

# **ZONING ORDINANCE TOWN of HARTFORD Washington County, Wisconsin**

**Draft Date: August 31, 2025**

DRAFT

**Adopted by: Town of Hartford Board of Supervisors January 11, 1999**  
**Reprinted with Amendments through March 15, 2006**  
**Reprinted with Amendments through May 14, 2012**  
**Reprinted with Amendments through ###, 2025**

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# **CHAPTER 1 TITLE, AUTHORITY AND GENERAL PROVISIONS**

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

## **01 TITLE**

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

## **02 AUTHORITY**

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

## **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.

## **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 Comprehensive Plan and other officially adopted maps and land use plans.
2. Promote planned and orderly land use development.
3. Establish reasonable dimensional requirements to which buildings, structures, and lots shall conform.
4. Establish appropriate densities and standards for residential, commercial, industrial, and institutional land uses.
5. Encourage land uses that reflect the character and suitability of the land.
6. Provide property with access to adequate sunlight.
7. Protect and enhance groundwater and surface water.
8. Preserve agricultural lands and support continued agricultural use.
9. Preserve wetlands and floodplains.
10. Protect the visual quality and scenic character of the landscape.
11. Conserve habitats for native flora and fauna.
12. Preserve and enhance the Town’s rural characteristics.
13. Promote safety and efficiency in the Town’s road network.
14. Define the duties and powers of administrative bodies and officials responsible for administering this Ordinance.

15. Prescribe penalties for violations of this Ordinance.
16. Return legal non-conforming uses to conforming uses over time.

## **05 COMPLIANCE**

No land, water, building, or structure shall hereafter be used, occupied, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in full compliance with the provisions of this Ordinance. State agencies shall comply with the provisions of this Ordinance to the extent required under § 13.48(13), Wis. Stats., which governs the applicability of local zoning to state building projects.

## **06 FORCE & EFFECT**

**Applicability:** This chapter shall apply to that land lying within the town, the boundary of which may change over time through annexations and detachments and to land governed by provisions of Washington County's shore land zoning jurisdiction.

## **07 ABROGATION & GREATER RESTRICTIONS**

The Town of Hartford Zoning Ordinance, Ordinance No \_\_\_\_\_, adopted May 14, 2012, as amended, is hereby repealed. In addition to meeting the requirements contained in this ordinance, development shall comply with federal and state law and with all applicable regulations of the county and federal and state agencies. In all cases, the strictest zoning and development standards of the applicable provisions shall apply. Regulations adopted or enforced by the county that may apply include the following:

1. Nonmetallic mining reclamation ordinance
2. Storm water management and erosion control
3. Shore land/Wetland/Floodplain Zoning Ordinance

In addition to meeting the requirements contained in this ordinance, development shall comply with all other applicable ordinances and codes of the Town of Hartford. Nothing in this Ordinance shall be construed to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement. The Town of Hartford shall not be responsible for enforcing any such private agreements to which it is not a party. Nothing in this Ordinance shall be construed to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to the authority of the Town of Hartford.

Any comprehensive revision of this Ordinance intended to qualify for farmland preservation tax credits under Chapter 91, Wisconsin Statutes, shall be subject to certification by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), pursuant to § 91.36, Wis. Stats.

## **08 INTERPRETATION & APPLICATION**

The provisions of this Ordinance shall be construed to be minimum requirements and shall not be deemed to limit or preclude more restrictive provisions imposed by deed restrictions, private

agreements, or other laws or regulations. In interpreting and applying this Ordinance, consideration shall be given to its stated purposes and to any potential adverse impacts that an interpretation may have on achieving those purposes.

## **09 SEVERABILITY**

If any section, paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected. If the application of any provision of this Ordinance to any particular structure, parcel of land, or body of water is held to be invalid, such judgment shall not affect the application of the provision to any other structure, parcel of land, or body of water not specifically identified in the judgment.

## **10 HEADINGS**

Headings are used throughout this Ordinance are provided for convenience and organizational purposes only and shall not be construed to limit, expand, or otherwise affect the interpretation of any provision. In the event of a conflict between a heading and the corresponding text, the text shall control.



## CHAPTER 2 ZONING DISTRICTS, MAP AND USE REGULATIONS

### 01 ZONING DISTRICTS ESTABLISHED

1. Districts Mapped: For the purpose of this Ordinance, the Town of Hartford is hereby divided into the following base zoning districts and overlay zoning districts, as designated on the Official Zoning Map and identified by their respective symbols:
2. Agricultural Districts
  - a. General Agricultural District (A1)
  - b. Farmland Preservation District (FLP)
3. Residential Districts
  - a. Rural Residential District (RR)
  - b. Residential District (R)
  - c. Pike Lake Residential District (R4)
4. Commercial Districts
  - a. Commercial District (C)
5. Industrial Districts
  - a. Light Industrial District (LI)
6. Conservancy & Recreation Districts
  - a. Wetlands Conservancy Overlay District (WCO)
  - b. Environmental Corridor Overlay District (ECO)
  - c. Outdoor Recreation District (OR)
7. Institutional Districts
  - a. Public and Institutional District (PI)

### 02 ZONING MAP

1. **Zoning Map:** Zoning districts shall be as designated on the Official Zoning Map of the Town of Hartford. The Official Zoning Map shall be adopted by reference as part of this Ordinance and shall be maintained and kept on file at the Town Hall, located at 3360 County Highway K, Hartford, Wisconsin. The Zoning Map shall be available for public inspection during regular business hours.
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 interpreted to run perpendicular to the shoreline at the point of intersection with the shoreline.

### 03 PURPOSE AND INTENT OF ZONING DISTRICTS

**Base Zoning Districts** The following specifies the purpose and intent of each of the base zoning districts established by this Ordinance.

1. General Agricultural District (A1).
  - a. Purpose and Intent. This district is intended to maintain open land areas predominantly devoted to farming and agricultural related uses. While certain areas within this district may eventually be used for nonagricultural purposes, it is anticipated that the intensity of development will remain significantly limited due to a lack of urban services.
  - b. Allowable Uses. See Table 2.05 – Table of Land Uses.
2. Farmland Preservation District (FLP)
  - a. Purpose and Intent. This district is intended to conserve and protect lands designated for farmland preservation under the Washington County Farmland Preservation Plan and is only applied to areas planned for farmland preservation in that plan. The

district complies with the standards in Chapter 91, Wis. Stats., to enable eligible landowners to claim farmland preservation tax credits under § 71.09, Wis. Stats. When a property is rezoned out of this district, it shall be reported as a conversion for tracking and annual audit purposes pursuant to § 91.48(2), Wis. Stats., with information submitted to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) by March 1

- b. Allowable Uses. See Table 2.05 – Table of Land Uses.

### 3. Rural Residential District (RR)

- a. Purpose and Intent. This district is established to provide for low-density residential development and small-scale agricultural uses in rural areas of the Town on lots without sewer access utilizing private septic systems. Most lots in this district are not compatible with general agricultural and livestock operations.
- b. Allowable Uses. See Table 2.05 – Table of Land Uses.

### 4. Residential District (R).

- a. Purpose and Intent. 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.
- b. Allowable Uses. See Table 2.05 – Table of Land Uses.

### 5. Pike Lake Residential District (R4).

- a. Purpose and Intent. The R4 single family residential district within the Pike Lake Utility District is intended to provide only for single-family residential served by Pike Lake Utility public sewer and private wells development as a matter of right.
- b. Allowable Uses. See Table 2.05 – Table of Land Uses.

### 6. Commercial District (C).

- a. Purpose and Intent. This district is established to provide for retail shopping, personal service and certain general 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, lighting, drainage impacts, or other nuisance conditions.
- b. Allowable Uses. See Table 2.05 – Table of Land Uses.

### 7. Light Industrial District (LI).

- a. Purpose and Intent. 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 select commercial uses that are more intensive than typical retail, but compatible with light industrial operations.

- b. Allowable Uses. See Table 2.05 – Table of Land Uses.

8. Outdoor Recreation District (OR).

- a. Purpose and Intent. 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. Limited residential uses may be permitted under special circumstances, subject to conditional use approval.
- b. Allowable Uses. See Table 2.05 – Table of Land Uses.

9. Public and Institutional District (PI).

- a. Purpose and Intent. This district is intended to accommodate governmental, educational, medical, religious, and community service facilities that serve the public interest. Uses may include municipal buildings, public safety facilities, schools, libraries, hospitals, places of worship, and similar institutional uses. Development in this district should be designed to minimize impacts on surrounding properties, with appropriate site design, buffering, and access management to ensure compatibility with adjacent land uses.
- b. Allowable Uses. See Table 2.05 – Table of Land Uses.

10. Overlay Zoning Districts: Overlay zoning districts are intended to apply additional regulations to specific areas of the Town in order to protect natural resources, such as wetlands and Environmental Corridors. These overlay districts are applied in conjunction with the underlying (base) zoning district, and properties within an overlay district are subject to the requirements of both. Where the standards or requirements of an overlay zoning district conflict with those of the underlying base zoning district, the more restrictive provision shall govern. The following specifies the purpose and intent of each of the overlay zoning districts established by this Ordinance.

11. Wetland Conservancy Overlay District (WCO).

- a. Purpose and Intent. 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 water quality in lakes and streams; and to protect spawning grounds and wildlife habitats.
- b. Determination of Boundaries. This district includes any wetlands noted on the Wisconsin Wetland Inventory Maps, as well as any other wetlands subsequently identified by the Zoning Administrator, SEWRPC, ACOE or WDNR.
- c. If an area is found that has not been previously identified or mapped as a Wetland and not zoned as WCO Wetland Conservancy Overlay, said Wetland shall be subject

to the provisions of this Ordinance as if mapped.

- d. Discrepancy of Wetland boundaries. If the WDNR concurs with the Zoning Administrator that an area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to issue or deny a zoning permit based on the correct zoning designation as verified through the field determination.
- e. Allowable Uses. See Section 2.06 Uses in the Wetland Conservancy Overlay District

#### 12. Environmental Corridor Overlay District (ECO).

- a. Purpose and Intent. This district includes those lands designated as environmental corridors or isolated natural resource areas by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) in 2015. This district is intended to preserve, protect, enhance, and restore those areas, while also allowing limited residential development, where compatible, in accordance with the Town's Comprehensive Plan.
- b. Allowable Uses. See Section 2.07 Uses in the Environmental Conservancy Overlay District

## 04 ALLOWABLE LAND USES

### 1. Uses Classified. Land uses are organized in Table 5 into the following categories:

- a. Series 1–5: Principle Land Uses
- b. Series 6: Telecommunication and Utility Uses
- c. Series 7: Accessory Uses
- d. Series 8: Temporary Uses

Each land use is designated in Table 2.05 as one of the following within each base zoning district:

- a. 'P' Permitted Uses. These are uses permitted by right, provided all requirements of the Ordinance are met.
  - b. 'C' Conditional Uses. These are uses which by their nature, character, or circumstance, are so unique or so dependent upon specific conditions that permissibility by right is not practical, but which may be permitted subject to certain conditions and requirements subject to review and approval by the Planning Commission and Town Board, in accordance with Section 10.03 [Conditional Use Permits].
2. Development Standards: All uses shall comply with any applicable use-specific standards of Chapter 4.
  3. Additional Development Standards: Uses within the Wetland Conservancy Overlay District (WCO) and the Environmental Corridor Overlay District (ECO) are subject to additional requirements specified in Sections 3.11 and 3.12, respectively.
  4. Reviews Required: Certain uses require the submission of a Site Plan (SP), Plan of

Operation (PO), and/or Zoning Permit (ZP), as identified in Table 2.05, regardless of whether the proposal involves new construction, a change in use, or a change in ownership or operator of an existing building or premises.

- a. Site Plan [SP]. A scaled drawing and supporting documentation that illustrates the layout of a proposed development or land use, including building locations, parking areas, driveways, landscaping, utilities, drainage, and other site features, used to evaluate compliance with zoning, design, and development standards and ensure compatibility with adjacent land uses. The Site Plan shall be prepared and submitted for review and approval pursuant to Section 10.05 of this Ordinance prior to occupancy.
  - b. A Plan of Operation [PO]. A written description of the proposed use of a property, detailing the nature of the business or activity, hours of operation, number of employees, anticipated traffic and customer volume, delivery schedules, waste disposal methods, and any other relevant operational characteristics needed to assess potential impacts on surrounding properties. The Plan of Operation shall be prepared and submitted for review and approval pursuant to Section 10.05 of this Ordinance prior to occupancy and may be modified from time to time subject to further review and approval.
  - c. Zoning Permit [ZP]. A written authorization issued by the Zoning Administrator verifying that a proposed use, structure, or site improvement complies with the provisions of this Ordinance, including all applicable zoning district regulations, overlay requirements, and prior approvals. Where indicated, the applicant shall submit the appropriate application materials pursuant to Section 10.02 of this Ordinance. Zoning Permits shall be issued by the Zoning Administrator upon verification of compliance with this Ordinance and, where applicable, after Plan Commission approval of a Site Plan and/or Plan of Operation.
5. Uses Restricted: For all zoning district(s) herein, no building or land shall be used, and no building or structure shall be erected, structurally altered, or relocated, except in conformance with the regulations of this Ordinance and the applicable zoning district, or as otherwise provided herein.
  6. Uses Not Listed: Land uses not specifically listed in Table 5 shall be reviewed pursuant to the procedures in Section 2.08 – Unclassified Uses.

## **05 TABLE OF LAND USES**

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

SERIES 1 - Agricultural and Related Uses (SEE Chapter 4 Section 03)

<i>Land Uses By Category</i>		Reviews Required	FLP		A1	RR	R	R4	C	LI	OR	PI	
4.03(1)	Agriculture, General		P		P	P							
4.03(2)	Agriculture, Intensive	SP,PO	C		C								
4.03(3)	Agricultural, Rental Buildings for non-farm storage	SP,PO	C [1]		C								
4.03(4)	Agriculture support services (Includes "Agricultural Product Processing ")	SP, PO	-		-	-			C	P			

[1] Must comply with the farm family business provisions as specified by rule by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)

SERIES 2 - Residential Uses (SEE Chapter 4 Section 04)

<i>Land Uses By Category</i>		Reviews Required	FLP		A1	RR	R	R4	C	LI	OR	PI	
4.04(7)	Community Living Arrangements, up to 8	ZP	-		P	P	P	P					
4.04(8)	Community Living Arrangements, 9 to 16	SP, PO, ZP			C	C	C	C					
4.04(2)	Mobile Home Community	SP, PO, ZP	-		C	C							
4.04(3)	Reserved												
4.04(4)	Reserved												
4.04(5)	Single Family Dwelling	ZP	P[1]		P	P	P	P			C		
4.04(6)	Two-Family Dwelling	SP, ZP	C[1]		C	C	C						
4.04(9)	Planned Residential Development	SP, ZP			C	C	C	C					

[1] Only pre-existing Farm and Nonfarm Residences that existed as of [December 31, 2025].

SERIES 3 - Commercial Uses (SEE Chapter 4 Section 05)													
<i>Land Uses By Category</i>		Reviews Required	FLP		A1	RR	R	R4	C	LI	OR	PI	
4.05(2)	Auto Repair, Sales/Service Stations	SP, PO, ZP							C	P			
4.05(3)	Bed & Breakfast	SP, PO, ZP			C	C	C	C					
4.05(13)	Commercial Parking	SP, PO, ZP			-				P	P			
4.05(4)	Group Child Care Center (9+ kids)	SP, PO, ZP			-				C	P			
4.05(14)	Farm Machinery Service	SP, PO, ZP	-		C	-	-		C	P	C		
4.05(5)	Short Term Rentals	SP, PO, ZP			C	C	C	C			C		
4.05(6)	Reserved												
4.05(15)	Hotels & Motels	SP, PO, ZP			-				C				
4.05(7)	Commercial Kennels	SP, PO, ZP	-		-	-		-	C	C			
4.05(16)	Professional Services	SP, PO, ZP			-				P	P			
4.05(12)	Amusement Uses	SP, PO, ZP			-				C	C	C		
4.05(8)	Restaurants and Taverns	SP, PO, ZP			-			C	P	P			
4.05(17)	Retail Sales, Service, Indoor Entertainment	SP, PO, ZP			-			C	P	P			
4.05(18)	General Repair	SP, PO, ZP	-		-	-	-	-	P	P	-	-	-
4.05(9)	Riding Stables, Commercial	SP, PO, ZP	C		C	C					C		
4.05(10)	Golf Courses	SP, PO, ZP									C		
4.05(11)	Driving Ranges	SP, PO, ZP									C		
4.05(19)	Trade & Contractor Establishment	SP, PO, ZP							C	P			
4.05(20)	Veterinarian Clinic	SP, PO, ZP	C[1]		C				P	P			
4.05(21)	Craft brewery, winery, or distillery	SP, PO, ZP			C				C	P			
4.05(22)	Wedding and Event Barns	SP, PO, ZP	-		C	C			-				



4.05(23)	Solar Power Plant (Large scale solar systems)	SP, PO, ZP	-		C	-			C	C			
4.05(24)	Landscaping Business	SP, PO, ZP			C				C	P			
4.05(25)	Small Wind Energy	SP, PO, ZP	C		C								
[1] Must comply with the farm family business provisions as specified by rule by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)													
SERIES 4 - Industrial Uses (SEE Chapter 4 Section 06)													
<i>Land Uses By Category</i>		Reviews Required	FLP		A1	RR	R	R4	C	LI	OR	PI	
4.06(9)	Reserved												
4.06(10)	Reserved				-								
4.06(2)	Asphalt & Concrete Plants	SP,PO, ZP			-					C			
4.06(11)	Light Industry	SP,PO, ZP			-					P			
4.06(3)	Mini-Warehouses	SP,PO, ZP			-				C	P			
4.06(4)	Non-Metallic Mining	SP, PO, ZP	C		C								
4.06(5)	Recycling/Waste Recovery Facility	SP,PO, ZP			-					C			
4.06(6)	Salvage or Junk Yards	not allowed											
4.06(7)	Warehousing, Wholesale & Trucking	SP,PO, ZP			-					P			
4.06(8)	Wood Processing Plants	SP,PO, ZP								P			
SERIES 5 - Institutional Uses (SEE Chapter 4 Section 07)													
<i>Land Uses By Category</i>		Reviews Required	FLP		A1	RR	R	R4	C	LI	OR	PI	
4.07(1)	Cemeteries	SP,PO, ZP	C		C							C	
4.07(2)	Schools and Libraries	SP,PO, ZP										C	
4.07(3)	Hospitals and Medical Clinics	SP,PO, ZP										C	
4.07(5)	Public Recreation	SP,PO, ZP										C	

4.07(4)	Government Use	SP, PO, ZP										C	
4.07(6)	Worship Facility	SP, PO, ZP										P	
SERIES 7 - Accessory Uses (SEE Chapter 4 Section 09)													
<i>Land Uses By Category</i>		Reviews Required	<b>FLP</b>		<b>A1</b>	<b>RR</b>	<b>R</b>	<b>R4</b>	<b>C</b>	<b>LI</b>	<b>OR</b>	<b>PI</b>	
4.09(2)	Accessory Residence	SP,PO, ZP	-		-	-	-	-	C	-	-	-	
4.09(5)	Limited Family Business	SP,PO, ZP	C[1]		C	C	C	-	-	-	-	-	
4.09(6)	Agricultural Worker Dwelling	SP,PO, ZP	C		C	-	-	-	-	-	-	-	
4.09(16)	Accessory Building, Non-Residential	SP, ZP	-		-	-	-	-	P	P	P	P	
4.09(15)	Accessory Building, Residential	ZP	P		P	P	P	P	-	-	-	-	
4.09(9)	Accessory Building, Agricultural	ZP	P		P	-	-	-	-	-	-	-	
4.09(14)	Private Kennels		P		P	P	P	C	-	-	-	-	
4.09(3)	Accessory Energy Systems	SP, ZP	C		C	C	-	-	C	C	C	C	
4.09(10)	Bus & Commercial Truck Parking		P		P				P	P	P	C	
4.09(11)	Landing Strip - Non-Commercial	SP, PO, ZP	C [3]		C	-	-	-	-	-	-	-	
4.09(12)	RESERVED												
4.09(4)	Home Occupation		P [1]		P	P	P	P	-	-	-	-	
4.09(13)	Family Child Care Home	SP,PO, ZP	P		P	P	P	P	-	-	-	-	
4.09(19)	Solar energy system, building-mounted	ZP	P		P	P	P	P	P	P	P	P	
4.09(20)	Solar energy system, free standing	SP, ZP	P		P	P	P	P	P	P	P	P	
4.09(17)	In-Law Unit	SP, PO, ZP	C [4]		P	P	P	P	-	-	-	-	
4.09(18)	Swimming Pools	ZP	P		P	P	P	P	C	-	-	-	
No ref.	Small Wind Energy Systems	SP, PO, ZP	C		C	C	-	-	-	-	-	-	
4.09(23)	Decks and patios.	ZP	P		P	P	P	P	P	P	P	P	

4.09(21)	Retaining wall, major	SP, ZP	P		P	P	P	P	P	P	P	P	
4.09(22)	Retaining wall, minor	ZP	P		P	P	P	P	P	P	P	P	
4.09(24)	Backyard Chickens	ZP	P		P	P	P	C	-	-	-	-	
4.09(7)	Riding Stables, Non-commercial	ZP	P		P	P	C	-	-	-	-	-	
4.09(8)	Roadside Stand	SP, ZP	P		P	P	P	-	-	-	-	-	

[1] Must comply with the farm family business provisions as specified by rule by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)

[2] A transportation, communication, utility (electric, gas, telephone, cable, fiber optic, water, sewer, etc.) transmission, distribution, or pipeline, drainage, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law pre-empts the requirement for a Conditional Use Permit and is considered a permitted use.

[3] Airstrip must serve an agricultural or municipal use.

[4] In-law units provided that the density requirements of the Farmland Preservation Plan are complied with.

#### SERIES 8 - Temporary Uses (SEE Chapter 4 Section 10)

Land Uses By Category		Reviews Required	FLP		A1	RR	R	R4	C	LI	OR	PI	
4.10(2)	Earth Materials Stockpile	SP, PO	-		C	-	-	-	-	C	-	-	
4.10(3)	Farmers Market	SP, PO, ZP	C[1]		C	-	-	-	-	-	-	-	
4.10(4)	Roadside Stand	SP, PO	P		P	C	-	-	-	-	-	-	
4.10(5)	Off-site Construction Project	SP, PO	-		C	-	-	-	-	C	-	C	
4.10(6)	Reserved												
4.10(7)	Portable Storage Container	SP	P		P	P	P	P	P	P	P		
4.10(8)	Seasonal Product Sales	SP, PO, ZP	-		C	C			C	C			
4.10(9)	Yard Sale		P		P	P	P	P					
4.10(10)	Ice Shanties		P		P	P	P	P			P		
4.10(11)	Temporary use dwelling(s)		C		C	C	C	C					

[1] Must comply with the farm family business provisions as specified by rule by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)

SERIES 6 – Telecommunication and Utility Uses (SEE Chapter 4 Section 08)

<i>Land Uses By Category</i>		Reviews Required	FLP		A1	RR	R	R4	C	LI	OR	PI	
4.08(1)	Telecommunication Tower	ZP, SP, PO	C		C	C	C	C	C	C	C	C	
4.08(2)	Telecommunication collocation, class 1	ZP, SP, PO	P		P	C	C		P	P	C	C	
4.08(3)	Telecommunication collocation, class 2	ZP,SP, PO	P		P	C	C		P	P	C	C	
4.08(4)	Utility Facility, Major	ZP,SP, PO	C		C	C			C	C	C		
4.08(5)	Utility Facility, Minor	ZP	P		P	P	P	P	P	P	P	P	
4.08(6)	Utility Cabinet	ZP	P		P	P	P	P	P	P	P	P	
<p><b>Key for Land Uses</b>            "-" indicates that the use is not permitted in the zoning district.            "C" indicates that the use is permitted in the zoning district as a conditional use subject to all other provisions in the Ordinance. (Refer to Section 10.03)            "P" indicates that the use is permitted in the zoning district by right subject to all other provisions in the Ordinance.</p>													
<p><b>Key for Secondary Review</b>            "PO" indicates that the use is subject to plan of operation review. (Refer to Section 10.05)            "SP" indicates that the use is subject to site plan review. (Refer to Section 10.05)            "ZP" indicated that the use is subject to zoning permit requirements (Refer to Section 10.01)</p>													

## 06 WCO WETLAND CONSERVANCY OVERLAY DISTRICT

1. The following uses are allowed, subject to compliance with all other provisions of this Ordinance, Chapters 30 and 31, Wis. Stats., § 281.36, Wis. Stats., and all applicable federal, state, and local regulations. Wisconsin Department of Natural Resources (WDNR) and U.S. Army Corps of Engineers (ACOE) permits may be required prior to undertaking any permitted activity.
2. The following activities and uses are permitted without issuance of a zoning permit, provided no filling, flooding, draining, dredging, ditching, tiling, or excavating occurs:
3. Hiking, fishing, trapping, hunting, swimming, and boating.

4. 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.
5. The pasturing of livestock.
6. The cultivation of agricultural crops.
7. The practice of silviculture including the planting, thinning, and harvesting of timber.
8. The construction and maintenance of duck blinds.
9. Limited excavating and filling may be allowed without a zoning permit, but only to the extent specifically provided below:
  - a. 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.
  - b. 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 § 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 § 30.20, Wisconsin Statutes.
  - c. For the pasturing of livestock, limited excavating and filling necessary for the construction and maintenance of fences.
  - d. The construction and maintenance of piers, docks and walkways built on pilings including limited excavating and filling necessary for such construction and maintenance.
  - e. The maintenance, repair, replacement and reconstruction of existing Town roads, highways and bridges, dams, including limited excavating and filling necessary for such activities.
10. Uses which require the issuance of a zoning permit that may include limited filling, flooding, draining, dredging, ditching, tiling or excavating but only to the extent specifically provided below:
  - a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
    - i. The road cannot, as a practical matter, be located outside the wetland.
    - ii. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland.
    - iii. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
    - iv. Road construction activities are carried out in the immediate area of the roadbed only.
    - v. Any filling, flooding, draining, dredging, ditching, tiling, or excavating must be necessary for the construction or maintenance of the road.
  - b. The construction and maintenance of nonresidential buildings provided that:
    - i. The building is essential for and used solely in conjunction with a use

- permitted in the Wetland Conservancy Overlay District;
  - ii. The building cannot, as a practical matter, be located outside the wetland;
  - iii. The building is not designed for human habitation and does not exceed 500 square feet in floor area;
  - iv. Only limited excavating and filling necessary to provide structural support for the building is permitted.
- c. 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:
- i. 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.
  - ii. 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 Section 2.06(4)(1).
  - iii. Ditching, excavating, dredging, and dike and dam construction in wildlife refuges, game bird and animal farms, fur animal farms and shooting preserves should be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- d. 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:
- i. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland.
  - ii. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetlands.
  - iii. Only limited filling or excavating necessary for such construction or maintenance is allowed.
- e. The construction and maintenance of railroad lines provided that:
- i. The railroad lines cannot, as a practical matter, be located outside the wetland.
  - ii. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
11. Existing quarrying operations shall be permitted if compliant with Section 4.06(4).
12. Prohibited Uses: All uses not specifically listed as permitted in subsections 2 through 8 are prohibited within the Wetland Conservancy Overlay District.

## **07 ENVIRONMENTAL CORRIDOR OVERLAY DISTRICT**

1. Uses Permitted: Any uses permitted in the WCO Wetland Conservancy Overlay District with the following exceptions;
  - a. Whenever possible, pasturing and grazing of livestock shall be located outside of the environmental corridor.
  - b. The cultivation of agricultural crops with the exception of silvicultural activities as allowed in Section 2.06.
  - c. Single-family dwellings.
  - d. The keeping of poultry and livestock in accordance with Section 4.03.
  - e. Any of those Accessory Uses permitted in the A1 General Agricultural District.
2. The establishment and enhancement of public parks and recreation areas, wilderness or walk-in unimproved boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and wildlife habitat areas is permitted, subject to the following:
  - a. Any proposed tree removal, vegetation clearing, or construction shall require prior review and approval by the Zoning Administrator.
  - b. Vegetative restoration to improve wildlife habitat may be allowed with all necessary local, state, and federal permits.
3. Access roads and trails may be permitted; however, no vegetation removal or land disturbance shall occur without proper approvals and permits.
4. **Additional Development Standards:** See Section 3.12 for additional development standards applicable to the Environmental Corridor Overlay District.

## 08 UNCLASSIFIED USES

1. Determination of Use Classification by the Zoning Administrator: Any use not specifically listed as a permitted use or conditional use within a zoning district shall be considered prohibited unless determined by the Zoning Administrator to be substantially similar in nature and impact to a listed use, as provided in this section.
2. The Zoning Administrator may determine whether a proposed unclassified use is substantially similar in character, function, intensity, and impact to a use that is permitted (by right or conditionally) within the zoning district in question. If such a determination is made:
  - a. The Zoning Administrator shall provide a written decision documenting the rationale for the classification.
  - b. The unclassified use shall then be regulated in accordance with the standards and review procedures applicable to the comparable listed use.
  - c. Additional conditions may be imposed by the Zoning Administrator to ensure compatibility with surrounding uses and consistency with the intent of the zoning district.

If the Zoning Administrator determines that the proposed use is not substantially similar to any listed use, the application shall be denied in writing. The Zoning Administrator may refer any unclassified use to the Planning Commission and Town Board for interpretation and final determination if there is uncertainty regarding how the proposed use should be classified.

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## CHAPTER 3 GENERAL STANDARDS

### 01 COMPLIANCE

All development activity shall comply with the dimensional and related requirements established in this Chapter.

### 02 DISTRICT DIMENSIONAL REQUIREMENTS

1. All development shall comply with the minimum dimensional requirements of the applicable base zoning district, as set forth in Appendix C – District Dimensional Requirements. These requirements include, but are not limited to, minimum lot area, lot width, building setbacks, height limitations, and maximum lot coverage.
2. Overlay District Standards: Where a property is located within one or more overlay zoning districts, it shall also comply with all applicable overlay district standards. Overlay districts are intended to address special conditions or promote planning objectives not fully addressed by the underlying base zoning district. In the event of a conflict between overlay and base district standards, the more restrictive provision shall apply.
3. Shore-land Zoning Standards: Shore-land Zoning Standards. For properties subject to county Shore-land zoning jurisdiction, the required shore yard (shoreline setback) shall be determined by the Washington County Planning & Parks Department in accordance with the Washington County Shore-land, Wetland, and Floodplain Zoning Ordinance.

### 03 LOT REQUIREMENTS

1. Minimum Width and Area: Except as part of an approved Planned Residential Development, no lot shall be created or reduced in size unless it meets the minimum lot area, width, and other applicable dimensional requirements of the zoning district in which it is located.
2. Lot of Record: No structure shall be erected, structurally altered, or relocated unless it is located on a Lot of Record, as defined by this Ordinance. The burden of demonstrating that a lot qualifies as a Lot of Record shall rest solely with the property owner.
3. Access to Road: All lots shall have a minimum of 66 feet of direct frontage on a public road. Any new or modified access connection to a Town road, including driveway construction and culvert installation, shall comply with all applicable requirements of the Town of Hartford General Code, Chapter 8 – Public Works. For lots fronting on a county or state highway, all applicable access requirements of the Washington County Highway Department and/or the Wisconsin Department of Transportation (WisDOT) shall apply.
4. Building on Lot:
  - a. Every principal building shall be located on a single lot. Except as expressly permitted within Agricultural Districts or as part of a Planned Residential Development that complies with applicable density standards, no more than one

- principal building shall be permitted per lot. A principal building shall be constructed prior to or concurrently with any accessory structure.
- b. Temporary Occupancy of Existing Dwelling During Construction. The Town Board may approve the issuance of a building permit for the construction of a new single-family residence on a lot where an existing residence will remain occupied during construction, subject to the following:
    - c. The existing residence shall be occupied only by the same person(s) who will occupy the new residence.
    - d. The applicant shall provide written verification that the existing on-site waste disposal system is in compliance with Washington County sanitary requirements.
    - e. The applicant shall submit a removal and restoration guarantee, including:
      - i. A letter of credit or cash deposit equal to 115% of the estimated cost of removing the existing residence and restoring the site, as approved by the Town Engineer or Building Inspector;
      - ii. An agreement, approved by the Town Attorney, granting the Town access to remove the existing residence and restore the site if the owner fails to do so within 60 days of occupancy of the new residence.
    - f. The temporary dual occupancy shall not exceed two (2) years from the date of permit issuance.
    - g. Additional conditions may be imposed by the Town Board to protect the public health, safety, and welfare.
    - h. Additional standards for Multiple Principle Buildings. Where more than one Principle building is allowed on a lot by this Ordinance, the Planning Commission or Town Board may require:
      - i. Greater setbacks or offsets than otherwise required;
      - ii. Additional landscaping or buffering;
      - iii. A minimum separation distance between buildings; and
      - iv. Other conditions deemed necessary to ensure compatibility and consistency with the purposes of this Ordinance.
  5. Lots Created prior to the Effective Date of this Ordinance: Lots created prior to the effective date of this Ordinance, or any subsequent amendments, shall be considered legal building sites if they meet the definition of a Lot of Record as set forth in this Ordinance.
  6. Enlargement of Preexisting Lots: Lots that qualify as legal building sites under Subsection (5) may be enlarged through the acquisition of adjacent land, provided that any such enlargement is reviewed and approved in accordance with all applicable zoning and land division regulations, including but not limited to any Certified Survey Map (CSM) or replatting requirements under Chapter 236, Wis. Stats., and the Town's Land Division Ordinance. Enlarged lots are not required to meet current minimum lot area requirements. However, once enlarged, no such lot may be further divided or reduced in size unless it fully complies with the minimum lot size and dimensional standards of the applicable zoning district in effect at the time of such division or reduction.

## 04 SETBACKS FROM HIGHWAYS, ROADS AND ACCESS-WAYS

1. **Established:** Setback lines are hereby established along all public highways and at intersections involving highways and railways. Where a highway is located on a municipal boundary, this section shall not apply to the side of the highway located within the adjoining town, village, or city.
2. **Center Lines of Highways:** For purposes of this Ordinance, the centerline of a road or highway shall be as follows:
  - a. The centerline as legally described and recorded with the Washington County Register of Deeds.
  - b. If no legal description exists, the midpoint between identifiable physical right-of-way indicators such as fences, utility poles, or established.
  - c. If no such markers exist, the midpoint of the paved road surface.
3. In cases where the location of the road right-of-way or centerline is uncertain or disputed, the Town Engineer shall have the authority to make a final determination based on available records, physical evidence, and sound engineering judgment.
4. In the event of conflicting setback measurements, the greater required setback shall apply. Unless otherwise noted, the minimum required setbacks from road centerlines and rights-of-way shall be as shown in Table 4 – Road Setback Requirements.

TABLE 4 – ROAD SETBACK REQUIREMENTS			
Designation	Description	Setback from Centerline	Setback from right-of-way line.
Class A	U.S., state, and county highways; any town road designated Class A by the Town Board	100 feet	42 feet
Class B	Town roads (except subdivision streets); town roads designated Class B	75 feet	30 feet
Class C	Interior streets in recorded subdivisions unless otherwise designated	55 feet	25 feet

5. **Vision Clearance:** A vision clearance triangle shall be maintained in each quadrant of intersections involving roads, driveways, and railroads. Each triangle shall be defined by connecting points on the intersecting rights-of-way located at a distance equal to 1.5 times the applicable street setback requirement.
  - a. For railroads or roads where right-of-way is indeterminate, the setback shall be measured 100 feet from the centerline of the roadbed.
  - b. Within the vision clearance triangle, no object, structure, or vegetation may obstruct vision between 2.5 and 10 feet above grade, except for:
    - i. Tree trunks
    - ii. Utility poles ( $\leq 6$ " in diameter)
    - iii. Retaining walls at or below natural grade
    - iv. Seasonal crops

- v. Wire fences not constituting a substantial visual obstruction
- 6. Structures Permitted within Setback Lines: The following may be located within required setback areas, provided they do not interfere with vision clearance or public safety:
  - a. Ornamental fences per Section 3.07.
  - b. Utility poles and associated removable utility equipment (with removal agreement filed).
  - c. Subsurface utilities and foundations not suitable for vertical construction.
  - d. Town Board-approved frontage roads.
  - e. Public traffic signage and permitted private signage.
  - f. Parking lots
  - g. Seasonal field crops.
- 7. Structures Not Permitted within Setback Lines: No new building, sign, or permanent structure shall be erected within the required setback area, except as otherwise provided in this Ordinance. Existing structures within the setback may not be expanded or altered, unless expressly permitted.
- 8. Setback Averaging: In the R4 Pike Lake residential district, the required front yard setback may be reduced using the average of the existing front yard setbacks of abutting structures of similar use. The following standards shall apply:
  - a. The minimum resulting setback shall not be less than 15 feet.
  - b. Averaging is allowed only among structures with similar use (Principle-to-Principle, accessory-to-accessory). The Zoning Administrator shall determine if a structure is of similar use.
  - c. If averaging is not possible on both sides, the average may be based on one abutting structure and the standard setback.
  - d. Accessory buildings <150 square feet shall not be used for averaging.
  - e. Buildings that encroach into the right-of-way shall be considered to have a setback of zero (0) feet for averaging purposes.
- 9. Shore Yards: For lots abutting a lake, river, or stream, the required rear yard shall be replaced with a regulated shore yard, subject to all applicable provisions of Chapter 12 Shore-land-Floodplain Zoning.
- 10. Corner Lots:
  - a. A corner lot shall provide a front/street yard on each street frontage. The remaining yards shall be designated as a rear yard and one side yard, with the rear yard located behind the main entrance.
  - b. In the R4 District, for corner lots abutting an alley (e.g., public boat launch road), the side adjacent to the alley shall be treated as a side yard. The remaining yards shall be designated as either a side and rear yard or a side and shore yard.
  - c. Where compliance with front and side yard setbacks would reduce the buildable width of a corner lot to less than 30 feet, the Zoning Administrator may adjust front and side yard setbacks to provide a minimum 30-foot buildable width.
- 11. Ingress/Egress Easements: All new structures shall be located at least 10 feet from any

ingress or egress easement used for vehicular access.

## **05 HEIGHT REGULATIONS**

1. The height of all structures shall comply with the applicable height limitations set forth in Appendix C – District Dimensional Requirements, unless otherwise provided in this section.
2. Churches, schools, hospitals, and other public or quasi-public buildings may be erected to a height not exceeding forty-five (45) feet or four (4) stories, whichever is less, provided that each required yard (front, side, and rear) is increased by one (1) foot for every foot of height that exceeds the standard height limit of the district in which the building is located.
3. The following structures are exempt from the height limitations of this Ordinance, provided they are otherwise permitted by this Ordinance and all other applicable local, state, and federal regulations:
  - a. Chimneys
  - b. Agricultural silos
  - c. Cooling towers
  - d. Elevator bulkheads
  - e. Fire towers
  - f. Stacks and tanks
  - g. Water towers
  - h. Spires, monuments, and belfries
  - i. Television and broadcasting towers
  - j. Masts and aerals
  - k. Utility poles and transmission lines (including telephone, telegraph, and power infrastructure)
    - l. However, any tower or similar structure used for the purpose of generating electrical power by wind shall be set back from all lot lines at a distance equal to at least one (1) foot for every (1) foot of structure height.
4. The maximum allowable height of any structure located within seventy-five (75) feet of the Ordinary High Water Mark of any navigable water body shall be regulated by the Town of Hartford and Washington County pursuant to its Shore-land, Wetland, and Floodplain Zoning Ordinance, in accordance with Wisconsin Administrative Code NR 115 whichever is more restrictive (i.e. height).
5. The height measurement of any structure regulated in this Ordinance shall be measured from the lowest grade elevation of the structure to the highest point of said structure.

## **06 YARDS AND MODIFICATIONS**

No building or structure shall be erected or extended into any required yard, except as expressly permitted in this section. Every part of a required yard shall remain open and unoccupied from the ground upward, except as provided below:

1. Architectural Projections. Sills, belt courses, bay windows, chimneys, cornices, canopies, eaves, and similar ornamental architectural features may project into a required yard by no more than three (3) feet, and in no case shall be closer than three (3) feet to a lot line or an ingress/egress easement. Projections into shore yards shall be subject to approval by the Washington County Planning & Parks Department.
2. Fire Escapes. Fire escapes may project into a required yard by up to six (6) feet but shall remain at least six (6) feet from any lot line.
3. Uncovered Steps, Landings and Decks. Uncovered stairs, landings, and decks may project into any yard by up to six (6) feet, but shall not be located closer than six (6) feet to any lot line.
4. Platforms, Walks & Driveways. Platforms, walks, and driveways that do not exceed six (6) inches in height above adjacent ground level at their edges may be located in any yard. Retaining walls not exceeding six (6) inches in height, as measured from the lower adjacent grade, may also be located in any yard.
5. Buildings on Through Lots. For buildings located on through lots that extend from street to street, the rear yard requirement may be waived, provided that the required front yard setback is met on both street frontages.

## 07 FENCES

1. Purpose: The intent of this section is to regulate the height, placement, and design of fences to ensure public safety, maintain neighborhood aesthetics, and protect the use and enjoyment of surrounding properties.
2. General Standards. Fences are a permitted accessory use in all zoning districts unless otherwise stated. All fences shall comply with the following standards:
  - a. Location: Fences may be located up to the lot line unless otherwise restricted by this ordinance or easement conditions.
  - b. Orientation: The “finished” side of a fence shall face outward toward adjacent properties or the street. Fence posts and structural components shall face inward toward the property being fenced.
  - c. Electric fencing may be permitted in agricultural districts for livestock containment, subject to compliance with manufacturer safety standards and approval by the Zoning Administrator.
  - d. Right-of-Way: No fence may be located within a public street right-of-way.
  - e. Corner Lots: Fences on corner lots shall not obstruct vision triangles as defined elsewhere in this Ordinance.
  - f. Easements: Fences may not obstruct access to any easement unless authorized by the utility or governing body.
  - g. Ornamental fences are permitted up to the lot line in the street yard in any district but shall not be located within a public right-of-way and shall not exceed four (4) feet in height. Ornamental fences are intended for aesthetic purposes and may also serve as a boundary or partial screen. These fences shall consist of open, lightweight designs

such as wrought iron, pickets, or latticework. The “finished” side shall face the neighboring property or street. Fence posts shall face inward toward the property being fenced.

- h. Security fences or screening fences are permitted up to the property lines in all districts except residential districts or where adjacent to residentially zoned properties, unless specifically authorized by the Planning Commission. Such fences shall not exceed ten (10) feet in height. In street yards, security fences shall be open-style. Up to four (4) strands of barbed wire may be placed on top of a security fence, provided the barbed wire is at least eight (8) feet above grade and the angled supports slant inward, away from the property line. The “finished” side of the fence shall face neighboring properties.
3. Height and Design Requirements by Zoning District
- a. FLP, A1, and OR Districts:
    - i. Height. Maximum six (6) feet in side and rear yards. Only ornamental fences, up to four (4) feet in height, are permitted in the front yard.
    - ii. All front yard fences shall be open-style. Side and rear yard fences may be open or solid.
  - b. RR, R, and R4 Districts.
    - i. Height. Up to 4’ feet in the street yard and 6 feet maximum in the side and rear yards.
    - ii. All front yard fences shall be open-style. Fences in the side and rear yards can be open or closed.
  - c. C, PI, and LI Districts
    - i. Height. Up to 4’ feet in the street yard and 6 feet maximum in the side and rear yards.
    - ii. All front yard fences must be open-style. Side and rear yard fences may be open or solid.
  - d. WCO Wetland Conservancy Overlay District.
    - i. Height. Up to 4’ feet in the street yard and 6 feet maximum in the side and rear yards.
    - ii. Fences shall not obstruct the natural flow of surface water or impede drainage patterns within or adjacent to wetlands.
    - iii. Only open-style fences (e.g., split rail, woven wire, or other permeable designs) shall be permitted within wetland boundaries to preserve wildlife passage and maintain natural hydrology.
4. Fences in Shore-land areas: Fencing located within seventy-five (75) feet of the Ordinary High-Water Mark of a navigable waterway shall comply with the Washington County Shore-land Zoning Ordinance. Where conflicts exist between this Ordinance and Washington County standards, the more restrictive ordinance provision shall apply.

## 08 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

1. The Zoning Administrator is authorized to issue a zoning permit or written determination allowing a reasonable modification of the standards of this Ordinance when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling or property, consistent with the provisions of the federal Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and applicable state laws.
  - a. Any such modification shall be the minimum necessary to afford the required accommodation and shall be limited in scope and duration to the needs of the individual(s) with the disability. Where practicable, the accommodation shall terminate or be removed when the dwelling or facility is no longer occupied or used by the person(s) with the qualifying disability.
    - i. The applicant shall provide documentation sufficient to establish:
    - ii. The existence of a qualifying disability under state or federal law, and
    - iii. That the requested modification is necessary to afford reasonable accommodation for the disability.
2. The approved accommodation shall be documented by a written instrument, reviewed and approved by the Zoning Administrator, and recorded with the Washington County Register of Deeds to ensure future notice and compliance. The recorded instrument may include a restoration or removal requirement as a condition of approval.

## **09 RESERVED**

## **10 JUNK AND UNDESIRABLE STRUCTURES**

1. Junk, as defined in this Ordinance, shall be stored entirely within an enclosed building, so as to be completely screened from public view and from adjacent properties.
  - a. This subsection shall not apply to the storage of idle but operable farm equipment on farms of twenty-five (25) or more contiguous acres, or to the storage of inoperative or abandoned farm equipment on farms of twenty-five (25) or more contiguous acres, provided such equipment is screened from public and adjacent property views by a natural or man-made visual barrier.
  - b. This subsection shall not apply to the seasonal storage of operable snow removal equipment or lawn mowing equipment.
  - c. This subsection shall not apply to the orderly storage of firewood for on-site fuel use.
  - d. This subsection shall not apply to the temporary storage of construction materials intended for use on the property for a permitted project, provided the materials are stacked, stored, and secured in an orderly fashion and the project is authorized under a valid zoning permit.
2. No building or structure shall be erected, structurally altered, or relocated in a manner that is of such character or appearance as to adversely affect adjacent properties or the general desirability of the surrounding area.
3. The Plan Commission may deny a zoning permit or impose conditions of approval based on



a written determination that the design or appearance of the proposed structure is unorthodox, abnormal, or otherwise incompatible with nearby properties and land uses. Such determination shall include specific findings supporting the decision.

## **11 ADDITIONAL DEVELOPMENT STANDARDS FOR NEW LOTS AND RESIDENCES IN THE FARMLAND PRESERVATION DISTRICT (FLP)**

1. New residences and new lots or parcels less than 25 acres in size are prohibited in the FLP District, except as specifically allowed in this section.
  - a. Rezoning required: If a new residence or lot of less than 25 acres is proposed, the land must first be rezoned to the RR Rural Residential District where single family residences are a permitted use. Lands to be rezoned must comply with the density requirements in this subsection.
  - b. Density, generally: A maximum density of one dwelling unit per 25 acres shall be permitted for lands designated for Farmland Preservation on the adopted Comprehensive Development Plan for the Town of Hartford. Existing dwelling units and land divisions that have taken place after the dates specified below shall be used in computing available density.
  - c. New lots or parcels less than 25 acres that are created from a parent parcel or parcels comprising a farm as it existed on December 31, 2025, and located on lands designated 'Agricultural Preservation' or 'Farmland Preservation' in the Comprehensive Plan at the time of land division, shall reduce the available 'development rights for that farm. One development right shall be deducted for each such lot created after December 31, 2025. In no case shall the total number of available development rights exceed four (4) per original parent farm.
  - d. Legal lots of record that existed as of December 31, 2025, and are less than 25 acres in size, may be eligible for one single-family dwelling unit if one does not already exist on the parcel, except as follows:
  - e. If new lots or dwelling units have been created from a parent parcel or farm after December 31, 2025 without the benefit of a comprehensive development plan amendment from the Farmland Preservation category to another appropriate land use category, and 25 acre (per dwelling unit) density cannot be maintained with the addition of another dwelling unit, then no additional dwelling units are permitted.
  - f. If a prior imposed rezoning condition, deed restriction, conveyance, or some other official action prohibiting future land splits or dwelling units exists, then no additional dwelling units shall be permitted on said existing legal lot of record.
  - g. Review of Land Divisions: All land divisions, including transfers of adjacent land that are proposed in the Town and involve land that is designated as Agricultural Preservation or Farmland Preservation on the Town of Hartford Comprehensive Plan, shall be reviewed and approved by the Town, so that density compliance can be ensured and tracked over time.

- h. Each residence that is permitted shall be placed on a separately described parcel created in conformance with the Town and County Comprehensive Development Plans, the Farmland Preservation Plan, the land division regulations of the Town of Hartford, and this Ordinance, and the Washington County Shore-land, Wetland and Floodplain Zoning Code (Chapter 275), as applicable.
- i. Density tracking. The Town shall maintain a map identifying all individual farm tracts consisting of one or more contiguous parcels held in common ownership as of December 31, 2025. Each time a new dwelling unit or lot is created under this section, the map shall be updated accordingly. A deed restriction shall also be recorded with the Register of Deeds identifying the number of remaining development rights for that farm tract.
- j. Density transfer. Transfer of density rights from one farm tracking unit to another farm tracking unit or property must be approved by the town board. A deed restriction must be recorded against the land to disclose the density transfer.
- k. Siting standards. Lands that are zoned FLP, but that are proposed to be rezoned to the RR Rural Residential District must comply with the following siting standards. Compliance with the siting standards shall be evaluated by the Town and used in making a determination.
  - i. New residences or lots shall be located on uncultivated lands to the greatest extent practicable.
  - ii. New residences or lots shall be clustered together to the greatest extent practicable.
  - iii. New residences or lots shall be located on non-prime (non-Class I and II) soils to the greatest extent practicable.
  - iv. Lots shall be located near existing roads to the extent practicable with consideration of the above criteria.
- 2. Lot Size requirements for Lots created by rezoning from the FLP District to the RR District. The proposed lot shall meet all minimum lot size and width requirements as regulated by the RR District in addition to the following requirements:
  - a. The maximum parcel size shall be three (3) acres unless a larger lot, not to exceed five (5) acres, is authorized by the Planning Commission for the purpose of a farm consolidation involving multiple farm buildings.

## **12 ADDITIONAL DEVELOPMENT STANDARDS FOR LOTS IN THE ENVIRONMENTAL CORRIDOR OVERLAY DISTRICT**

- 1. **Minimum Lot Size.** For parcels lying entirely within the Environmental Corridor Overlay District, the maximum residential density shall not exceed one (1) dwelling unit per five (5) acres, with a minimum lot size of three (3) acres. Parcels that are only partially located within the corridor and are otherwise zoned for smaller minimum lots may be exempt from the five-acre density requirement. In such cases, the lot may conform to the minimum lot size of the applicable underlying zoning district, provided that all land-altering activities

(including grading, vegetation removal, and structural development) are confined to the non-corridor portion of the lot. The restricted area shall be noted on the face of the Certified Survey Map, subdivision plat, or other document approved by the Town and recorded with the Register of Deeds.

2. Preservation of Green Space.

- a. For parcels lying entirely within the EC Environmental Corridor Overlay District the total area of land disturbance—including all grading, excavation, vegetation removal, buildings, septic systems, and driveways—shall be limited to the greatest of 15,000 square feet or fifteen (15) percent of the parcel's total area, not to exceed a maximum of 32,670 square feet. A deed restriction shall be recorded at the Register of Deeds to identify and limit the permitted disturbance area.
- b. For parcels that lie partially within and partially outside the EC Environmental Corridor Overlay District, all land disturbance shall occur outside of the EC area unless:
  - i. a designated building envelope has been approved by the Zoning Administrator and recorded via certified survey map, subdivision plat, or similar instrument, or
  - ii. The total developable area located outside of the EC Overlay is less than the thresholds described in subsection (a).
- c. If the portion of the lot located outside the EC Overlay does not meet the developable area thresholds described in subsection (a), the Zoning Administrator may allow disturbance within the EC Overlay up to the amount necessary to reach the minimum allowable developable area (15,000 square feet or 15% of the total parcel, not to exceed 32,670 square feet). Any such allowance shall require the recording of a deed restriction identifying and authorizing the exact area of disturbance.

## CHAPTER 4 SPECIFIC USE REQUIREMENTS

### 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.

### 02 APPLICABILITY

The specific use requirements in this Chapter apply in addition to all other applicable provisions of this Ordinance. These standards must be satisfied regardless of whether the use is permitted by right or requires conditional use approval.

### 03 SPECIAL STANDARDS FOR AGRICULTURAL USES

1. General Agricultural Practices: This includes agricultural uses as defined in the Ordinance, but excludes feedlots of greater than 400 head of livestock, poultry and egg production operation of more than 6,000 birds. These uses shall be allowed in all agricultural districts without the issuance of a permit, except that agricultural structures shall require a building permit.
  - a. Parking Requirements. One (1) space for each employee on the largest work shift.
  - b. Supplemental Standards
    - i. Minimum lot area. Three (3) acres.
    - ii. Number of animals. The number of livestock and fowl is based on the lot area, as follows: 1 large animal (e.g., cow, horse, etc.) for the first 3 acres and 1 for each additional acre over 3. Ten (10) fowl (e.g., chickens, ducks) for the first 3 acres and 10 for each additional acre over 3. This standard applies to animals kept outdoors for agricultural purposes.
    - iii. Location of new buildings. A building that houses domestic livestock, poultry, or horses shall not be located within a wetland, floodplain or closer than 50 feet to any lot line.
    - iv. Fencing. Any area where poultry, domestic livestock, or horses are allowed to pasture or run shall be adequately enclosed to keep them confined to such area.
2. Intensive Agricultural Practices: Feedlots of over 400 head and poultry operations of over 6,000 birds shall require a conditional use permit.
  - a. Parking Requirements. One (1) space for each employee on the largest work shift.
  - b. Supplemental Standards.
    - i. Location. 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.

- ii. Structures shall be located so that manure will not drain into navigable waters. A nutrient management plan may be required
  - iii. Minimum lot area. The facility shall only occur on a parcel of land that is 35 acres or larger. Once this use is established, the parcel shall not be made smaller through lot line relocation or other means.
- 3. Renting of Agricultural Buildings for non-farm storage: A building once used for agricultural purposes in which motor vehicles, construction equipment and vehicles, recreational vehicles, boats, and other related items not owned by the property owner may be stored, with or without a fee. Minor repair and maintenance of those objects in storage is permitted, provided such activity is for noncommercial purposes and generally incidental to the storage use.
  - a. Parking Requirements. Not required
  - b. Supplemental Standards.
    - i. The minimum lot size for this use is five (5) acres.
    - ii. A building housing this use shall be at least 50 feet from side and rear lot lines.
    - iii. Such building used for storage was originally constructed for agricultural purposes and was constructed at least twenty (20) years prior to its use as incidental indoor storage.
    - iv. No signs shall be permitted which advertise or direct the public to such storage.
    - v. Outside storage shall not be allowed.
    - vi. There shall be no office permitted on such premises, nor shall the building be occupied for any reason other than periodic pickup and return of equipment on a seasonal basis.
    - vii. The renting of such buildings within the (FLP) Farmland Preservation Districts shall meet the requirements of a Farm Family Business as defined under ATCP 49, Farmland Preservation, and Wisconsin Administrative Code.
    - viii. Total number of stored items such as boats, trailers, recreational vehicles, cars, equipment, etc. is limited to thirty (30) in totals.
    - ix. No use of the premises shall occur more than twelve (12) days in any calendar month except for basic site maintenance or emergency retrieval of stored items.
- 4. Agricultural Support Services: A place primarily involved in (1) providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services; (2) storing, processing, or handling raw agricultural commodities; (3) slaughtering livestock; (4) marketing livestock; and/or (5) processing agricultural byproducts or wastes.

Examples include (1) a grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms; (2) a dairy plant that processes or handles milk from farms; (3) a meat slaughter establishment; (4) a food processing plant that processes raw agricultural commodities received from farms; (5) a feed mill that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed

directly to farms; (6) communal manure digester, pelletizing plant, or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce fuel or other products; (7) a facility that provides farm inputs such as fertilizer, pesticides, seed, or feed directly to farms; and (8) a facility that is primarily engaged in providing agronomic or veterinary services to farms. The term does not include a sawmill, an ethanol plant, a rendering plant, or a bio-diesel plant.

- a. Parking Requirements. 1 space per 500 square feet of primary building area.
- b. Supplemental Standards.
  - i. Such use shall not be located in, or adjacent to, an existing or platted residential subdivision. If such use is established, the adjoining lands may be platted for residential subdivisions after that date.
  - ii. All buildings, structures, and outdoor storage areas shall be located at least 100 feet from all side and rear lot lines.
  - iii. All Agricultural Support Services uses shall provide a combination of vegetative and structural screening along any property line abutting or within 300 feet of a parcel used or zoned for residential purposes, unless waived or modified by the Plan Commission pursuant to paragraph 4(b) below.
  - iv. Minimum Screening Standards. Screening shall be designed to mitigate the visual, noise, and odor impacts of the use on adjacent residential properties and shall, at a minimum, include the following:
    - v. A continuous buffer yard not less than 25 feet in width planted with a double staggered row of evergreen trees or shrubs with a minimum height of six (6) feet at planting, spaced no more than fifteen (15) feet apart on center, and growth capable of providing a year-round opaque screen within five (5) years of planting.
    - vi. A solid fence or wall not less than six (6) feet in height may be required in addition to or in lieu of vegetative screening if determined necessary by the Plan Commission.
    - vii. Screening shall be located outside of any vision triangle and shall not interfere with safe ingress and egress.
    - viii. Where topography or existing vegetation provides equivalent screening, additional plantings or structures may be reduced or waived.
    - ix. Modifications. The Plan Commission may waive or modify these screening standards based on the following considerations:
      - x. The use is located a sufficient distance from any residential use or zone to render screening unnecessary.
      - xi. The orientation of buildings or loading areas effectively buffers residential properties.
      - xii. Adjacent land is anticipated for long-term agricultural or industrial use, not residential development.
      - xiii. Existing natural features provide equivalent or superior screening.
      - xiv. Maintenance. All required screening shall be maintained in good condition

- and replaced as necessary to remain effective.
- xv. All applicable standards of ATCP 33 shall be complied with.

## 04 SPECIAL STANDARDS FOR RESIDENTIAL USES

1. Standards applicable to all residential land uses:
  - a. Residential parking. Vehicles (cars, vans, pickup trucks and motorcycles) parking of vehicles accessory to a residential use shall be limited to those actually used by the residents of a property or for temporary parking for guests.
    - i. A maximum of one (1) recreational vehicle may be parked on a residential lot.
    - ii. Recreational vehicles must be parked on a driveway or in compliance with the street yard and side yard setback requirements of the district.
    - iii. The overall length of the recreational vehicle, including the towing tongue, shall not exceed 35 feet.
    - iv. The recreational vehicle shall be currently registered or licensed with the State of Wisconsin.
    - v. The recreational vehicle shall not be maintained in a condition that constitutes a nuisance, as determined by the Planning Commission or Town Board.
  - b. Parking of trucks and equipment as an ancillary use to a residential use. No other vehicular equipment of a commercial or industrial nature, as excepted in subsection (a) of this section, shall be parked or stored for more than three consecutive hours and six accumulative hours during any 24-hour period on any lot in any zoning district, except business or industrial districts, or as follows:
    - i. Agricultural equipment, such as farm tractors, plows, seeders, combines, cultivators, and farm trucks, used in an active farm operation and located on a parcel where General Agricultural Practices are permitted.
    - ii. A maximum of one (1) van or pickup truck used in a business or trade or used for transportation to and from a place of employment by an occupant of the property is permitted so long as the use does not become a nuisance to the neighborhood.
    - iii. Vehicular equipment allowed under a conditional use permit as set forth in Section 2.05 Table of Uses.
      1. Screening of Commercial Vehicles and Equipment. Where a commercial vehicle, trailer, or piece of equipment is parked or stored on a residential lot as allowed by this Ordinance, and where such parking area is visible from an adjacent residentially used or zoned lot, the Zoning Administrator may require screening. Screening may consist of fencing, vegetative buffering, or other methods sufficient to obscure views and reduce aesthetic impacts. Screening shall not be required for vehicles that are operable, licensed, insured and parked in compliance with this section for less than 72 hours in any seven-day

period.

## 2. Mobile Home Community

- a. Minimum Lot Size. The minimum lot size of a mobile home community established after January 1, 2026, shall be 5 acres.
- b. Uses. A recreational vehicle or camping trailers shall not be used for dwelling purposes. The following are permitted uses:
  - i. One manufactured home per designated space;
  - ii. One single-family dwelling for the park operator or caretaker;
  - iii. One or more community safe rooms;
  - iv. Service buildings, including administrative offices, laundry facilities, and resident recreational buildings, provided such facilities are incidental to the mobile home community, intended primarily for use by residents and their guests, and designed to maintain the residential character of the community;
  - v. Accessory structures, such as storage sheds, porches, garages, and carports as may be approved by the park operator, provided minimum setback requirements to the perimeter are maintained;
  - vi. One or more play areas for children.
  - vii. Density. The maximum density shall be 8 spaces per gross acre.
  - viii. Community access. The entrance to the manufactured housing community shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent roads. Each access to the development shall be off of a road classified as a minor arterial, major collector, or minor collector as depicted on the zoning map or a supplemental map.
  - ix. Interior access. Access to each manufactured home space shall be accessed from a paved private street internal to the community.
  - x. Walkways. Pedestrian walkways shall be provided in the area around service buildings, along major streets, and in other locations of anticipated heavy foot traffic. Walkways shall be at least 4 feet wide and hard-surfaced. In addition, each manufactured home stand shall be provided with a walkway from the stand to the street or parking space.
  - xi. Mobile home space. An individual mobile home space shall contain at least 3,000 square feet and shall have a minimum width, at the narrowest point, of 45 feet. The limits of each mobile home space shall be clearly marked on the ground. Considering the orientation of principle windows in mobile homes, mobile home spaces shall be arranged diagonally to the street (30 degrees from perpendicular).
  - xii. Identification of mobile home spaces. Each mobile home shall be clearly identified in a uniform manner with a unique number or other approved designation for fire and police services. Such number or other approved designation shall be filed with the appropriate authorities by the licensee.
  - xiii. Mobile home pad. Within each designated mobile home space, mobile homes are required to be placed on grade beams or on post below the frost line in



compliance with WI SPS 321.40. Minimum dimensions of 17 feet by 70 feet shall be provided for the placement of the mobile home. The pad shall provide adequate drainage and support against settling and frost heave. It shall be equipped with tie downs and anchors to secure the manufactured home against winds.

- xiv. Required separation between mobile homes. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the mobile home shall, for purposes of separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of one fourth of the area of the lot and the complete unit including all accessory structures shall not occupy more than one-half of the area of the lot.
- xv. Setback and buffer strips. Each mobile home shall be located at least 5 feet from any mobile home lot line. There shall be a minimum setback of the mobile home of 20 feet from the front, or main street side of the lot and of at least 10 feet from the rear of the lot. All mobile homes shall be located at least 25 feet from the perimeter of the site. Accessory buildings shall be located at least 10 feet from the perimeter of the site.
- xvi. Drainage and landscaping. The ground surface shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home pad. Except for the mobile home pad and other hard-surfaced areas, manufactured home spaces shall be sodded or seeded or otherwise landscaped. Landscaped areas shall be maintained in a healthy and weed-free condition.
- xvii. Skirting. Each mobile home shall be skirted within 30 days of placement on the pad.
- xviii. Mail delivery. An off-street area for central mail delivery shall be provided.
- xix. Solid waste collection. If the solid waste service provider does not provide individual pickup, a screened dumpster enclosure of sufficient size shall be provided.
- xx. Common storage area for residents. An open, well-drained, dust-free storage area for the parking of boats, trailers, and outside vehicles owned by those living in the manufactured housing community shall be provided. The minimum size of such area shall be 100 square feet per mobile home space. The storage area shall be fenced to prevent access from outside the park.
- xxi. Recreation area. A mobile housing community shall contain a recreation area consisting of one-half acre for each 100 manufactured home spaces. The minimum area in a park shall be 0.2 acres. Such area shall be located in a central area of the mobile housing community.
- xxii. Utilities. Utilities, including electrical, television, and telephone services, shall be placed underground.
- xxiii. Lighting. Street lights shall be provided in sufficient number and intensity to

permit the safe movement of vehicles and pedestrians at night and shall be effectively related to buildings, trees, walks, steps, and ramps.

- xxiv. Fire hydrants. Fire hydrants shall be installed as required by the fire department serving the subject property.
- xxv. Sanitation. All appropriate state, county, and county sanitation regulations shall be strictly observed. Mobile housing communities established after December 17, 2013, shall be served by a public sanitary district. An expansion of a mobile housing community existing prior to December 17, 2013, may be served by an on-site system.
- xxvi. Continuing maintenance. The owner of the mobile housing community shall maintain the park in a clean and sanitary manner and may adopt and enforce community rules.
- xxvii. Community safe room. A new mobile housing community that contains 20 or more manufactured home spaces and existing mobile housing communities that expand the number of spaces to 20 or more spaces shall provide and maintain an on-site community safe room for the use of park residents during wind-related storm events. The shelter shall meet applicable building codes, setbacks and shall comply with the design and construction guidance as contained in Design and Construction Guidance for Community Safe Rooms (FEMA 361, second edition), or later edition, as published by the Federal Emergency Management Agency, U.S. Department of Homeland Security.
- xxviii. Local license. Prior to the establishment of a mobile housing community, the operator shall obtain a license from the town and maintain such license for the life of the use or until such time that the town formally repeals the licensing requirement by ordinance.

3. RESERVED

4. RESERVED

5. Single-family Dwellings

- a. Parking Requirements. Two (2) off-street parking spaces shall be provided for each single-family dwelling unit. All parking spaces shall be located on the same lot as the dwelling and shall comply with the design and surfacing standards of this Ordinance.
- b. Supplemental Standards.
  - i. Number of principle dwellings. Only one (1) principle residential building shall be located on a single lot, except as otherwise specifically authorized by this Ordinance.
  - ii. Occupancy. Each single-family dwelling unit shall be occupied by no more than one (1) family, as defined in this Ordinance.
  - iii. Design and construction. All single-family dwellings shall meet the following design standards:
    - 1. Roof Design. The primary roof shall have a minimum pitch of 4:12,

unless a lower pitch or flat roof is integral to a cohesive and identifiable architectural style (e.g., modern, prairie, or contemporary flat-roof design). Architectural variation such as gables, hips, dormers, or roof projections is encouraged to enhance visual interest and reduce façade monotony.

2. The dwelling shall have a minimum building width of 24 feet, measured at the front façade. The width shall be uninterrupted for at least 60% of the front wall length to avoid excessively narrow massing.
3. Permitted roof materials shall be quality durable materials including:
  - a. slate
  - b. concrete, clay or ceramic tiles
  - c. wood shingles or shakes
  - d. metal
  - e. fiberglass
  - f. asphalt shingles
  - g. standing seam panels
  - h. integrated flush mounted solar panels
  - i. green roofs may be allowed subject to Town approval if integrated into the overall structure and compliant with building code requirements.
4. Permitted exterior wall surfaces shall be finished with one or more of the following:
  - a. stucco
  - b. wood siding
  - c. cement-fiber siding
  - d. vinyl siding
  - e. metal horizontal lap siding
  - f. wood shingles
  - g. masonry brick or stone
5. Façade compositions shall be limited to no more than two different materials per elevation, unless part of a coherent, professionally designed architectural plan approved by the Zoning Administrator.
6. Overhangs. A minimum roof overhang of 12 inches shall extend beyond the exterior wall on all sides, measured from the vertical wall plane to the drip edge. Exceptions may be permitted for architectural styles where overhangs are not traditional (e.g., saltbox, modern flat-roof). In such cases, alternate detailing (e.g., cornices or trim bands) shall be provided to define the roof edge.
7. Foundation Standards. All dwellings shall be permanently installed on a continuous perimeter foundation that:

- a. Complies with applicable Wisconsin Uniform Dwelling Code SPS and local building code,
    - b. May include full basements, crawlspaces.
  - c. Minimum Floor Area. Each single-family dwelling shall have a minimum floor area of:
    - i. 1,000 square feet for one-story structures; and
    - ii. 1,200 square feet for two-story structures.
    - iii. Floor area shall be measured in accordance with the definitions in this Ordinance and shall not include attached garages, porches, or unfinished basements.
  - d. Garage required. A private garage containing at least 240 square feet, but not to exceed the square footage of the dwelling floor area, of enclosed floor area shall be constructed concurrently with the single-family dwelling. The garage may be attached or detached but must comply with applicable setback and yard requirements. Carports or portable storage shelters shall not satisfy this requirement.
- 6. Two-family Dwellings
  - a. Parking Requirements. Two (2) off-street parking spaces shall be provided for each dwelling unit.
  - b. Supplemental Standards.
    - i. Minimum Lot Area. The minimum lot area for a two-family dwelling (duplex) shall be double the minimum lot size required in the applicable zoning district.
    - ii. Number of Principle Dwellings per Parcel. No more than one (1) two-family dwelling shall occupy any single parcel, except as otherwise permitted by this Ordinance.
    - iii. Occupancy. Each dwelling unit shall be occupied by no more than one (1) family, as defined in this Ordinance.
    - iv. Minimum Floor Area. Each unit within a two-family dwelling shall have a minimum floor area of 900 square feet.
    - v. Design and Construction. Two-family dwellings shall meet the following minimum design standards:
      - 1. The principal roof shall have a minimum pitch of 4:12, unless a lower pitch or flat roof is clearly integral to a cohesive architectural style such as modern, prairie, or contemporary flat-roof design. Multiple roof forms (e.g., gables, hips, dormers) are encouraged to avoid long, monotonous rooflines.
      - 2. The minimum exterior building width shall be 48 feet, measured along the front façade.
      - 3. Roofing Materials. Permitted roof materials include: asphalt shingles, standing seam or corrugated metal panels, fiberglass or composite shingles, wood shingles or shakes, slate, or clay, ceramic, or concrete tiles. Green roofs and solar-integrated roofing may also be allowed if

consistent with the dwelling's design.

4. **Exterior Wall Materials.** Exterior walls shall be finished with one or more of the following high-quality, durable materials:
  - a. Cement-fiber board (e.g., HardiePlank)
  - b. Wood siding or shingles
  - c. Brick, stone, or cultured stone veneer
  - d. Stucco or EIFS (Exterior Insulation Finish Systems)
  - e. Vinyl siding of architectural-grade
  - f. Horizontal metal lap siding
  - g. No more than two different materials shall be used on a single façade unless part of a professionally designed architectural composition.
- vi. **Roof Overhangs.** A roof overhang of at least 12 inches shall extend beyond the exterior wall on all sides, unless the dwelling features a recognized architectural style that omits traditional eaves (e.g., urban row house or modern box-style dwellings). Decorative trim or cornice detailing may be substituted where stylistically appropriate.
- vii. **Foundation Systems.** All two-family dwellings shall be set on and permanently anchored to a continuous, code-compliant perimeter foundation extending below the frost line. Crawl spaces, full basements, and slab-on-grade foundations are permitted if compliant with state and local building codes.
- viii. **Architectural Differentiation.** When units are side-by-side (as in duplexes), each unit shall include at least two of the following features to distinguish individual entrances and break up building mass:
  1. Separate roof forms or entry canopies
  2. Differentiated exterior materials or colors
  3. Offsets or projections in the building wall plane (minimum 2-foot depth)
  4. Individual porches or stoops
  5. Varied window arrangements
- ix. **Garage required.** A garage shall be provided for each dwelling unit, with a minimum floor area of 240 square feet per unit. Garages may be attached or detached but shall be constructed at the same time as the principle structure and shall comply with all applicable yard and setback requirements. Carports or portable storage shelters shall not satisfy this requirement.
7. **Community Living Arrangements (Up to 8 Residents):** A community living arrangement with up to eight (8) residents may include any of the following licensed facilities, as defined by Wisconsin Statutes:
  - Residential care centers for children and youth under § 48.02(15d), operated by a child welfare agency licensed under § 48.60;

- Group homes for children under § 48.02(7);
- Community-based residential facilities (CBRFs) under § 50.01(1g).

**Note:** This provision does not apply to adult family homes, as defined in § 50.01(1) (b), which are regulated separately.

- a. **Parking Requirements.** A minimum of three (3) off-street parking spaces shall be provided for each community living arrangement.
  - b. **Supplemental Standards.**
    - i. **State Licensing.** Prior to occupancy, the operator shall obtain all necessary licenses from the State of Wisconsin and shall maintain such license in good standing for the duration of the use.
    - ii. **Resident Population.** The number of residents shall not exceed eight (8), and the facility shall comply with all applicable provisions of state law and licensing requirements. At least one staff person or operator shall reside on site or be available 24 hours per day, as required by the state license.
    - iii. **Neighborhood Advisory Committee.** Prior to initial state licensure, the applicant shall make a good faith effort to establish a neighborhood advisory committee. This committee should consist of representatives from the facility, the surrounding neighborhood, and a local unit of government, as recommended under § 48.68(4) or § 50.03(4) (g), Wisconsin Statutes, as applicable.
8. **Community Living Arrangements (9 to 16 Residents):** A community living arrangement with nine (9) to sixteen (16) residents may include any of the following state-licensed residential facilities, as defined by Wisconsin Statutes:
- Residential care centers for children and youth under § 48.02(15d), operated by a child welfare agency licensed under § 48.60;
  - Group homes for children under § 48.02(7);
  - Community-based residential facilities (CBRFs) under § 50.01(1g).

**Note:** This section does not apply to adult family homes as defined in § 50.01(1)(b), Wis. Stats.

- a. **Parking Requirements.** A minimum of four (4) off-street parking spaces shall be provided for each community living arrangement.
- b. **Supplemental Standards.**
  - i. **State Licensing.** The operator shall obtain all required licenses from the State of Wisconsin prior to occupancy and shall maintain such license in good standing for the duration of the use.
  - ii. **Occupancy Limit.** The number of residents shall not exceed sixteen (16), and the facility shall comply with all applicable requirements of the state licensing agency.
  - iii. **Neighborhood Advisory Committee.** Prior to the initial licensure of the facility, the applicant shall make a good faith effort to establish a neighborhood advisory committee consisting of representatives from the facility, the neighborhood, and a local unit of government, as encouraged under § 48.68(4) or § 50.03(4)(g), Wis. Stats., as applicable.

9. Planned Residential Development: The Planned Residential Development (PRD) option is intended to provide flexibility in the development of larger tracts of land by allowing modifications to certain zoning requirements in exchange for high-quality design, preservation of open space, and efficient infrastructure. This approach is intended to promote:
- Coordinated site planning;
  - Diversified placement of structures;
  - Safe and efficient pedestrian and vehicular circulation;
  - Attractive recreation and open space amenities;
  - Economical public and private utility layouts; and
  - Preservation of natural resources and agricultural land.
- a. General Requirements.
    - i. A PRD may be permitted only on tracts of land containing two and one-half (2.5) acres or more and zoned A-1, RR, or R Districts.
    - ii. The maximum gross residential density of a PRD shall not exceed two (2) times the base density allowed in the underlying zoning district and must comply with any maximum density recommendations in the Town's adopted Land Use Plan.
    - iii. Permitted residential structures shall be limited to single-family dwellings.
    - iv. The minimum lot area may be reduced by up to fifty percent (50%) from the minimum lot size required by the underlying zoning district.
    - v. Lot width, side yard, and rear yard requirements may be reduced by up to twenty percent (20%) from those otherwise required.
    - vi. Road setbacks (per Section 3.04) and building height limits (per Section 3.05) may also be reduced by up to twenty percent (20%).
  - b. Preserved Open Space. A minimum of twenty-five percent (25%) of the gross land area of the PRD shall be permanently preserved as open space. All designated open space shall:
    - i. Be held in common ownership by a homeowners' association, land trust, or similar legal entity representing all lot owners within the PRD;
    - ii. Be permanently protected from further development by a recorded conservation easement, deed restriction, or restrictive covenant, enforceable by the Town or a designated third-party entity; and
    - iii. Be clearly identified on the approved development plan and recorded plat, with a description of permitted and prohibited uses to ensure long-term maintenance and protection.
  - c. Application Requirements. Applicants seeking approval of a Planned Residential Development (PRD) shall submit a complete development plan and CUP application to the Zoning Administrator. The PRD shall be processed as a Conditional Use Permit and shall be subject to the CUP procedures and review standards in Section 10.03 of this Ordinance. In addition to the general CUP application requirements, the

applicant shall submit a general development plan which shall include the following:

- i. All information required for a building permit;
- ii. A description of important views, vistas, or natural features on or near the site that should be preserved or integrated into the site design;
- iii. Identification of potential noise sources and measures to mitigate impacts on surrounding uses;
- iv. Inventory of surrounding land uses and structures within 200 feet of the proposed development boundary, including the location of existing or proposed streets, driveways, and access points;
- v. A development summary table indicating total floor area, number and type of dwelling units, gross and net land area, parking counts, proposed use and acreage of open space, and other relevant metrics;
- vi. A narrative description of proposed zoning modifications or flexibility requested under the PRD provisions (e.g., reduced lot size, setbacks, road frontage);
- vii. Any additional information requested in writing by the Zoning Administrator to assist the Plan Commission and Town Board in determining whether the proposed development is consistent with:
  1. The purposes of the PRD district;
  2. Applicable Conditional Use Permit standards;
  3. Public health, safety, and welfare; and
  4. The character of the surrounding area.
- d. Reservation of Development Agreement. Within thirty (30) days of final approval of a Planned Residential Development (PRD), the applicant shall execute and record a Development Agreement with the Washington County Register of Deeds, in a form approved by the Town. The Development Agreement shall:
  - i. Include a legal description of the entire property subject to the PRD approval;
  - ii. Reference the approved PRD on file with the Town Zoning Administrator;
  - iii. The approved land use density;
  - iv. The number of lots or dwelling units;
  - v. Designated open space areas, including ownership and maintenance responsibilities;
  - vi. Any zoning modifications or departures approved as part of the PRD (e.g., reduced lot size, setbacks, or road frontage);
  - vii. Other key development features sufficient to inform future property owners, lenders, and title searchers;
  - viii. Include a statement that the approved Development Agreement is binding upon the applicant and all successors or assigns, and may not be modified except in accordance with this Ordinance; and
  - ix. Be signed by all owners of record and the Town and recorded by the applicant at their expense.



- e. Substantial changes shall require formal review by the Planning Commission and shall require the applicant to submit a new or amended Conditional Use Permit. Subject to Town Board approval. If approved, the applicant shall be responsible for recording all necessary amendments to the Development Agreement, including updates to legal descriptions, plan exhibits, density summaries, and any associated easements, covenants, or restrictions, within thirty (30) days of approval, at the applicant's expense.
  - i. Substantial changes include but are not limited to:
    1. Increases in density or lot coverage greater than 5%;
    2. Increases or decreases in building height of 10% or more;
    3. Changes in architectural style or materials reducing compatibility;
    4. Changes in principal ownership or phasing that alter development concepts;
    5. Reductions in peripheral setbacks greater than 5%;
    6. Reductions or relocation of open space greater than 5%;
    7. Alterations to traffic circulation that affect areas outside the project boundary;
    8. Any Modifications to the approved Conditional Use Permit.
    9. Minor changes may be approved by the Zoning Administrator.
- f. Abandonment. If construction of the PRD has not commenced within eighteen (18) months of approval, the approval shall become null and void unless extended by the Town Board.

## 05 SPECIAL STANDARDS FOR COMMERCIAL USES

1. **Standards applicable to all commercial uses:**
  - a. Site Plan / Plan of Operation required. All commercial uses shall comply with the applicable site plan and plan of operation submittal, review, and approval procedures set forth in Section 10.05 of this Ordinance. Unless specifically exempted, a site plan and plan of operation shall be submitted to the Town and approved prior to:
    - i. The issuance of a zoning permit;
    - ii. The establishment of a new commercial use;
    - iii. The construction, reconstruction, or expansion of any commercial building or site;
    - iv. Any change in use, occupancy, tenancy, or ownership that results in a material change in site use, parking demand, hours of operation, or public service needs.
    - v. No commercial development or activity shall commence until all required approvals are obtained.
2. **Auto Repair, Sales and Service:** A commercial facility where motor vehicles, including automobiles, motorcycles, and light trucks, are sold, maintained, or repaired. Typical

services may include mechanical or electrical repair, collision repair, auto body painting, transmission repair, engine overhauls, upholstery work, and similar activities. Vehicles are often kept on site overnight for service.

- a. **Parking requirements.**
    - i. Auto Repair and Service. A minimum of 2.5 off-street parking spaces shall be provided for each service bay, plus one (1) space for each employee on the largest work shift.
    - ii. Auto Sales. A minimum of one (1) off-street parking space shall be provided for each 300 square feet of gross floor area, plus one (1) space for each employee on the largest work shift.
  - b. **Supplemental Standards.**
  - c. Service Location. All vehicle service and repair activities shall occur entirely within an enclosed building, except when the use is located in an industrial zoning district.
  - d. **Outdoor Vehicle Storage (Repair Facilities).**
    - i. In business zoning districts, no more than ten (10) motor vehicles awaiting repair or service may be stored outdoors overnight.
    - ii. In industrial zoning districts, there is no numerical limit on outdoor storage of vehicles awaiting repair or service.
    - iii. All vehicles stored outdoors must display valid license plates and be actively awaiting service or pickup.
  - e. Storage of Parts and Equipment. All vehicle parts, tools, and repair equipment shall be stored indoors. This does not apply to work-related tow trucks or service vehicles used in daily business operations.
  - f. **Vehicle Display Standards (Sales):**
    - i. No vehicle display shall reduce or interfere with required off-street parking as required by this Ordinance.
    - ii. Display of vehicles shall not occur within any required setback area for the Principle structure.
    - iii. Display of vehicles shall not be located within required open space, buffer yards, or landscaped areas.
3. Bed and Breakfast Establishments: A Bed and Breakfast Establishment is a single-family residence that offers short-term overnight accommodations for a daily charge, while serving as the primary residence of the owner or operator.
- a. Parking Requirements: A minimum of two (2) off-street parking spaces shall be provided, or one (1) space per guest room, whichever is greater.
  - b. **Supplemental Standards:**
    - i. State License. The operator shall obtain and maintain a valid license from the State of Wisconsin, as required by state law, for the duration of the use.
    - ii. Dwelling Type. Bed and breakfast establishments shall be located only within single-family dwellings.
    - iii. Maximum Guest Rooms. No more than four (4) rooms shall be available for

- overnight accommodation.
- iv. Fire Escape for Upper Floors. Where guest rooms are located above the ground floor, a code-compliant fire escape, escape balcony, or alternative means of egress shall be provided, along with illuminated exit signage as required by applicable building codes.
  - v. Dimensional Compliance. The parcel shall meet all minimum lot size, yard, and other dimensional standards applicable to single-family dwellings in the zoning district.
  - vi. Age of Structure. The dwelling must have been originally constructed at least twenty (20) years prior to establishment as a bed and breakfast.
  - vii. Residency Requirement. The owner or operator shall reside on-site in the single-family dwelling during any period in which one or more guest rooms are occupied.
  - viii. Exterior Appearance. The exterior appearance of the structure shall not be altered from that of a single-family residence, except as required for code compliance.
  - ix. Food Preparation. Cooking or food preparation shall not be permitted in guest rooms.
  - x. Maximum Stay. No guest shall occupy the premises for more than fourteen (14) consecutive days.
  - xi. Meals. Meals may be provided only to overnight guests.
  - xii. Guest Registry. The operator shall maintain a guest log including the names of all guests. The log shall be retained for at least one (1) year and made available for inspection by Town officials upon request.
4. Group Child Care Centers: A place licensed as a day care by the state where care is provided for nine (9) or more children. This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.
- a. Parking Requirements. 1 space for each 2 children, the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift.
  - b. Supplemental Requirements.
    - i. Pick up and drop off areas shall not be located within any public right-of-way.
    - ii. Day care centers shall provide at least 100 square feet of outdoor play area per child.
    - iii. All outdoor play areas shall be enclosed with a fence or wall not less than 4 feet in height, and shall be physically separated from all vehicular circulation, parking, and loading areas by a minimum of 10 feet or a suitable barrier.
    - iv. An outdoor activity area associated with a group day care center shall not be located within 20 feet of an adjoining property in a residential zoning district.
5. Short Term Rentals: A Short-Term Rental is a dwelling unit or portion thereof offered for rent for a fee for a period of fewer than 30 consecutive days by Wis. Stat. § 66.1014(2)(d)2b, where the dwelling unit is not concurrently occupied by the owner or

operator. Short-term rentals do not include hotels, motels, bed and breakfasts, or boarding houses.

- a. Parking Requirements. One (1) off-street parking space shall be provided per bedroom available for rent, with a minimum of two (2) spaces.
- b. Supplemental Standards.
  - i. State and Local License Required. The owner shall obtain and maintain a license from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), as required by Wis. Stat. § 97.605. In addition, the owner shall obtain and maintain any local short-term rental license or permits required by the Town of Hartford.
  - ii. Maximum Occupancy. The maximum number of occupants shall not exceed two (2) adults per bedroom, plus two (2) additional occupants, or a total of eight (8) occupants, whichever is less. Children under age 12 may be excluded from the occupancy cap.
  - iii. Residency Prohibited During Rental Period. The dwelling shall not be occupied by the property owner or a long-term tenant while it is being rented as a short-term rental, except where the rental is of a separate and fully enclosed portion of the dwelling unit.
  - iv. Minimum Stay. No rental period shall be for fewer than two (2) consecutive nights unless the short-term rental is owner-occupied during the stay (e.g., duplex or accessory dwelling unit on-site).
  - v. Noise and Conduct. Short-term rental occupants shall not engage in disorderly conduct, public disturbances, or violate noise ordinances. The owner or local agent shall respond to complaints within 60 minutes.
  - vi. Trash Management. Refuse shall be stored in containers with secure lids and shall not be set out more than 24 hours prior to scheduled pickup.
  - vii. Outdoor Gatherings. Outdoor parties or gatherings of more than 10 individuals, including non-occupant guests, are prohibited between the hours of 10:00 p.m. and 8:00 a.m.
  - viii. Guest Registry. The operator shall maintain a guest registry including the names and dates of stay for each renter. The registry shall be retained for a period of one (1) year and made available to the Town of Hartford upon request.
  - ix. Local Agent Required. A responsible party or management agent who resides or has a business address within 25 miles of the property shall be designated to respond to complaints and emergencies on a 24-hour basis.
  - x. Signage. No exterior signage advertising the short-term rental shall be permitted.

## 6. RESERVED

## 7. Commercial Kennels: A commercial kennel is a facility that houses dogs, cats, or other

domesticated animals over six (6) months of age for the purposes of boarding, breeding, training, or sale, and does not qualify as a private kennel under this Ordinance. This term includes boarding kennels, dog motels, and training centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.

- a. Parking Requirements. One (1) off-street parking space shall be provided for each 300 square feet of gross floor area.
  - b. Supplemental Standards.
    - i. Setbacks from Residential Properties. No building housing animals shall be located closer than two hundred (200) feet to any lot line adjoining a parcel in a residential zoning district.
    - ii. Indoor Housing Requirement. All animals shall be housed indoors between the hours of 9:00 p.m. and 6:00 a.m.
    - iii. Screening Requirements. All kennel buildings, outdoor runs, and exercise areas shall be screened year-round from public roads and adjacent properties by a continuous vegetative buffer or approved alternative. The Plan Commission may waive this requirement where the building or run is located at least 200 feet from the centerline of any public road and where existing topography or vegetation provides equivalent screening.
    - iv. Animal Density. No more than two (2) adult dogs shall be housed in any individual enclosure unit, excluding temporary quarantine or emergency facilities.
    - v. Waste Management. Animal waste shall be managed to prevent odor, runoff, and groundwater contamination, and in accordance with all applicable health department and WI DNR regulations.
8. Restaurants and Taverns: An establishment primarily engaged in the preparation and service of food and/or beverages for consumption on the premises, including both full-service restaurants and taverns serving alcoholic beverages.
- a. Parking Requirements. One (1) off-street parking space shall be provided for every three (3) patron seats or one (1) space per 300 square feet of gross floor area devoted to patron service, whichever is greater, plus one (1) space per employee on the largest work shift.
  - b. Supplemental Standards.
    - i. Licensing.
      1. Prior to operation, restaurants and taverns shall obtain and maintain all applicable licenses required by:
      2. The Wisconsin Department of Revenue and/or Wisconsin Department of Agriculture, Trade and Consumer Protection;
      3. The Washington Ozaukee Public Health Department; and
      4. The Town of Hartford.
    - ii. Licenses shall be kept in good standing for the duration of the use.
    - iii. Tavern operations shall comply with all applicable State of Wisconsin alcohol licensing laws.

- c. Outdoor Seating.
    - i. All outdoor seating areas shall comply with the side and rear yard setback requirements for Principle structures in the applicable zoning district.
    - ii. No amplified music shall be permitted outdoors between the hours of 10:00 p.m. and 8:00 a.m. in any district, unless approved as part of a Conditional Use Permit or special event approved by the Town Board.
  - d. Screening of Outdoor Seating. Where outdoor seating areas are adjacent to residentially zoned or occupied properties, the area shall be screened to the maximum extent practicable using solid fencing (minimum height of six feet) and/or continuous vegetative buffers.
  - e. Lighting. Lighting used to illuminate outdoor seating areas shall:
    - i. Be mounted no higher than fourteen (14) feet above grade;
    - ii. Use full cutoff fixtures to minimize light spill and glare beyond property lines; and
    - iii. Comply with all applicable lighting standards of this Ordinance.
9. Riding Stables, Commercial: A commercial facility where horses, donkeys, mules, or other similar hoofed domesticated animals are kept for boarding, recreational use, riding instruction, or for hire for trail rides.
- a. Parking requirements. One (1) off-street parking space shall be provided for every three (3) animals stabled on the property. Plus one (1) space per employee on the largest work shift.
  - b. Supplemental Requirements.
    - i. Minimum Lot Area. Commercial riding stables shall be located on a lot with a minimum area of five (5) acres.
    - ii. Pasture Requirements. A minimum of 20,000 square feet of usable pasture land shall be provided for each animal kept on the property.
    - iii. Setback from Waterways. All stables and manure storage areas shall be located at least one hundred (100) feet from any navigable waterway and designed to prevent runoff or drainage of manure into surface waters.
    - iv. Setback from Residential Dwellings. All stables shall be located at least two hundred (200) feet from any dwelling unit not owned or occupied by the operator of the facility.
    - v. Special Events. Events such as horse shows, exhibitions, contests, or clinics may be held on the premises if otherwise permitted by the Town through a conditional use permit or special event approval process.
    - vi. Animal Care and Manure Management. Operators shall provide adequate food, forage, water, shelter, fencing, and veterinary care for all animals, and shall manage manure in accordance with generally accepted agricultural practices and the standards contained in NR 151 and ATCP 50, Wisconsin Administrative Code, as applicable.
10. Golf Course.
- a. Parking Requirements. A minimum of thirty-six (36) off-street parking spaces shall

be provided for each nine (9) holes of golf, plus one (1) space for each employee on the largest work shift. If the facility includes a tavern or restaurant, the parking requirement for that component shall be reduced to fifty percent (50%) of the otherwise applicable requirement.

- b. Supplemental standards.
  - i. Building Setbacks from Residential Zones. Any clubhouse or maintenance building exceeding 1,200 square feet in floor area shall be located a minimum of 300 feet from any parcel zoned for residential use.

#### 11. Driving Range.

- a. Parking Requirements. One (1) off-street parking space shall be provided for each individual driving station. Plus one (1) space per employee on the largest work shift.
- b. Supplemental standards.
  - i. Minimum Lot Size. Driving ranges shall be located on a lot with a minimum area of fifteen (15) acres.
  - ii. Location Restriction. Driving ranges shall not be located within a platted residential subdivision.
  - iii. Outdoor Lighting Prohibited. The use of outdoor lighting, including pole-mounted or canopy lighting, is prohibited.

#### 12. Amusement Uses. Amusement uses include miniature golf courses, batting cages, water parks, sports arenas, archery ranges, and similar outdoor or indoor recreational facilities not otherwise defined in this Ordinance.

- a. Parking Requirements. One (1) off-street parking space shall be provided for every three (3) patrons based on the facility's design capacity, plus one (1) space per employee on the largest work shift.
- b. Supplemental Standards.
  - i. Building Setbacks. Any clubhouse, pavilion, or maintenance building exceeding 1,200 square feet in floor area shall be located at least 300 feet from any parcel zoned for residential use.
  - ii. Subdivision Restriction. Amusement uses shall not be located within a platted residential subdivision.
  - iii. Prohibited Firearm Uses. The discharge of firearms with the exception of hunting, operation of firearm training facilities, and both indoor and outdoor shooting ranges maybe allowed under a strict conditional use permit with adequate safety assurances as determined by the Town Planning Commission and approved by the Town Board.
  - iv. Mixed Use Parking and Site Standards. For facilities containing a mix of amusement uses (e.g., batting cages and mini-golf), the Planning Commission or its designee shall determine cumulative parking and site requirements based on anticipated peak use.
  - v. Hours of Operation. The Planning Commission may recommend, and the Town Board may impose, reasonable restrictions on hours of operation to mitigate impacts to surrounding properties.

- vi. **Site Design.** Outdoor lighting and noise shall be minimized through thoughtful site layout and the use of screening, shielding, and buffering. The Planning Commission may require submission of a lighting and noise mitigation plan.
- 13. **Commercial Parking:** A lot not associated with a specific principle use that is available for hourly, daily, or short-term parking of vehicles owned by others. Commercial parking lots do not include the long-term storage of vehicles, vehicle impound lots, or salvage yards.
  - a. **Parking Requirements.** No additional off-street parking is required for this use, provided that the entire lot is devoted to vehicle parking. However, the parking layout must comply with all applicable design standards under Chapter 6 of this Ordinance.
  - b. **Supplemental Standards.**
    - i. **Licensure and Operability.** All vehicles parked on the premises must be properly licensed and in operable condition at all times.
    - ii. **Prohibited Storage.** Outdoor storage of vehicle parts, tools, equipment, or dismantled vehicles is prohibited.
    - iii. **Maximum Parking Duration.** No vehicle may be parked on the lot for more than thirty (30) cumulative days in any sixty (60) day period. Violation of this standard shall constitute use of the lot for long-term storage, which is not permitted.
    - iv. RVs, campers and travel trailers are not permitted for occupied overnight stays. (e.g. camping)
    - v. Screening requirements of Appendix B.
- 14. **Farm Machinery Service:** A business that offers repair and maintenance services for agricultural equipment, such as tractors and implements, but does not include the sale of new or used machinery.
  - a. **Parking Requirements.** One (1) off-street parking space shall be provided for each employee on the largest work shift, plus one (1) space for every 250 square feet of gross floor area used for repair or maintenance activities.
  - b. **Supplemental Standards.**
    - i. **Outdoor Maintenance Areas.** Any outdoor areas used for repair or maintenance work shall be clearly identified on the approved site plan and shall comply with the following standards:
    - ii. **Enclosure and Setback.** All outdoor work areas shall be fully enclosed by a fence at least six (6) feet in height. The enclosure shall be located a minimum of fifty (50) feet from any lot line adjoining a residentially zoned property.
    - iii. **Screening.** Outdoor activity areas shall be screened in accordance with the requirements of Appendix B – Landscaping and Buffer Yard Standards to minimize visual and noise impacts on adjacent properties.
- 15. **Hotels and Motels:** A building or group of buildings offering individual guest rooms or suites for rent to transient guests, each with a private bathroom. This use may include amenities such as fitness rooms, indoor pools, and food service areas restricted to overnight



guests, as well as banquet or meeting facilities. The term does not include bed and breakfast establishments, which are separately regulated.

- a. Parking Requirements. One (1) space per guest room, plus one (1) space per three (3) employees on the largest work shift.
  - b. Supplemental Standards.
    - i. Health License. Prior to the operation of any overnight lodging, the operator shall obtain all required licenses from the Washington Ozaukee Public Health Department and shall maintain such licensure as long as the lodging use continues or until such licensure is no longer required.
    - ii. Location of Entrances. No customer entrance, including lobby and secondary access doors, shall be located within 100 feet of a lot line of a property zoned for residential use.
16. Administrative and Professional Services: A business establishment in which services of a professional, clerical, or consultative nature are provided, often with routine customer or client visits. Typical uses include law offices, real estate offices, insurance agencies, architectural or engineering firms, data processing centers, customer service centers via telecommunications, and travel agencies.
  - a. Parking Requirements. One (1) space per 200 square feet of gross floor area, plus one (1) space per two (2) employees on the largest work shift.
  - b. Supplemental Standards.
    - i. Administrative and professional service uses shall comply with the Site Plan and Plan of Operation requirements of Section 10.05 of this Ordinance.
    - ii. Hold current licenses in good standing with the appropriate regulatory agency as applicable to the administrative or professional service offered to the public.
17. Retail sales, general services and indoor entertainment: A business that provides one or more of the following activities within a completely enclosed building, unless otherwise provided in this Ordinance:
  - Retail sales, such as convenience stores, apparel stores, and electronics outlets;
  - General services, such as dry cleaning, beauty salons, printing and photocopy services, laundromats, postal service centers, and pet grooming;
  - Indoor entertainment, such as bowling alleys, arcades, and fitness or weight-loss centers.
    - a. Parking Requirements. One (1) space per 150 square feet of gross floor area, plus one (1) space per two (2) employees on the largest work shift.
    - b. Supplemental Standards. No additional standards for this use.
18. General Repair: An establishment where consumer goods such as shoes, small appliances, bicycles, watches, or business machines are repaired. This use does not include the repair of motor vehicles, heavy equipment, or industrial machinery.
  - a. Parking Requirements. One (1) space per 450 square feet of Primary Floor Area (PFA).
  - b. Supplemental Standards.

- i. All repair activities, storage, and equipment associated with this use shall occur entirely within an enclosed building, except where the parcel is located in an industrial zoning district.
- 19. Trade and Contractor Establishment: An establishment engaged in the provision of construction or mechanical services, where the primary work is performed off-site. This includes, but is not limited to, plumbers, electricians, HVAC contractors, excavators, wastewater treatment system installers, well drillers, carpenters, and painters. Such establishments may include offices, indoor storage of materials or equipment, and dispatching of work crews.
  - a. Parking Requirements. One (1) space per 500 square feet of gross floor area.
  - b. Supplemental Standards.
    - i. All activities related to this use, including storage of materials and equipment shall occur within an enclosed building, except where specifically permitted in an industrial zoning district and approved through the site plan.
  - c. Outdoor storage of abandoned or inoperable vehicles and/or equipment is prohibited.
- 20. Veterinary Clinic: A facility where veterinary services are provided for small or large animals. This use may include examination rooms, surgical areas, medical laboratories, administrative offices, and appurtenant indoor or outdoor enclosures used to temporarily house animals under active veterinary care. This use does not include long-term boarding not associated with medical treatment.
  - a. Parking Requirements. One (1) space per 300 square feet of gross floor area.
  - b. Supplemental Standards.
    - i. Minimum Lot Size. A minimum of one (1) acre is required for any parcel containing a veterinary clinic.
    - ii. Subdivision Limitation. A veterinary clinic shall not be located within a platted residential subdivision.
    - iii. Setback from Residential Uses. No building housing a veterinary clinic shall be located closer than one hundred (100) feet to the lot line of an adjoining property in a district permitting residential use.
    - iv. The Planning Commission may reduce the setback required in sub. (3) to as little as 50 feet, based on the maximum number of animals to be kept in the building and other sound mitigating factors such as type of building construction and the presence and type of vegetation and topography between the building and adjacent properties.
- 21. Craft brewery, winery, or distillery: An establishment where beer, wine, malt beverages, or spirits are produced in comparatively small batches for sale or distribution. This use may include on-site tasting rooms and retail sales of products produced on the premises, subject to Town approval. Facilities of this type are not designed for large-scale industrial production.
  - a. Parking Requirements. The number of parking spaces shall be determined by the Planning Commission on a case-by-case basis, based on the size of the facility, tasting room capacity, number of employees, and anticipated customer traffic.

b. Supplemental Standards.

- i. Minimum lot size:
- ii. If the operator resides on the premises, the minimum lot area for a craft brewery, winery, or distillery is 10 acres;
- iii. If the operator does not reside on the premises, the minimum lot area for a craft brewery, winery, or distillery is 20 acres.
- iv. Subdivision Limitation. The parcel with this use shall not be located in a platted residential subdivision.
- v. Licensing. The operator shall obtain all required alcohol-related licenses or permits from the Town of Hartford and from the State of Wisconsin, and shall comply with all applicable local, state, and federal laws.
- vi. Accessory Tasting Room. A tasting room may be allowed as an accessory use only with express approval by the Town Board, which may impose conditions related to hours of operation, noise mitigation, signage, and event frequency.
- vii. Road Frontage. The property shall have frontage on, and direct vehicular access to, a Class A or Class B public road as defined by the Town.
- viii. Access Drive Construction. The facility shall be served by an on-site access drive constructed to Town road standards, including two lanes, each a minimum of 12 feet in width;
- ix. Waiver. The Plan Commission may waive the two-lane requirement and allow a single-lane drive if:
  1. The narrower drive will adequately serve the anticipated vehicle types and volume, and;
  2. Public safety and emergency access can still be ensured.
  3. In granting such a waiver, the Plan Commission may:
    - a. Require turnouts or turnarounds at regular intervals (e.g., every 1,200 feet), and;
    - b. Reserve the right to require the drive be widened to two lanes at a later date if conditions change or safety concerns arise.

22. Wedding and Event Barns: A use allowing the conversion of existing farm buildings or construction of new buildings of a farm, rustic, or similar style for use as organized event space for weddings, parties, corporate events, and similar gatherings. The use may also include outdoor ceremony space and use of surrounding grounds as may be approved.

a. Parking Requirements.

- i. The number of off-street parking spaces and the required surface material (e.g., gravel or pavement) shall be determined by the Planning Commission on a case-by-case basis, taking into account the maximum expected occupancy of the building and grounds, and any applicable building or fire code limitations.
- ii. Required accessible parking stalls shall be paved and shall comply with all applicable State of Wisconsin and Town accessibility requirements.

b. Supplemental Standards.

- i. Minimum Lot Size. The lot shall be at least five (5) acres in area.
  - ii. Subdivision Limitation. The parcel shall not be located within a platted residential subdivision.
  - iii. Licensing. The operator shall obtain all applicable alcohol licenses or permits from the Town of Hartford, and any required State of Wisconsin approvals or permits.
  - iv. Road Access. The parcel shall front on, and have direct vehicular access to, a Class A or B public road as designated by the Town.
  - v. Access Drive Construction. The facility shall be served by an on-site access drive constructed to Town road standards, including two lanes, each a minimum of 12 feet in width;
  - vi. Waiver. The Plan Commission may waive the two-lane requirement and allow a single-lane drive if:
    - 1. The narrower drive will adequately serve the anticipated vehicle types and volume, and;
    - 2. Public safety and emergency access can still be ensured.
  - vii. Additional Measures to Ensure Safety. In addition the Plan Commission may:
    - 1. Require turnouts or turnarounds at regular intervals (e.g., every 1,200 feet), and;
    - 2. Reserve the right to require the drive be widened to two lanes at a later date if conditions change or safety concerns arise.
23. Solar Power Plant: A free-standing solar energy system that constitutes the principle use of the property or exceeds the Ordinance limitations for an accessory solar energy system.
- a. Parking Requirements. 1 space per employee on the largest work shift.
  - b. Supplemental Standards.
    - i. Minimum Lot Size. A minimum of 25 acres is required.
    - ii. Setbacks. Solar panels and support structures shall not be located within required building setbacks. Additional setbacks may be required through site plan review to mitigate noise, glare, or visual impact.
    - iii. Fencing and Security. A security fence may be required around the perimeter of the facility. Fence height, materials, and placement shall be approved as part of the site plan review. If fencing includes locked gates, Knox Boxes and emergency keys shall be provided for access by fire and emergency personnel.
    - iv. Signage. One identification sign, no larger than 18" x 24", shall be placed near the primary entrance and include:
      - 1. Name of the facility owner/operator;
      - 2. Emergency contact phone number;
      - 3. Voltage hazard warning.
    - v. Warning Signs. Additional signage may be installed as approved during site plan review.

- vi. **Underground Power Lines.** All on-site electrical lines shall be placed underground. Lines exiting the property may be overhead if approved by the utility provider.
- vii. **Utility Compliance.** Documentation from the affected utility company must be submitted showing the facility complies with all interconnection, safety, and operational requirements.
- viii. **Lighting.** Exterior lighting shall be the minimum necessary for safety and security and shall be downcast and fully shielded to prevent light trespass.
- ix. **Landscaping and Screening.** Landscaping and/or screening materials (vegetative buffers, berms, or fencing) may be required as part of site plan approval to reduce visual impacts from adjacent residential properties or public rights-of-way. The Town Board may waive or defer this requirement after review.
- x. **Site Maintenance.** The site must be maintained in good condition and shall not become a nuisance. This includes:
- xi. **Decommissioning Plan Required.** A decommissioning plan shall be submitted prior to issuance of a building permit. The plan shall describe:
  - 1. Removal of all structures, wiring, equipment, and fencing;
  - 2. Restoration of soil and vegetation;
  - 3. Timeframe and responsible parties for removal.
- xii. **Lease Agreement.** If the land is not owned by the solar operator, a lease agreement must be submitted. This agreement shall be binding on successors and shall address rights and responsibilities related to maintenance, decommissioning, and financial guarantees.
- xiii. **Termination of Use.** If the Zoning Administrator finds that the solar power plant is unsafe, abandoned, or inactive for 12 consecutive months, the approval may be terminated per Section 10.03. The operator shall:
  - 1. Remove all equipment and structures within 90 days;
  - 2. Restore the site as required;
  - 3. The Town may use the financial guarantee to complete removal if necessary.
- xiv. **Financial Guarantee.** Prior to building permit issuance, the operator shall provide a financial guarantee in the amount of \$20,000 to ensure removal and site restoration. The form and terms of the guarantee shall comply with Section 10.10 of this Ordinance.
- xv. **Agricultural District Requirements.** When located in the FLP or A1 zoning districts, the solar power plant shall be treated as a conditional use and shall comply with the following:
  - 1. The use minimizes the conversion of land from agricultural or open space uses.
  - 2. The use does not impair agricultural operations on adjacent or nearby lands.

3. Construction damage to land remaining in agricultural use is minimized and remediated.
24. Landscaping Business: A place where a landscape contractor may establish a base of operation. Permitted components of this use may include indoor office space; indoor and outdoor storage of materials, equipment, and machinery (including trucks and heavy equipment); and on-site repair of machinery and equipment owned and operated by the business.
- a. Parking Requirements.
    - i. 1 space per employee on the largest work shift; and;
    - ii. 1 space for each fleet vehicle parked on the premises.
    - iii. In addition to 1 and 2 above; the number of off-street parking spaces and the required surface material (e.g., gravel or pavement) shall be determined by the Planning Commission on a case-by-case basis, taking into account the maximum expected occupancy of the building and grounds, and any applicable building or fire code limitations.
  - b. Supplemental Standards.
    - i. Minimum Lot Size. A landscaping business shall have a minimum lot size of 10 acres in all agricultural districts and shall have a minimum lot size of 5 acres in industrial and commercial districts.
    - ii. Subdivision Restriction. The use shall not be located on a lot that is part of a platted subdivision.
    - iii. Location of Outdoor Work and Storage Areas. Outdoor work areas, parking, and equipment/material storage shall not be located within any required building setback applicable to the zoning district in which the use is located.
    - iv. Screening Requirement. All outdoor work areas and any equipment or materials stored outdoors shall be effectively screened year-round from any adjacent parcel in a residential zoning district, using fencing, berms, vegetation, or a combination thereof.
    - v. Screening Waiver. The Planning Commission may waive this requirement based on existing site screening and topography.
25. Small Wind Energy System: These are Wind Energy System that have a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts/3 total systems.
- a. Permit Required. No Wind Energy System may be installed, constructed or expanded in the Town without a Wind Energy System Permit granted pursuant to this Ordinance.
  - b. Pre-application Notice. In accordance with Section PSC 128.105 (1) of the Wisconsin Administrative Code, at least 60 days before an owner files an application to construct a small wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
    - i. Landowners within one mile of a planned wind turbine host property.

- ii. Political subdivisions within which the small wind energy system may be located.
- c. Pre-application Notice Requirements. In accordance with Section PSC 128.105 (1) of the Wisconsin Administrative Code, the owner shall include all of the following in a notice:
  - i. A complete description of the small wind energy system, including the number and size of the planned wind turbines.
  - ii. A map showing the planned location of all small wind energy system facilities.
  - iii. Contact information for the owner.
  - iv. A list of all potential permits or approvals the owner anticipates may be necessary for construction of the small wind energy system.
  - v. Whether the owner is requesting a joint application review process under Section PSC 128.30 (7) of the Wisconsin Administrative Code and the name of each political subdivision that may participate in the joint review process.
- d. An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mile of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives notice under Section PSC 128.105 (1) of the Wisconsin Administrative Code, or if complete publicly available plans for construction are on file with a political subdivision within 30 days of the date the owner gives notice under Section PSC 128.105 (1) of the Wisconsin Administrative Code.
- e. An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.
- f. Siting Criteria. Pursuant to Table 2 of Section PSC 128.13 (1) of the Wisconsin Administrative Code, all small wind energy systems shall comply with the following setback standards.

Table 2 of PSC 128.13(1)	
Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead communication and electric transmission or distribution lines – not including Overhead Utility Service Lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines to individual houses or outbuildings	None

- g. An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
- h. An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
- i. The owner of a nonparticipating residence or occupied community building may waive the applicable wind turbine setback distances in Table 1 for those structures to a minimum set-back distance of 1.1 times the maximum blade tip height.
- j. The owner of a nonparticipating property may waive the applicable wind turbine setback distance in Table 2 from a nonparticipating property line.
- k. Noise Criteria. In this section, nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily; The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under Section PSC 128.105 (1) of the Wisconsin Administrative Code or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under Section PSC 128.105 (1) of the Wisconsin Administrative Code.
  - i. An owner shall design the proposed small wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
  - ii. An owner shall design a small wind energy system to comply with the noise standards in this section under planned operating conditions.
  - iii. Except as provided in 4.05(24) (k) (2) and 4.05(24) (k) (3), the owner shall operate the small wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
  - iv. In the event audible noise due to small wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This does not apply to sound the small wind energy system produces under normal operating conditions.
- l. Compliance with noise regulations. If an owner uses sound level measurements to evaluate compliance with this section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measurements to evaluate compliance in addition to the following:
  - i. Upon receipt of a complaint regarding a violation of the noise standards in 4.05(24)(j)(3), an owner shall test for compliance with the noise limits in



- 4.05(24)(j)(3), the Town Board may require additional testing to show compliance if the owner has not provided the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with 4.05(24)(j)(3), at the location relating to the complaint.
- ii. Methods available for the owner to comply with 4.05(24) (j) (3), shall include operational curtailment of one or more wind turbines. Upon receipt of a complaint about a noise under 4.05(24) (k) (1), the owner shall use operational curtailment to eliminate the noise until the owner permanently corrects the problem.
  - iii. Noise Waiver. Upon request by an owner of a small wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this section at the affected residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property, runs with the land until the small wind energy system is decommissioned, and shall be recorded under Ch. 706, WI. Stats.
  - iv. Written Notification Required. Before entering into a contract under 4.05(24)(k)(3), an owner of a small wind energy system shall provide written notice of the requirements of this section to the owner of an affected nonparticipating residence or occupied community building; Before the initial operation of the small wind energy system, an owner of a wind energy system shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract under 4.05(24)(k)(3).
  - m. Shadow Flicker. The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under s. PSC 128.105 (1) or for which complete publicly available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under s. PSC 128.105 (1).
    - i. An owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.
    - ii. Shadow Flicker Limits. An owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's

normal operating conditions, the owner shall use operational curtailment to comply with this subsection.

- iii. **Shadow Flicker Mitigation.** An owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
  - iv. **Waiver.** Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under 4.05(24) (1) (2) or 4.05(24) (1) (3) at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under WI Ch. 706, Stats.
- n. **Signal Interference.** The signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.
  - i. An owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.
  - ii. An owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. A political subdivision may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.
- o. **Stray Voltage.**
  - i. An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a small wind energy system facility pursuant to the stray voltage protocol established by the commission before any wind energy system construction activity that may interfere with testing commences and again after construction of the wind energy system is completed, except as otherwise specified by Public Service Commission staff under 4.05(24)(n)(2)
  - ii. Before any testing under 4.05(24) (n) (1) begins, an owner shall work with commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required under 4.05(24) (n) (1) shall conduct or arrange to conduct all required testing at the expense of the owner.

- iii. An owner and the electric distribution company shall provide to Public Commission Service staff with the results of all stray voltage testing in writing.
- iv. An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the wind energy system, in compliance with the Public Service Commission's stray voltage protocol.
- p. Construction and Operation.
  - i. An owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine. An owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine. An owner may attach a safety feature or wind monitoring device to a wind turbine.
  - ii. An owner shall ensure that a wind turbine has a conventional or unobtrusive finish.
  - iii. An owner shall install lighting at a wind energy system that complies with standards established by the federal aviation administration. A political subdivision may not establish lighting requirements for a wind energy system that conflict with standards established by the federal aviation administration. A political subdivision may require use of shielding or control systems approved by the federal aviation administration to reduce visibility of lighting to individuals on the ground.
  - iv. An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.
  - v. An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
  - vi. An owner shall place appropriate warning signage on or at the base of each wind turbine.
  - vii. An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.
  - viii. Electrical Standards. An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and Section PSC 114 of the Wisconsin Administrative Code and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.
  - ix. Construction, Operation, and Maintenance. An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the small wind energy system in good repair and operating condition and in a manner that protects individuals from injury.
  - x. Emergency Procedures. An owner shall notify a political subdivision of the

occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.

- q. Application Requirements. Conditional use permit applications for small wind energy systems shall be made in writing accompanied by all required fees as identified on the Town of Hartford Fee Schedule. The application shall include the following information in accordance with PSC 128.30(2) of the Wisconsin Administrative Code:
- i. Wind energy system description and maps showing the locations of all proposed wind energy facilities.
  - ii. Technical description of wind turbines and wind turbine sites.
  - iii. Timeline and process for constructing the wind energy system.
  - iv. Information regarding anticipated impact of the wind energy system on local infrastructure.
  - v. Information regarding noise anticipated to be attributable to the wind energy system.
  - vi. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
  - vii. Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of the wind energy system.
  - viii. Information regarding the anticipated effects of the wind energy system on airports and airspace.
  - ix. Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
  - x. A list of all state and federal permits required to construct and operate the wind energy system.
  - xi. Information regarding the planned use and modification of roads within the political subdivision during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
  - xii. A representative copy of all notices issued under sub. (5) and ss. PSC 128.105 (1) (a) and 128.42 (1).
  - xiii. The application shall also include a written statement signed by the applicant that the notices to residents and owners of adjacent lots or parcels required by Sections PSC 128.61(1) and 128.61(7) were provided.
  - xiv. An owner shall submit a copy of all necessary State and Federal permits and approvals to the Town within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.
  - xv. Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.
- r. Applications for proposed wind energy systems shall be reviewed by the Zoning Administrator for a determination of completeness in accordance with the

requirements of Section PSC 128.31 of the Wisconsin Administrative Code. Following a determination of completeness by the Zoning Administrator, the applicant shall provide 10 copies of the complete application to the Town. The Town Clerk shall forward one copy of a complete application to the (library serving the Town), in accordance with Section PSC 128.30(6). One copy of the application shall be made available for public review at the Town Hall during normal Town Hall business hours.

- s. As soon as possible after receiving an application for a wind energy system, the Town Clerk shall cause to be published a Class 1 notice stating that an application has been filed, in accordance with Section 66.0401(4) (a) of the Wisconsin Statutes. The notice shall include the information required by PSC Section 128.30(5) (b) of the Wisconsin Administrative Code.
- t. Review Criteria.
  - i. Wind energy systems shall comply with all applicable State and Federal laws, including the provisions of Section 66.0401 of the Wisconsin Statutes and Chapter PSC 128 of the Wisconsin Administrative Code.
  - ii. Wind energy systems are exempt from the height requirements of this Ordinance; however, no such system shall be located closer to a lot line than the setback, if any, specified in Table 2 in Section PSC 128.61(3) for a small wind energy system and Table 1 in Section PSC 128.13(1) for all other wind energy systems. The applicant may request larger setbacks for consideration by the Plan Commission in order to meet other standards contained in Chapter PSC 128 such as, but not limited to, noise and shadow flicker limitations.
- u. Review Process.
  - i. The Planning Commission shall have ninety (90) days from the date that the Zoning Administrator notifies the owner that the application is complete in which to approve or disapprove the application, unless the time is extended in accordance with Section 66.0401(4) (e) of the Wisconsin Statutes.
  - ii. As a condition of approval, the Town may require financial assurance in accordance with Section 10.10 to ensure proper decommissioning and site restoration.
  - iii. The Planning Commission shall hold a public hearing in accordance with Section 10.07 on the proposed wind energy system in accordance with (cross-reference public hearing requirement section of ordinance) and shall make a recommendation to the Town Board including any recommended conditions of approval.
  - iv. Following the public hearing, the Town Board shall issue a written decision to grant or deny a conditional use permit for a wind energy system including any conditions of approval. The Town shall provide its written decision to the owner and to the Public Service Commission of Wisconsin. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision must specify the reason for the denial.

- v. The Town Clerk shall provide a duplicate original of the Plan Commission written decision to the applicant.
  - vi. The owner shall record the duplicate original of a decision approving an application with the Register of Deeds for Washington County, Wisconsin and provide the Town with a certified copy of said filing within 60 days.
  - vii. The Town shall maintain a record of the permit review and decision as required by Section PSC 128.34 of the Wisconsin Administrative Code.
- v. Emergency Training. An owner of a wind energy system shall provide annual training for any fire, police, or other first responder identified in the owner's emergency plans. An owner shall provide at least eight hours of training during each calendar year and is responsible for all direct training costs.
- w. Aerial Spraying.
  - i. Substantial evidence of a history, before the wind energy system owner gives notice under PSC 128.105(1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans, or sweet corn on all or part of the farm field located within one-half mile of a constructed wind turbine.
  - ii. A material reduction in potato, pea, snap bean, or sweet corn production or a material increase in application costs on all or part of a farm field located within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.
- x. Decommissioning.
  - i. An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.
  - ii. A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 360-day period.
  - iii. When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.
  - iv. Decommissioning Review.
    - v. An owner of a wind energy system within the Town shall submit an annual report to the Plan Commission by January 31 of each year documenting the operation and maintenance of the wind energy system during the previous calendar year.
    - vi. The Plan Commission will conduct a review of the annual reports submitted, in part to determine if a wind energy system has reached the end of its useful life.
    - vii. An owner shall file a notice of decommissioning completion with the political subdivision and the commission when a wind energy system approved by the political subdivision has been decommissioned and removed.

- viii. Within 360 days of receiving a notice of decommissioning, a political subdivision shall determine whether the owner has satisfied the requirements of 4.05(24) (p) (1).

## 06 SPECIAL STANDARDS FOR INDUSTRIAL USES

1. Standards applicable to all industrial uses:
  - a. Site Plan / Plan of Operation required. Industrial uses are subject to the applicable requirements of Section 10.05.
2. Temporary Concrete or Asphalt Batch Plants
  - a. Parking Requirements. Adequate parking shall be provided for all employees, delivery trucks, and on-site equipment. The number and location of parking spaces shall be subject to Planning Commission approval based on site characteristics and project needs.
  - b. Supplemental Standards. In addition to the application requirements for a conditional use permit, the following information shall be submitted with the application:
    - i. Erosion Control. The application shall include a plan for controlling erosion of stockpiled material used in manufacturing concrete or asphalt.
    - ii. Restoration Plan. A detailed site restoration plan shall be submitted illustrating or describing measures to restore the site to a condition of practical usefulness and reasonable physical attractiveness, including regrading, re-vegetation, and erosion stabilization.
    - iii. Duration. Conditional Use Permits for temporary batch plants shall be issued only for the duration of the associated construction project. The specific time period shall be established at the time of approval.
    - iv. Removal. All equipment, stockpiles, and plant-related infrastructure shall be removed within sixty (60) days of completion of the project.
    - v. Screening and Nuisance Mitigation. The site shall be operated in a manner that minimizes dust, noise, glare, and odors. The Planning Commission may require vegetative or structural screening where necessary to mitigate impacts on nearby properties.
    - vi. Enforcement. Failure to remove the batch plant within the specified time period may result in enforcement action, including fines and the use of any required financial guarantees to complete site restoration.
3. Mini-Warehouses
  - a. Parking Requirements. One (1) parking space shall be provided per 500 square feet of Primary Floor Area. The number and location of spaces shall be subject to site plan approval.
  - b. Supplemental Standards.
    - i. Building Setbacks. All buildings shall be located a minimum of fifty (50) feet from all lot lines, except in the Light Industrial (LI) District, where standard district setbacks shall apply.

ii. Drive Aisle Design:

1. All one-way driveways shall provide a minimum ten (10) foot wide parking lane and a fifteen (15) foot wide travel lane.
2. All two-way driveways shall provide a ten (10) foot wide parking lane and two twelve (12) foot travel lanes.
3. The parking lanes may be eliminated when the drive does not serve access to storage units.

- c. Prohibited Activities. Use of individual storage units for workshops, manufacturing, retail sales, or human or animal occupancy is strictly prohibited.
- d. Outdoor Storage. The outdoor storage of goods, materials, equipment, or vehicles is prohibited unless otherwise approved as part of a separate permitted use.
- e. Screening Requirements. Where a mini-warehouse facility abuts a residential zoning district, year-round screening shall be provided using vegetation, fencing, or a combination thereof, as determined by the Planning Commission and approved by the Town Board.
- f. Lighting Standards. Exterior lighting shall be fully shielded to direct light downward and away from adjoining residential properties, rights-of-way, and non-commercial districts. Lighting shall comply with all applicable performance standards in this Ordinance.
- g. Occupancy Prohibited. Human and animal occupancy or habitation of storage units is prohibited at all times.
- h. Building Appearance.
  - i. Siding Materials. Buildings shall use exterior materials that are durable and compatible with surrounding development, such as masonry, split-face block, textured concrete, or architectural metal panels. Standard corrugated metal siding is discouraged on facades visible from public roads or residential properties.
  - ii. Roofing and Façade Articulation. Buildings shall incorporate pitched or gabled roof forms, architectural projections, or false façades to break up large massing and enhance visual interest. Acceptable architectural projections include, but are not limited to:
    1. Cupolas or dormers,
    2. Gabled rooflines over primary entrances,
    3. Covered entryways, and
    4. Decorative cornices or parapets with varying heights or materials.
- i. Security Measures. The facility shall be enclosed by a security fence with gated access, and may include lighting, cameras, and keypad entry systems for customer safety and operational control.
- j. Office Space Limitation. A manager's office and restroom may be allowed as an accessory use but shall not exceed 500 sq. ft. unless otherwise approved as part of the site plan.

4. Non-Metallic Mining Activities



- a. Parking Requirements. To be established by the Planning Commission on a case-by-case basis based on site-specific conditions and operational characteristics.
- b. Supplemental Standards.
  - i. Setbacks. All excavation activities, stockpiles, and equipment storage areas shall be set back a minimum of 100 feet from any property line and 300 feet from any residential zoning district, unless otherwise approved by the Plan Commission.
  - ii. Screening and Buffers. Where the site abuts a residential district or visible public right-of-way, screening shall be provided using berms, fences, and/or vegetation to minimize views of equipment, stockpiles, and active mining areas.
  - iii. Noise, Dust, and Vibration Control. The operator shall implement measures to minimize dust, noise, and vibration, including the use of dust suppression systems and mufflers on equipment.
  - iv. Hours of Operation. Hours of operation shall be established by the Plan Commission and may be limited to weekdays between 7:00 a.m. and 6:00 p.m., excluding legal holidays, unless otherwise authorized.
  - v. Access. The site shall have direct access to a Class A or B road unless otherwise approved. All haul routes must be clearly identified in the application.
  - vi. Water Protection. The operation shall comply with all applicable state and federal regulations concerning groundwater protection, surface water discharge, and erosion control.
  - vii. Financial Assurance. The operator shall provide a financial guarantee in accordance with Section 10.10, sufficient to cover the full cost of site reclamation in accordance with the approved reclamation plan.
  - viii. Compliance with Reclamation Standards. All activities shall comply with NR 135, Wis. Adm. Code, and any applicable county-administered reclamation program.
- c. Supplemental Application Requirements. Applications for conditional use permits for non-metallic mining shall include, in addition to the general requirements:
  - i. A site plan consisting of:
  - ii. Property boundaries;
  - iii. Area to be excavated;
  - iv. Easements and rights-of-way;
  - v. Structures and watercourses;
  - vi. Existing and proposed contours;
  - vii. Stockpiling, processing, and staging areas;
  - viii. Fencing, signage, and access roads.
- d. Typical Cross Section Diagrams showing:
  - i. Depth and extent of resource deposit;

- ii. Overburden thickness;
    - iii. Approximate water table elevation.
  - e. Access Map. A map illustrating the haul route between the mining site and the nearest public road.
  - f. Operational Statement. Description of:
    - i. Project timeline and phases;
    - ii. Hours/days of operation;
    - iii. Estimated volume of materials to be extracted;
    - iv. Methods of extraction and processing;
    - v. Types of equipment used;
    - vi. Dust, noise, and vibration mitigation measures.
  - g. Reclamation Plan which includes:
    - i. Phasing and final contours;
    - ii. Vegetative and landscaping plans;
    - iii. Management of any post-mining water features;
    - iv. Timetable for implementation;
    - v. Disposal plan for any remaining equipment or structures;
    - vi. Financial guarantee documentation.
- 5. Recycling and Waste Recovery Facility, Non-Municipal.
  - a. Parking Requirements. To be established by the Planning Commission on a case-by-case basis based on the scale and nature of operations.
  - b. Supplemental Standards.
    - i. Screening. Any part of the operation visible from a public road shall be screened using a vegetative buffer or a combination of fencing and landscaping as approved by the Planning Commission.
    - ii. Outdoor Storage. All recyclable or waste material stored outdoors shall be neatly organized and screened from public view.
    - iii. Environmental Compliance. The facility shall comply with all applicable state and federal regulations related to air quality, water quality, and hazardous materials.
- 6. **Salvage and Junk Yards: Are expressly prohibited** in all zoning districts. No such use shall be established, operated, or maintained within the jurisdiction of this Ordinance.
- 7. Warehouses: Warehouses are distinct from mini-warehouses (self-storage facilities) in that they are not subdivided into individual storage units for rent or lease by the general public, and are not intended for the personal storage of household goods and the like or use by multiple, unrelated tenants.
  - a. Parking Requirements. 1 space per 1,000 square feet of gross floor area, plus 1 space per on-site employee on the largest shift. Additional spaces for trucks and trailers may be required as determined through the site plan review process.
  - b. Supplemental Standards:

- i. Outside Storage. Outside storage of materials, products, or equipment is prohibited unless specifically authorized by conditional use permit and appropriately screened.
      - ii. Screening. Where a warehouse property abuts a residential district, a vegetative buffer and/or fence shall be installed and maintained as approved by the Town Board to mitigate visual impacts. Screening shall be designed to be effective year-round.
      - iii. Lighting. All exterior lighting shall be shielded and downcast to prevent glare and direct illumination onto adjacent properties not zoned for industrial or commercial use, and onto public rights-of-way.
8. Wood Products & Processing Plant
  - a. Parking Requirements. To be established by the Planning Commission on a case-by-case basis based on the scale and nature of operations.
  - b. Supplemental Standards:
    - i. Separation from Residential Uses. The facility shall be located at least 500 feet from any dwelling unit not owned or occupied by the owner or operator of the wood processing operation.
    - ii. Noise Standards. Noise generated by wood processing shall not exceed 65 decibels at any property line. The measurement shall be based on the A-weighted decibel scale (dBA), measured during normal operating conditions.
    - iii. Activity Area Setback. Areas used for stockpiling, loading, unloading, or maneuvering of materials or equipment shall be set back a minimum of 200 feet from any dwelling unit not owned or occupied by the facility operator.
    - iv. Screening Requirements. All outdoor wood storage areas shall be screened year-round from adjacent properties by vegetative plantings, fencing, or a combination thereof, subject to Town Board approval. The screening shall be designed to minimize visual, noise, and dust impacts.
9. RESERVED
10. RESERVED
11. Light Industry. Light Industry includes trades and industrial activities of a restrictive, low-impact nature that do not cause adverse effects on adjoining districts due to appearance, noise, dust, smoke, odor, vibration, or emissions. Permitted uses do not include basic or heavy industrial processes, such as:
  - Metal foundries or metal plating;
  - Thermoforming of plastics;
  - Blending or formulation of fuels or hazardous substances;
  - Large-scale painting or coating of products;
  - Any use involving hazardous materials or producing hazardous waste;
  - Any use requiring air or water emission pretreatment, special treatment, or pollution

control devices;

- Any use producing detectable odors in ambient outdoor air;
- Any use resulting in conditions or nuisances that impair the reasonable use and enjoyment of neighboring properties;
- Any uses listed under Section 4.03(4).
  - a. Parking Requirements. 1 space per 500 square feet of primary building area.
  - b. Supplemental Standards.
    - i. Setbacks:
      1. No building associated with a Light Industry use shall be located closer than 100 feet to a lot line shared with a residential zoning district.
      2. A minimum offset of 50 feet shall be maintained from all other property lines.
      3. May require screening standards as determined by the Plan Commission and Appendix B.

## 07 SPECIAL STANDARDS FOR INSTITUTIONAL USES

These are uses which serve a public need and are principally of an institutional, educational, medical, or governmental nature (whether public or privately owned and either "for profit" or "not for profit") and serving a public need, (but not including the operation of a bar, restaurant, or recreational facility as a commercial enterprise).

1. Cemeteries: A cemetery is a designated area where human remains are buried or interred. Accessory uses may include a columbarium, crematory, mausoleum, or mortuary, provided such facilities are located within the cemetery boundaries and operated in conjunction with the cemetery.
  - a. Parking Requirements. 1 space for each three (3) patron seats at the maximum capacity of any funeral or mortuary building, plus 1 space for each employee on the largest shift.
  - b. Supplemental Standards.
    - i. Minimum Lot Size. The parcel shall have a minimum area of three (3) acres.
    - ii. Prohibited in Subdivisions. Cemeteries shall not be located within a platted subdivision.
    - iii. Burial Plot Location Restrictions.
      1. Burial plots shall not be located within 20 feet of a public street right-of-way or any proposed right-of-way designated on an adopted highway width map;
      2. Burial plots shall not be located within designated floodplains or wetlands;
      3. No interment shall occur below the groundwater table.

- iv. Grave Marker Requirement. Each occupied burial plot shall be identified by a permanent marker displaying the name of the deceased and birth and death dates, if known. The Zoning Administrator may waive this requirement for unmarked graves in exceptional circumstances (e.g., cultural or historical considerations).
  - v. Burial Container Requirement. The deceased shall be enclosed in a casket or other durable burial container or otherwise interred at a sufficient depth to prevent disturbance by wildlife.
  - vi. Name and Signage. The cemetery shall have a formal name clearly identified on a permanent entrance sign located at the primary access point.
  - vii. Financial Guarantee. Prior to establishment, the property owner shall submit a financial guarantee in a form and amount approved by the Town Board to ensure the long-term maintenance and upkeep of the cemetery grounds and facilities.
2. **Schools and Libraries:** This would include public and private educational facilities.
- a. **Parking Requirements:**
    - i. 0.5 spaces per classroom for grades K–8;
    - ii. 1 space per 8 students (grades 9–12), based on maximum design capacity;
    - iii. Plus 1 space per employee on the largest work shift.
  - b. **Supplemental Standards.**
  - c. Minimum Lot Size. The parcel shall have a minimum lot area of ten (10) acres.
  - d. Road Access. The property shall front on and have direct vehicular access to a Class A or Class B road as depicted on the Official Road Classification Map for the Town of Hartford.
  - e. Access Drive Requirements. The facility shall be served by an on-site access drive constructed to the standards of a town road, including two travel lanes each with a minimum width of 12 feet.
  - f. Waiver. The Plan Commission may waive the two-lane requirement and allow a single-lane drive if the wider drive is deemed unnecessary based on the location of the use on the property, expected vehicle type and volume, and other relevant factors.
    - i. If a single-lane drive is permitted, the Commission may still require intermediate turnouts or turnaround areas every 1,200 feet and may impose additional design features to ensure adequate emergency access and public safety.
    - ii. The Commission reserves the right to later require widening to a two-lane configuration if site conditions or traffic patterns change.
3. **Health Care Centers, Medical Clinics, Assisted Living, Nursing Homes.**
- a. Parking Requirements.
    - i. Inpatient facilities:
    - ii. 1 space for each 1.5 patient beds;
    - iii. plus 1 space for each employee on the largest work shift;

- iv. plus 1 space for each doctor on the largest work shift.
- v. Outpatient facilities: 1 space for each examination room or equivalent; plus 1 space for each 300 square feet of gross floor area not devoted to examinations.
- b. Supplemental Standards.
  - i. Road Access. The property shall front on and have direct vehicular access to a Class A or Class B road as identified on the Official Road Classification Map for the Town of Hartford.
  - ii. Additional Setbacks. The Plan Commission may require increased setbacks between any structure, parking area, or service area and adjacent residentially zoned properties in order to mitigate potential impacts related to noise, lighting, and traffic.
  - iii. The requirement in sub. 2 shall not apply to medical clinics with a gross floor area of 10,000 square feet or less, provided the use is designed for low-intensity operation and intended to serve the surrounding neighborhood.
- 4. Government Related Buildings and Functions. This includes municipal offices, public safety facilities (police and fire stations), courthouses, public works facilities, and similar government-operated services.
  - a. Parking Requirements.
    - i. 1 space for each 500 gross square feet of office area;
    - ii. Plus 1 space for each employee on the largest work shift;
    - iii. Plus 1 space for each vehicle normally parked on the premises.
  - b. Supplemental Standards.
    - i. Outdoor storage. Outdoor storage areas and similar operational areas shall be located a minimum of fifty (50) feet from any parcel zoned for residential use. The Plan Commission may impose additional screening or buffering requirements to minimize visual or operational impacts.
- 5. Public Recreation: This would include uses such as publicly owned and operated parks, recreational areas, pools and open space uses but would exclude golf courses and driving ranges which are regulated under § 4.05 Commercial Uses.
  - a. Parking Requirements. Adequate off-street parking shall be provided to accommodate anticipated users of the facility, as determined by the Plan Commission based on the size and type of recreational use, location, and available access. Shared parking and alternative access provisions may be considered on a case-by-case basis.
  - b. Supplemental Standards.
    - i. Public pools. Public swimming pools shall comply with all requirements of § 4.09(18). In addition, a valid Public Pool License must be obtained and maintained at all times by the operator, as issued by the Washington and Ozaukee Public Health Department.
- 6. Worship Facility. A place where people regularly assemble for religious worship and associated activities. This use is operated by an entity with tax-exempt status under Section 501(c) (3) of the Internal Revenue Code. The term includes sanctuaries, chapels, cathedrals,

churches, synagogues, temples, and related on-site accessory buildings such as parsonages, friaries, convents, fellowship halls, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational institutions, emergency shelters, or health care facilities.

- a. Parking Requirements.
  - i. One (1) off-street parking space for every four (4) patron seats at maximum design capacity;
  - ii. Plus one (1) space for each employee on the largest work shift.
- b. Supplemental Standards.
  - i. If the facility is designed to accommodate 500 or more persons, the property shall front on and have direct vehicular access to a Class A or Class B road, as depicted on the Official Road Classification Map for the Town of Hartford.

## **08 SPECIAL STANDARDS FOR TELECOMMUNICATION AND UTILITY USES**

All telecommunication and utility uses located within the FLP – Farmland Preservation District shall comply with the applicable provisions of Wisconsin Statutes Chapter 91 – Farmland Preservation, including, but not limited to, the standards for Farm Family Businesses as established by administrative rule of the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).

1. Communication Towers: A free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities. Applications to increase the height of an existing communication tower are also regulated under this subsection.
  - a. Legislative Findings. The regulations in this section are intended to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities. These regulations are intended to accomplish the following purposes, to the fullest extent permitted by law:
    - i. Protect the visual character of the town from the potential adverse effects of telecommunication facilities;
    - ii. Ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided;
    - iii. Create and preserve telecommunication facilities that will serve as an important and effective part of the town's emergency response network;
    - iv. Minimize the number of towers by requiring collocation; and
    - v. Avoid damage to adjoining properties by establishing setback standards.
  - b. Parking Requirements. One space.
  - c. Federal requirements. A telecommunication tower shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation

Administration, and any other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

- d. Single parcel. The fall zone and all structures related to the telecommunication facility shall be located on a single parcel, including the tower, equipment compound, and anchor points for a guyed tower.
- e. Setbacks. The center of the tower shall not be located closer to a property boundary line than the height of the tower. If the lot hosting the proposed tower is not located adjacent to a parcel where a single-family residence may be located and the applicant submits an engineering certification showing the fall zone is smaller, the fall zone shall be the smaller calculated area, unless the town provides substantial evidence that the certification is flawed. Fences around anchor points for a guyed tower shall be at least 25 feet from a property boundary line.
- f. Security fencing. A tower and its equipment compound shall be enclosed by a security fence, with height and materials subject to site plan review. Guyed tower anchor points shall also be enclosed by security fencing.
- g. Lighting and painting. Towers or attachments shall not be artificially lighted except when required by law. Required lighting shall be the least obtrusive. Structures shall comply with FAA painting and lighting standards. Flashing or strobe-type lights are only permitted if required by FAA regulations. Unregulated structures shall use finishes that blend with the environment.
- h. Aesthetic requirements:
  - i. In areas where above-ground facilities do not exist, undergrounding is required.
  - ii. No new above-ground structures may be placed within 500 feet of properties on the National or State Register of Historic Places, unless completely concealed.
  - iii. Attachments shall be flush, color-matched, and minimized in size. Color changes to the structure require corresponding changes to attachments.
- i. Equipment buildings. Exteriors of equipment shelters over 1,500 cubic feet shall use materials common to nearby buildings.
- j. Emergency power system. A backup generator may be placed within the equipment compound.
- k. Identification sign. An 18" x 24" sign shall be placed at the base listing the tower owner's name, FCC ID number, and emergency contact number.
- l. Accommodation of Other Users. Towers over 150 feet shall be designed to accommodate at least two additional users unless technically infeasible. Operators must offer fair market leasing. Non-compliance may result in permit revocation and removal.
- m. Requirement for collocation. New towers are only permitted if collocation is infeasible. A sworn statement and technical analysis are required. Failure to provide such analysis results in application denial.



- n. Collocation review. Antenna collocation on existing towers is permitted with required plan reviews.
  - o. Dedications for public safety. The Town may require dedicated space for public safety communications on towers over 70 feet.
  - p. Landscaping. Equipment enclosures and guyed tower anchor points must be screened with vegetation per an approved landscaping plan. The plan commission may adjust or waive this requirement.
  - q. Access. A 12-foot stabilized driveway is required unless otherwise determined by the Town. A turnaround and one parking space must be provided.
  - r. Lease agreement. If the tower operator is not the landowner, a binding lease agreement addressing subsections (p) and (q) must be executed. On Town property, a license agreement subject to Town Attorney approval is required.
  - s. Ongoing maintenance. Sites must be maintained in good condition, including landscaping and regular upkeep of all improvements. The site must remain free of debris.
  - t. Termination of approval. If a tower becomes unsafe or is unused for 12 consecutive months, the zoning administrator shall initiate termination proceedings. Within 90 days of termination, all structures must be removed and the site restored. Financial guarantees may be used to complete this work if the owner fails to comply.
  - u. Financial guarantee. Prior to issuance of a building permit, the applicant must submit a minimum \$20,000 financial guarantee in accordance with Section 10.10. The guarantee shall remain in place until site restoration is complete.
  - v. Third-party consultant. The Zoning Administrator may require third-party review of application materials at the applicant's expense. Review costs shall exclude consultant travel expenses.
  - w. Fees as listed and modified by the Town Board from time to time.
2. Telecommunication collocation, class 1:
    - a. The placement of a new mobile service facility on an existing support structure which constitutes a substantial modification. Note: This definition is based on the corresponding definition in Wis. Stats. § 66.0404.
    - b. Parking Requirements. None.
    - c. Supplemental Standards. None.
  3. Telecommunication collocation, class 2:
    - a. The placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification. Note: This definition is based on the corresponding definition in Wis. Stats. § 66.0404.
    - b. Parking Requirements. None.
    - c. Supplemental Standards. None.
  4. Utility Facilities, Major: A place, building, and/or structure, or portion thereof, whether public or private, used or intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, water

towers, electric transmission lines with a design capacity of 110 kilowatts or more and underground pipelines.

- a. Parking Requirements. One space for each on-site employee on the largest work shift.
  - b. Building. If a major utility installation involves a building of any type and is located in a residential zoning district or a planned development district that allows residential uses, such building shall be compatible with residential buildings in regard to design, scale, and exterior materials.
  - c. Screening. Major utility facilities shall be screened from adjacent residential uses and public rights-of-way by one or more of the following methods: berms, decorative fencing, and/or dense, year-round vegetative screening at least six (6) feet in height. The Plan Commission may require a site-specific landscape plan to ensure adequate screening is provided, or may waive this requirement when not necessary due to topography, distance, or intervening features.
  - d. Substation Safety Setbacks. Electrical substations shall be enclosed by a locked chain link fence at least ten (10) feet high. Such structures shall be located at least seventy-five (75) feet from any dwelling unit and at least fifty (50) feet from any residential lot line.
  - e. Conditional Use Requirement. Utility facilities not requiring authorization under Wis. Stat. § 196.491 shall be allowed only as a conditional use in the Farmland Preservation (FLP) District.
5. **Utility Facilities, Minor:** A utility installation generally having a low impact on neighboring property. The term includes public water system wells (without a tower), below-ground sewer lift stations, and storm water pumping stations. The term does not include utility cabinets, which are classified as an accessory use.
  - a. Parking Requirements. None.
  - b. Supplemental Standards. Structures four (4) feet or less above grade elevation are exempt from the setback requirements of the applicable zoning district but must be located to minimize visual or physical disruption to adjacent land uses.
6. **Utility Cabinet:** A ground-mounted pedestal, junction box, cabinet, or similar feature that a service provider uses to provide telephone, electric, natural gas, cable television, cable Internet, or similar public service to properties in the area. A utility cabinet may be located within a public right-of-way or on private property.
  - a. Parking Requirements. None
  - b. Supplemental Standards:
    - i. Location. A utility cabinet may be placed:
    - ii. Within a town road right-of-way in compliance with right-of-way regulations in Chapter 8 – Public Works of the municipal code;
    - iii. Within a public road right-of-way under the jurisdiction of the county or the state in compliance with all applicable laws and subject to obtaining all necessary approvals as required by the governing bodies having jurisdiction;
    - iv. Within a private road right-of-way with the proper lease or easements; or

- v. On private property within a leased area.
- c. Setbacks and yard requirements. Utility cabinets are exempt from the side yard, rear yard, and setback requirements of the zoning district in which they are located. However, they must comply with any applicable vision triangle or vision corner easement restrictions and must not interfere with safe sight distances at intersections or driveways.
- d. Screening. Where a utility cabinet is located in a residential district or is visible from a public right-of-way, it shall be screened to minimize visual impact. Screening shall consist of one or more of the following:
  - i. Landscaping with shrubs or evergreen vegetation that achieves a height of at least three (3) feet within two growing seasons;
  - ii. A decorative fence or enclosure designed to complement nearby structures;
  - iii. Color-matching of the cabinet with surrounding structures or vegetation.
  - iv. The Town may waive or modify the screening requirement if the utility cabinet is sufficiently concealed by existing features or is located in an area where screening is deemed unnecessary.

## **09 SPECIAL STANDARDS FOR ACCESSORY USES:**

1. Standards applicable to all accessory land uses:
  - a. Construction Timing and Financial Assurance. No accessory building shall be constructed prior to the commencement of construction of the principle building, and no accessory building shall remain on a lot once the principle building has been removed, unless a variance is granted by the Town Zoning Board of Appeals. This prohibition shall not apply if all of the following conditions are met:
    - i. The property owner submits to the Town of Hartford a letter of credit or other form of financial assurance acceptable to the Town, in an amount sufficient to cover the full cost of removing the accessory building if a principle building is not constructed within eighteen months (18) months; and
    - ii. A deed restriction is recorded with the Washington County Register of Deeds stating that a principle building shall be constructed on the lot within eighteen months(18) months of:
      1. the issuance of a building permit for the principle structure, or
      2. The removal of a prior principle building.
    - iii. If the principle structure is constructed or the accessory building is removed within the required timeframe, the Town shall cooperate in the rescission of the deed restriction and release of the letter of credit or financial assurance.
  - b. On parcels thirty-five (35) acres or more in size, one or more agricultural farm building may be permitted without an existing residence, provided the Zoning Administrator determines that the parcel is zoned and actively used for agricultural purposes and that the proposed buildings are directly related to those purposes. The property owner shall ensure proper sanitation and maintenance of the structure(s).

- c. Exemption for a utility cabinet. A utility cabinet may be established on a vacant lot prior to the establishment of a principle use or structure and shall be exempt from the requirements of subsection (a).
  - d. Maximum number of accessory buildings. The number of accessory buildings allowed on a parcel shall be in accordance with the limitations set forth Appendix C – District Dimensional Requirements.
- 2. **Accessory Residences:** Accessory residences are intended to provide housing for individuals who own or are employed in an active business located on the same lot. These dwellings are not intended for general residential occupancy unrelated to the primary non-residential use of the property.
  - a. Parking Requirements. Two (2) off-street parking spaces shall be provided for each accessory residence.
  - b. Supplemental Standards.
    - i. Only one (1) accessory residence shall be permitted per lot.
    - ii. The accessory residence shall be limited to a single dwelling unit and shall be occupied only by the property owner, a business operator, or an employee who derives a substantial portion of their income from a bona fide business operating on the same lot.
    - iii. The accessory residence may be constructed as either an attached or detached dwelling unit.
    - iv. The accessory residence shall comply with the same minimum yard and setback requirements applicable to principle structures within the zoning district.
    - v. If the accessory residence is detached from the principle building, it shall meet the minimum floor area standards for single-family dwellings, as specified elsewhere in this Ordinance.
    - vi. If the accessory residence is attached to the principle building, it shall contain a minimum of nine hundred (900) square feet of floor area.
    - vii. Mobile homes, manufactured homes not meeting the standards for permanent residential structures, and temporary dwellings shall not qualify as an accessory residence under this section.
- 3. **Accessory Energy Systems:** An accessory energy system, commonly referred to as an outdoor wood boiler, furnace, or stove, is a free-standing device located outside the principle building, designed to produce heat or hot water for use in a residence or an accessory use on the same lot.
  - a. Parking Requirements. None.
  - b. Supplemental Standards.
    - i. The unit shall not be located within any required yard setback and shall be set back a minimum of fifty (50) feet from all property boundary lines.
    - ii. The unit shall not be located within the street yard (i.e., the yard between the principle structure and the public or private road right-of-way).
    - iii. The unit shall only serve the principle residence and/or accessory uses located

- on the same parcel.
  - iv. Emissions from the system shall comply with all applicable state and federal air quality standards, including U.S. EPA Phase II emissions guidelines.
  - v. The accessory energy system shall be maintained in good working condition and operated only during periods when heating is required, typically October through April, unless otherwise authorized by the zoning administrator.
4. Home Occupations: A home occupation is a business, profession, occupation, or trade conducted entirely within a dwelling unit by one or more of its occupants that is incidental and secondary to the primary residential use of the property.
- a. Parking Requirements. One (1) off-street parking space shall be provided for every 150 square feet of floor area used for the home occupation.
  - b. Supplemental Standards.
    - i. A home occupation shall be conducted entirely within the principle dwelling unit, including any attached garage. It shall not be conducted in a detached accessory building.
    - ii. The total floor area used for the home occupation shall not exceed twenty percent (20%) of the total floor area of the dwelling unit.
    - iii. The home occupation shall be clearly incidental to the residential use of the property and shall not alter the residential character of the dwelling or neighborhood.
    - iv. No exterior alterations, additions, or changes shall be made to the dwelling that would indicate the presence of a business use.
    - v. The home occupation shall be conducted by a full-time resident of the dwelling. No more than one (1) non-resident employee may work on the premises at any time.
    - vi. The home occupation shall not involve retail or wholesale sales to the general public on the premises, except for the sale of goods or services produced as part of the home occupation.
    - vii. The use shall not generate noise, dust, vibration, odor, glare, or smoke that is detectable beyond the property boundary or that would constitute a nuisance to surrounding properties.
    - viii. Outdoor storage or display of materials, equipment, or products related to the home occupation is prohibited.
    - ix. Signage shall be limited to one (1) non-illuminated sign not exceeding twelve (12) square feet in area, mounted flush with the wall of the dwelling.
5. Limited Family Business: A limited family business is a small-scale, home-based enterprise operated primarily by the residents of the property. This use is intended to allow families to conduct modest business operations without requiring rezoning, while protecting the interests of surrounding properties and the long-term development pattern of the area.
- a. Parking requirements. One (1) off-street parking space shall be provided for every 150 square feet of Primary Floor Area used for the limited family business.
  - b. Supplemental standards.

- i. Minimum Parcel Size. A limited family business shall not be permitted on a parcel smaller than the minimum lot size required by the zoning district. The Plan Commission may impose additional conditions, including screening and siting requirements, for uses determined to have a greater potential to adversely affect nearby residential properties.
    - ii. Employee Restriction. All persons working on the premises shall be residents of the dwelling, except that one (1) full-time equivalent non-resident employee may be permitted.
    - iii. Land Use Intensity. The Plan Commission shall determine the percentage of the property that may be used for the limited family business. Where multiple limits apply, the most restrictive shall govern.
    - iv. Permitted Business Types. Limited family businesses are restricted to:
      - 1. Professional offices;
      - 2. Service-oriented businesses;
      - 3. Home-occupation-type businesses with minimal or no on-site customer visits.
  - c. Manufacturing and assembly of products is prohibited. The on-site sale of goods not produced by the business is also prohibited, except that the sale of accessory items (e.g., hair care products in conjunction with a hair stylist business) may be allowed if specified in the conditional use permit.
  - d. Machinery and Equipment. The conditional use permit shall limit the number, type, and location of machinery and equipment. The Plan Commission may require all equipment to be stored indoors.
  - e. Structure and Design. All buildings used in conjunction with a limited family business shall be classified as residential accessory structures and must comply with applicable zoning standards. The design, size, and placement of such structures are subject to Plan Commission approval as part of the conditional use permit.
  - f. Transfer and Expiration. The conditional use permit shall automatically terminate upon the sale or transfer of the subject property. A deed restriction to this effect shall be recorded with the Washington County Register of Deeds prior to the issuance of the conditional use permit.
6. Agricultural Accessory Uses: As defined in this Ordinance, Agricultural Accessory Uses are subject to the following:
- a. Agricultural Employee Dwelling. One accessory dwelling unit may be permitted on a parcel for full-time farm employees, subject to the following conditions:
    - i. The unit shall be located within 200 feet of the primary cluster of existing farm buildings.
    - ii. The unit shall be served by a common driveway shared with the primary farm operation.
    - iii. Occupancy shall be limited to full-time employees of the farm operation and their immediate family.
    - iv. The farm owner and their immediate family may not occupy the accessory

- employee living quarters.
- v. The dwelling unit shall not exceed 1,200 square feet in total floor area; contain no more than three (3) bedrooms; be designed and constructed to appear subordinate to the principal residence and consistent with the character of the farmstead.
- vi. Only one such unit is permitted per farm parcel.
- b. Livestock Housing and Related Facilities. Farm buildings that house animals, as well as barnyards and feedlots, shall meet the following minimum setback requirements:
  - i. A minimum setback of one hundred (100) feet from any navigable watercourse.
  - ii. A minimum setback of one hundred (100) feet from any dwelling unit on an adjacent property.
- 7. Riding Stables, Non-Commercial:
  - a. Parking requirements. None.
  - b. Supplemental Standards:
    - i. The minimum lot size shall be three (3) acres.
    - ii. A minimum of 20,000 square feet of usable pasture shall be provided for each horse kept on the property.
    - iii. All stables shall be located at least 100 feet from any navigable waterway and shall be sited to ensure that manure or storm water runoff does not discharge into navigable waters.
    - iv. All stables shall be located at least 200 feet from any dwelling unit not owned or occupied by the property owner or tenant.
    - v. Special events, including but not limited to horse shows, exhibitions, and contests, are prohibited.
    - vi. The facility shall provide adequate food, forage, water, pasture, shelter, and fencing for all animals kept on the premises, and shall comply with manure management practices consistent with NR 151 and ATCP 50.
    - vii. All animals kept on the property shall be owned by the property owner and/or occupant. Commercial boarding or training of animals is prohibited, unless expressly permitted under another section of this Ordinance.
- 8. Roadside Stand:
  - a. Parking Requirements. Off-street parking shall be provided for a minimum of five (5) vehicles. Parking within the public road right-of-way is prohibited.
  - b. Supplemental Standards.
    - i. The roadside stand shall be limited to the sale of farm products produced on the premises.
    - ii. A roadside stand that does not exceed 160 square feet in floor area may be considered a temporary structure and shall be exempt from setbacks from Highways and Roads, provided it is not located within a public right-of-way or a vision corner. All other roadside stands shall comply with the applicable

- setback and zoning requirements of this Ordinance.
- iii. Only one (1) roadside stand shall be permitted per lot.
  - iv. No more than two (2) persons who are not members of the resident farm family may be employed at the roadside stand.
9. Accessory Building, Agricultural: Is a detached building that is customarily incidental to a principle agricultural use and is used to support agricultural operation(s).
- a. Supplemental Standards.
    - i. Any building used to house animals shall be located a minimum of one hundred (100) feet from any lot line and public or navigable waterway.
10. Bus and Commercial Truck Parking:
- i. Parking Requirements. None.
  - ii. Supplemental Standards.
  - iii. Definition of Commercial Vehicles. Commercial vehicles include dump trucks, construction vehicles, semi-trailers, tractors, and other similar vehicles not otherwise permitted under Section 4.04(1). The Plan Commission shall have the authority to determine whether a vehicle not explicitly listed qualifies as a commercial vehicle.
  - iv. Subdivision Restriction. The parcel shall not be located within a platted subdivision.
  - v. Ownership and Operation. The vehicle must be owned or leased and operated by an occupant of the premises.
  - vi. Licensing and Operational Status. All commercial vehicles and related equipment must:
    - 1. Be licensed and inspected, as required by the State of Wisconsin or the federal government;
    - 2. Be fully operational; and
    - 3. Be in active use for a business purpose.
11. Landing Fields, Non-commercial:
- a. Parking Requirements. Parking requirements shall be determined by the Zoning Administrator based on the size and intensity of the use and the expected volume of on-site activity.
  - b. Supplemental Standards.
    - i. The landing strip and associated facilities shall meet all applicable standards of the Federal Aviation Administration (FAA) and any other applicable regulatory authority.
    - ii. The applicant shall submit documentation from the FAA and or other competent authority confirming that the site is suitable for the intended use and complies with all federal and state regulations regarding private landing fields.

12. RESERVED



13. Family Child Care Home: A private residence licensed by the State of Wisconsin as a day care center where care is provided for four (4) to eight (8) children.
  - a. Parking Requirements. 1 parking space for pickup and drop-offs.
  - b. Supplemental Standards.
    - i. Prior to the establishment of a Family Child Care Home, the operator shall obtain and maintain a valid license from the State of Wisconsin as required under applicable state statutes and administrative codes.
    - ii. In the FLP Farmland Preservation District a Family Child Care Home shall only be permitted as a conditional use and must qualify as a “farm family business” under the standards set forth in ATCP 49 – Farmland Preservation, Wisconsin Administrative Code.
14. Private Kennel: A facility or location where dogs or other pets are kept for the private, non-commercial use of the occupant. The term includes the occasional sale and training of no more than two (2) litters per calendar year.
  - a. Parking Requirements. None.
  - b. Supplemental Standards.
    - i. The maximum number of dogs permitted on a parcel shall be based on the total lot area as follows:
      1. Less than one (1) acre: maximum of two (2) dogs;
      2. One (1) acre to less than three (3) acres: maximum of three (3) dogs;
      3. Three (3) acres to less than five (5) acres: maximum of four (4) dogs;
      4. Five (5) acres or more: maximum of six (6) dogs.
    - c. One free-standing dog enclosure not exceeding forty-eight (48) square feet in roofed area shall be exempt from counting toward the total number of accessory buildings permitted on the lot.
15. Accessory Building, Residential: A detached non-farm building customarily found with a principle residential use as an accessory use. The term includes greenhouses, detached garages, sheds, gazebos, pool cabanas, and the like.
  - a. Parking Requirements. None.
  - b. Supplemental Requirements.
  - c. Permit Required. A zoning permit is required for all accessory buildings, including but not limited to garages, gardening or tool sheds, storage sheds, playhouses, or gazebos.
  - d. Location. Accessory buildings shall be permitted in the side and rear yards. And maybe permitted in a street yard under a conditional use permit, except on R4 lake lots, where they may also be permitted in the street yard if:
    - i. The building is located to the side of (but not in front of) the principle structure; and
    - ii. All applicable setback requirements are met.
  - e. Separation from principle Building. No accessory building shall be located closer

than ten (10) feet to the principle building on the lot, measured from the outermost edge of each building's roof overhang.

- f. Side Yard Setbacks. Accessory buildings shall be set back at least 7.5 feet from any side or rear lot line. In the R-4 Pike Lake Residential District, accessory buildings may be located as close as five (5) feet to a side or rear lot line for lots with an average width of seventy-five (75) feet or less.
- g. Small Accessory Structures. With an approved zoning permit one (1) accessory building with a floor area of 150 square feet or less may be located as close as five (5) feet from a side or rear lot line in any district.
- h. Through Lots. No accessory structure may extend into either of the required street yard setbacks on a through lot unless specifically exempted by this Ordinance.
- i. Private Road or Access Easements. Accessory structures shall be located at least twenty-five (25) feet from the edge of any private road or recorded access easement, unless a greater setback is otherwise required.
- j. Shore land Setbacks. Setbacks from shorelines and shore yards shall be established and enforced by the Washington County Parks & Planning Department.
- k. Height. The maximum height of any shall not exceed twenty-two and one-half (22.5) feet.
- l. Exterior Design Standards. In the RR, R, and R-4 districts, accessory buildings with a floor area greater than 150 square feet shall comply with the following standards:
  - i. Except for greenhouses, exterior building materials and colors shall be compatible with those of the principle structure. Roof pitch and materials should match the principle structure to the extent practicable.
  - ii. Shipping containers, soft-sided structures, and canopies are prohibited.
  - iii. Vertical metal siding (commonly used in pole buildings) is prohibited in R4 as an exterior finish. Note: A "pole" building frame may be used if finished with residential-grade materials.
  - iv. Accessory buildings are not required to replicate all decorative elements of the principle building (e.g., sidelights, octagon windows, copper trim, brick veneer) but must generally resemble a residential structure.
  - v. Connection to Principle Building. Any accessory building attached to the Principle building shall comply with all applicable building code standards and shall meet all zoning requirements applicable to principle structures.
  - vi. Plumbing Fixtures. Residential accessory buildings may include one (1) single-compartment bar sink and one (1) half-bath (sink and toilet). A pool house may include a stand-up shower, provided the shower is accessible only via an exterior door.
  - vii. Prohibited Use. Accessory buildings shall not be designed or used for human or animal habitation.
16. Accessory Building, Non-residential: A detached building intended to store motor vehicles, yard equipment, or other items associated with the principle non-residential use of the property. The term includes, but is not limited to, detached garages, storage sheds, and

similar structures.

- a. Parking Requirements. None
  - b. Supplemental Standards.
    - i. Number and Floor Area. The number and total floor area of non-residential accessory buildings shall comply with the requirements established in Appendix C – District Dimensional Requirements.
    - ii. Construction Type. Accessory buildings shall be constructed using conventional wood-frame, metal-frame, or masonry methods. The use of soft-sided structures, fabric-covered frames, shipping containers and the like or canopies is expressly prohibited.
    - iii. Exterior Materials. Exterior finishes shall match or closely resemble the materials used on the principle building in terms of color, texture, and general appearance.
    - iv. Attached Structures. If the accessory building is to be physically connected to the principle structure, the entire joined structure shall:
      1. Meet all applicable building code requirements; and
      2. Comply with all dimensional, setbacks, and design standards applicable to principle buildings under this Ordinance.
17. In-law Unit: A room or suite of rooms located within a single-family dwelling, containing a separate kitchen facility and designed for occupancy by not more than two persons related by blood, marriage, or legal guardianship to the occupants of the principle dwelling unit.
- a. Parking Requirements. One (1) off-street parking space shall be provided for the in-law unit, in addition to those required for the primary residence.
  - b. Supplemental Standards.
  - c. Location. The in-law unit must be located within the same building envelope as the principle single-family dwelling and shall share a common roof and at least one full-height wall.
  - d. Residential Character. The structure shall retain the appearance of a single-family residence. Architectural features and building design shall not create the appearance of a two-family dwelling.
  - e. Limit on Number. Only one (1) in-law unit is permitted per primary dwelling or lot.
  - f. Access. A separate exterior entrance may be permitted, provided an interior doorway connecting the in-law unit to the main dwelling is always maintained for allowing access and privacy.
  - g. Addressing. No additional address or house number shall be assigned to the in-law unit.
  - h. Occupancy. The unit shall not be occupied by more than two (2) adults. Short-term guests are allowed but shall not exceed the residential character of the property.
  - i. Building Code Compliance. Prior to establishment, the building inspector shall certify that the structure meets all applicable building, electrical, and safety codes. Necessary upgrades to electrical, HVAC, or plumbing systems shall be made to support the additional living space.

j. Floor Area.

- i. A one-bedroom in-law unit shall not exceed 800 square feet.
- ii. A two-bedroom in-law unit shall not exceed 900 square feet.
- iii. No in-law unit may exceed two bedrooms.
- iv. Deed Restriction. Prior to occupancy, the property owner shall record a deed restriction with the Washington County Register of Deeds, in a form approved by the Town Zoning Administrator or the Town Planning Commission, stating:
- v. The in-law unit is restricted to occupancy by family members of the principle dwelling's occupants;
- vi. The unit shall not be rented to unrelated individuals; and
- vii. Approval of the in-law unit is not transferable to a subsequent property owner without plan commission review and approval.
- viii. Additional terms may be required as deemed appropriate by the reviewing Town of Hartford authority.

## 18. Swimming Pools: Swimming pools, whether in-ground or above-ground, shall be subject to the following standards:

- a. Parking Requirements. Not required.
- b. Supplemental Standards.
- c. Location. Swimming pools, including associated patios, walkways, diving platforms, bathhouses, and accessory structures, shall maintain the following setbacks:
  - i. A minimum of ten (10) feet from side and rear lot lines.
  - ii. A minimum of fifteen (15) feet from any septic field or drywell.
- d. Drainage. Pool drains shall be configured to ensure that no discharge occurs within twenty-five (25) feet of any septic field or drywell.
- e. Fencing Requirements:
  - i. All in-ground pools and above-ground pools with wall heights less than four (4) feet shall be enclosed by a fence that is at least four (4) feet high, constructed of non-climbable materials, and equipped with a self-closing, self-latching, lockable gate.
  - ii. Above-ground pools with walls at least four (4) feet above adjacent grade, and with at least a five (5) foot clearance from pool walls to surrounding grade, are exempt from the fencing requirement provided:
  - iii. Any access ladder is lockable, removable, or otherwise secured to prevent access by children.
  - iv. A Principle building wall may serve as part of the fence if the pool is located at least ten (10) feet from the building.
- f. Pool Covers as Alternative to Fencing. In lieu of fencing, a motorized pool safety cover certified to meet ASTM F1346-91 standards may be permitted if the pool is located at least 100 feet from all adjacent lot lines. The cover must comply with the following:

- i. Operated by a switch located at least 4 feet above the pool deck and within line-of-sight of the entire cover.
    - ii. Switch must be key-operated, lockable, tamper resistant, or inaccessible to children (at least 5 feet above grade if not otherwise secured).
    - iii. Pool cover must be fully closed when the pool is not in use.
    - iv. The cover must be maintained in accordance with the manufacturer's specifications and periodically inspected for mechanical or material defects.
    - v. All new or replacement covers must comply with ASTM F1346-91.
  - g. **Electrical Requirements.**
    - i. Pools must be located a minimum of 20 feet from any overhead electrical power lines.
    - ii. A minimum 10-foot horizontal clearance shall be maintained between overhead service drops and any part of the pool or associated structures (diving boards, observation platforms, etc.).
    - iii. All outlets associated with the pool or its mechanical systems must be protected by a ground fault circuit interrupter (GFCI).
    - iv. Underground electrical wiring (other than pool pump wiring) shall not be located under the pool or within a 5-foot perimeter around the pool unless installed in accordance with NEC Table 680-10.
19. **Solar Energy Systems, building mounted:** A building-mounted solar energy system is a solar energy installation affixed to the roof or exterior wall of a principle or accessory structure, designed to generate electricity or provide heating, cooling, or hot water for onsite use.
- a. **Parking Requirements.** Additional parking is not required.
  - b. **Supplemental Standards.**
    - i. **Projection Limits.** No portion of any solar panel, rack, or associated equipment shall extend beyond the roof surface or exterior wall to which it is attached.
    - ii. **Height Compliance.** A building-mounted solar energy system shall not exceed the maximum height limits for the zoning district in which it is located.
    - iii. **Flat Roof Systems.** On flat roofs, panels may be either fixed or adjustable and angled to optimize energy production, provided the system does not exceed applicable height limits.
    - iv. **Pitched Roof Systems.** Panels mounted on pitched roofs shall be designed to match the slope, proportion, and orientation of the roof surface.
    - v. **Façade Installations.** Solar energy systems may be integrated into the façade of a commercial or institutional building if incorporated as an architectural feature. Such systems shall not project more than two (2) feet from the face of the wall.
    - vi. **Panel Certification.** Solar panels shall be certified by one of the following organizations or another entity approved by the zoning administrator:

1. Underwriters Laboratories (UL)
  2. National Renewable Energy Laboratory (NREL)
  3. Solar Rating and Certification Corporation (SRCC)
  4. The building inspector must approve homemade systems.
- c. Utility Interconnection. If the system generates electricity, the applicant must provide documentation demonstrating compliance with all applicable interconnection and grid safety standards of the affected utility provider.
- d. Statutory Compliance. This section is intended to comply with Wis. Stat. § 66.0401(1m). Any restriction that conflicts with that statute shall not be enforced. The Planning Commission may impose case-specific restrictions on a building-mounted solar energy system only if such restriction:
- i. Serves to preserve or protect public health or safety;
  - ii. Does not significantly increase the cost of the system or significantly decrease its efficiency; or
  - iii. Allows for an alternative system of comparable cost and efficiency.
20. Solar Energy Systems, free standing: A free-standing solar energy system is an independent structure mounted to the ground and designed to capture sunlight for the purpose of generating electricity or providing heat or hot water to an on-site structure.
- a. Parking Requirements. On-site parking is not required.
  - b. Supplemental Standards.
    - i. Maximum Surface Area. The surface area of the solar collector(s) shall not exceed 150 square feet.
    - ii. Quantity. Only one (1) free-standing solar energy system shall be permitted per parcel.
    - iii. Height Limitation. The system, including its supporting structure, shall not exceed 15 feet in height, as measured from the surrounding grade to the highest point of the system in any position.
    - iv. Setback Compliance. A free-standing solar energy system shall not extend into the required front, side, rear, or shore yard setbacks applicable to the zoning district.
    - v. Permitted Yard Location. In residential or business districts, such systems shall be located only in the side or rear yard.
    - vi. In agricultural or industrial districts, the system may be located in any yard area.
    - vii. System Certification. Panels shall be certified by Underwriters Laboratories (UL), National Renewable Energy Laboratory (NREL), Solar Rating and Certification Corporation (SRCC), or another nationally recognized certification body approved by the zoning administrator. The building inspector must approve homemade systems.
    - viii. Utility Interconnection Approval. If the system is designed to produce electricity, the applicant shall provide evidence acceptable to the building inspector demonstrating compliance with the requirements of the applicable

electric utility company.

- ix. Termination and Removal. If the Town determines that the system has been non-operational for 12 consecutive months, the owner shall remove the installation within 90 days of written notice from the Town.
  - x. Statutory Compliance. This section is intended to comply with Wis. Stat. § 66.0401(1m). If any provision is determined to be in conflict with this statute, such provision shall not be required. The Plan Commission may impose additional site-specific restrictions only if such restriction:
    - 1. Serves to preserve or protect public health or safety;
    - 2. Does not significantly increase system cost or significantly reduce efficiency; or
    - 3. Allows an alternative system of comparable cost and efficiency.
21. Retaining wall, minor: A single retaining wall that is 5 feet or less in height above finished grade, a series of retaining walls that are 8 feet or less in total height and the distance between the top of the lower wall and the base of the next higher wall is at least two times the height of the second wall, or a series of retaining walls that are 12 feet or less in total height.
- a. Parking Requirements. None.
  - b. Supplemental Standards. A minor retaining wall must comply with the standards for a major retaining wall as set forth in 4.09(22).
22. Retaining wall, major: A single retaining wall that is more than 5 feet in height above finished grade, a series of retaining walls that are more than 8 feet in total height and the distance between the top of the lower wall and the base of the next higher wall is less than twice the height of the higher wall, or a series of retaining walls that are more than 12 feet in total height.
- a. Parking Requirements. None.
  - b. Supplemental Standards.
    - i. Setbacks: The base of a major or minor retaining wall must be setback from the side or rear lot line a distance that is equal to or greater than twice the height of the retaining wall. For example, if a retaining wall is 3 feet in height, it must be at least 6 feet from the lot line. If an existing retaining wall does not comply with this setback requirement, it may be reconstructed provided it is not enlarged.
    - ii. Any major retaining wall must be designed by a licensed professional engineer experienced in geotechnical or structural engineering, and must include:
      - 1. Structural design plans and calculations;
        - a. Cross sections showing slope stability;
        - b. Drainage provisions (e.g., weep holes, sub drains);
      - 2. Grading and Drainage. The proposed wall must:
        - a. Not redirect or concentrate storm water runoff toward adjacent properties;

- b. Comply with all applicable storm water management ordinances;
    - 3. Include erosion control measures during and after construction.
  - iii. As-built Certification. Upon completion, the applicant must provide a certification letter from the design engineer confirming the wall was built in accordance with approved plans and specifications.
- 23. Decks and Patios:
  - a. Parking Requirements. None
  - b. Supplemental Standards.
    - i. All decks exceeding 24 inches in height above grade shall be equipped with a permanent, code-compliant safety railing not less than: 36 inches for residential and 42 inches for commercial in height as measured vertically from the deck surface to the top of the railing.
- 24. Backyard Chickens:
  - a. Parking Requirements. None
  - b. Supplemental Standards.
    - i. Permit Required. A Zoning Permit shall be required for the keeping of backyard chickens. The permit shall be valid for the current property owner and is not transferable. Additionally R4 zoning requires a conditional use permit.
    - ii. Maximum Number of Chickens. No more than twelve (12) total hens shall be allowed on any residential lot. Roosters are prohibited.
    - iii. Minimum Lot Size. Six (6) hen chickens shall only be allowed on lots with a minimum area of 20,000 square feet. One (1) additional hen chicken is allowed for each additional 5000 square feet on a lot until up to a total of twelve (12) hen chickens are reached. (e.g. 12 hen chickens on a lot of 50,000 square feet or more)
    - iv. Setbacks and Location:
      - 1. Chicken coops and runs shall be located only in the rear yard and are not allowed in a shore yard.
      - 2. Coops and runs shall be a minimum of 25 feet from any residential structure on an adjacent lot and 10 feet from any lot line.
      - 3. Enclosure Requirements. Chickens shall be kept in a secure, enclosed coop or run at all times.
      - 4. Coops must be predator-resistant, well-ventilated, and maintained in a clean and sanitary condition.
      - 5. Coops shall not exceed 100 square feet in floor area and 8 feet in height.
  - c. Sanitation and Nuisance Control. The property shall be maintained free from odors, vermin, and accumulation of waste; Feed must be stored in sealed containers to prevent pests.



- d. Slaughtering Prohibited. Slaughtering of chickens on the premises is prohibited.
- e. Inspections and Revocation. The Zoning Administrator or designee may inspect the premises as needed and may revoke the permit for failure to comply with this section or if the use becomes a nuisance.

## 10 SPECIAL STANDARDS FOR TEMPORARY USES:

1. Standards applicable to all temporary uses: Temporary uses shall not be established, re-established, or operated in a manner that results in the use functioning as a semi-permanent or de facto permanent land use. A temporary use that is conducted repeatedly or continuously in a way that circumvents the requirements of this Ordinance for permanent uses shall be deemed a violation of this Ordinance. Such a use shall not be considered allowable under the temporary use provisions of this chapter.
2. Earth materials stockpile: A temporary use in which earth materials—such as topsoil, gravel, or similar substances—are stored in a stockpile on a property for no more than three (3) years. The materials must be derived from an on-site land development project and/or intended for use on the same site.
  - a. Parking Requirements. None.
  - b. Supplemental Standards:
    - i. Hours of Operation. When located in a residential zoning district, equipment used to load, move, or process earth materials shall only operate between the hours of 7:00 a.m. and 7:00 p.m. to minimize disturbances to neighboring properties.
    - ii. Term of Use and Extensions. The initial term of use shall not exceed three (3) years. The Plan Commission may grant one (1) special exception to extend the term for up to two (2) additional years, provided the operation has remained in full compliance with all applicable zoning regulations, permit conditions, and other applicable laws or approvals.
3. Farmers Market:
  - a. Parking Requirements. At least one (1) off-street parking space shall be provided for every 200 square feet of combined indoor and outdoor display area.
  - b. Supplemental Standards:
    - i. The Principle use shall be the sale of farm and garden products. Other types of merchandise may be sold, provided such merchandise occupies no more than thirty percent (30%) of the total indoor and outdoor display area.
    - ii. Combined indoor and outdoor display areas shall not exceed 2,000 square feet.
    - iii. A Zoning Permit is required for any permanent or semi-permanent structure.
    - iv. Farmers markets located within the FLP Farmland Preservation District shall be allowed only as a conditional use, and only if the proposed use qualifies as a "farm family business" under ATCP 49 of the Wisconsin Administrative

Code.

4. Roadside Stand:

- a. Parking Requirements. A minimum of five (5) off-street parking spaces shall be provided. Parking is prohibited within the public road right-of-way.
- b. Supplemental Standards.
  - i. The roadside stand shall be used only for the sale of farm products grown or produced on the premises.
  - ii. All roadside stands shall comply with the applicable setback and zoning requirements of this Ordinance, except for temporary structures not exceeding 160 square feet in floor area. Such temporary structures shall be exempt from Section 3.05(3) (d), Setbacks from Highways and Roads, but may not be placed within the public right-of-way or within a vision corner easement.
  - iii. Only one (1) roadside stand is permitted per lot.
  - iv. No more than two (2) individuals who are not members of the resident farm family may be employed at the roadside stand.

5. Offsite Construction Yard: A place where construction materials and equipment may be stored, prepped, or staged for an off-site construction project (e.g., highway reconstruction project or construction of an electric transmission line or pipeline) for no more than 12 consecutive months.

- a. Parking Requirements. 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site.
- b. Supplemental Standards:
  - i. Not in a subdivision. The parcel with this use shall not be located in a platted subdivision.
  - ii. Setback requirements. Outdoor storage areas and other activity areas shall be located at least 40 feet from a parcel in a residential zoning district and 20 feet from a parcel in a business zoning district.
  - iii. Site restoration. As part of the review process, the applicant shall prepare and submit a restoration plan and obtain the approval of the same. Such restoration plan shall identify those areas of the parcel that will be disturbed and how those areas will be restored following the cessation of this temporary use.
  - iv. Financial guarantee. Prior to the establishment of an off-site construction yard, the property owner shall submit a financial guarantee to the town pursuant to the requirements in article 4 of this chapter in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project.

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7. Portable Storage Container: An enclosed, transportable container—typically metal—used for the temporary storage of household goods and similar items.

- a. Parking Requirements. None
  - b. Supplemental Standards:
    - i. A portable storage container shall not be located on a parcel for more than 90 consecutive or cumulative days within any 9-month period.
    - ii. A portable storage container shall not be placed within a required front yard or side yard setback, except when placed entirely within a paved driveway.
    - iii. The cumulative floor area of all portable storage containers on a parcel shall not exceed 250 square feet.
    - iv. In residential zoning districts, a portable storage container shall be used only for:
      - 1. Storage of household goods associated with on-site construction or remodeling, or
      - 2. Temporary use during the process of relocating household goods.
8. Seasonal Product Sales: A temporary outdoor use involving the display and sale of merchandise typically associated with a seasonal holiday or festival. Examples include Christmas trees and wreaths during the Christmas season or pumpkins during the Halloween season.
- a. Parking Requirements. Off-street parking requirements shall be determined on a case-by-case basis by the Zoning Administrator, but in no event shall be fewer than two (2) spaces where on-street parking is not available.
  - b. Supplemental Standards:
    - i. The parcel on which the seasonal product sales use is located shall not be located within a platted subdivision.
    - ii. Sales may not commence more than forty-five (45) days prior to the seasonal event or holiday. All merchandise, displays, structures, and signage shall be removed within two (2) days following the event.
    - iii. Site restoration shall be completed within twenty-four (24) hours of the sale's conclusion, including the removal of all temporary structures, signage, debris, and trash associated with the use.
9. Yard Sale: A temporary event where personal or household items, typically used, are offered for sale to the public on a residential or institutional property.
- a. Parking Requirements. None
  - b. Supplemental Standards.
    - i. A yard sale shall only be permitted in conjunction with a Principle residential use or on property occupied by a governmental or institutional use, such as a place of worship, library, or school.
    - ii. A yard sale shall not exceed four (4) consecutive days in duration. A minimum of thirty (30) days must pass between the end of one yard sale and the start of another on the same lot or parcel.
10. Ice Shanties and the like: A movable temporary structure where personal or household recreation items, typically used for fishing or hunting on public or private lands.

- a. Parking Requirements. None
  - b. Supplemental Standards:
    - i. Count in totals for accessory structures and buildings within this ordinance and Appendix C. Unless (10)(b)ii. (Below) is followed.
    - ii. Must be moved off the property for a minimum of five (5) consecutive days in any three hundred sixty consecutive day (360) period.
11. Temporary Use Dwelling, Recreational Vehicles and Campers.
- a. Human Habitation Prohibited Outside Approved Locations. Except as otherwise authorized by this chapter, no mobile home, recreational vehicle, or trailer shall be used for human habitation on any property unless it is allowed and located within a mobile home community licensed under this Ordinance. For the purposes of this section, human habitation means occupancy for sleeping, cooking, or sanitary purposes of 24 hours or more.
  - b. Temporary Permit for Construction-Related Habitation. The Town Board may issue a temporary Zoning Permit allowing the use of a temporary dwelling, recreational vehicle or camper for human habitation on lands outside of a mobile home community, subject to the following conditions:
    - i. The habitation is incidental and accessory to the active construction of a principle residential structure on the same lot, and the permit applicant is the principal owner of the property.
    - ii. The proposed location of the unit is served by an approved private on-site wastewater treatment system (POWTS) and potable water supply, as confirmed by Washington County.
    - iii. The unit shall not be located within the WCO Wetland Conservancy Overlay District.
    - iv. The duration of the permit shall not exceed one (1) continuous six (6) month period. The Town Board may grant two (1) additional extension of up to three (3) months if construction has commenced and is actively progressing.
  - c. The unit must be removed from the property within 10 days of the issuance of an occupancy permit for the principle structure or the expiration of the zoning permit, whichever occurs first.

## **CHAPTER 5 RESERVED**

DRAFT

## CHAPTER 6 PARKING, LOADING AND ACCESS REQUIREMENTS

### 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 also provide landscaping requirements to improve the appearance of parking lots and to reduce the nuisance of glare. In addition, these provisions are intended to promote traffic safety by ensuring proper access to roads.

### 02 OFF-STREET PARKING REQUIREMENTS:

#### 1. General Standards.

- a. Dimensional requirements of a parking space. A standard parking space shall be nine feet in width by 18 feet in length for angled (30°, 60°, or 90°) parking. A standard parking space shall be ten feet in width by 24 feet in length for zero degree (parallel) parking. There shall be an ingress and egress aisle at least 24 feet in width if there is parking on both sides of the aisle, and at least 16 feet in width if there is parking on only one side of the aisle.
- b. Surfacing. Any off-street parking area, other than that provided for a single-family residence or an agricultural use, which has a capacity of four or more vehicles, shall be hard surfaced (e.g., asphalt, concrete). The Planning Commission may consider limited exceptions where based on the facts and circumstances may allow for the use of a stone or gravel surface.
- c. Setback. In any parking area, which abuts a lot with a residential dwelling, other than the parking provided for a residence, no vehicle shall be parked closer than ten feet from the ultimate right of way of any public road.
- d. Offset. In any parking area, which abuts a lot with a residential dwelling, other than the parking provided for a residence, no vehicle shall be allowed to park closer than ten feet to the abutting residential lot line.
- e. Accessibility. Parking spaces shall be accessible at all times from a street, alley, or driveway intended to serve such parking.
- f. Use of required parking spaces. The required off-street parking shall be for occupants, employees, visitors, and patrons. The storage of merchandise, supplies, motor vehicles for sale, or the repair of vehicles on such parking area is prohibited. In addition, the use of a parking lot for overnight camping, including recreational vehicle camping, is prohibited. The temporary use of parking areas for mobile vendors or events shall require separate approval.
- g. Drainage. Parking areas shall be properly graded for drainage.

2. **Required Number of Off-street Parking Spaces:** The minimum number of off-street automobile parking spaces shall be specified within the development standards applicable to each individual land use. In cases where garages are provided, the number of required spaces shall be reduced by the number of parking spaces within the garages.
  - a. Drive-through facilities. 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 does not interfere with street traffic flow.
  - b. Computation. When the computation of the minimum number of parking spaces results in a fractional number, the number shall be rounded up to the nearest whole number.
  - c. Uses not enumerated. In the case of uses not specifically listed, the minimum number of parking spaces shall be determined by the Planning Commission and Town Board, based upon the requirements for similar uses.
  - d. 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. A shared parking analysis shall be submitted to support any request for reduction. Upon petition, the Planning Commission and Town Board may allow a reduction of parking facilities provided:
    - i. A shared parking analysis is submitted to support any request for reduction.
    - ii. The peaks of demand for individual uses do not coincide;
    - iii. The same parking space can simultaneously serve both uses;
    - iv. A parking mitigation plan—such as a private shuttle service, remote parking with scheduled access, or similar transportation demand management measures—is provided and deemed sufficient to offset peak parking demand.
3. **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.
4. **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.
5. **Location:** Except for commercial, industrial, and institutional uses, all required off-street parking shall be provided on the same parcel 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. Parking of RVs, campers and travel trailers are prohibited. No overnight stays are allowed. (e.g. camping)
  - d. 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.
  - e. A shared parking easement or agreements must be recorded with the County Register of Deeds Office.
  - f. A separate Zoning Permit shall be obtained for the off-premise parking area.
  - g. The Planning Commission may allow off-premise parking, which does not meet requirements (a) through (d) above, as part of an approved parking mitigation plan.
6. 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.
  7. Lighting: Lighting installed to illuminate off-street parking areas shall be fully shielded and directed downward to prevent glare, light trespass, and sky glow. Fixtures shall be designed with hoods, lenses, or other shielding mechanisms that ensure no direct beams of light are visible from adjacent properties, public rights-of-way, or cast into the night sky. All lighting fixtures shall be full cutoff type to reduce up light and light spillover
  8. Maintenance: All parking areas shall be properly maintained by the owner, or lessee, of the property.
  9. Accessible 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.

### **03 PARKING AREA LANDSCAPING REQUIREMENTS**

1. Applicability: All new parking lots serving six (6) or more vehicles shall comply with the landscape standards in Appendix B.

### **04 LOADING AND UNLOADING REQUIREMENTS**

1. Off-street loading berths are required for new buildings and building expansions with any use that receives deliveries or makes shipments from large trucks including retail stores, manufacturing, warehousing, processing, offices, health care centers, and schools.
  - a. Location Standards:
    - i. A loading berth shall not be located on the front of the building, except when entirely located within the building and the access door is integrated into the overall design of the building.
    - ii. A loading berth shall not be located within a required side yard setback area.



- iii. A loading berth shall not be located within a public road right-of-way or interfere with the intended use of a public road right-of-way.
- iv. A loading berth or access to a loading berth shall not interfere with onsite traffic or pedestrian circulation or on-site parking.
- v. Loading berths shall not obstruct emergency access routes or fire lanes.
- b. Marking: A loading berth shall be clearly marked.
- c. Use: A loading berth shall only be used for loading and unloading of vehicles.
- d. Drainage: A loading berth shall be graded for proper drainage.

## **05 ACCESS AND CULVERT REQUIREMENTS**

1. Access Driveway to Public Road: Every principle use shall have safe and legal access to a public road, street, or highway subject to the approval of the jurisdiction with road authority. It is the responsibility of the property owner to obtain and maintain all required access permits from the applicable roadway authority, including, but not limited to, the Town of Hartford, Washington County Highway Department, and the Wisconsin Department of Transportation.
  - a. Standards Established: All standards of Chapter 8 – Public Works of the municipal code, including but not limited to driveway width, culvert size and placement, and access location requirements, shall be complied with.
  - b. Permit Required. All openings in highways and rights-of-way, as well as installation or alteration of driveways and culverts, shall require a permit in accordance with Chapter 8 – Public Works of the municipal code. No such work shall commence prior to the issuance of the required permits.

## **CHAPTER 7 SIGNS**

### **01 PURPOSE**

This article promotes the public health, safety, and general welfare and is intended to: (1) promote well maintained and attractive signage within the town; (2) provide for adequate business identification, advertising, and communication; (3) protect the safety and efficiency of the transportation network in the town by reducing confusion or distractions to motorists and enhancing motorists' ability to see and recognize pedestrians, obstacles, other vehicles and official traffic signs, signals, or devices by minimizing a proliferation of visual messages; and (4) protect the safety of the public by requiring proper maintenance of signs and establishing minimum design and construction standards.

### **02 APPLICABILITY**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Zoning Permit, except those signs enumerated in Appendix D – Table 1. To the extent allowed by state and federal law, signs shall comply with the requirements of this chapter.

### **03 MEASUREMENT OF SIGN AREA**

The area of a sign includes that area enclosing the outer limits of any emblem, representation, wording, or any figure of similar character, together with any area forming an integral part of the display, or which is used to differentiate the sign from the background, such as a wall, to which it may be affixed. Sign supports not otherwise included in the aforementioned description are not included in determining the sign area.

### **04 GENERAL STANDARDS**

1. A sign shall not resemble, imitate, or approximate the shape, size, form, or color of a railroad or traffic sign, signal, or device.
2. A sign shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
3. A sign shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, driveway, or fire escape.
4. A sign shall not be attached to a standpipe or fire escape.
5. A sign shall not be placed within the clear vision triangle except as allowed.
6. A sign shall not oscillate or rotate or move in any other manner.
7. A sign shall not emit an audible sound, odor, or any visible matter.

8. A sign shall not be placed on a telecommunication tower, except as required or permitted under 4.08(1).
9. A sign shall be constructed and mounted so as to comply with state and local building codes as applicable.
10. A sign containing electrical wiring shall be constructed, installed, and operated so as to comply with state and local electrical codes as applicable.
11. A sign shall not be painted on or similarly affixed to a natural object, such as a tree or rock.
12. When a sign is authorized to contain electrical power or when a sign is illuminated by one or more external light fixtures, the electric wire providing the electric power to the sign or the light fixture shall be placed underground from the service disconnect.
13. No sign shall be painted or mounted on rocks or other natural features, except those nameplates and/or addresses for residences and “No Hunting,” “No Trespassing,” “No Dumping,” and signs of a similar nature may be affixed to trees.

## **05 ILLUMINATION STANDARDS**

Illumination of a sign when allowed by this Section shall comply with the following requirements:

1. Internal or external illumination shall not flash or change color.
2. Lighting for an externally illuminated sign shall be shaded, shielded, and directed away from surrounding residential uses and all vehicular traffic.
3. Neon lighting or lighting having the same appearance of neon lighting may be used.
4. For a sign with internal illumination, the background of the sign face shall be made of an opaque material to allow internal light to project only through the lettering and/or logos.
5. Lighting shall not oscillate or move or give the appearance of movement.
6. Illumination Hours of Operation.
  - a. Newly installed illuminated signs or newly illuminated existing signs shall only be illuminated between the hours of 8:00 a.m. and 10:00 p.m., local time.
  - b. Applicability. This limitation on hours of illumination shall not apply to legally existing illuminated signage installed prior to the effective date of this section.
  - c. Hours of Illumination Waiver. The Town Board may, upon petition, grant a waiver pursuant to Section 7.05(7) to allow extended hours of illumination for a specific sign.
7. Hours of Illumination Waiver. In evaluating a request to modify the allowable hours of illumination, the Town Board shall consider:
  - a. The proposed extended hours and their duration;
  - b. The location and surrounding land uses, including proximity to residential areas;
  - c. The nature and purpose of the sign;
  - d. The visibility of the sign from adjacent residential area;
  - e. Potential impacts on traffic safety and light pollution;
  - f. Whether the extended hours serve a demonstrated public interest or unique business need.

## **06 ELECTRONIC MESSAGE DISPLAYS**

When allowed by this Chapter, an electronic message display shall comply with the following specific standards.

1. Except for time and temperature displays, the message shall remain static at least 2 minutes before the next message appears.
2. No part of the message shall give the appearance of movement.
3. There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading).
4. Lighting levels at the sign face shall not exceed 5,000 NITs from dawn to dusk (i.e., daytime hours) and 500 NITs from dusk to dawn (i.e., nighttime hours).

## **07 COLOR, SHAPE AND MATERIALS**

Any sign within the Town must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable. Sign lettering should be professionally painted, applied or presented. Hand painted or paint stenciled letters is not acceptable.

## **08 SIGN LIGHTING, MOVEMENT AND VIDEO DISPLAY**

1. Flashing signs are prohibited other than official signs authorized by the appropriate granting authority of railroad or traffic control.
2. No sign shall contain, include or be illuminated by a flashing light.
3. No sign should contain moving or rotating mechanical parts.
4. All signs must meet the lighting requirements as defined in this ordinance.
5. Video display signs may be incorporated within or used as signs in compliance with the following restrictions:
  - a. The sign must be located on the site of the use identified or advertised by the sign.
  - b. Video display signs shall only be permitted in public, commercial, industrial or agricultural zoning districts.
  - c. The sign area of the video display signs shall be no greater than 50 percent of the attached or free-standing sign area.
  - d. Video display signs shall not be utilized as a stand-alone sign and shall be incorporated into or attached to a primary business/quasi-public identification sign so that separation between the two signs is limited to one foot.
  - e. The sign must not exceed a maximum illumination of 5,000 nits (candles per square meter) during daylight hours and a maximum of 500 nits (candles per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
  - f. Video display signs must have an automatic dimmer control to produce a distinct

illumination change from a higher illumination level to a lower illumination level for the time period of one-half hour before sunset and one half-hour after sunrise.

- g. No sign shall conflict with the visibility of any traffic signal as determined by a qualified traffic engineer.
- h. Video display sign messages shall not change more than six times per minute.
- i. Messages shall not repeat in intervals of less than four seconds nor have a single animation that last longer than ten seconds. Individual static messages may last longer than ten seconds.
- j. Audio speakers or any form of pyrotechnics are prohibited in association with video display signs.
- k. No video display sign shall be located within 100 feet or directly face a residentially zoned property.
- l. No video display sign shall be located within 100 feet of another video display sign.

## **09 CONSTRUCTION AND MAINTENANCE**

1. **Wind Pressure and Dead Load Requirements.** All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area; and shall be constructed to receive dead loads as required in the Town Building Code or other ordinance.
2. **Protection of the Public.** The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided the space occupied is roped off; fenced off, or otherwise adequately identified and separated from use by the general public.
3. **Maintenance.** The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass. A dangerous sign shall be made to conform or removed within 5 days of receipt of a written notice from the zoning administrator, unless a shorter compliance period as specified in the notice is required to protect public safety.
4. **Supporting Structure.** Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated steel, copper, brass, properly treated timbers, or other non-corrosive incombustible material. All projecting signs, if placed at a right or other angle to the wall or roof of any building, shall be attached, securely, by such non-corrosive metal bolts, anchors, cable, or other metal attachments as shall ensure permanent and safe construction and shall be maintained free from rust or other defects.
5. **Location Prohibited.** No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe. No such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, located, installed, or maintained so as to hinder, impede, or prevent ingress or egress through any door, doorway, or window or so as to hinder or prevent the raising or placing of ladders

against such building by any Fire Department or other emergency service provider.

## 10 PROHIBITED SIGNS

1. Vehicle signage. Vehicles, including automobiles, trucks, trailers, semi-trailers, campers, and buses that contain a sign for which the apparent purpose is to advertise a product or direct people to a business or an activity shall not be parked on a public right-of-way or on private property so as to be seen from a public right-of-way, except that such a vehicle is used in the daily operation of a business for service calls, deliveries, and the like.
2. Inflatable signage. Inflatable signage is prohibited.
3. Roof signage. Signage affixed to a roof of a building in any manner, whether directly or indirectly, is prohibited.

## 11 PERMITTING REQUIREMENTS

A Zoning Permit is required to install new signage or modify existing signage as provided below; however, any signage noted in Appendix C – Table 1 is permitted without a permit provided all requirements are satisfied.

## 12 SIGNS ALLOWED IN A RESIDENTIAL DISTRICT BY PERMIT

1. Generally: Signage for the specified uses as may be allowed in a residential district is allowed consistent with the requirements contained in Table 7-1.
2. Landscaping requirement for monument signs: When a monument sign is allowed in a residential zoning district, landscaping shall be provided around the base of the sign for a minimum distance of 6 feet. Such landscaping may consist of turf, shrubs, or ground cover.

TABLE 7-1					
Land Use [Sign Type]	# of Signs	Max. Area	Max. Height	Illumination	Type of Display Permitted
Identification sign for a multifamily residential complex. [Wall]	1 per frontage	32 sq. ft. or 10 percent of the wall area, whichever is less	8 ft.	External	Static display
Identification sign for a multifamily residential complex. [Free Standing]	1 per frontage	32 sq. ft. when single sided; 32 sq. ft. per side when double-sided	6 ft.	External	Static display

Identification sign for a mobile home park. [Free standing monument sign only]	1 per frontage	32 sq. ft. when single sided; 32 sq. ft. per side when double-sided	6 ft.	External	Static display
Identification sign for a subdivision [Free standing monument sign only]	1 per frontage	32 sq. ft. when single sided; 32 sq. ft. per side when double-sided	6 ft.	External	Static display
Identification sign for an institutional use. [Wall]	1 per frontage	32 sq. ft. or 10 percent of the wall area, whichever is less	10 ft.	External or internal	Static display
Identification sign for an institutional use. [Free Standing]	1 per frontage	32 sq. ft. when single sided; 32 sq. ft. per side when double-sided	6 ft.	External	Static display
Identification sign for an institutional use. [Parking lot entrance sign]	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage or closer than 100 feet to another free-standing sign	12 sq. ft. when single sided; 12 sq. ft. per side when double-sided	5 ft.	External	Static display

### 13 SIGNS ALLOWED IN A COMMERCIAL, INDUSTRIAL OR PUBLIC DISTRICT BY PERMIT

1. Generally: Signage for the specified uses as may be allowed in a commercial or industrial district with a permit.
2. Signs shall comply with the requirements in table 7-2 through 7-3 as applicable.

TABLE 7-2 On Premise Signage in the C – Commercial District

Land Use [Sign Type]	# of Signs	Max.	Max.	Illumination	Type of Display
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		Area	Height		Permitted
[Wall sign]	1 per frontage	50 sq. ft. or 10 percent of the wall area, whichever is less	20 ft.	External or internal	Static display
[Free-standing sign – pole or Monument]	1 per frontage	50 sq. ft. when single sided; 50 sq. ft. per side when double-sided	Monument: 6 ft. Pole: 8 ft.	External or internal	Static display
[Projecting sign in lieu of a wall sign or a free-standing sign on the same frontage]	1 per frontage	18 sq. ft. per side		External or internal	Static display

TABLE 7-3 On Premise Signage in the I – Industrial District

Land Use [Sign Type]	# of Signs	Max. Area	Max. Height	Illumination	Type of Display Permitted
[Wall sign]	1 per frontage	10 percent of wall area per frontage	No more than 20 percent of the sign area shall extend above the wall on which it is attached	External or internal	Static display or electronic display
[Free-standing sign – pole or Monument]	1 per frontage	50 sq. ft. when single sided; 50 sq. ft. per side when double-sided	Monument: 8 ft. Pole: 25 ft.	External or internal	Static display or electronic display
[Projecting sign in lieu of a wall sign or a free-standing sign on the same frontage]	1 per frontage	32 sq. ft. per side		External or internal	Static display or electronic display



Parking lot entrance sign – [pole or monument]	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage or closer than 100 feet to another free-standing sign	12 sq. ft. when single sided; 12 sq. ft. per side when double-sided	5 ft.	External or internal	Static display
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## 14 OFF-PREMISE DIRECTIONAL SIGNS

1. Purpose: Off-premise directional signs are intended solely to direct the traveling public to specific locations or destinations, such as businesses, public facilities, or event venues that are not located on the same property as the sign. These signs shall not serve as a form of advertising.
2. Eligibility: Off-premise directional signs shall only be permitted for uses that are difficult to locate or access due to distance from major thoroughfares or lack of direct visibility. A maximum of two directional signs per use may be permitted, subject to Planning Commission approval.
3. Location: Signs must be located outside of public right-of-way unless otherwise approved by the appropriate road authority; Signs shall not obstruct traffic visibility or interfere with pedestrian or vehicular safety; Minimum separation of 300 feet between off-premise directional signs for the same destination.
4. Size and Height:
  - a. Maximum sign area: 6 square feet per face
  - b. Maximum height: 6 feet above grade
5. Content Limitations: Content shall be limited to the name of the destination, directional arrow(s), distance (if desired), and a recognized logo or symbol. No pricing, promotional language, or phone numbers permitted.
6. Design and Materials: Signs must be professionally constructed and maintained in good repair.
7. Visibility: Reflective materials may be required for visibility if located along rural or unlit roads.
8. Permit Required: A Zoning Permit is required prior to installation, which shall include written permission from the off-premise property owner or road authority as required.
9. Removal: Signs must be removed when the use they serve ceases or relocates; The Town may order removal of any sign deemed to be in violation or in disrepair.

## 15 GENERAL SIGN STANDARDS BY TYPE OF SIGN

1. Projecting sign: A projecting sign shall comply with each of the following:
  - a. The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.
  - b. The sign shall not extend more than 10 feet from the building on which it is attached.
  - c. When located above a walkway, the bottom edge of the sign shall be at least 10 feet above the surface of such walkway beneath the sign.
  - d. The sign when located above a driveway or an alley shall not be less than 15 feet above the surface of such driveway or alley.
  - e. The top of the sign shall not be higher than the building on which it is located.
2. Free standing sign: A free-standing sign shall comply with each of the following:
  - a. A sign when located above a walkway shall not be less than 10 feet above the surface of such walkway.
  - b. A sign when located above a driveway or an alley shall not be less than 15 feet above the surface of such driveway or alley.
  - c. No part of a sign may be closer than 10 feet to the front property boundary line or within the side yard or rear yard setback established for the zoning district in which the sign is located.
3. Hanging sign: A hanging sign shall comply with each of the following:
  - a. The sign shall be constructed of rigid material.
  - b. The sign may be externally illuminated; internal lighting is strictly prohibited.
  - c. The bottom edge of the sign shall be at least 8 feet above the sidewalk beneath the sign.
  - d. The sign shall not have more than two faces.
4. Wall sign: A wall sign shall comply with each of the following:
  - a. A sign shall not project from the wall on which it is attached by more than 12 inches.
  - b. Sign copy may be placed on an awning, but only on the vertical flap.

## **16 SIGNAGE FOR LEGAL NONCONFORMING USES**

If a nonconforming commercial, industrial, or institutional use does not have a sign, such establishment may have a wall or window sign stating the name of the establishment without display or elaboration not to exceed 2 feet in height and 10 feet in length.

## **17 REMOVAL OF SIGNS FOR A TERMINATED BUSINESS**

If a business terminates operation at a particular location, the owner of the property where the business was located shall remove any nonconforming signs for the business within 12 months from the date of termination.

## **18 NONCONFORMING SIGNS**

A sign that existed at the time of adoption of the ordinance from which this article is derived that does not conform shall be subject to the provisions of Chapter 8.

## **19 REMOVAL OF CERTAIN ILLEGAL SIGNS PLACED ON PUBLIC PROPERTY**

Government personnel may remove a sign placed illegally on public property (e.g., within a street right-of-way or a public park) without notice to the person who installed or authorized the installation of the sign. The official removing such sign may dispose of the sign at his or her discretion.

## **20 REMOVAL OF CERTAIN SIGNS RELATED TO POLITICAL ELECTIONS**

A municipal clerk, election inspector, building inspector, or law enforcement officer having jurisdiction may remove a sign placed in violation of the laws governing elections.

## **CHAPTER 8 NONCONFORMING USES, STRUCTURES AND LOTS**

### **01 PREVIOUSLY LAWFUL CONDITION**

Within the districts established and mapped by this Ordinance, or amendments thereto, there may be 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.

### **02 NONCONFORMING USES**

1. Nonconforming Use of Land:
  - a. Expansions of non-structural nonconforming uses of land, except nonmetallic mining operations, shall require the issuance of a conditional use permit by the Plan Commission and Town Board, following the procedures in Section 10.03.
  - b. A nonconforming nonmetallic mining operation may expand without a conditional use permit up to a maximum of forty (40) feet from any lot line existing on the effective date of this Ordinance or up to twenty (20) acres in total area, whichever is less. Any expansion beyond these limits shall require 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. Routine structural maintenance, repairs, and interior renovations may be authorized by the Zoning Administrator through issuance of a building permit, provided such work does not expand the footprint, increase the height, or otherwise intensify the nonconforming use.
  - b. Additions to the structure or extension of mechanical systems (e.g., HVAC, plumbing) that increase the intensity or functional space of a structure housing a nonconforming use shall require a conditional use permit. All such additions shall comply with all applicable setbacks, height and other dimensional requirements, unless variances are granted as provided in section 9.02 Zoning Board of Appeals.
  - c. Total structural repairs or alterations to a Structure housing a Legal Nonconforming Use shall not equal or exceed fifty percent (50%) of the equalized assessed value of the Structure obtained from the County Real Property Tax Listing over the lifetime of the Structure. At such time as cumulative structural repairs or alterations to such a structure equal or exceed fifty percent (50%) of the equalized assessed value of the Structure, the use of the Structure shall be converted to conform with the applicable district regulations or the Structure shall be torn down. The Zoning Administrator shall maintain a record of permits issued for structural repairs or alterations and shall

determine cumulative investment relative to the equalized assessed value on record at the time of each permit issuance.

3. Change of Use: A nonconforming use shall not be changed to any other use unless the new conforming use is a permitted or conditional use in the zoning district in which the property is located. Any such change shall bring the property into full compliance with the applicable regulations.
4. Discontinuance: Where any such nonconforming use is discontinued for a period of twelve (12) consecutive months, it shall be deemed abandoned, regardless of intent.
5. Evidence of discontinuance may include, but is not limited to:
  - a. Cessation of business operations;
    - i. Failure to maintain required licenses, permits or inspections;
    - ii. Disconnection of any utilities;
    - iii. Removal of essential structures or equipment;
    - iv. Physical deterioration or vacancy of the structure;
    - v. Any other actions inconsistent with a going concern continued operations.
  - b. Rebuttal: Temporary cessation due to fire, natural disasters, legal disputes, or other factors beyond the principal owner's control shall not constitute discontinuance if the principal owner provides credible evidence of a good-faith effort to resume the use within a reasonable time but not to exceed ninety (90) days.
  - c. Effect: Once deemed abandoned, any future use of the property shall conform to the use regulations of the applicable zoning district.

### 03 NONCONFORMING STRUCTURES

1. Alterations and Additions:
  - a. Structural alterations or repairs to a nonconforming structure may be permitted without bringing the structure into compliance with current setback, height or yard requirements, provided that such work does not increase the total floor area, building height, or change alter the existing footprint of the structure. No alteration or repair shall increase the degree of nonconformity.
  - b. A conforming use within a nonconforming structure may be changed to another conforming use without requiring compliance with setback or yard requirements, provided the change does not increase the total floor area or building footprint, and all applicable parking, landscaping, and site development standards are met.
2. Repairs, Rebuilding and Maintenance:
  - a. A nonconforming structure occupied by a conforming use may be maintained, remodeled, repaired, or rebuilt to its preexisting dimensions and configuration provided that the existing footprint and nonconforming elements are **not expanded or increased**, except as necessary to comply with applicable state or federal requirements. Interior renovations, cosmetic improvements, or other changes not affecting the structure's height, footprint, or degree of nonconformity are permitted

without restriction.

3. Restoration:
  - a. A nonconforming structure that is damaged or destroyed may be replaced, restored, or rebuilt to the same size and configuration it had immediately before the damage occurred, provided all of the following apply:
    - i. The structure was occupied by a conforming use at the time of damage;
    - ii. The damage occurred on or after March 2, 2006;
    - iii. The cause of damage was violent wind, fire, flood, ice, snow, mold, or infestation;
    - iv. The rebuilding does not expand the structure's pre-damage footprint or height, except as required by law.
  - b. Any expansion beyond the structure's prior size or height must comply with all applicable provisions of this Ordinance.
  - c. Rebuilding shall commence within 24 months of the date of damage unless an extension is granted by the Zoning Administrator for good cause shown.
4. Nonconforming Signs: Nonconforming signs shall not be expanded, relocated, or structurally altered except in conformance with Section 7.18.

## **04 SUBSTANDARD LOTS**

1. Substandard Lots of Record: A lot of record that was legally created and recorded prior to the effective date of this Ordinance, or any amendment thereto, and that does not meet the current minimum lot area or frontage requirements of the applicable zoning district may be used for development, provided:
  - a. The lot is located within a Shore-land zoning district and:
  - b. Has a minimum area of 5,000 square feet and at least 25 feet of frontage if served by a public sanitary sewer; or
  - c. Has a minimum area of 15,000 square feet and at least 50 feet of frontage if not served by a public sanitary sewer.
  - d. The proposed development complies with all other applicable zoning and building requirements of this Ordinance.
2. Substandard Lots under Common Ownership: If a substandard lot is contiguous to one or more other lots under common ownership as of the effective date of this Ordinance or any amendment thereto, such lots shall be combined and considered a single lot for zoning and development purposes. No individual substandard lot shall be sold or developed separately unless it is first rezoned or reconfigured to meet the minimum requirements of the district, or unless a variance is granted by the Zoning Board of Appeals.

## **CHAPTER 9 ADMINISTRATION**

### **01 PLANNING COMMISSION**

1. Creation. The Planning Commission, created by the Town Board pursuant to § 62.23(1), Wis. Stats., shall serve as the designated Town Zoning Agency. Any successor body authorized by the Town Board shall inherit the powers and responsibilities granted to the Planning Commission under this Ordinance.
2. Membership:
  - a. The Planning Commission shall consist of five (5) members; Zoning Board of Appeals members are ineligible, recommended by the Town Board Chairman and confirmed by the Town Board; Members shall serve staggered three-year terms and are be removable by the Town Board.
3. 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. The Planning Commission shall keep written minutes of its proceedings and shall make such records available to the public in accordance with the Wisconsin Public Records Law.
4. Duties and Powers: In administering this Ordinance, the duties and powers of the Planning Commission shall be as follows:
  - a. Oversee the implementation and enforcement of this Ordinance and review applications as required by its provisions.
  - b. Exercise the duties and powers assigned by Section 1.04(2) of the Town of Hartford General Code and this Zoning Ordinance.
  - c. Submit recommendations to the Town Board for or against proposed zoning changes, zoning text and map amendments.
  - d. Perform any additional duties as may be lawfully delegated by the Town Board or required by statute.
5. Financial Sureties:
  - a. The Town Board may require an applicant to provide a financial bond or letter of credit in accordance with Section 10.10.

### **02 ZONING BOARD OF APPEALS**

1. Establishment: The Zoning Board of Appeals is created pursuant to § 62.23(7) (e), Wis. Stats., and shall have all the powers and duties prescribed therein, as well as those specified in this Ordinance.
2. Membership:
  - a. The Zoning Board of Appeals shall consist of five (5) members; Planning Commission members are ineligible, recommended by the Town Board Chairman and confirmed by the Town Board; Members and alternates shall serve staggered

three-year terms and are be removable by the Town Board for cause upon written charges and notice.

- b. Two Alternate Members may be appointed by the Town Board Chairman for a term of three (3) years and shall act only when a regular member is absent, refuses to execute the duties and or vote. Such appointed alternate members are subject to subsequent confirmation by the Town Board at the next scheduled Town Board meeting.

3. Organization:

- a. The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this Ordinance.
- b. Meetings shall be held at the call of the Chairman of the Board of Appeals and shall be open to the public.
- c. Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record. Meeting records may be kept in electronic format provided they are accessible for public inspection in accordance with state law
- d. If a quorum is present, the concurring vote of a majority of the members present shall be necessary to correct an error, grant a variance, make an interpretation, and permit a substituted use.

4. Powers: The Zoning Board of Appeals shall have the following powers:

- a. Appeals of Administrative Decisions. 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. Granting of Variances. To hear and grant appeals for variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, and so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured.
- c. Zoning Interpretations and District Boundaries. 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. Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- e. Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.
- f. 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 record. The Board may require notice to be provided to all adjacent and affected property owners at the applicant's expense.
  - 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:
- a. 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 10.07 Public Hearings of this Ordinance. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.
7. Findings:
- a. 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.
  - b. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this section, for an Area Variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome.
  - c. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.
8. 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.
9. 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.
10. Unnecessary Hardship Present. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this section, for a Dimensional Variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a Use Variance, by demonstrating that strict compliance with the zoning ordinance would leave the property

owner with no reasonable use of the property in the absence of a Variance.

- a. 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.
11. 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.
12. 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.
13. Limitations on issuing a variance:
  - a. Prohibitions: The following actions shall not be allowed by a variance:
    - i. Expansion of a legal nonconforming use (e.g., expansion of area, increase in operational characteristics, etc.); or
    - ii. Modification to lot size density requirements so as to increase the permitted density or intensity of use.
    - iii. This section shall not be interpreted to permit the issuance of a variance for any development condition expressly prohibited elsewhere in this Ordinance.
  - b. Use variance: The zoning board of appeals may not issue a variance to allow a use not otherwise permitted under this chapter.
  - c. Variance type: In the event there is a question as to whether a variance constitutes a dimensional variance or a use variance, the zoning board of appeals shall have the authority to make a final determination. If a numerical standard is used to control whether a use is permitted at all, the standard is likely a use restriction; if it governs where or how a permitted use may occur, it is a dimensional standard.
14. Decision:
  - a. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Town Plan Commission.
  - b. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
  - c. If a variance is not exercised or the required permit is not obtained within one (1) year of the date of approval, the variance shall expire, and no refund shall be issued. An extension may be granted by the Board upon written request filed prior to expiration.
15. Review by Court of Record:
  - a. 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 by the Zoning Board of Appeals. The decision of the Board shall be deemed filed on the date that written notice is delivered to the applicant or appellant and filed with the Town Clerk.

### **03 ZONING ADMINISTRATOR**

1. Duties: The Zoning Administrator shall possess the following duties and powers:
  - a. Administer this Ordinance as the authorized representative of the Town Board.
  - b. Assist in giving all legal notices required by State Statutes or this Ordinance.
  - c. Recommend to the Planning Commission and Town Board any amendments necessary to make the operation of this Ordinance more effective.
  - d. Provide technical and clerical assistance to the Planning Commission, Town Board, and Zoning Board of Appeals as needed.
  - e. Make referrals and recommendations to the Planning Commission and Town Board in accordance with this Ordinance.
  - f. Assist Applicants with the Ordinance provisions, provide permit applications and appeals forms and assure that all necessary information is provided on the application.
  - g. Issue Zoning Permits upon determination that the provisions of this Ordinance and any applicable federal, state, county or local codes have been met.
  - h. Inspect and assess structures and uses as necessary.
  - i. Maintain an accurate record of all zoning and use permits issued, inspections performed, and compliance determinations. Maintain a log of nonconforming uses and structures, including all approvals, modifications, appeals, variances, and amendments affecting such uses.
  - j. Keep accurate records and maps of the zoning ordinance and any amendments or changes thereto.
2. Authority: In the enforcement of this Ordinance, the zoning administrator shall have the power and authority for the following:
  - a. Enter upon any public or private premises at any reasonable time to perform inspections necessary to administer and enforce the provisions of this Ordinance, subject to applicable constitutional protections.
  - b. Revoke any zoning or occupancy and use permit or issue a stop work or cease and desist order when there is reasonable cause to believe that construction, occupancy, or use is occurring in violation of this Ordinance. Such revocation shall remain in effect until the violation is remedied or the action is reversed by the Zoning Board of Appeals.
  - c. Initiate or refer matters to the Town Board or Town Planning Commission, as necessary to enforce this Ordinance. The issuance of citations pursuant to this Ordinance may be undertaken directly by the Zoning Administrator without prior referral.
3. Deputies: To expedite administration of this Ordinance, the Town Building Inspector shall be authorized to assist the zoning administrator for the purpose of field inspection and verification of the conditions shown on the application for zoning and the occupancy and use permits. The deputy shall be authorized to accept application for zoning and occupancy and

use permits and shall promptly make any necessary inspection to verify the correctness of the application and transmit the application in accordance with the requirements of this Ordinance. The deputy shall also conduct final inspections as required under the local building code and this Ordinance before an occupancy and use permit shall be issued.

#### **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 Safety and Professional Services (DSPS) 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 type and kind of materials incorporated, 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, with such an appeal submitted in writing.

## CHAPTER 10 PROCEDURES

1. Building Permits: A building permit for the construction of a new building or the expansion of an existing building shall not be issued until such time as a zoning permit has been issued or a written determination is made that one is not required.
2. Adoption of Codes: The following provisions of the Wisconsin Administrative Code are adopted by reference and made a part of this section as though fully set forth herein. All future amendments, revisions or modifications to the following provisions which may hereafter be adopted from time to time, shall, upon adoption, be part of this section so as to secure uniform statewide regulation of buildings:
  - a. Ch. SPS 302.31 Plan Review Fee Schedule
  - b. Ch. SPS 305 Credentials
  - c. Ch. SPS 316 Electrical Code
  - d. Ch. SPS 320-325 Uniform Dwelling Code
  - e. Ch. SPS 327 Campgrounds
  - f. Ch. SPS 361-366 Commercial Building Code
  - g. Ch. SPS 375-379 Buildings Constructed Prior to 1914
  - h. Ch. SPS 381-387 Uniform Plumbing Code
3. Permit Required: No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Building Inspector.
  - a. Applicability: Construction activity which shall require a permit includes, but is not limited to:
  - b. New 1 & 2 family and commercial building including agricultural buildings, detached structures (decks), residential accessory buildings, and detached garages.
  - c. Additions increase the physical dimensions of a building including decks.
  - d. Alterations to the building structure or alterations to the building's heating, electrical, or plumbing systems.
  - e. Replacement of major building equipment including furnaces and central air conditioners, water heaters, and any other major piece of equipment shall require a permit except as noted in below:
    - i. Private sewer lift station equipment not requiring an initial connection to the public municipal sewer line.
    - ii. Resident owners' private well water systems.
  - f. Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
  - g. Any HVAC for new construction or remodeling.
  - h. Any plumbing for new construction or remodeling.
  - i. Any new or re-wired electrical service, including services for agricultural buildings.

- j. The following accessory uses and structures may be placed in any yard without a building permit provided that such use and/or structure 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 statutes, 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.
  - k. A building permit shall not be required for structures and activities water ward 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 limited exclusive personal use of the Principal 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. Note: This is subject to Wisconsin State Statutes, county Shore-land Zoning, and DNR regulations in addition to the Town of Hartford's zoning ordinances.
  - l. 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.
  - m. Establishment of any accessory or principle use allowed in this zoning code, except uses permitted as conditional uses.
4. Applications: An application for a building permit shall be submitted to the Zoning Administrator on forms furnished by the Town of Hartford.
  5. Site Plan Required. All requirements of Section 10.05 shall be complied with prior to the issuance of a building permit.
  6. 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.
  7. Expiration: 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.
  8. 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 may 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.

9. 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.
10. Fees: All building permits shall require a fee as established on the Official Fee Schedule for the Town of Hartford.

## **05 ZONING PERMITS**

1. Applicability: A Zoning Permit is required prior to the establishment of land uses identified in the Section 2.05 Table of Land Uses. This section also applies to all new signage and any modification of existing signage requiring a permit, as identified in Chapter 7 – Sign Regulations.
2. Permit Sequencing:
  - a. Where a proposed use is subject to a Zoning Permit and a Building Permit, the Zoning Permit shall be obtained prior to the issuance of the Building Permit. No Building Permit shall be issued until the Zoning Administrator has verified compliance with all applicable zoning requirements.
  - b. Where a proposed use is subject to both a Zoning Permit and another required approval such as a Conditional Use Permit (CU), Site Plan (SP), or Plan of Operation (PO), such approvals shall be obtained prior to issuance of the Zoning Permit, unless otherwise specified by the Planning Commission or Town Board as part of the conditions of approval.
3. Review Procedures:
  - a. Submittal of application materials: The applicant shall submit a completed Zoning Permit application, including the required site plan and any other documentation as required by the Zoning Administrator, along with the applicable fee as established by the Town Board.
  - b. Additional Information Required:
    - i. To-scale plans and elevations, including dimensions, and exterior plans showing the design and use of each structure and building.
    - ii. Site Plan. A to-scale site plan must be submitted with all Zoning Permit applications. Where the accuracy of lot lines, setbacks, or other dimensional standards is critical to determining compliance with this Ordinance, a plat of survey, prepared by a professional land surveyor licensed in the State of Wisconsin, may be required to prepare the site plan. The following information shall be included:
      1. Lot boundaries and including legal description.
      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. Other pertinent information as may be requested by the Zoning Administrator.
  6. Existing and proposed structures and buildings, structures to be removed, the proposed use of all structures and their dimensions.
  7. Location of any existing structures within 30 feet of the subject property.
  8. Areas of filling and grading in excess of six (6) inches, and contours.
  9. Items from the list of required information may be waived by the Zoning Administrator if not needed to determine compliance with this Ordinance.
- c. **Signage Submittal Requirements:** For any Zoning Permit applications that include new signage or modification of existing signage (as regulated under Chapter 7), the following additional information shall be submitted:
- i. Sign Details. A scaled drawing or rendering of each proposed sign including:
  - ii. Dimensions (height, width, depth)
  - iii. Total area of sign face(s)
  - iv. Height above grade (for freestanding signs)
  - v. Sign type (e.g., wall, monument, pole, projecting, window)
  - vi. Materials and colors
  - vii. Method of illumination, if any (e.g., internal, external, none)
  - viii. Location Map or Site Plan showing exact location of proposed signage on the lot or building.
  - ix. The Zoning Administrator may request photographic simulations, color samples, or other materials as necessary to evaluate compliance.
4. **Determination of Completeness:** The zoning administrator reviews the submittal within ten days of receiving the application and other required materials to make sure it is complete and ready for further review.
- a. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has three months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
  - b. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
5. **Decision:** The Zoning Administrator shall approve or deny the Zoning Permit based on



compliance with the provisions of this Ordinance. If the permit is denied, the Zoning Administrator shall provide written reasons for the denial.

## 06 CONDITIONAL USE PERMITS

1. Statutory Authority: This Section is adopted pursuant to Wis. Stat. § 62.23(7) (d)(e), as made applicable to towns via § 60.61. A conditional use shall be approved if the applicant demonstrates, by substantial evidence, that the application and proposed conditional use meet the standards specified in the zoning ordinance. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
2. Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as conditional uses and are further described in Section 2.04. This section describes the requirements and procedures for reviewing an application to establish a conditional use, renew an existing conditional use, if so required; and amend an existing conditional use.
3. Applicability:
  - a. Those land uses designated as a conditional use in the Section 2.05 Table of Land Uses must comply with the requirements in this section, along with all other sections of this Ordinance as applicable.
  - b. A conditional use shall be allowed in the Farmland Preservation (FLP) District pursuant to the requirements of this section and if all of the following apply:
    - i. The use and its location in the FLP District are consistent with the purposes and intent of the FLP District.
    - ii. The use and its location in the FLP District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    - iii. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from Agricultural Use or open space use.
    - iv. The use does not substantially impair or limit the current or future Agricultural Use of surrounding parcels of land that are zoned for or legally restricted to Agricultural Use.
    - v. Construction damage to land remaining in Agricultural Use is minimized and repaired to the extent feasible.
    - vi. The use does not conflict with surrounding land uses.
  - c. Submittal of application materials: The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as established on the Official Fee Schedule for the Town of Hartford. Application for conditional use permits may be made by an individual property owner or group of owners or by a municipality, lake management district, sanitary district or similar agency on behalf of a larger property area where said proposal may benefit a larger group or entire community. Application shall be made to the Zoning Administrator and shall include:

- d. A map, drawn to a scale of not less than two hundred (200) feet to one (1) inch, showing: the land in question; its legal description and location; location and use of existing Buildings, existing sanitary systems and private water supplies on such land and within one hundred (100) feet of the land in question; the high water elevation of any navigable waters within one hundred (100) feet of the boundaries of the land in question; the proposed location and use of any Buildings; proposed sanitary systems and private water supplies on such land.
  - e. Additional information as may be required by the planning commission or zoning administrator in order to ensure that all requirements specified in this Ordinance and other applicable ordinances can be met.
  - f. A fee, as may be established and periodically modified by the Town Board.
  - g. A Conditional Use application which is filed and is not complete and therefore is not scheduled for a public hearing as it does not meet all of the requirements as outlined, shall be held for a period not to exceed three (3) months from the date of application and shall then expire and be voided by the Zoning Administrator. No refund of the application fee shall be made.
  - h. Conditional Use applications for communication towers shall also include the following:
4. 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.
    - a. A map showing a proposed grid for the location of any future towers in the Town.
    - b. A statement from the owner/operator that such tower will be constructed to accommodate at least two additional communication facilities and those additional facilities will be made available to commercial users at competitive rates. This requirement may be waived by the Town Board.
    - c. A plan for abandonment of the communication structure, together with such surety as the Town Board may require covering 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.
    - d. 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.
  5. Determination of completeness: The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has three months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

6. Review date: When the zoning administrator determines the application is complete, he or she schedules the review with the plan commission and town board consistent with its meeting calendar and allowing for proper notice.
7. General notice: The Zoning Administrator provides for a class 2 public notice and meeting agenda notice.
8. Staff report preparation and distribution: The zoning administrator may prepare a written staff report as described in this division and provide a copy of it to each member of the planning commission, the applicant, and any other interested person upon request.
9. Public hearing: Allowing for proper notice, the planning commission will conduct a public hearing to review the application and to hear from the applicant, town staff, and the public on the application's compliance with the standards of the Ordinance and any other applicable codes. The applicant and each interested person will be given the opportunity to present substantial evidence to rebut or offer countervailing evidence. The purpose of the hearing is to gather the record, for the petitioner to prove with substantial evidence they meet the standards of the code or the public to prove they don't and to address concerns from the public and/or plan commission. At the summation of the public hearing (i.e., not the close of the public hearing) the plan commission may give the following direction to the petitioner and to the public:
  - a. The remaining questions/standards that need to be proved/responded to.
  - b. Additional conditions to include in the conditional use order that the Planning Commission deems appropriate. The petitioner will need to prove they can meet those at the adjourned public hearing date. In addition, the plan commission may direct staff to prepare a draft conditional use order authorizing the conditional use. Such draft is intended to form the basis for the ongoing review of the conditional use and in no way binds the plan commission and or the town board in making their recommendation or decision.
10. Adjourned public hearing: At the adjourned public hearing date if the public hearing was extended for additional evidence collection, the plan commission will hear from the applicant, town staff, and the public on evidence in support or opposition to the proposed use and to the conditional use order itself if one was prepared. The purpose of the hearing is to gather the record on any additional standards imposed by the plan commission from the first public hearing and to gather evidence on the conditional use order itself, if one was prepared. At the summation of the public hearing the plan commission will give direction requesting additional evidence and adjourn the public hearing to a date certain or close the public hearing.
11. Recommendation: After the public hearing has been closed, the plan commission will make a recommendation to the town board for approval or denial. The recommendation shall state the terms of the approval or reasons for denial as set forth in a draft conditional use order. The burden of proof is on the applicant to prove they have met the standards of the chapter and those set forth by the plan commission during the process.
12. Town board meeting: Allowing for proper notice, the town board considers the application at a regular or special meeting.
13. Decision: After considering all of the information submitted by the applicant, public

comments received at the public hearing, the staff report, if any, the plan commission's recommendation, the Town Board shall approve the conditional use if the applicant demonstrates, by substantial evidence, that the application and proposed use meet the standards specified in this Ordinance. The Town Board may impose conditions if those conditions are related to the purpose of the Ordinance and are supported by substantial evidence. The Town Board shall deny the application if the applicant fails to meet one or more of the applicable standards, as demonstrated by substantial evidence in the record.

14. Applicant notification: Within a reasonable time following the town board's decision, the zoning administrator will provide the decision notice to the applicant by regular mail and/or email.
15. Acceptance by property owner required if approved: If the application is approved, the property owner must sign the conditional use order to acknowledge the terms of the approval and return the same to the zoning administrator within six months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the town clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision notice must be signed. If the signed decision notice is not returned within the initial or extended time period, if any, the decision shall automatically become null and void without any further action by the town at the expiration of such time limit. The decision notice shall only become effective when all required signatures have been obtained and the original signature copy is returned to the town clerk.
16. Public record copy: A duplicate copy of the decision notice is retained as a public record.
17. Basis of Approval: In accordance with Wis. Stat. § 62.23(7)(de), the Plan Commission and Town Board shall approve a conditional use permit if the applicant provides substantial evidence that the proposed use meets all applicable standards and conditions. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet.
  - a. In all cases, the applicant bears the burden of demonstrating that the proposed conditional use meets the ordinance standards with substantial evidence. In evaluating compatibility with surrounding properties, the Town shall approve the use if potentially adverse effects are eliminated or reduced to acceptable levels through conditions supported by substantial evidence.
  - b. The Planning Commission in making its recommendation and the town board in making its final decision shall consider whether the applicant has successfully demonstrated that the proposal complies with all requirements applicable to that specific use, to all other relevant provisions of this Ordinance and all other applicable municipal codes or adopted ordinance. This may include but is not limited to the following factors:
    - c. Whether the proposed project will adversely affect property in the area.
    - d. Whether the proposed use is similar to other uses in the area.
    - e. Whether the proposed project is consistent with adopted Town of Hartford plans.
    - f. Provision of an approved sanitary waste disposal system
    - g. Provision for a potable water supply.

- h. Provisions for solid waste disposal.
  - i. Whether the proposed use creates noise, odor, dust or other invasive characteristics.
  - j. Provision of safe vehicular and pedestrian access.
  - k. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
  - l. Adequacy of emergency services and their ability to service the site.
  - m. Provision for proper surface water drainage and or retention of water.
  - n. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
  - o. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
  - p. 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.
  - q. Whether the proposed project would adversely affect the area's natural beauty.
  - r. Whether the proposed project would adversely affect any historic or archeological sites.
18. Additional criteria applicable to non-metallic mining activities:
- a. Expansion or establishment of a new mining site will not be detrimental to or endanger the public health, safety, or general welfare.
  - b. 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.
  - c. Excavation site will not negatively impact the future development or use of the neighboring property.
  - d. Adequate access roads, drainage and other necessary site improvements are provided on the site.
  - e. Excavation site will not adversely impact traffic or local roads.
  - f. Excavation site will not damage environmental areas, including surface water, ponds, rivers, streams and the like or groundwater supplies.
  - g. Excavation site will be reclaimed to appropriate conditions as required under state and local regulations.
  - h. The size and scale of the mining operation is of appropriate scale to the landscape of the Town.
  - i. 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.
19. In addition, the Planning Commission in making its recommendation and the Town Board in making its decision must determine whether the proposed conditional use is compatible with surrounding properties, whether in the same or different zoning districts. In making this determination, the planning commission and town board must determine whether the petitioner has demonstrated with substantial evidence that there are no adverse effects on surrounding properties or those potentially adverse effects have been eliminated or reduced

to an acceptable level. Approaches that could be employed to mitigate potentially adverse effects will depend on the particular circumstances but may include (1) adjusting the location of the use, or parts thereof, on the subject property; (2) limiting hours of operation; (3) limiting the size or scope of the use, or parts thereof; (4) controlling how the use is managed on an on-going basis; (5) providing additional landscaping; (6) providing additional screening; and (7) limiting operations conducted out-of-doors, if otherwise allowed.

20. Based on substantial evidence, the plan commission may recommend and the town board may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare. Such conditions may include financial sureties in accordance with Section 10.10.
21. Change in Permit Holder: Unless specifically noted as a permit condition, a change in ownership or management of a property with a valid conditional use permit shall not result in the termination of the permit, provided the use continues as previously approved and in compliance with the conditions of approval and the transferee properly accepts, acknowledges and signs the existing permit. Such transferee expectance does not extend the permit expiration date as applicable. A new application shall only be required if the use itself is proposed to change.
22. 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.
23. 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.
24. 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.

## **07 ROAD ACCESS AND CULVERT INSTALLATION PERMITS**

1. Applicability: No person shall construct or alter a driveway, install or replace a culvert, conduct any excavation or fill activity, or otherwise disturb any public road, highway, right-of-way, or bridge within the Town without first obtaining all required permits and approvals

in accordance with Chapter 8 – Public Works of the Town of Hartford General Code of Ordinances. All work shall comply with the standards and specifications set forth in said chapter.

## **08 SITE PLAN REVIEW AND PLAN OF OPERATION REVIEW**

1. Purpose and Review Authority: Certain permitted and conditional uses require the submission of a Site Plan, a Plan of Operation, or both, to provide a detailed description of the proposed development. These documents serve as a basis for review and approval by the Planning Commission and Zoning Administrator. The purpose of this review is to:
  - a. Document the permit file;
  - b. Evaluate adequacy of submitted data to describe the proposed use;
  - c. Determine consistency with the provisions and intent of this Ordinance; and
  - d. Identify and address any potential compatibility concerns with surrounding uses and public infrastructure.
2. Applicability: This section applies to the following situations:
  - a. Land uses identified in the Table 2.05 – Land Uses as requiring Site Plan ("SP") and/or Plan of Operation ("PO") review.
  - b. Any change in use, ownership, or operator of a building, structure, or premises located in a Commercial or Industrial District.
  - c. Any permit for new construction involving a commercial, industrial, institutional, or multifamily residential use.
  - d. As determined by the Planning Commission or its designee, when review is warranted due to potential site impacts such as increased traffic, parking demand, or drainage issues.

**Note:** The Planning Commission or its designee may review aspects including but not limited to site layout, architectural design, compatibility with neighboring uses, landscaping and open space, access and circulation, lighting, drainage, and utility connections.

3. Fee: A non-refundable fee shall be submitted with the application as established in the Official Fee Schedule of the Town of Hartford.
4. Application Requirements:
  - a. Site Plan Submittal.
    - i. Lot boundaries, legal description, and required setbacks;
    - ii. Location of all public and private roads, driveways, and easements;
    - iii. Location of watercourses, drainage ways, wetlands, floodplain areas;
    - iv. Utilities, wells, storm water facilities, lighting locations;
    - v. Existing and proposed structures (including those to be removed), with dimensions and uses;
    - vi. Building elevations and floor plans;
    - vii. Grading and contour information (where fill exceeds 6 inches);
    - viii. Parking layout, stall sizes, loading zones, ADA compliance, access drives, walkways;

- ix. Landscaping, fencing, and ground cover areas
  - x. Sign locations;
  - xi. Location of outdoor storage or uses;
  - xii. Dumpster and enclosure locations;
  - xiii. Exterior lighting fixture types and placement;
  - xiv. Proposed storm water management facilities;
  - xv. All easements, including purpose and ownership;
  - xvi. Provide a calculation of total site area with pervious and impervious area included.
  - xvii. Any additional information requested by the Planning Commission or designee.
- b. Plan of Operation Submittal:
- i. Description of the proposed business/use, including operations and activities;
  - ii. Number of employees (full-time and part-time);
  - iii. Hours of operation;
  - iv. Products and services provided;
  - v. Water usage: If water use exceeds typical demand for similar uses in the district, or is proposed for industrial processes, irrigation, or extraction, additional analysis may be required to assess impacts on local infrastructure.
5. Determination of Completeness: The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing of such deficiencies and that the applicant has ninety days (90) from the date of the notice to resubmit the application or forfeit the application fee. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
6. Review Process: The Planning Commission or its designee shall review the site plan and plan of operation following submittal of complete and acceptable site plan and plan of operation materials. The Planning Commission or its designee shall not approve a site plan and plan of operation unless it is determined that the proposed site plan and plan of operation are 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. Administrative Review: The Planning Commission or its designee shall review the site plan and plan of operation upon submittal of complete application materials and determination of completeness. The proposal shall not be approved unless found to be consistent with this Ordinance and compatible with surrounding uses.
- b. Review Considerations:
  - i. Land Use Compatibility:
    - 1. Compatibility with adjacent land uses
    - 2. Consistency with adopted Town plans and policies
    - 3. Development suitability based on infrastructure capacity
    - 4. Potential for spinoff development or rezoning pressure
    - 5. Minimization of natural resource disturbance
  - ii. Parking and Traffic:
    - 1. Safe ingress/egress, internal circulation
    - 2. Compliance with ITE standards where applicable
    - 3. Sufficient and appropriately designed parking/loading
    - 4. Safe pedestrian access and ADA compliance
  - iii. Operational Impact:
    - 1. Hours of operation, noise, lighting, odor, and other externalities affecting nearby properties.
- 7. Basis of Decision: The Planning Commission shall consider the following in rendering a decision:
  - a. Traffic safety and pedestrian movement;
  - b. Natural resource and storm water management impacts;
  - c. Compatibility with neighboring uses and zoning;
  - d. Compliance with Chapters 6 (Parking), Appendix A (Design Standards), Appendix B (Landscaping), and other applicable Ordinance provisions;
  - e. Other relevant considerations as allowed by state law.
- 8. Sureties: The Planning Commission may require a completion schedule and performance guarantees (per Section 10.10) to ensure timely installation of site improvements. Failure to comply constitutes a zoning violation.
- 9. Appeals: Decisions by the Planning Commission or its designee under this section may be appealed to the Town Board within 30 days of the written decision. The Board shall review the record and may affirm, reverse, or modify the decision if it finds that the Planning Commission misapplied the Ordinance or acted arbitrarily.

## **09 APPLICATION FEES AND OTHER CHARGES**

- 1. Establishment of Fees: The Town Board may, by resolution and from time to time, establish application fees, review charges, inspection fees, or other costs as it deems necessary for the administration, review, and enforcement of this Ordinance, pursuant to Wis. Stat. § 66.0628.

All such fees and charges shall be included in the Official Fee Schedule for the Town of Hartford, which shall be maintained by the Town Clerk and made available for public inspection.

2. **After-the-Fact Fees:** The Town Board may establish and assess an “after-the-fact” fee for any land use activity or application submitted following the commencement of the use, construction, or development without the required permit or prior review. The payment of such fee shall not relieve the responsible party from full compliance with this Ordinance, nor from potential enforcement actions or penalties for ordinance violations.
3. **Timing of Payment:** All application fees must be paid in full at the time of application submittal. An application shall not be considered complete for purposes of review until the required fee is paid.
4. **Refunds:** All fees are nonrefundable unless the Zoning Administrator or other Town staff accepted the application and fee in error. In such cases, the Town may authorize a full or partial refund.

## **10 CHARGE BACK OF PROFESSIONAL FEES**

1. **Generally:** When specifically authorized by this chapter and pursuant to Wis. Stats. § 66.0628 an applicant shall be responsible for paying the professional service fees of individuals or private firms the town board elects to hire to assist in the review of a submitted application. Such fees may cover time, materials, and other related expenses of attorneys, planners, engineers, and other specialists, and their support staff. Payment of fees is required whether the application is approved or not.
2. **Billing procedure:** The town clerk shall prepare an itemized statement of the professional service fees to be charged and provide a copy to the applicant. Such statement shall be in writing and shall contain, at a minimum, the following information:
  - a. A statement that the applicant has a specified period of time, not less than 30 days, to pay;
  - b. A statement that the applicant may appeal one or more of the itemized charges within 15 days of the date of the statement to the town board; and
  - c. A statement that any unpaid charge will be assessed as a delinquent charge against the subject property.
3. **Appeal of Charges:** To appeal one or more charges, the applicant shall submit a written appeal to the town clerk within the appeal period stated on the statement. The town board shall consider the matter at its next regular meeting, provided the date of the meeting is ten business days or more from the date the appeal is received. The town board shall have the power to approve the charges as assessed or reduce the amount of charges in whole or in part with cause.
4. **Nonpayment:** If the applicant does not appeal the charges within the time period specified in the statement, the town clerk shall automatically charge any unpaid amount as a delinquent tax against the property as provided by state law. In the event the applicant submits an appeal as provided in this section, no charges shall be placed on the tax roll unless and until

such time the Town Board approves the charges against the tax roll in whole or in part. In the event the statement provided to the applicant or the time given for the applicant to pay or following a hearing if the town board approves all or part of the charge, it is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

## 11 AMENDMENTS

1. **Authority to Amend:** The Town Board may amend this Ordinance, including zoning map or text amendments, following a duly noticed public hearing held prior to adoption as provided in Section 10.12(1) – Public Hearing Notice Requirements. At the public hearing, any person may appear in person, by agent, or by attorney.
2. **Petition and Fees:** A petition for a zoning amendment shall be submitted to the Zoning Administrator and accompanied by the applicable fee as established in the Official Fee Schedule for the Town of Hartford.
3. **Rezoning of Wetlands:** No lands designated within the Wetland Conservancy Overlay District shall be rezoned if such rezoning may result in a significant adverse impact upon any of the following functional values of the wetland:
  - 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.
  - h. Rezoning shall not be approved unless the applicant has first obtained all required wetland fill or alteration permits from the Wisconsin Department of Natural Resources (WDNR) and the U.S. Army Corps of Engineers (ACOE), as applicable. Documentation of all such approvals shall be submitted with the rezoning petition.
  - i. The Town Board may seek technical input from the WDNR or a qualified wetland ecologist in evaluating potential adverse impacts.
4. **Zoning Amendments in the Farmland Preservation District:**
  - a. Rezoning out of the FLP Farmland Preservation District: The Town may approve rezoning from the FLP District only after making findings based on all of the following criteria:
    - i. The land is no longer practical for continued agricultural use.
    - ii. Adequate public facilities exist or can be provided without unreasonable

- burden.
- iii. The land is suitable for the proposed use.
- iv. The proposed rezoning will not cause unreasonable air or water pollution, soil erosion, or adverse environmental impacts.
- v. The proposed rezoning will not conflict with nearby agricultural operations.
- vi. The proposed nonagricultural use is reasonably needed, and alternate locations are limited.
- vii. The rezoning will minimize the amount of agricultural land converted to nonagricultural use. 7.8.
- viii. Rezoning must be consistent with the certified Farmland Preservation Plan adopted by the Town and County, as required under Wis. Stat. § 91.48
- b. Pursuant to Wis. Stat. § 91.77(3), the Town shall notify the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) of any approved rezoning out of the FLP District.
- 5. Zoning of Detached Lands: Any lands detached from a city or village and annexed or otherwise transferred into the Town shall be automatically classified in the A-1 General Agricultural District or upon recommendation of the Zoning Administrator, in the zoning district of the most similar adjacent property, subject to confirmation by the Plan Commission and Town Board. Such classification shall remain until rezoned through an ordinance amendment.
- 6. Department of Natural Resources Notification: In accordance with NR 115.05(6) (h), Wis. Admin. Code, the Town shall provide a copy of any zoning amendment affecting Shore-land areas to the appropriate Wisconsin Department of Natural Resources (DNR) district office within ten (10) days of the final decision.
- 7. Resubmission of a Denied Petition: No petition for a zoning amendment that has been denied shall be resubmitted within six (6) months of the Town Board's final decision, unless the Town Board waives this restriction by majority vote upon finding that the resubmission includes:
  - a. A materially different proposal; or
  - b. Substantial new evidence that was not previously considered.
- 8. Conditions and Use Limitations: As part of an approval of a zoning map amendment, the Town Board may impose conditions of approval or limit the permissible principle uses on the property to one or more specific uses allowed within the newly established zoning district. Such limitations shall be expressly stated in the ordinance adopting the zoning change.

## 12 PUBLIC HEARINGS:

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

- 1. Notice for Public Hearings.
  - a. Publication: Notice of any required public hearing before the Town Board or the

Zoning Board of Appeals shall be provided by publishing a Class 2 notice in a newspaper of general circulation in the Town, in accordance with Wis. Stat. § 985.07. The notice shall include the date, time, location, and subject matter of the hearing.

- b. Mailed Notice to Parties in Interest: If the public hearing involves a variance, appeal, or other matter before the Zoning Board of Appeals, written notice shall also be mailed or delivered to the applicant, abutting and opposite property owners, and any other parties in interest as determined by the Zoning Administrator or required by law.
  - c. DNR Notification for Shore land Hearings: If the public hearing pertains to a property located within the Shore-land Zoning District, notice shall be mailed to the Wisconsin Department of Natural Resources (DNR) at least ten (10) days prior to the hearing, in accordance with NR 115.05(6) (f), Wis. Adm. Cod.
2. **Public Hearing Procedures**: The Town Board and the Zoning Board of Appeals may adopt procedural rules for conducting public hearings consistent with the Wisconsin Open Meetings Law. Hearings shall provide an opportunity for all interested persons to offer testimony, and the body conducting the hearing shall maintain a record of the proceedings in accordance with applicable statutory requirements.

### **13 FINANCIAL ASSURANCES**

1. **Performance Bond- Irrevocable**: performance bonds may be accepted as a form of financial guarantee required under this Chapter if the bond is deemed appropriate by the Town Planning Commission and approved by the Town Board.
2. **Letter of Credit**:
  - a. **Form**: All letters of credit shall be irrevocable and drafted in a form approved by the appropriate Town official or designee.
  - b. **Amount**: The amount of the letter of credit shall be as specified in this Ordinance or, if not specified, as established by the Town Board based on a recommendation by the Town Engineer or Zoning Administrator.
  - c. **Acceptance required**: No letter of credit shall be considered valid or enforceable unless formally accepted by the Town Board.
  - d. **Issuer Requirements**: The issuing financial institution shall be authorized to do business in the State of Wisconsin and demonstrate financial strength satisfactory to the Town Board.
  - e. **Ongoing Obligation of Applicant**: The provision of a letter of credit does not release the applicant or property owner from the responsibility of completing the required work secured by the letter of credit.
3. **Cash Deposits**:
  - a. **Custody**: Cash deposits accepted as financial assurance shall be held by the Town Treasurer and shall not accrue interest for the depositor unless otherwise required by law or formal agreement.

- b. Amount: The amount of the cash deposit shall be as specified in this Ordinance or as established by the Town Board if not specified.
  - c. Acceptance Required: A cash deposit shall not be considered valid until formally accepted by the Town Board.
  - d. Ongoing Obligation of Applicant: The provision of a cash deposit does not relieve the applicant or property owner from the obligation to complete the required work.
- 4. Administrative Fee: The Town may impose an administrative fee for monitoring and managing any cash deposit. The amount of this fee shall be set by resolution of the Town Board of the fee schedule and may be updated from time to time.
- 5. Recovery of Costs Exceeding Financial Assurance: If the Town draws upon any financial assurance and the costs incurred exceed the amount provided, the Town shall bill the property owner for the outstanding balance. If payment is not received within thirty (30) days, the amount due may be:
  - a. Placed on the tax roll as a special charge under Wis. Stat. § 66.0627 or recorded as a lien against the property, where permitted by law.
  - b. Collected by any and all other means authorized by state law.

# CHAPTER 11 ENFORCEMENT

## 01 VIOLATIONS

1. **Unlawful Activities:** It shall be unlawful to establish, locate, erect, construct, reconstruct, alter, enlarge, extend, convert, relocate, or use any building, structure, sign, or land in violation of this Ordinance, including any lawful amendments or supplements adopted by the Town Board. It shall also be unlawful to fail to obtain any permit required under this Ordinance or to violate any condition of approval imposed by the Town Board, Planning Commission, or Board of Zoning Appeals.
2. **Separate Offenses:** Each act or omission in violation of this Ordinance, and each day such violation continues, shall constitute a separate and distinct offense.
3. **Liability:** Any person, firm, corporation, association, or agent acting on behalf thereof, who fails to comply with any provision of this Ordinance, including any order, requirement, or condition of approval, shall be subject to enforcement and prosecution in accordance with the provisions of this Ordinance and applicable Wisconsin law.
4. **Declared nuisances:** Any structure erected, structurally altered, or placed on a lot, or any use established or maintained in violation of the provisions of this Ordinance, is hereby declared to be a public nuisance per se, and may be abated as such pursuant to applicable law.
5. **Ongoing Enforcement:** Nothing in this Ordinance shall prevent the continuation or initiation of enforcement actions, legal proceedings, or penalties for violations that occurred under prior ordinances lawfully adopted by the Town, if such actions are consistent with state law and remain unresolved.

## 02 PROSECUTION

1. **Civil Enforcement:** In accordance with § 66.0114, Wis. Stats. any action to enforce the provisions of this Ordinance shall be a civil action.
2. **Notice of Violation:** Prior to initiating legal proceedings, the Building Inspector or Zoning Administrator shall serve written notice of violation upon the property owner, tenant, or other responsible party. The notice shall include:
  - a. A description of the nature of the violation;
  - b. The corrective action required to abate the violation; and
  - c. A statement that failure to comply may subject the violator to:
    - i. Civil action to enjoin or abate the violation; and/or
    - ii. Forfeitures as set forth in Section 11.04 of this Ordinance.
3. **Referral for Enforcement:** If a violation is not corrected after the issuance of a notice of violation, the Building Inspector or Zoning Administrator shall refer the matter to the Town Board. The Town Board may authorize legal proceedings, including:
  - a. Citation issuance under § 66.0113 or 66.0114, Wis. Stats.

- b. Summons and complaint under § 66.12, Wis. Stats.; or
  - c. Any other action authorized by law.
- 4. **Injunctive Relief and Equitable Remedies:** The Town may seek an injunction, restraining order, or other equitable relief to prevent or correct a violation of this Ordinance, and may request an order requiring the violator to restore the premises to its previous lawful condition with full payment of any and all associated cost to restore the premises and or property. This remedy is in addition to any other penalty or enforcement action and may be pursued independently of a forfeiture prosecution.
- 5. **Forfeiture and Penalties:** Legal actions initiated by the Town may include a demand for forfeitures or penalties as provided in Section 11.04.
- 6. **Inspection Warrants:** Special inspection warrants for premises subject to this Ordinance shall be obtained pursuant to § 66.0119, Wis. Stats.
- 7. **All permits:** and approvals required under this ordinance include authorization by the applicant for reasonable inspections of lands, premises, buildings needed to insure compliance with this ordinance.

### 03 ORDERS AND CITATIONS

- 1. **Authority to Issue Orders:** 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. Require the immediate cessation of any activity, conduct, or use that constitutes a violation of this Ordinance; and/or
  - b. Direct the violator to correct the violation within a specified period of time.
- 2. **Citations:** Authorized officials may issue citations in accordance with § 66.0113, Wis. Stats., and any citation ordinance adopted by the Town, requiring the violator to appear before a court of competent jurisdiction. Citations may be issued in conjunction with, or independently of, any order or directive.

### 04 PENALTIES

- 1. **Any person,** who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of, any provision of this Ordinance shall be subject to a forfeiture of not less than \$10.00 and not more than \$2,000.00 for each offense, together with the costs of prosecution. Each day a violation continues shall constitute a separate offense. In default of payment, the violator may be confined in the county jail until such forfeiture and costs are paid, but for a period not to exceed six (6) months, as provided by law.
- 2. **For violations** enforced by citation under § 66.0113, Wis. Stats. the forfeiture amount shall be as set forth in the Citation Penalty Schedule, as adopted and periodically amended by resolution of the Town Board. The current Citation Penalty Schedule shall be kept on file with the Town Clerk and made available to the public upon request.



## CHAPTER 12 SHORE LAND AND FLOODPLAIN ZONING

1. **Jurisdiction and Authority:** Pursuant to Wis. Stat. § 59.692 and NR 115, Wis. Admin. Code, the Wisconsin Department of Natural Resources (WDNR) delegates authority for the administration and enforcement of shore land zoning regulations to counties. The Town of Hartford recognizes that Washington County has adopted Shore land and Floodplain Overlay Zoning Districts consistent with these state standards. The Town may as allowed administer restrictive shore land zoning regulations within these areas. For reference, regulated shore land and floodplain areas are delineated by Washington County and are available for review via the Washington County Geographic Information Systems (GIS) Mapping Portal.
2. **Applicability:** Washington County's Shore land and Floodplain Overlay Zoning Districts apply to all lands within the Town of Hartford that meet the definitions and jurisdictional criteria established under NR 115 and Chapter 23 and Chapter 26 of the Washington County Code. These include lands within:
  - a. 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, and
  - b. 300 feet of the ordinary high-water mark of a navigable river or stream or the landward side of the floodplain, whichever distance is greater.
3. **Referral to County Zoning Authority:** The Town Zoning Administrator shall refer all inquiries, applications, and enforcement actions relating to structures or land uses located within mapped Shore land or Floodplain Overlay Districts to the Washington County Planning and Parks Department for review, action and permits in accordance with applicable County and State regulations.
4. **Coordination of Permit(s) Issuance:** If a Town zoning or building permit is otherwise required for a project located within a County-administered Shore land or Floodplain Overlay District, no such Town permit shall be issued until the applicant has obtained all required Washington County and Wisconsin Department of Natural Resources (WDNR) approvals. Proof of such approvals must be provided to the Town Zoning Administrator prior to the issuance of any Town permit.
5. **Compliance Required:** Compliance with County and State Shore land and Floodplain regulations is a condition precedent to the issuance of any Town local zoning approval. No development activity shall commence in these areas without first securing all necessary County and State permits. Failure to secure such approvals prior to commencing any development activity within these areas shall constitute a violation of this Ordinance.
6. **Town of Hartford** may impose more restrictive shore land zoning standards than those adopted by Washington County pursuant to NR 115, as specifically authorized under Wis. Stat. § 59.692(2)(b).

## 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 principle structure, located on the principle structure.

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

**Agricultural Accessory Use:** Any of the following uses on a farm:

1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
2. An activity or business operation that is an integral part of or incidental to, an agricultural use.
3. A farm residence that existed as of December 31, 2025.

A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in paragraph (1) or (3), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

Any other use that the Department of Agriculture, Trade and Consumer Protection (“DATCP”), by rule, identifies as an agricultural use and that is determined by the Planning commission and Zoning Administrator to be compatible with the purpose and intent of the Agricultural Preservation District.

**Agricultural Use:** Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
5. Floriculture.
6. Aquaculture.
7. Fur farming.
8. Forest management.
9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
10. Any other use that DATCP, by rule, identifies as an agricultural use and that is determined by the plan commission and zoning administrator to be compatible with the purpose and intent of the Agricultural Preservation District.

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

**Agricultural Related Use:** Any of the following uses:

An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

Any other use that DATCP, by rule, identifies as an agriculture-related use and that is determined by the plan commission and zoning administrator to be compatible with the purpose and intent of the Agricultural Preservation District.

**Agricultural Support Services:** A land use involving the provision of products, services, or facilities directly related to agricultural production, processing, or distribution.

**Agriculture, General:** Any agricultural use as defined in this Ordinance, except those uses defined as intensive agriculture uses.

**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 level of a building with a height, as measured between the floor and the bottom of the floor joists above that is more than one-half below the finished yard grade on at least one side. If a lateral extension of the basement level does not have a story (as defined in this Ordinance) above it, it is not considered a basement level and shall be regulated as otherwise required in this Ordinance.

**BESS (Battery Energy Storage Systems):** A BESS is a type of energy storage system that uses batteries to store and distribute energy in the form of electricity. These systems are commonly used in electricity grids and in other applications such as electric vehicles, solar power installations, and smart homes. At its most basic level, a BESS consists of one or more batteries that store electrical energy for use at a later time. This stored energy can then be drawn upon when needed to meet various demands for power across different applications.

**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.

**Billboard:** A sign intended to lease to third parties and is itself the primary income generator and commercial use of the property upon which it is located.

**Billboard, Digital:** A sign that is static and changes messages by any electronic process or remote control.

**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 Coverage:** The surface area of all roofed structures on a lot, except for the area of a roof overhang that measures twenty-four inches (24") or less in depth. OR The maximum horizontal projected area of a building measured at each level from outside wall to outside wall.

**Building Inspector:** Town of Hartford Building Inspector

**Building, Height of:** The vertical distance measured from the lowest exposed point of a structure to the highest point of any 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 thirty (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.

**Cluster Development:** A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size, while complying with the density provisions of this Ordinance. Such development could consist of one or more cluster groups surrounded by common open space and is sometimes called a conservation or open space subdivision depending on the type and amount of preserved open space.

**Collocation:** Sometimes referred to as 'co-location' – is broadly defined as two technologies sharing the same utility-scale grid connection point, often within the same site. Most commonly, solar generation is collocated with BESS (see definition above), although the collocation of wind turbines and BESS is also possible.

**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.

**Conservation Subdivision:** A housing development usually in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.

**Child Care Center:** A facility, licensed by the Wisconsin Department of Children and Families (DCF), 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.

**Family Day Care Home:** A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.

**Feedlot:** a barnyard, feedlot, or other outdoor area where animals are concentrated for feeding or other purposes and where vegetative cover is not maintained.

**Development:** Any activity that must comply with, or is anyway regulated by, this chapter

**District, Basic Zoning:** A part or parts of the Town for which the regulations of this Ordinance governing the use, location, and size of land and buildings (such as the Agricultural, Residential, Commercial, Industrial, Conservancy, and Recreation District classifications).

**District, Overlay Zoning:** A zoning designation that modifies the underlying basic zoning district requirements in a specific manner.

**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.

**Driveway Cross Access Easement Agreement:** A recorded agreement between two (2) adjacent property owners using a shared driveway to access a public highway, which grants access to each other's portion of the driveway being shared. See Figure 6.1.

**Driveway Maintenance Agreement:** A recorded agreement between two (2) property owners sharing an access driveway which addresses responsibility for driveway maintenance needs including issues such as snow removal, pavement maintenance and replacement, driveway grades, culvert issues, parking in the shared portion of the driveway, and unforeseen driveway expenses or assessments.

**Dwelling Unit:** A building or portion thereof, that provides for complete, independent living facilities for one related family and its' members, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Environmental Corridor, Primary:** See, Environmental Corridors

**Environmental Corridor, Secondary:** See, Environmental Corridors

**Isolated Natural Resource Area:** See, Environmental Corridors

**Environmental Corridors:** Environmental corridors (Primary, Secondary and Isolated Natural Resource Areas) are concentrations of key significant natural resource elements including surface water such as lakes, streams, and rivers and their associated undeveloped Flood-lands and Shore-lands; woodlands, wetlands, and wildlife habitat; prairie remnants; areas of groundwater discharge and recharge; unfarmed wet, poorly drained and organic soils, rugged terrain and high relief topography; and significant geological formations and physiographic features. In general, Primary Environmental Corridors are concentrations of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width. Secondary Environmental Corridors are concentrations of significant natural resources at least 100 acres in area and at least one mile in length (possibly smaller and shorter if considered a primary link). Isolated Natural Resource Areas are concentrations of significant natural resources at least five acres in area and at least 200 feet in width. Generalized Environmental Corridor boundaries are mapped by the Southeastern Wisconsin Regional Planning Commission, typically at five-year intervals, and precise boundaries are field delineated by, or reviewed and approved by, the Southeastern Wisconsin Regional Planning Commission Staff. A description of the processes for further defining and delineating Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas is set forth in the Southeastern Wisconsin Regional Planning Commission's Technical Record, Volume 4, No. 2, and is incorporated herein by reference.

**Family:** An individual living alone in a dwelling unit, or 2 or more individuals living together in a dwelling unit who are related by blood, marriage, adoption, or other legal means, or a group of not more than 4 individuals who are not so related who live together as a single housekeeping unit in a dwelling unit. A single housekeeping entity infers the use in common of all spaces, household services, and utilities with a single source of food preparation for all occupants.

**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 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.

**Farm Family Business:** A Farm Family Business is defined pursuant to Wis. Stat. § 91.75(8) as any lawful activity, other than a farm operation, that is conducted primarily for any of the following purposes: 1) The purchase, sale, lease, or rental of personal or real property; 2) The manufacture, processing, or marketing of products, commodities, or other personal property; 3) The Sale of services.

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

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

**Fowl:** Any of various birds of the order Galliformes, especially the common widely domesticated chicken.

**Freestanding Sign:** A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, and not including ground mounted signs.

**Ground-Mounted Sign:** A sign that extends from the ground or has support that places the bottom of the sign less than two feet from the ground.

**Government Sign:** A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

**Highway Sign:** A freestanding sign, Integral Sign, or Ground-Mounted Sign that is erected and maintained within the view of motorists who are driving on a state or interstate highway.

**Home Occupation:** A business, profession, occupation, or trade which is conducted for gain or support, located entirely within a Principle 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:** An establishment that (i) offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, film, motion pictures, video cassettes, video reproductions, slides, closed-circuit transmission, cable/satellite transmission, subscriber programming, or other visual representation or physical medium characterized by depicting or describing specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this type of adult entertainment; (ii) offers a sleeping room for rent for a period of time that is less than 10 hours; or (iii) allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than 10 hours.

**Household:** All the people (related - “family” or unrelated - “nonfamily”) who occupy a housing unit, such as a house or apartment, as their usual place of residence. Households exclude group quarters.

**Integral Sign:** A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

**Intensity:** The degree in which land is used or occupied. (There is no single measure of the intensity of land use. Rather, land use is relatively more or less intense than another use. Generally, a particular use may be more intense due to one or more characteristics, such as parking or traffic generated, amount of impervious surface, bulk of the structures, number of employees, density such as number of dwelling units per acre, or nuisances such as pollution, noise, glare, etc.).

**Junk:** Junk means garbage, waste, refuse, trash, any motor vehicle upon which no current license plate is displayed, any inoperable or abandoned motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, lumber, furniture, paper, cans or bottles. Any trailer which is required to be licensed by the State of Wisconsin, but which is unlicensed or any trailer which is abandoned or inoperable is considered junk under this Ordinance.

**Kennel, Hobby:** A private, non-commercial establishment, structure, premises or pursuit accessory to the Principle use of the property where three (3) or more dogs of six (6) or more months of age are kept for such private purposes as pets, field trials, shows or hobby. The occasional raising of not more than two (2) litters of dogs per year on a premises and the sale or disposal of said dogs within six (6) months of their birth shall also be considered a private hobby kennel.

**Kennel, Commercial:** An establishment, structure or premises where dogs are raised, sold, bred, or boarded for any length of time for commercial purposes. This definition includes businesses termed “doggy day care” and dog rescue operations or any similar operations. The raising and selling of three (3) or more litters of dogs from any number of adult dogs per year shall constitute a commercial kennel. The training or grooming of dogs without other related kennel activities, as listed above, is not considered a commercial kennel, but those activities are considered commercial type uses which are otherwise regulated in this Ordinance.

**Kennel, Private:** A facility or location where dogs or other pets are kept for the private, non-commercial use of the occupant. The term includes the occasional sale and training of no more than two (2) litters per calendar year

**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, thermo- forming 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 devises, 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 parcel of contiguous land with described boundaries and abutting or having access via an approved easement to a public street or other approved way, and exclusive of any land lying in public rights-of-way, or below the ordinary high water mark of navigable waters. Where public rights-of-way divide a single described parcel into two (2) or more parts, such severed portions shall be considered separate individual lots if such separate parcels individually meet the use regulations, building location and area regulations of the zoning district in which they are located. Where such separate parcels do not meet those requirements and have been described as a single parcel of record, together such severed portions shall be considered to be a single lot for regulatory purposes under the provisions of this Ordinance, and such severed areas shall not be sold separately.

**Lot of Record:** A platted lot or lot described in a Certified Survey Map, which has been proved by the Town and has been recorded in the office of the Washington County Register of Deeds, or a metes and bounds description of a lot which has been recorded in the Washington County Register of Deeds Office prior to the adoption of this original Ordinance (March 24, 1986).

**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.

**Lowlands Conservancy:** See Wetlands.

**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 manufactured home is a prefabricated dwelling unit constructed in a factory setting and designed for permanent placement on a residential site.

**Marquee:** A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

**Mobile Home (also Mobile Home Unit):** 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 customers' goods in enclosed partitions, each with individual access.

**Net Density:** The net area required for a residence divided by an acre (43,560 square feet). The result is expressed as dwelling units per net acre. Net acres, used in computing net density, are the net developable area or actual site area of a lot devoted to the residential use, excluding existing and planned public rights-of-way.

**NIT:** (shine) 1 candela/sq. meter, 3,426 lumens.

**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, felspar, 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.

**Open Space:** Any site, parcel, lot, area, or out lot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned and shall be substantially free of structures but may be used for landscaping and contain recreational facilities approved by the Town. Such open space may include, but not be limited to, floodplains, wetlands, woodlands, prairie remnants, steep slopes, natural areas, critical species habitat sites, and other significant natural resource features, including those within environmental corridors and isolated natural resource areas.

**Open Space, Common:** Undeveloped land within a subdivision, condominium, or planned development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents or occupants of the development. Common open space shall not be part of individual lots and shall be substantially free of structures but may contain such amenities or recreational facilities for residents or occupants as are shown on an approved development plan.

**Ordinary High-Water Mark:** The point on the bank or shore of a waterway up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristics.

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

**Parcel:** Contiguous lands under the control of a land divider not separated by streets, highways, navigable rivers, or railroad rights-of-way.

**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.

**Plan of Operation:** A written description of the proposed use of a property, detailing the nature of the business or activity, hours of operation, number of employees, anticipated traffic and customer volume, delivery schedules, waste disposal methods, and any other relevant operational characteristics needed to assess potential impacts on surrounding properties.

**Portable Sign:** Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

**Principal Owner:** Any legal entity or individual with greater than 50% ownership.

**Primary Floor Area:** The total floor area of a retail establishment used for the primary purpose of the business, including areas accessible to customers for sales, display, and service. PFA excludes non-customer areas such as storage rooms, mechanical rooms, employee break areas, restrooms, and administrative offices.

**Principle 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 Service Commission:** Public Service Commission of Wisconsin.

**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.

**Recreational Vehicle:** Motorized vehicles that include a cabin for living accommodations, are commonly used for recreational travel and touring and do not exceed 400 square feet when measured at the largest horizontal projection. Vehicles included in this category come in several forms: travel trailers, tent trailers and camping trailers, all of which must be towed by another vehicle; and truck campers, motor homes and camper vehicle, all of which have a motor within the body of the vehicle and are self-propelled.

**Roof Sign:** A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascial.

**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 and 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.

**Shared Driveway:** A driveway where two (2) or more property owners each owning a proportional share of the common shared driveway while both have the legal right to use the driveway access.

**Shore Yard:** The yard from the ordinary high water mark to the man-made structure.

**Sign:** A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, produce, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street are not considered signs. Each display surface of a sign or sign face is considered a sign.

**Sign Area:** The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline is enclosing all the characters of the words, numbers or design.

**Sign Face:** The entire display surface area of a sign upon, against, or through which copy is placed.

**Single Family Dwelling (Unit):** A building containing one dwelling unit that is situated on one lot and is not attached to any other dwelling unit by any means. The term includes manufactured homes, modular homes, panelized homes, pre-cut homes, and site-built homes, but excludes mobile homes.

**Silviculture:** A practice of controlling the growth, composition/structure, as well as quality of forests to meet values and needs, specifically timber production.

**Solar Energy Systems:** Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. Excludes solar powered light fixtures that are ground or wall mounted and solar powered electric fences.

**Solar Energy Systems, free-standing:** An accessory use that is the installation of equipment mounted on the

ground that uses sunlight to produce electricity or provide heat or hot water to a building.

**Solar Energy Systems, building mounted:** An accessory use that is the installation of equipment mounted on the building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or hot water to a building.

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

**Small Wind Energy System:** This means a Wind Energy System that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts/3 total systems.

**Substantial Evidence:** As related to conditional use permits and defined in the Statutes, facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

**Structure:** Any man-made object with form, shape and utility that is constructed or otherwise erected on the ground or attached to something on the ground, or permanently or temporarily placed, either upon the ground or upon another structure. For the purposes of this Ordinance, the term “structure” includes, but is not limited to, Principle and Accessory Buildings (including garages, sheds, boathouses, porches, shanties and gazebos), signs, swimming pools, hot tubs, patios, decks, sidewalks, walkways, fire pits, retaining walls, monuments, solar panels, radio towers and television towers, but does not include landscaping, earthwork, or land altering activities including graded areas, filled areas, ditches, berms, or earthen terraces. The term “structure” does not include flag poles, mailboxes, basketball hoops, satellite dishes eighteen (18) inches or less in diameter, or small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, doghouses, bird feeders, birdhouses, and birdbaths.

**Swimming Pool:** A structure, above or at ground level, designed to hold water more than Thirty-six (36) inches deep for the purpose of swimming and related activities. This includes spas and hot tubs.

**Temporary Sign:** A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and is intended to be displayed for a limited period of time.

**Town:** The Town of Hartford, Washington County Wisconsin.

**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 building containing two (2) dwelling units that are situated on one lot. The units may be rented or owned as in a condominium(s).

**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.

**Ultimate Right of Way:** The full width of land that is reserved or dedicated for a future or existing public street, highway, or other transportation corridor, as established on the Official Road Classification Map for the Town of Hartford.

**Variance:** Variance means an authorization granted by the Board of Adjustment to construct or alter a building, land use or structure in a manner that deviates from this Ordinance.

**Variance, Dimensional:** A deviation from the strict application of dimensional or physical requirements set forth in the zoning ordinance, such as setbacks, height limitations, lot coverage, or frontage requirements.

**Variance, Use:** A deviation that permits a land use otherwise prohibited in a zoning district under the zoning ordinance.

**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.

**Wedding Barns/Agri-tourism:** An historical structure (Barn), built over 15 years ago, primarily used in agriculture operations and activities including the housing of equipment, livestock, seeds and grain storage. Not used for human occupation.

**Wetlands:** An area where water is at, near, or above the land surface long enough to support a prevalence of vegetation typically adapted for life in saturated soil conditions, and which has hydric soils and wetland vegetation as defined by the Wisconsin Department of Natural Resources. Wetlands include swamps, marshes, bogs, and similar areas and are identified based on vegetation, hydrology, and soil characteristics consistent with the methodology established in NR 103, Wisconsin Administrative Code. This definition includes both mapped and unmapped wetlands and applies regardless of whether the wetland is delineated on Wisconsin Wetland Inventory maps.

**Wind Energy System:** This is the meaning given in Wis. Stat. § 66.0403(1) (m) and is used to convert wind energy to electrical energy. “Wind Energy System” includes Small Wind Energy Systems.

**Window Sign:** A sign that is attached to or located within three feet of the interior of a window and can be seen through the window from the exterior of the structure.

**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 Principle 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 Principle 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, Shore:** A yard extended the full width of the lot between the ordinary high water mark and or coast line and the nearest part of the Principle building, excluding uncovered steps.

**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.

## **APPENDIX A - SITE DESIGN AND ARCHITECTURAL STANDARDS**

### **1. Design Considerations Applicable to All Uses**

- a. Existing access roads should be utilized whenever possible.
- b. Stone fences and tree lines should be preserved to the greatest degree practicable.
- c. Trees on ridge lines and hilltops should not be removed to the greatest degree practicable.
- d. Roads and driveways should follow land contours.
- e. 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.

### **2. Design Considerations Applicable to Commercial and Industrial Uses**

- a. Parking lots, storage and refuse containers should be located behind structures and screened from adjacent uses.
- b. Parking and Traffic Considerations. Consideration of parking, loading, traffic generation and circulation layout, so as to:
- c. Minimize hazardous traffic movements.
  - i. Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers' Transportation and Traffic Engineering Handbook.
  - ii. Provide for the optimum number of parking spaces.
  - iii. Provide for optimum loading and unloading in the case of commercial and industrial uses.
  - iv. Provide for optimum access to public streets and highways.
  - v. Provide for pedestrian access and safety.
- d. Consideration of the location of principle 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.
- e. Architectural Considerations.
  - i. Considerations of the 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.
  - ii. Building materials such as brick, stone, and wood should be incorporated to enhance the appearance and durability of structures. In addition, buildings

should utilize architectural treatments—such as varied rooflines, façade articulation, trim detailing, windows, awnings, and other design elements—to create visual interest, reduce the appearance of mass, and promote compatibility with surrounding development.

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## **APPENDIX B – LANDSCAPING STANDARDS**

- 1. General Landscaping Considerations: Consideration of landscaping and vegetative plantings, so as to:**
  - a. Maintain existing mature trees, native vegetation and shrubs to the maximum extent as is practical.
  - b. Buffer adjacent uses which may be incompatible.
  - c. Screen unsightly activities from public view.
  - d. Break up large expanses of asphalt and buildings with plant material.
  - e. Provide an aesthetically pleasing landscaping design.
  - f. Make optimum use of open spaces.
  - g. Provide for landscaping trees, shrubs and other plant materials that can withstand the Town's climate.
- 2. Parking Area Landscaping Requirements:**
  - a. 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.
  - b. 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.
  - c. Screening. Each such parking area shall be surrounded by a greenbelt of at least eight (8) feet in width, unless modified by the Planning Commission.
  - d. 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 Planning Commission or its designee.

APPENDIX C – DISTRICT DIMENSIONAL REQUIREMENTS

	Minimum Lot Size	Minimum Lot Width	Maximum Residential Density	Max. Building Coverage [j]	Max. Accessory Building Coverage [j][k]	Maximum Number Of Accessory Buildings [f][g]	Maximum Building Height	Min. Side Yard	Total Side Yard	Min. Rear Yard	Min. Floor Area
FLP	25 Acres	500 feet		10%	3% Or 1,050 sf	Not Applicable	Farm residence: 35 feet Accessory: 70 feet for functional agricultural purposes; otherwise 22.5 feet	25 feet [e]	n/a	25 feet	1,000 sf 1 story 1200 multi
A1	5 Acres	200 feet		10%	3% Or 1,050	3	Principle: 35 feet Accessory: 70 feet if required for functional agricultural purposes; otherwise 22.5 feet.	25 feet [e]	n/a	25 feet	1,000 sf 1 story 1200 multi
RR	2 Acres	200 feet		20%	3% Or 1,050 sf	2 [i]	Principle: 35 feet Accessory: 22.5 feet	25 feet (residence) 7.5 feet (accessory bldg.) [e]	n/a	25 feet	1,000 sf 1 story [b] 1200 multi [b]
R	[a] 40,000 sf [a] 12,000 sf (sewered)	125 feet 75 feet (sewered)		20%	3% Or 1,050 sf	2 [i]	Principle: 35 feet Accessory: 22.5 feet	10 feet (residence) 7.5 feet (accessory bldg.) [e]	n/a	25 feet	1,000 sf 1 story [b] 1200 multi [b]
R4 [c] [d]	12,000 sf, new 6,000 sf, existing	75 feet, new 35 feet, existing		20%	3% Or 1,050 sf	2	Principle: 35 feet Accessory: 22.5 feet	10 feet (new residence) 5 feet (existing residence) 7.5 feet (accessory) [e]	[j]	[j]	1,000 sf 1 story [b] 1200 multi [b]
OR	40,000 sf	125 feet	n/a	20%	3% Or 1,050 sf	Not Applicable	Principle: 35 feet Accessory: 22.5 feet	25 feet [e]	n/a	25 feet	1,000 sf 1 story [b] 1200 multi [b]
C	40,000 sf 12,000 sf (sewered)	125 feet 75 feet (sewered)	n/a	35%	3% Or 1,050 sf	1 [h]	Principle: 45 feet Accessory: 22.5 feet	25 feet [e]	n/a	10 feet	1,000 sf 1 story 1200 multi
LI	40,000 sf 5,000 sf (sewered)	125 feet 75 feet (sewered)	n/a	50%	3% Or 1,050 sf	Not Applicable	Principle: 45 feet Accessory: 22.5 feet	25 feet [e]	n/a	10 feet	
PI	n/a	n/a	n/a	50%			Principle: 45 feet Accessory: 22.5 feet				



[a]	Indicates also the minimum lot area that shall be provided for one dwelling unit for residential zoning districts. Therefore, a total minimum lot size, for example, of at least 80,000 square feet (24,000 square feet if sewerred) shall be provided for an unsewered two-family residential building containing two dwelling units within a R District or a maximum density of 1.09 (3.63 if sewerred) dwelling units per net acre if unsewered, unless a density bonus is granted in accordance with Section 4.04(9).																																																			
[b]	See section, 4.04(5) Residential Uses - Two-family Dwellings for minimum floor area required for two-family dwelling units.																																																			
[c]	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.																																																			
[d]	Adjacent lots under common ownership shall meet the side yard requirement for the combined lot width, unless all Principle structures are maintained.																																																			
[e]	Uncovered decks and patios, as well as accessory buildings 150 square feet or less may be permitted up to five (5) feet from a side or rear property line and are not subject to total side yard requirements.																																																			
[f]	The Zoning Administrator may permit additional agricultural accessory buildings on parcels greater than 15 acres.																																																			
[g]	The maximum number of accessory buildings and maximum accessory building coverage limitations shall be established by the Planning Commission for Lots that are designated in the Farmland Preservation Category of the Town Land Use Plan and that have been rezoned to the RR Rural Residential District as part of a farm consolidation.																																																			
[h]	Only if the accessory building is an accessory residence pursuant to 4.09(2)																																																			
[i]	One shed of 150 sq.ft. Or smaller may be permitted in addition to the maximum number of accessory buildings noted.																																																			
[j]	The maximum coverage area includes all structures including, but not limited to, accessory structures under 150 square feet (e.g. small storage sheds and the like)																																																			
[k]	The maximum accessory building coverage is 1050 square feet and or up to 3% whichever is greater.																																																			
[l]	<table><tr><th colspan="3">The total side yard in the R4 Pike Lake Residential District Shall be Computed as Follows</th></tr><tr><th>Lot Width</th><th>Minimum Side yard</th><th>Total Side yard</th></tr><tr><td>Less than 34.9 feet</td><td rowspan="10">5 Feet</td><td>11 feet</td></tr><tr><td>35.0 feet to 39.9 feet</td><td>12 feet</td></tr><tr><td>40.0 feet to 44.9 feet</td><td>13 feet</td></tr><tr><td>45.0 feet to 49.9 feet</td><td>14 feet</td></tr><tr><td>50.0 feet to 54.9 feet</td><td>15 feet</td></tr><tr><td>55.0 feet to 59.9 feet</td><td>16 feet</td></tr><tr><td>60.0 feet to 64.9 feet</td><td>17 feet</td></tr><tr><td>65.0 feet to 69.9 feet</td><td>18 feet</td></tr><tr><td>70.0 feet to 74.9 feet</td><td>19 feet</td></tr><tr><td>75.0 feet to 79.9 feet</td><td rowspan="10">10 Feet</td><td>20 feet</td></tr><tr><td>80.0 feet to 84.9 feet</td><td>21 feet</td></tr><tr><td>85.0 feet to 89.9 feet</td><td>22 feet</td></tr><tr><td>90.0 feet to 94.9 feet</td><td>23 feet</td></tr><tr><td>95.0 feet to 99.9 feet</td><td>24 feet</td></tr><tr><td>100.0 feet to 104.9 feet</td><td>25 feet</td></tr><tr><td>105.0 feet to 109.9 feet</td><td>26 feet</td></tr><tr><td>110.0 feet to 114.9 feet</td><td>27 feet</td></tr><tr><td>115.0 feet to 119.9 feet</td><td>28 feet</td></tr><tr><td>120.0 feet to 124.9 feet</td><td rowspan="3">15 Feet</td><td>29 feet</td></tr><tr><td>125.0 feet to 129.9 feet</td><td>30 feet</td></tr><tr><td>130.0 feet to 134.9 feet</td><td>31 feet</td></tr></table>	The total side yard in the R4 Pike Lake Residential District Shall be Computed as Follows			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	20 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	15 Feet	29 feet	125.0 feet to 129.9 feet	30 feet	130.0 feet to 134.9 feet	31 feet
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APPENDIX D – SIGNAGE EXEMPTIONS

Table 1: Signs allowed without a sign permit

Sign Type	Description	Zoning District	Placement / Type	Time Limitation	Number Permitted	Maximum Sign Area	Type of Illumination Permitted	Type of Display Permitted
1. Address sign	A permanent sign containing information related to the physical address or location of the property on which it is located	Allowed in all zoning districts	No limitation	None	One per premise	2 sq. ft.	External or internal	Static display
2. Adult family home	A permanent sign that identifies a building as an adult family home as may be authorized by this chapter	In those zoning districts that allow this use	Either a wall or window sign or a free- standing sign located at the vehicular entrance of the property when the wall or window sign would not be readily visible from the roadway providing primary access to the parcel	None	One per premise	Wall or window sign 6 sq. ft.; free-standing 6 sq. ft. when  single sided; 6 sq. ft. per side when double sided	External	
3. Bed and breakfast sign	A permanent on premise sign that advertises a permitted bed and breakfast as may be authorized by this chapter	In those zoning districts that allow this use	Either a wall or window sign or a free- standing sign located at the vehicular entrance of the property when the wall or window sign would not be readily visible from the roadway providing primary access to the parcel	None	One per premise	Wall or window sign 6 sq. ft.;  free-standing 6 sq. ft. when single sided; 6 sq. ft. per side when double sided	External	Static display
4. Building marker sign	A permanent sign with the name of the building or date of construction or both	Allowed in all zoning districts	Must be cut into any a masonry surface or made of metal and affixed flat against the wall of the building	None	No limitation except by total sign area	6 sq. ft. cumulative	None	Static display
5. Business event sign	A temporary on premise sign used to announce a commercial sales event, including grand openings, seasonal sales, liquidations, going-out-of-business sales, fire sales, and special promotions	Allowed in those zoning districts that allow industrial and commercial businesses	Banner, pendant, sandwich boards; consistent with s. 23.12-8, inflatable signs  are not permitted	No more than 4 times in any 12 month period of time for  no more than 21 days of each occurrence	One per premise	32 sq. ft.	None	Static display
6. Community information sign	A municipally-owned sign that displays information of interest to the general community regarding	Allowed in all zoning districts	No limitation	None	One per parcel	12 sq. ft. cumulative	None in a residential district;  external in a non-residential district	Static display in a residential zoning district; Static display and/or electronic

Sign Type	Description	Zoning District	Placement / Type	Time Limitation	Number Permitted	Maximum Sign Area	Type of Illumination Permitted	Type of Display Permitted
	public places, events, functions, or activities							message  display in a non-residential district
7. Construction sign for a commercial, institutional, or industrial project or a residential project with 8 or more dwelling units	A temporary sign that identifies the architects, engineers, contractors and other individuals or firms involved with construction taking place on the premises	Allowed in all zoning districts where this type of project is permitted	No limitation	No later than 21 days after the end of construction	One per premise	64 sq. ft. when single sided; 64 sq. ft. per side when double sided	None	Static display
8. Construction sign for a residential project with 7 or fewer dwelling units	A temporary sign that identifies the architects, engineers, contractors and other individuals or firms involved with construction taking place on the premises	Allowed in all zoning districts where this type of project is permitted	No limitation	No later than 21 days after the end of construction	No limitation except by total sign area	32 sq. ft. cumulative	None	Static display
9. Crop sign	A temporary sign that identifies the name or brand of seeds, fertilizer, herbicide, or pesticide used at that specific location	In those zoning districts that allow this use, except in residential districts	Within 50 feet of the crop	Permitted while the crop is growing and for no more than 30 days after harvest	One for every 8 lineal feet	3 sq. ft. per sign	None	Static display
10. Farm building storage sign	A permanent on premise sign that identifies a farm building storage facility as may be authorized by this chapter	In those zoning districts that allow this use	Within 25 feet of the building or a the primary vehicular entrance to the property	None	One per premise	16 sq. ft. when single sided; 16 sq. ft. per side when double sided	None	Static display
11. Farm sign	A permanent on premise sign identifying a farm by its name or by the operator's name	In those zoning districts that allow this use	No limitation	None	One per farm	32 sq. ft. when single sided; 32 sq. ft. per side when double sided	External	Static display
12. Farmers market	A temporary sign that identifies a site as a farmers market as may be authorized in this chapter	In those zoning districts that allow this use	No limitation	No more than 21 days before the first event of the season and no more than 7 days following the last event of the season	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage	32 sq. ft. when single sided; 32 sq. ft. per side when double sided	None	Static display
13. Future project sign	A temporary sign that announces a future development project on the parcel it is located or an	Allowed in all zoning districts	No limitation	No later than 21 days following occupancy of the	One per premise	32 sq. ft. when single sided; 32 sq. ft. per side when double	External	Static display

Table 1: Signs allowed without a sign permit

Sign Type	Description	Zoning District	Placement / Type	Time Limitation	Number Permitted	Maximum Sign Area	Type of Illumination Permitted	Type of Display Permitted
	active construction or demolition project			building		sided		
14. Historic marker	A permanent on premise sign marking an historic building, site, landmark, or similar designation by the federal government, the state of Wisconsin, Winnebago County, a local government, or a non-profit organization recognized by one of the forgoing entities as an entity having a legitimate interest in promoting historic preservation	Allowed in all zoning districts	No limitation	None	One per premise	8 sq. ft.	None in a residential district; external in a non-residential district	Static display
15. Home occupation sign (Major only)	A permanent on premise sign that advertises a major home occupation as may be authorized by this chapter	In those zoning districts that allow this use	Either a wall or window sign or free-standing sign located at the vehicular entrance of the property when the wall or window sign would not be readily visible from the roadway providing primary access to the parcel	None	One per premise	Wall or window sign 6 sq. ft.; free-standing 6 sq. ft. when single sided; 6 sq. ft. per side when double sided	External	Static display
16. Menu board	A permanent on premise sign located along the side of a drive-thru lane that displays the menu of a restaurant or similar establishment along with prices and other related information	In those zoning districts that allow this use	Within 10 feet of the lane for the drive thru	None	One per drive thru lane but not exceeding 2	32 sq. ft. per sign	External or internal	Static display and/or electronic message display
17. Model home sign	A temporary sign that identifies a particular dwelling unit as a model home as may be authorized by this chapter	In those zoning districts that allow this use	Free-standing sign	No more than 7 days before the first authorized day of such use and no more than 7 days following the last authorize day of such use	One per premise	16 sq. ft. when single sided; 16 sq. ft. per side when double sided	None	Static display
18. Off-site construction yard	A temporary sign that identifies a site as an off-site construction yard as may be authorized by this chapter	In those zoning districts that allow this use	A ground-mounted sign such as a pole sign or a monument sign	No more than 7 days before the first authorized day of such use and no more than 7 days following the last authorize day of such use	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage	12 sq. ft. when single sided; 12 sq. ft. per side when double sided	None	Static display
19. Parking lot sign	A permanent sign that facilitates the use of the parking area, such as directional information and designation of parking spaces for special uses (e.g., handicap parking and visitor	Allowed in all zoning districts where a parking lot is permitted	No limitation	None	No limitation	No limitation	“Exit” and “Enter” signs may be internally illuminated; for all other signage illumination is not permitted	Static display

	parking), commercial logos and other similar content is not allowed							
20. Personal greeting and congratulatory sign	A temporary sign that contains a message related to a homecoming of a person or group of people or a personal event or accomplishment	Allowed in all zoning districts	No limitation	Not more than 14 days	One per premise	16 sq. ft.	None	Static display in a residential zoning district; Static display and/or electronic message display in a non-residential district
21. Political sign	A sign that contains a message relating to a political party, a candidate for public office, or a political issue	Allowed in all zoning districts	No limitation	None	No limitation except by total sign area limitation	32 sq. ft. cumulative in a non-residential zoning district; 12 sq. ft. cumulative in a residential district	None in a residential zoning district; internal or external in a non-residential district	Static display in a residential zoning district; Static display and/or electronic message display in a non-residential district
22. Private property protection sign	A temporary or permanent sign containing wording indicating an intent to deny entry to the general public (e.g., “no trespassing”, “no hunting”, “no entry”, “private property”)	Allowed in all zoning districts	At least 200 feet between signs on the same side of a road	Temporary or permanent	No limitation except by separation requirements	2 sq. ft.	None	Static display
23. Real estate sign provides identification of a particular property that is for lease, rent, or sale	a temporary on premise sign that identifies a particular property that is for lease, rent, or sale	Allowed in all zoning districts	No limitation	No later than 14 days following occupancy of the building or portion thereof	One on each road frontage district: 16 sq. ft. When single sided; 16 sq. ft. per side when double sided	Residential district: 16 sq. ft. Non-residential district: 20 sq. ft.	None	Static display

Table 1: Signs allowed without a sign permit

Sign Type	Description	Zoning District	Placement / Type	Time Limitation	Number Permitted	Maximum Sign Area	Type of Illumination Permitted	Type of Display Permitted
						when single sided; 20 sq. ft. per side when double sided		
24. Roadside stand sign	A temporary on premise sign that identifies a roadside stand as may be authorized by this chapter	In those zoning districts that allow this use	The sign must be located within 150 feet of the location of the roadside stand	No more than 7 days following the last day this use is authorized to operate	One per premise	12 sq. ft.	None	Static display
25. Seasonal product sales site for	A temporary on premise sign that identifies a seasonal product sales as may be authorized by this chapter	In those zoning districts that allow this use	A ground-mounted sign such as a pole sign or a monument sign	No more than 3 days before the first day this use is authorized to operate and no more than 7 days following the last day this use is authorized to operate	One per premise	16 sq. ft.	External illumination is allowed but not before dusk or 30 minutes following the close of the business	Static display
26. Quasi-public event sign noncommercial	A temporary sign used to announce a event or celebration in the community that is sponsored by a civic, educational, patriotic, religious, or nonprofit organization	Allowed in all zoning districts	No limitation except as may be otherwise prohibited (e.g., s.23.12-8 prohibits inflatable signs)	No more than 4 times in any 12 month period of time for no more than 21 days of each occurrence	One per premise	On-premise: 32 sq. ft.  Off-premise: 8 sq. ft.	None	Static display
27. Yard sale sign yard	A temporary on premise sign that announces a sale as may be authorized by this chapter	In those zoning districts that allow this use	None	No more than 2 days prior to the event and no more than one day after the last day of the event	One per premise	8 sq. ft.	None	Static display

APPENDIX E – FEE SCHEDULE

Description	Fee Amount - \$
Land Division Regulations	
Plat, concept	100.00(1)
Plat, preliminary (initial and re-submittal)	500.00(1)
Plat, final (initial)	250.00(1)
Plat, final (re-submittal)	100.00(1)
Re-plat, preliminary (initial and re-submittal)	500.00(1)
Re-plat, final (initial)	250.00(1)
Re-plat, final (re-submittal)	100.00(1)
Certified survey map (CSM) concept	50.00(1)
Certified survey map (CSM), final (initial)	200.00(1)
Certified survey map (CSM), final (re-submittal)	100.00(1)
Condominium plat 500.00	500.00(1)
Residential allotment 150.00	150.00(1)
Residential development permit 150.00	150.00(1)
Declaration of restrictions	50.00(1)
Review of application for sale or exchange between adjoining landowners	50.00(1)
Professional charge-back fee	Actual Costs
Zoning	
Conditional Use	300.00(1)
Conditional Use Amendment	300.00(1)
Site plan and plan of operation	50.00(1)
Site plan and plan of operation amendment	50.00(1)
Merger of substandard lots	50.00(1)
Zoning code amendment—rezoning	300.00(1)
Zoning code amendment—text	75.00(1)
Change of Use	50.00(1)
Accessory rural structures determination	50.00(1)
Special exception	50.00(1)
Special use (e.g., solar energy, wind energy, communication system, etc.)	50.00(1)
Termination of conditional use	0.00(1)
Variance	300.00(1)
Administrative appeal	300.00(1)

Written interpretation	Time and materials (1)
Hobby Kennel Public Hearing	350.00(1)
Hobby Kennel Permit (Annual Fee)	50.00(1)
After the fact application	Double fee, plus other normal fees
Variance—Board of Adjustment	250.00(1)
Official map amendment	350.00(1)
Comprehensive plan amendment—regulating map (e.g., future land use map)	350.00(1)
Comprehensive plan amendment—all other	350.00(1)
Notes:	
(1) Professional fees billed back to applicant consistent with <a href="#">Chapter 10 of the Town Zoning Ordinance</a> .	