapter or by the sign permits shall be removed or brought into compliance. If such sign is not removed or brought into compliance, the owner or lessee of the property upon which the sign is located shall be subject to prosecution and penalties as provided in Chapter 12, Enforcement.

7.07 SIGN DESIGN, CONSTRUCTION AND MAINTENANCE.

- (1) **Overall Design Consistency.** Signs on individual buildings shall be coordinated with the architecture of the building and with each other so as to present a consistent, orderly and planned image.
- (2) **Maintenance.** All signs shall be kept in good condition, including but not limited to the following conditions:

- (a) All text and graphics shall be maintained so as to be legible and complete.
- (b) The sign structure shall be maintained in a vertical position unless originally permitted otherwise, and shall be maintained in a safe condition at all times.
- ~~(c) All parts, surfaces shall be painted, cleaned or replaced as necessary to maintain an appearance which resembles the original new appearance as closely as possible.~~
- (d) Electrical systems shall be in a safe condition at all times.
- (e) In the event that an approved sign is not properly maintained, the Building Inspector shall notify the owner of the sign and establish a deadline for repairs to bring the sign into conformance with these regulations. If the sign is not repaired by that date, the Building Inspector shall:
 1. Use the proceeds of any bond deposited with the Town as part of the application process for the repair of the sign, or
 2. Order the owner of the sign to remove the sign within a sixty (60) day time period. The Town shall remove the sign if the owner fails to remove the sign within this time period.

TABLE of SIGNS

TYPE OF SIGN	Zoning District								
	AP	AT	FAR	RR	R	C	LI	OR	WC
Advertising									
<i>on-premise</i>	P	P	P	P	P	P	P	P	
<i>off-premise</i>						P	P		
Directional	P	P	P	P	P	P	P	P	
Election	P	P	P	P	P	P	P	P	
Opinion	P	P	P	P	P	P	P	P	
Temporary									
Construction	P	P	P	P	P	P	P	P	
Temporary									
New Development	P	P	P	P	P	P	P	P	
Temporary									

Real Estate.....P P P P P P P P

Residential

Neighborhood.....P P P

(P) Permitted sign

Signs that require a sign permit:

- Directional
- Election Campaign - signs exceeding four (4) square feet and which are not located on residential property
- Residential Neighborhood
- Temporary New Development
- Off-premise Advertising

CHAPTER 8

NONCONFORMING USES, STRUCTURES and LOTS

8.01 PREVIOUSLY LAWFUL CONDITION.

Within the districts established and mapped by this Ordinance, or amendments thereto, there may exist uses of lands or buildings, structures, or lots, which were lawful before this Ordinance, or amendments thereto, became effective, but which do not conform to the regulations herein. As set forth in section 60.61, Wisconsin Statutes, such nonconforming conditions may be continued, subject to the requirements of this chapter.

8.02 NONCONFORMING USES.

(1) Nonconforming Use of Land.

- (a) For all non-structural uses of land, except non-metallic mining operations, expansions shall be authorized only by a conditional use permit.
- (b) Expansion of a nonconforming nonmetallic mining operation shall be permitted up to forty (40) feet of all lot lines existing on the effective date of this Ordinance or twenty (20) acres in area, whichever is less, except that greater expansion may be authorized by a conditional use permit.

(2) Nonconforming Use of Buildings or Other Structures. Nonconforming uses within a building or structure shall comply with the following:

- (a) Structural alterations or structural repairs of an existing building or structure which houses a nonconforming use shall be authorized by a building permit.
- (b) Additions to an existing building or an existing structure which houses a nonconforming use shall be authorized only by a conditional use permit. Such additions shall comply with all applicable setbacks and other dimensional requirements of this Ordinance, unless

variances are granted as provided in section 10.05, Variance from the Requirements of this Ordinance.

(c) If a structure which houses a nonconforming use is destroyed by fire, explosion, flooding, storm damage, or other disaster to the extent of less than fifty (50) percent of its current equalized assessed value as determined by the local assessor, the structure may be restored and the nonconforming use may be restored therein upon issuance of a building permit. Such restoration shall not exceed the original building floor area and volume, unless a conditional use permit is authorized, as provided in par. (b). If the original structure which housed the nonconforming use is also a nonconforming structure, the provisions of 8.03, Nonconforming Structures, shall also apply.

(3) **Change of Use.** A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.

(4) **Discontinuance.** Where any such nonconforming use is discontinued for a period of twelve (12) consecutive months, any future use of the building, structure, or land shall conform to the regulations of the district in which it is located.

8.03 NONCONFORMING STRUCTURES.

(1) Alterations and Additions.

(a) Structural alterations or structural repairs of nonconforming structures shall meet all the provisions of this ordinance, except that such alterations or repairs need not comply with the setback or yard provisions of this Ordinance, provided they do not result in an increase in floor area nor change the footprint of the structure.

(b) Additions to or extensions of nonconforming structures are permitted provided that such additions or extensions comply with all the provisions of this Ordinance.

(c) A conforming use in a nonconforming structure may be changed to another conforming use without complying with the setback or yard requirements of these regulations, provided the new conforming use does not result in an increase in floor area nor change the footprint of the structure, and provided that all parking and other site requirements are met.

(2) Repairs and Restoration.

(a) A nonconforming structure that is damaged or destroyed by fire, explosion, flooding, storm damage or similar calamity, to the extent of less than fifty (50) percent of its current equalized assessed value as determined by the local assessor, may be repaired or restored provided either 1) the repair or restoration would bring the structure into compliance with this Ordinance; or 2) the repair or restoration of the nonconforming portion of the structure occurs fully within the building footprint of the structure before damage and there is no increase in the floor area of the nonconforming portion of the structure.

(b) Except for historic buildings, no repairs or restoration of nonconforming structures shall be made if located within any public right-of-way.

(3) **Nonconforming Signs.** All nonconforming signs shall be subject to the provisions

contained in section 7.06, Nonconforming Signs.

8.04 NONCONFORMING LOTS.

- (1) Existing lots of record which do not contain sufficient area and/or width to meet the criteria in section 3.03 (5) (b), minimum lot requirements for lots created prior to the effective date of this Ordinance, shall be considered nonconforming lots. If a nonconforming lot is in common ownership with abutting lands, the contiguous lots shall be considered a single parcel, unless the parcel is re-divided to conform to the dimensional requirements for new lots in the applicable zoning district.
- (2) A nonconforming lot may be used for any use permitted within the zoning district in which the lot is located, but shall not be a building site, unless a variance is granted as provided in section 10.05, Variance Requirements of this Ordinance. Required setbacks and yards shall be determined by the Board of Zoning Appeals.

CHAPTER 9 ADMINISTRATION

9.01 PLANNING COMMISSION.

- (1) **Creation.** The Planning Commission, or its successor, created by the Town Board, shall be the designated Town zoning agency.
- (2) **Procedures.** The Planning Commission shall adopt and follow any governing rules of procedure, and shall comply with the Wisconsin Open Meeting Law as specified in sections 19.81 through 19.98, Wisconsin Statutes.
- (3) **Duties and Powers.** In administering this Ordinance, the duties and powers of the Planning Commission shall be as follows:
 - (a) Supervise the administration of this Ordinance.
 - (b) Exercise those duties and powers specified in Town of Hartford Ordinance, General Government, 1.04 (2).
 - (c) Submit recommendations to the Town Board for or against proposed zoning changes, zoning text and map amendments, .
 - (d) Any other duties determined by the Town Board.
- (4) **Financial Sureties.**
 - (a) The Town Board may require that a performance bond or letter of credit be provided and filed with the Town Clerk so as to ensure compliance with the terms of this Ordinance or required permit.
 - (b) Failure to provide or maintain such bond or letter of credit shall invalidate any permit.

9.02 ZONING BOARD OF APPEALS

(1) **Establishment**

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

(2) **Membership**

The Zoning Board of Appeals shall consist of five (5) members appointed by the Town Board Chairman and confirmed by the Town Board.

(a) Two Alternate Members shall be appointed by the Town Board Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest.

(3) **Organization**

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

(a) Meetings shall be held at the call of the Chairman and shall be open to the public.

(b) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

(c) If a quorum is present, the concurring vote of a majority of the members present shall be necessary to correct an error, grant a variance, make an interpretation, and permit a substituted use.

(4) **Powers**

The Zoning Board of Appeals shall have the following powers:

(a) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator.

(b) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured.

(c) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the Zoning Districts after the Town Plan Commission has made a review and recommendation.

(d) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

(e) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

- (f) Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.
- (g) Oaths. The chairman may administer oaths and compel the attendance of witnesses.

(5) **Appeals and Applications**

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- (a) Name and Address of the appellant or applicant and all abutting and opposite property owners of the record.
- (b) Plat of Survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required under Section 9.04 for a Zoning Permit.
- (c) Additional Information required by the Town Plan Commission, Town Engineer, Zoning Board of Appeals, or Zoning Administrator.

(6) **Hearings**

The Zoning Board of Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in Section 10.09 of this Ordinance. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

(7) **Findings**

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds by a preponderance of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

- (a) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (b) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (c) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

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

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

(8) **Decision**

The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Town Plan Commission.

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

(b) Variances, Substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

(9) **Review by Court of Record**

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

9.03 ZONING ADMINISTRATOR.

(1) **General Powers and Duties.** The Zoning Administrator shall possess the following duties and powers:

(a) Administer this Ordinance as the authorized representative of the Town Board.

(b) Provide to the public the necessary permit applications and variance and appeals forms. Assist the public in preparing permit applications and variance and appeal petitions.

(c) Assist in giving all legal notices required by State Statutes or this Ordinance.

(d) Recommend to the Planning Commission and Town Board any amendments necessary to make the operation of this Ordinance more effective.

(e) When necessary, provide technical and clerical assistance during hearings conducted by the Town Board or Board of Zoning Appeals.

(f) Make referrals and recommendations to the Planning Commission and Town Board in accordance with this Ordinance.

9.04 BUILDING INSPECTOR.

(1) **Qualifications.** The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable State and local building codes relating to the construction of buildings. The Building Inspector shall be certified by the Wisconsin Department of Industry, Labor and Human Relations to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code.

(2) **General Powers and Duties.** The Building Inspector shall enforce the provision of this and all other ordinances, laws and orders of the State of Wisconsin which relate to building construction and for that purpose may at all reasonable times enter buildings and premises. The Building Inspector may pass upon any questions arising under the provisions of this

chapter relating to buildings, subject to conditions contained in this ordinance. No person shall interfere with the Inspector while in the performance of duties prescribed in this ordinance. The Building Inspector shall coordinate the activities of the Plumbing Inspector and Electrical Inspector.

- (3) **Records.** The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. The Building Inspector shall keep a record showing the number, description and size of all buildings erected during the term of his/her office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. The Building Inspector shall keep a record of all inspections made and of all removal and condemnation of buildings. The Building Inspector shall make an annual report to the Town Board on the above matters.
- (4) **Appeals.** Any person feeling aggrieved by any order or ruling of the Building Inspector may, within 20 days thereafter, appeal from such order or ruling to the Board of Zoning appeals, such appeal to be in writing.

CHAPTER 10

PROCEDURES

10.01 BUILDING PERMITS.

- (1) **Applicability.** Building permits, certifying that any such use, structure, or site complies with the provisions of this Ordinance, shall be required in the following instances, unless specifically exempted therefrom by this Ordinance:
 - (a) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of one (1) and two (2) story dwellings consistent with Chapter 101 of the Wisconsin State Statutes.
 - (b) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of all other buildings, structures, or part thereof, except signs requiring a sign permit and structures which are less than six (6) inches in height above grade elevation.
 - (c) Establishment of any accessory or principal use, except uses permitted as conditional uses.
 - (d) A building permit shall not be required for structures and activities waterward of the ordinary high water mark which have minimal land use impacts, such as the establishment of bulkhead lines; placement of sand blankets, fish cribs, shore protection (rip rap), stream fords, and private boat landings for the personal use of the riparian owner; waterfowl management practices; weed cutting; construction of small private wharfs or private piers for the personal use of the riparian owner; dredging and waterway enlargements; stream straightening; and placement of individual mooring buoys.

- (2) **Applications.** An application for a building permit shall be submitted to the Zoning Administrator on forms furnished by the Town of Hartford.
- (3) **Permit Issuance or Denial.** Upon the Town's determination that the proposed use or structure complies with the provisions of this Ordinance, a building permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance and any conditions attached to the permit. An application for a use or structure not in conformity with the provisions of this Ordinance shall be denied a building permit and the reasons for denial shall be stated. No permit shall be issued for uses or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.
- (4) **Expiration.**
 - (a) Building permits shall expire eighteen (18) months from date of issuance if no action has commenced to establish the use or structure. Any exterior construction or change of land use after the expiration of a building permit shall be considered a violation of this Ordinance.
- (5) **Renewal.** If construction has commenced prior to the expiration of a building permit, but is not completed prior to such expiration, a eighteen (18) month renewal building permit shall be issued by the Town upon submittal of a renewal application and fee. Additional renewals shall be granted by the Town upon a finding that progress had been made during the previous year toward completion of the structure. For purposes of this Ordinance, a structure shall be deemed completed when an occupancy permit has been issued.
- (6) **Termination.** If a use or structure does not comply with the issued building permit or this Ordinance, the permit shall be terminated by the Town. If a use permitted by a building permit ceases for a period of more than eighteen (18) months, the building permit shall terminate, and all future activity shall require a new building permit.
- (7) **Fees.** All building permits shall require a fee established by the Town Board.

10.02 SIGN PERMITS.

- (1) **Applicability.** This section only applies to those signs requiring a sign permit as specified below that are erected, moved, structurally altered, or reconstructed.
 - (a) **Directional Signs.**
 - (b) **Election Campaign Signs.** Election campaign signs which exceed four (4) square feet in sign face area and which are not located on residential property, as defined in section 12.04, Wisconsin Statutes.
 - (c) **On-premise Signs.** On-premise signs which are any of the following:
 1. Residential neighborhood signs.
 2. Temporary new development signs.
 - (d) **Off-premise Signs.** All off-premise signs, except temporary civic event signs which promote events of community significance.

(2) **Applications.**

(a) All applications for sign permits shall be made to the Zoning Administrator on forms furnished by the Town of Hartford and shall include the following:

1. Name, address, and signature of the applicant.
2. Name, address, and signature of the property owner, along with proof of ownership, of the site for the proposed sign, if different from the applicant.
3. Type, description, and dimensions of the proposed sign.
4. Location of the building, structure, or lot to which or upon which the sign is to be attached or erected.
5. A plan, drawn at a scale which produces a clearly legible drawing, showing the following:
 - a. The distance from the proposed sign to abutting public roads and right-of-ways, private roads, and navigable water.
 - b. The distance from the proposed sign to existing structures and adjacent freestanding or projecting signs.

(b) Fee. All sign permit applications shall be accompanied by a fee established by the Town Board.

(c) No application shall be accepted by the Zoning Administrator until complete and until all fees established by the Town Board have been paid in full.

(3) **Permit Issuance or Denial.** Applications for sign permits shall be reviewed by the Zoning Administrator for compliance with the requirements of this Ordinance. If compliance is found, the sign permit shall be issued. If compliance is not found, the sign permit shall be denied and the reasons for denial stated.

(4) **Expiration.** All sign permits shall expire twelve (12) months from the date of issuance. No sign shall be erected, moved, reconstructed, or altered after expiration of a sign permit, unless a new sign permit is obtained.

(5) **Termination.** If a sign does not comply with the issued sign permit or this Ordinance, the sign permit shall be terminated by the Town.

(6) **Bond.** For any on-premise residential neighborhood sign, a bond of \$200 or such other amount as deemed necessary by the Building Inspector to be used by the Town if the sign is later deemed to need repair.

10.03 CONDITIONAL USE PERMITS.

(1) **Applicability.**

(a) A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to, or expansion or intensification of, a nonconforming use. Expansion of a use permitted as a conditional use shall also require a conditional use permit, except for the minor expansion of a building having a use permitted as a conditional use which would not increase the scale or intensity of that use shall only require a building permit.

- (b) A conditional use shall be allowed in the Agricultural Preservation (AP) and Agricultural Transition (AT) Districts only if the proposed use is consistent with agricultural use as defined in section 91.01(10), Farmland Preservation, Wisconsin Statutes, and if the Town determines that no other suitable location exists for the proposed use.
- (2) **Application.**
- (a) An application for a conditional use permit shall be submitted to the Zoning Administrator upon forms furnished by the Town of Hartford. The application shall contain the following information:
1. All of the information required for a building permit.
 2. Upon written request by the Zoning Administrator, such additional information as may be required by the Zoning Administrator so that the Planning Commission can determine whether or not the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public safety, or the character of the surrounding area. The written request shall contain an explanation of why the additional information is needed.
 3. Water supply and sewage disposal. Where the proposed use involves human occupancy, satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Washington County Sanitary Ordinance, shall be submitted.
- (b) Fee. All conditional use permit applications shall be accompanied by a fee established by the Town Board.
- (c) No application shall be accepted by the Zoning Administrator until complete and until all fees established by the Town Board have been paid in full.
- (3) **Public Hearing.** A public hearing shall be held by the Town Board after a public notice has been given as provided in section 10.09, Notice for Public Hearings. At the public hearing, any party may appear in person or be represented by agent or attorney.
- (4) **Determination.** Following review, investigation, and public hearing, the Town shall render a decision. If the application is denied, the reasons for denial shall be stated in writing to the applicant.
- (5) **Basis of Approval.**
- (a) The Planning Commission shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. In approving conditional uses, the Planning Commission also shall determine that the proposed use at the proposed location will not be detrimental or injurious to the public health, public safety, or character of the surrounding area.
- (b) To aid in the review of the proposed project against the above criteria, the Planning Commission may evaluate the following specific criteria, but shall not be limited thereto:
1. Whether the proposed project will adversely affect property in the area.

2. Whether the proposed use is similar to other uses in the area.
 3. Whether the proposed project is consistent with adopted Town of Hartford plans.
 4. Provision of an approved sanitary waste disposal system
 5. Provision for a potable water supply.
 6. Provisions for solid waste disposal.
 7. Whether the proposed use creates noise, odor, dust or other invasive characteristics.
 8. Provision of safe vehicular and pedestrian access.
 9. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
 10. Adequacy of emergency services and their ability to service the site.
 11. Provision for proper surface water drainage.
 12. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
 13. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
 14. Whether the proposed project leads to a change in the natural character of the area through the removal of natural vegetation or altering of the topography.
 15. Whether the proposed project would adversely affect the area's natural beauty.
 16. Whether the proposed project would adversely affect any historic or archeological sites.
- (c) The applicant's failure to satisfy the criteria listed in par. (b) or any other applicable requirement in this Ordinance may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.
- (6) **Conditions and Restrictions.** The Planning Commission may, in recommending an application for a conditional use permit to the Town Board, propose such restrictions and conditions that it determines are required to prevent or minimize adverse effects from the proposed use or development of other properties in the neighborhood and on the general health, safety, and welfare of the town. Such conditions may include financial sureties. The Town Board may limit the use of land to one specific use permitted in the zoning district for which the conditional use permit is sought.
- (7) **Expiration.** All conditional use permits shall expire twelve (12) months from the date of issuance where no action has commenced to establish the authorized use. If a time limit has been imposed as a condition for the permit, the permit shall expire at the end of the time limit.
- (8) **Notification.**
- (a) Pursuant to section 91.75 (5), Wisconsin Statutes, the Town of Hartford shall notify the Wisconsin Department of Agriculture, Trade and Consumer Protection of all conditional uses approved in the Agricultural Preservation (AP) and Agricultural Transitions (AT) Districts.
 - (b) Pursuant to NR 115.05 (6) (h), Wisconsin Administrative Code, a copy of any conditional use decision which affects shorelands shall be provided to the district office of the Department of Natural Resources within ten (10) days of the date such decision is

rendered.

- (9) **Termination.** If an established conditional use does not continue in conformity with the permit or this Ordinance, the conditional use permit shall be terminated by action of the Town Board. If an established use permitted as a condition use ceases for a period of more than twelve (12) months, the conditional use permit shall terminate, and all future activity shall require a new conditional use permit.
- (10) **Resubmission.** A conditional use permit application that has been heard and decided shall not be eligible to be resubmitted during the six (6) months following the decision. The six (6) month period may be waived by the Planning Commission, provided that the applicant submits a written report identifying how the new application differs materially from the previous application or identifying substantial new evidence that will be offered, and provided that the Planning Commission votes, by simple majority, that the changes or new evidence would be of such significance that the Commission might consider changing the previous decision.

10.04 ROAD ACCESS AND CULVERT PERMITS.

- (1) **Applicability.** No person shall construct a driveway, make any excavation or fill or install any culvert or make any other alteration in any road or highway or in any manner disturb any road, highway or bridge without a road access and culvert installation permit therefor from the Town Board.
- (2) **Application.** Every application for a permit for driveway construction, installation of a culvert or any other alteration in any Town road or highway shall be upon forms provided by the Zoning Administration and shall be accompanied by such surveys, drawings or other material and information as may be required by the Town Board in the filing of the application. Any request for a permit for excavation or fill, installation of a culvert or any other alteration on other than Town roads or highways shall be obtained from the appropriate authority maintaining the road or highway.
- (3) **Administration.** The Town Board shall appoint a Town Board member to act on its behalf on all culvert matters. Following the filing of a permit application, the Zoning Administrator shall refer it to the Town Board or its designee for its review of the work proposed on the permit and its decision. The decision of the Town Board designee shall be that the permit be granted subject to specific terms and conditions or that it be denied.
- (4) **Fees.** All road access and culvert installation permits shall require a fee established by the Town Board.

10.05 SITE PLAN REVIEW.

- (1) **Review and Approval.**
 - (a) Permits for new construction for commercial, industrial, institutional, or residential uses shall require site plan approval as set forth in this section. The purpose of such approval is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation,

- and contribute to efficient land use in Town of Hartford.
- (b) The Planning Commission or its designee shall review the site, existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, and proposed operations.
- (2) **Fee.** All site plans shall be accompanied by a fee as established by the Town Board.
 - (3) **Site Plan Requirements for Commercial, Industrial and Institutional Uses.** All site plans shall contain the following information:
 - (a) **Identification.**
 - 1. Name of project.
 - 2. Owner's and/or developer's name, address, and telephone number.
 - 3. Architect and/or engineer's name, address, and telephone number.
 - 4. Address of project.
 - 5. Date site plan was prepared.
 - (b) **Graphic Representation.**
 - 1. Three copies of the site plan shall be submitted.
 - 2. Site plan scale shall be no less than fifty (50) feet to the inch, and show date, north arrow, and graphic scale.
 - (c) **Site Plan Information.**
 - 1. Lot boundaries, including legal description, and required setback distances.
 - 2. Location of all public and private roads, official map streets, and easements.
 - 3. Location of all water courses, drainage ditches, wetlands, floodplains, and required setbacks.
 - 4. Location of all existing and proposed public and private utilities, wells, drainage structures, and lighting.
 - 5. Existing and proposed structures and buildings, structures to be removed, the proposed use of all structures and their dimensions.
 - 6. Floor plans and elevations, including dimensions, and exterior plans showing the design and character of each structure and building.
 - 7. Traffic aspects of existing and proposed driveways and parking lots, including parking stall sizes and layout, handicap stalls and ramps, loading zones, driveway widths and traffic direction, sidewalks and pedestrian walkways, and similar improvements.
 - 8. Existing and proposed vegetation, areas of permanent open space, landscaping, fences, ground cover, areas of filling and grading in excess of six (6) inches, and contours.
 - 9. Location of signs.
 - 10. Operation plans, construction schedule, and construction phase section
 - 11. Other pertinent information as may be requested by the Planning Commission or its designee. Items from the list of required information may be waived by the reviewer.

(4) **Site Plan Requirements for Residential Uses.** All site plans shall contain the following information:

(a) **Identification.**

1. Name of project.
2. Owner's and/or developer's name, address, and telephone number.
3. Architect and/or engineer's name, address, and telephone number.
4. Address of project.
5. Date site plan was prepared.

(b) **Graphic Representation.**

1. One (1) copy of the site plan shall be submitted.
2. Site plan scale shall be no less than fifty (50) feet to the inch, and show date, north arrow, and graphic scale.

(c) **Site Plan Information.**

1. Lot boundaries, location description, and required setback distances.
2. Location of all public and private roads, official map streets, and easements.
3. Location of all existing and proposed driveways, public and private utilities, wells,
4. Footprints of proposed structures and buildings showing location on the building lot, orientation to roads, driveways and surrounding development.
5. Operation plans, construction schedule and construction phases.
6. Other pertinent information as may be requested by the Planning Commission or its designee. Items from the list of required information may be waived by the reviewer.

(5) **Review and Findings.** The Planning Commission or its designee shall review the site plan following submittal of complete and acceptable site plan materials. The Planning Commission or its designee shall not approve a site plan unless it is determined that the proposed site plan is in conformance with the intent and purpose of the ordinance and is consistent with the following scope of review. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the site plan reviewer by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature or condition likely to be harmful to the health, safety, aesthetics, and general welfare of the Town. Any comments or objections to the site plan or general suitability of the site shall be communicated to the applicant who shall have an opportunity to respond and amend the site plan. The review shall include:

(a) **Land Use Considerations.** Consideration of the relationship of the site plan to adopted land use plans and policies, so as to address the following questions:

1. Is the proposed development compatible with adjacent uses?
2. Will the proposed development produce spin-off development?

3. Will the proposed development result in traffic problems on area roads?
 4. Are proposed structures and uses sited in a way that protect natural resources and minimizes disturbance of vegetation?
 5. Can the proposed development be served by existing roads?
 6. Will the proposed development require a zoning change and will it lead to requests for surrounding properties?
- (b) **Parking and Traffic Considerations.** Consideration of parking, loading, traffic generation and circulation layout, so as to:
1. Minimize hazardous traffic movements.
 2. Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers' Transportation and Traffic Engineering Handbook.
 3. Provide for the optimum number of parking spaces.
 4. Provide for optimum loading and unloading in the case of commercial and industrial uses.
 5. Provide for optimum access to public streets and highways.
 6. Provide for pedestrian access and safety.
- (c) **Drainage Considerations.** Consideration of surface and subsurface drainage and for connections to water and sewer lines, so as to not overload existing public utilities nor increase the danger of erosion, flooding, landslide, or other endangerment of adjacent or surrounding properties.
- (d) **Landscaping Considerations.** Consideration of landscaping and vegetative plantings, so as to:
1. Maintain existing mature trees and shrubs to the maximum extent as is practical.
 2. Buffer adjacent uses which may be incompatible.
 3. Screen unsightly activities from public view.
 4. Break up large expanses of asphalt and buildings with plant material.
 5. Provide an aesthetically pleasing landscaping design.
 6. Make optimum use of open spaces.
 7. Provide for landscaping trees, shrubs and other plant materials that can withstand the Town's climate.
- (e) Consideration of the location of principal structures, accessory structures, lighting, free-standing signs, refuse containers, mechanical equipment, etc. so that their locations do not impede safe and efficient traffic flow, adversely impact the development of adjacent property or the character of the surrounding neighborhood, and creates an attractive grouping, spacing, and placement of buildings and structures in relation to the site and its environs.
- (f) Consideration of the architectural character of the project, exterior construction materials, and colors while not being restricted, shall be evaluated and approved so as to promote designs which are appropriate to the use and district, and compatible with surrounding buildings and uses.

- (g) Consideration of the operations of the proposed use to avoid any negative activity effect on adjacent properties.
 - (h) Design Considerations. Consideration of site layout and development design so as to preserve the Town's rural character:
 - 1. Residences and structures should not be placed in open fields, but rather located adjacent to tree lines and the field edge.
 - 2. Existing access roads should be utilized whenever possible.
 - 3. Stone fences and tree lines should be preserved.
 - 4. Trees on ridge lines and hilltops should not be removed.
 - 5. Roads and driveways should follow land contours.
 - 6. Signs should be attractive and incorporated into the overall design of the site.
 - 7. Parking lots, storage and refuse containers should be located behind structures and screened from adjacent uses.
 - 8. Building materials such as brick, stone and wood should be encouraged to enhance the appearance of structures.
- (6) **Sureties.** The Planning Commission may impose time schedules for completion of public improvements after start of construction. The Town may require appropriate sureties, including but not limited to cash bonds, performance bonds, maintenance bonds, and letters of credit to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation.
- (7) **Appeals.** Any person or persons aggrieved by any decision of the Planning Commission or its designee related to site plan review may appeal the decision to the Board of Zoning Appeals. Such appeal shall be filed with the Zoning Administrator within thirty (30) days of the decision.

10.08 AMENDMENTS.

- (1) **Amendments.** The Town Board may amend this Ordinance, and after a public notice has been given as provided in section 10.09 (1), Notice for Public Hearings. At the hearing any party may appear in person or by agent or attorney.
- (2) **Fee.** A petition for an amendment shall be accompanied by a fee established by the Town Board.
- (3) **Rezoning of Wetlands.** A wetland, or a portion of a wetland, in a Wetlands Conservancy District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (a) Storm or flood water storage capacity.
 - (b) Maintenance of dry season streamflow, discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
 - (c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.

- (d) Shoreline protection against soil erosion.
- (e) Fish spawning, breeding, nursery, or feeding grounds.
- (f) Wildlife habitat.
- (g) Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

(4) **Zoning Amendments in the Agricultural Preservation (AP) District.**

- (a) Removal from Agricultural Preservation Zoning District. Town of Hartford may approve petitions for rezoning in the Agricultural Preservation District only after findings are made based upon consideration of the following:
 1. The land is not feasible for continued practical agricultural use.
 2. Adequate public facilities can be provided to serve the proposed change which will not unreasonably burden the Town.

3. The land is suitable for the proposed change.
 4. The proposed change will not cause unreasonable air or water pollution, soil erosion or adversely impact natural resources.
 5. The proposed change will not conflict with existing agricultural uses in the area.
 6. The proposed use is needed in the area and alternative locations are of some scarcity.
 7. The proposed use minimizes the amount of converted agricultural lands.
- (b) Pursuant to section 91.77 (3), Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade, and Consumer Protection shall be notified of all rezonings pertaining to the Agricultural Preservation (AP) district.
- (5) **Zoning Amendments in the Agricultural Transition (AT) District.**
- (a) Removal from Agricultural Transition Zoning District. The Town Board may approve a rezoning from the Agricultural Transition District upon finding that:
1. Demand is present for the proposed non-agricultural use change and alternate locations are not adequate;
 2. The change is consistent with locally adopted land use plans;
 3. The land is suitable for the proposed change;
 4. The change will not conflict with existing agricultural uses in the area;
 5. Local government can supply the requested public services for the proposed change without undue burden; and
 6. The proposed change will not cause unreasonable air and water pollution, soil erosion or adversely affect irreplaceable natural resources.
- (b) Pursuant to section 91.77 (3), Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade, and Consumer Protection shall be notified of all rezonings pertaining to the Agricultural Transition (AT) District.
- (c) Additions to Agricultural Transition Zoning District. The Town Board may approve additions to the Agricultural Transition District upon finding that:
1. The land is predominantly agricultural use.
 2. The land location is near existing urban development and is likely to be needed for uses other than agriculture in five (5) years or more, such need being documented on a duly adopted land use plan.
 3. The addition would be compatible with the spirit and intent of this district and the general neighborhood.
- (6) **Department of Natural Resources Notification.** Pursuant to NR 115.05 (6) (h), Wisconsin Administrative Code, a copy of any amendment decision which affects shorelands shall be provided to the district office of the Department of Natural Resources within ten (10) days of the date such decision is rendered.

- (7) **Resubmission.** A petition for zoning amendment that has been heard and decided shall not be eligible to be resubmitted during the six (6) months following final action by the Town Board. The six (6) month period may be waived by the Town Board provided that the petitioner submits a written report identifying how the new zoning amendment petition differs substantially from the previous petition or identifying substantial new evidence that will be offered and provided that the Town Board votes by simple majority that the changes or new evidence would be of such significance that the Town Board might consider changing the previous decision.
- (8) **Limitations on Use.** The Town Board may, in the process of approving a zoning amendment, limit the use of land to one or more specific uses permitted in the zoning district for which the amendment is sought.

10.09 PUBLIC HEARINGS.

When public hearings are required by this Ordinance or by Wisconsin statutes, the following shall apply:

- (1) **Notice for Public Hearings.**
 - (a) Notice of any public hearing which the Town Board or Board of Zoning Appeals is required to hold shall be given by publishing in the Town a Class 2 notice in accordance with Chapter 985, Wisconsin Statutes. The notice shall specify the time and place of such hearing.
 - (b) If the public hearing involves a variance or an appeal before the Board of Zoning Appeals, the Board of Zoning Appeals shall give due notice to the parties in interest.
 - (c) For any public hearing involving shorelands, notice shall be mailed to the Department of Natural Resources at least ten (10) days prior to the date of such hearing.
- (2) **Public Hearing Procedures.** The Town Board or Board of Zoning Appeals may adopt any formal or informal public hearing procedures.

CHAPTER 11 ENFORCEMENT

11.01 VIOLATIONS.

- (1) It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge, extend, convert, or relocate any building, structure, or sign or use any building, structure, land or sign in violation of the provisions of this Ordinance, or amendments or supplements thereto, lawfully adopted by the Town Board. It shall also be unlawful to fail to obtain permits as required by this Ordinance or to fail to comply with any requirement or condition imposed by

- the Town Board or Board of Zoning Appeals.
- (2) Each and every day of violation as described in sub. (1) may be deemed a separate offense and violation.
 - (3) Any person, firm, association, or corporation or representative agent failing to comply with the provisions of this Ordinance may be subject to prosecution under the terms of this Ordinance.

11.02 PROSECUTION.

- (1) **Civil Proceedings.** Pursuant to section 66.12, Wisconsin Statutes, an action for violation of this Ordinance shall be a civil action.
- (2) **Notification.** The Building Inspector shall serve any violators with a notice of violation stating the following:
 - (a) The nature of the violation.
 - (b) Corrective measures required to eliminate the violation.
 - (c) That the violator shall be subject to:
 1. Civil action to remove or otherwise eliminate the violation, and/or
 2. Penalties, upon conviction, as set forth in section 11.03, Penalties.
- (3) **Corporation Counsel.** If notification under 11.02 (2) does not abate any violation, the Building Inspector shall report violations to the Town of Hartford Corporation Counsel. At the Corporation Counsel's discretion, legal action or proceedings may be commenced to prosecute alleged violators pursuant to the proceedings outlined in section 66.12, Wisconsin Statutes, or pursuant to the issuance of a summons and complaint.
- (4) **Injunction.** Compliance with this Ordinance may also be enforced by an injunction at the suit of Town of Hartford or the owner or owners of real estate within the zoning district affected by such regulation.
- (5) **Penalty.** Those actions commenced on behalf of Town of Hartford may, in addition, seek a forfeiture or penalties outlined herein.
- (6) **Special Inspection Warrants.** The provisions of section 66.122, Wisconsin Statutes shall govern the issuance of all special inspection warrants.

11.03 ORDERS AND CITATIONS.

- (1) Town of Hartford zoning officials shall have the authority to issue orders and directives to any person subject to the provision of these regulations to:
 - (a) Cease any act, conduct or use which is deemed to be a violation of these regulations; or
 - (b) Correct within a specified period of days any violation of these regulations and to issue, with or without an order or directive, a citation and notice to appear in a court of competent jurisdiction for any violation of these regulations.

11.04 PENALTIES.

- (1) Any person, firm, association, or corporation or representative agent who fails to comply

with the provisions of this Ordinance or any order of the Town Board issued in accordance with this Ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate violation.

11.05 AFTER-THE-FACT CONDITIONAL USE APPLICATIONS & VARIANCE PETITIONS.

- (1) **After-the-fact Conditional Use Situation.** If a building or structure or premises are used to establish a use, which by this Ordinance requires issuance of a conditional use permit, without a conditional use permit first being obtained, the responsible party may attempt to correct the violation by applying for a conditional use permit for the unauthorized use.

(a) **Procedure.**

1. Upon notification of the violation, the responsible party may apply for a conditional use permit as provided in section 10.04 (2), Application.
2. Upon submittal of a complete application, the application shall be processed as provided in section 10.04, Conditional Use Permits.

(b) **Unauthorized Activities.** During the pendency of the conditional use permit application, the responsible party shall not carry on any activities in furtherance of the unauthorized use.

- (2) **After-the-fact Variance Situations.** If a building or structure is constructed in violation of any dimensional requirement of this Ordinance, or if a lot is created in violation of minimum lot area and/or width requirements of this Ordinance, the responsible party may attempt to correct the violation by petitioning for a variance, except that the responsible party shall not be eligible for such correction if a summons and complaint regarding the violation has been filed by the Corporation Counsel prior to submittal of the variance petition.

(a) **Procedure.**

1. Upon notification of the violation, the responsible party may submit a written request to the Board of Zoning Appeals asking that the Board of Zoning Appeals consider a variance petition regarding the violation.
2. As soon as can be conveniently scheduled, the Board of Zoning Appeals shall decide whether or not to consider such variance petition. In deliberating on the issue, the Board of Zoning Appeals shall consider a recommendation which the Zoning Administrator shall provide.
3. If the Board of Zoning Appeals refuses to accept the request, appropriate enforcement actions shall be applied.
4. If the Board of Zoning Appeals accepts the request, the responsible party may submit a variance petition as provided in section 10.06 (1), variance for the requirements of this Ordinance.

(b) During the pendency of a variance petition, the responsible party shall not carry on any

activities in furtherance of the unauthorized act.

CHAPTER 12

SHORELAND and FLOODPLAIN ZONING

- (1) The Town of Hartford acknowledges that Washington County has established Shoreland and Floodplain Overlay Zoning Districts for the regulation of shorelands and floodplains in accordance with Chapters 23 and 26 of the Washington County Code.
- (2) Accordingly, the Zoning Administrator shall refer to Washington County all applicants seeking zoning or permits for structures or uses which are proposed to be located or conducted within the Shoreland or Floodplain Overlay Districts. If the Zoning Administrator determines that any Town building permit is required for such project, the permit shall not be issued until the appropriate county and state permits have been granted.

CHAPTER 13

DEFINITIONS

Accessory Residence: A dwelling unit that is accessory to a nonresidential use on the same lot, is the only dwelling unit on the lot, and provides living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the nonresidential use.

Accessory Structure: A detached structure subordinate to the principal structure, located on the same lot or parcel as the principal structure and serving a purpose customarily incidental to the principal structure.

Accessory Use: A use subordinate to and customarily incidental to the principal use which is located or conducted on the same lot or parcel as the principal use.

Agricultural Bulk Product Collection, Storage, Transfer: Uses which include the commercial storage and transfer of agricultural products, or bulk products such as fertilizer which are used in agricultural production.

Agriculture Related Sales: Retail trade associated with greenhouses, nurseries, truck farms, orchards, and the like, but not including a roadside stand.

Agriculture, General: Any agricultural use, except those listed for intensive agriculture, including apiculture; animal husbandry; dairying; floriculture; forage crop production; forest crop production; grain production; grazing; horticulture; orchards; specialty crop production, such as maple syrup, mint, and willow; viticulture; truck farming; tree nurseries; and greenhouses.

Agriculture, Intensive: The keeping, raising, or propagation of farm livestock such as cattle, pigs, hogs, goats, sheep, horses, poultry, or game and exotic animals in excess of the equivalent of 300

head of livestock or 1,000 birds. Intensive agriculture shall include the raising of fur bearing animals.

Access way, Vehicular: Any driveway or private road or street which is the primary vehicular access for a lot, which lies solely within the exterior boundaries of the lot and is established solely for the uses permitted upon such premises.

Adjacent Property Owners: The owners of property which is located within 200 feet of the tax-key parcel upon which a proposed use, structure or activity will be located or conducted.

Administrator, Zoning: The person designated by the Town Board to administer the provisions of the Town of Hartford Zoning Ordinance.

Airport, Public: Any airport meeting the definition contained in sec. 114.013(3), Wisconsin Statutes or any airport which serves or offers to serve common carriers engaged in air transport.

Alley: A public or private access way less than 33 feet wide and affording only secondary access to abutting property.

Auto Repair, Sales, and Service: Any business which offers repair services, including auto body work; sales of new or used vehicles; and auto services such as vehicle washes and filling stations. Auto repair, sales, and service shall not include the rebuilding or assemble of automobiles, engines, or transmissions on a factory production basis and/or the disassembly of automobiles on a factory production basis.

Basement: A story partly or wholly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

Bed and Breakfast: Any place of lodging that provides 4 or fewer rooms for rent to transient guests, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Boarding House: A building other than a hotel where meals, or lodging and meals, are furnished for compensation for more than 3 persons not members of the same family.

Boat house, Private: An accessory building on the same lot with a residence, designed for the protection or storage of boats, which shall not be used for dwelling purposes.

Building: Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property, except a mobile home unit when located in a mobile home park.

Building, Height of: The vertical distance from the finished grade at the building line, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip, or pitch roof.

Campground: Any public or private grounds or premises established for the overnight camping of persons using equipment designed for the purpose of temporary camping.

Camping Unit: Any camping vehicle or structure intended for or capable of human habitation or designed primarily for sleeping purposes, mounted on wheels or jacks, and/or capable of being moved from place to place, either by its own power or on power supplied by some vehicle used or to

be used, being 30 or less feet in length.

Cemeteries: Land used for the burial of dead humans, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Clubs: An organization, whether incorporated or not, which is the owner, lessee or occupant of a building used exclusively for club purposes and which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain. Trafficking in intoxicating liquors shall be incidental to the object of its existence or operation.

Commercial Communication Towers, Antennas, and Transmitters: Any facilities or equipment used, or designed to be used, for receiving or sending communication signals, except for such facilities which are used solely for private, recreational use.

Commercial Parking: A lot which provides for parking of vehicles owned by others on an hourly, daily, or short term basis, but which does not include long term storage of vehicles or salvage yards.

Community Living Arrangements: A facility defined as such in section 46.03 (22), Wisconsin Statutes.

Conditional Use: A use whose nature, character or circumstance is so unique or so dependent upon specific conditions that predetermination of permissibility by right is not practicable but which may be permitted on a case-by-case basis subject to the conditional use permit procedure.

Day Care Center: A facility, licensed by the Wisconsin Department of Health and Social Services, which provides supervision and care and or instruction for 4 or more children under the age of 7 for periods of less than 24 hours per day and operates on a regular basis.

Drive-In Theater: A facility in which motion pictures or images are projected on an outdoor screen which is viewed by patrons from their vehicles or grounds.

Farm-based Business: A business, profession, occupation or trade for gain or support which is conducted on the same lot a farmstead.

Farm Dwelling, Separated: Single-family dwellings which existed in 1979 as part of an agricultural operation and subsequently separated under different ownership from surrounding lands.

Farm Dwelling, Secondary: Single-family dwellings or mobile homes exceeding one per farm operating unit to be owned and occupied by a person or family earning a substantial livelihood from the existing agricultural operation, or for a living child or parent of the farm operator.

Farm Family Business: As defined in section 91.75(8), Farmland Preservation, Wisconsin Statutes. Any lawful activity, except a farm operation, conducted primarily for any of the following: 1) the purchase, sale, lease or rental of personal or real property; 2) the manufacture, processing or marketing of products, commodities or any other personal property, or 3) the sale of services. A farm family business may be permitted as a special exception or conditional use under paragraph 5, section 91.75, Farmland Preservation, Wisconsin Statutes, if limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more

than two (2) persons who are not members of the resident farm family may be employed in the farm family business.

Farm Machinery Service: A business which offers repair services for farm machinery, but not including sales of new or used equipment.

Farm Dwelling, Primary: A single-family dwelling, limited to one per farm operating unit, occupied by a person or family earning a substantial livelihood from the existing agricultural operation.

Floor area: Floor areas are measured from the outside edge of the exterior walls of a residential structure meeting the following criteria:

- (a) All finished, safe and sanitary floor levels of a residential building at or above grade level.
- (b) All finished, safe and sanitary floor levels of a residential structure below grade level in which the walls for said floor levels are:
 - 1. Exposed 4 feet or more above grade level on all sides and contains two outside entrances, or;
 - 2. Exposed by 1/3 of their area fully at grade and contains an outside entrance at said lowest floor level.

Home Occupation: A business, profession, occupation, or trade which is conducted for gain or support, located entirely within a principal dwelling unit, operated by at least one person residing in the dwelling unit, and is accessory, incidental, and secondary to the use of the building as a residence and does not change the essential residential character or appearance of the dwelling unit.

Hotels, Motels: A business which provides commercial transient lodging in individual rooms, suites of rooms or units. This definition also includes cottages and cabins rented for commercial transient use.

Kennels: Any establishment wherein or whereon 3 or more dogs over the age of 6 months are kept for breeding, sale, or sporting purposes, or where boarding care is provided for compensation.

Light Industry: The assembly or manufacturing of goods from component parts which shall not include basic industrial or heavy industrial process such as metal foundries, metal plating, thermoforming of plastics, blending or formulation of fuels or other hazardous substances, extensive painting or coating of produces or any activity which involves hazardous materials, produces hazardous wastes, produces excessive noise, creates air or water emissions requiring pretreatment, special treatment or pollution control devices, produces odors detectable in the ambient outdoor air, or which causes any other condition or nuisance which impairs the full use of neighboring properties.

Livestock: Livestock shall include: bovine animals, sheep, goats, swine, farm-raised deer, and equine such as a horse, mule, donkey or ass.

Lot: A contiguous parcel of land which has been publicly recorded as being in separate ownership from surrounding lands and which is in conformity with lot regulations of this and other applicable ordinances.

Lot Area: That area of a lot exclusive of any area which is a present or planned public road, or other vehicular access way.

Lot, Corner: A lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.

Lot, Depth of: The mean horizontal distance between the front and rear lot lines.

Lot, Interior: A lot other than a corner lot.

Lot, Through: An interior lot having frontage on two non-intersecting streets.

Lot Lines: The lines bounding a lot as defined herein.

Manure Pit: A structure or earthen pond located outside of a barn or shelter and used for containment of manure and other wastes from livestock and poultry.

Manufactured Home: A dwelling unit which is, or was as originally constructed, designed to be transported after fabrication on its own wheels, or by a motor powered vehicle, arriving at a site where it is to be occupied as a residence (whether occupied or not) complete and ready for occupancy (with or without major appliances and furniture) except for minor and incidental unpacking and hookup operations, and designed, equipped and used primarily for sleeping, eating, and living quarters or is intended to be so used, and includes any additions, attachments, annexes, foundations, and appurtenances.

Mini-Warehousing: Facilities for the indoor storage of customer's goods in enclosed partitions, each with individual access.

Nonconforming Use: A building or premises lawfully used or occupied at the time of the passage of this ordinance or any amendment to it, which use or occupancy does not conform to the regulations of this ordinance or its amendments.

Non-Metallic Mining: Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl clay, feldspar, peat, talc; and topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as crushing, screening, scalping, de-watering and blending.

Offices: Indoor land uses whose primary functions are the handling of information and administrative services.

Outdoor Commercial Recreation, Private: Any use which provides recreational or entertainment services partially or wholly outside of an enclosed building.

Permitted Use: The utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which the land is located.

Principal Structure: A structure used or intended to be used for the main use as permitted on each

lot, as distinguished from a secondary or accessory use, as permitted on each lot by the regulations of the district in which it is located.

Private Institutional: Uses such as churches, monasteries, and private schools. This definition does not include social clubs or fraternal organizations.

Public Institutional: Uses such as public schools, libraries, and government offices.

Public Recreation: Any recreational facility which is owned and operated by a government entity, including parks, municipal golf courses, public swimming pools and the like.

Queuing Space: A standard off-street parking space used for access to a drive-through facility. No parking is allowed in a queuing space.

Recycling and Waste Recovery Facility: A use for the temporary storage, sorting, and baling of recyclable materials, but not including a solid waste disposal site or salvage or junk yard.

Resort: A business which provides a combination of any of the following types of activities for transient or day-use guests: lodging, meals, recreation, water based, or outdoor activities.

Retail Sales, Service, Indoor Entertainment: Any business which provides retail, personal or professional services, or entertainment entirely within a building. Examples include stores, restaurants, bowling alleys, electronic equipment sales and repair, laundries, and the like.

Riding Stables, Commercial: Any establishment where horses are stabled for compensation, sale or show.

Roadside Stand: A use or structure involving only the display and sale of agricultural products which are produced exclusively on the premises.

Salvage or Junk Yard: Any land or structure where waste or scrap materials including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, glass, and inoperable vehicles or appliances, are either bought, sold, exchanged, baled, packed, disassembled, or hauled for compensation.

Single Family Dwelling: A detached building designed for or occupied exclusively by one (1) family which is a minimum of 24 feet in width, has a roof with a minimum slope of 3:12, and is on a permanent foundation meeting the State one and two family dwelling code. This definition includes manufactured homes but excludes mobile homes (mobile homes constructed prior to June 15, 1976).

Small Animals: Small animals are defined as dogs, cats, rabbits, chickens or other fowl.

Town: The Town of Hartford.

Town Board: The governing body of the Town of Hartford.

Trade and Contractor Establishments: Uses such as plumbers, heating and air conditioning contractors, excavators, carpenters, painting contractors, wastewater treatment system contractors, electrician, well drillers, and similar uses where primary work activities are performed off the premises.

Two Family Dwelling: A detached or semi-detached building designed for occupancy by two families and including two separate kitchen areas and separate entrances to the outside by means of doors, walls or common hallways. Two attached dwelling units on a single lot.

Utility Facilities: Any structure or equipment, except for communication towers, used or designed for the production, transmission, delivery, or furnishing of heat, light, water, power, sewer services, or telecommunications either directly or indirectly to or for the public.

Variance: A departure from the terms of this ordinance as applied to a specific building, structure or parcel of land, which the Town Board may permit, contrary to the regulations for the district in which such building, structure or parcel of land is located, when the Town Board finds that a literal application of such regulations 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 no compensating gain to the public health, safety or welfare.

Vision Clearance: An unoccupied triangular space at the intersection of two or more streets or highways or highway and railroads which is bounded by the street lines, highway or railway right-of-way lines, and a setback line connecting points specified by measurement from the corner on each street, highway or railway line.

Warehousing, Wholesale, and Trucking: Indoor storage of goods and materials; indoor wholesaling activities; trucking establishments.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front: A yard extended the full width of the lot between the front line and the nearest part of the principal building, excluding uncovered steps.

Yard, Rear: A yard extending the full width of a lot, being the minimum horizontal distance between the nearest part of the principal building, excluding uncovered steps, and the rear lot line; provided that in the case of irregular or triangular lots, the rear lot line shall be a line 10 feet long, within the lot parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

Yard, Side: A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.