

**CHAPTER 10: ZONING ORDINANCE**



## TABLE OF CONTENTS

CHAPTER 10: ZONING ORDINANCE.....	10-1
10.0100 INTRODUCTION .....	10-1
10.0101 Authority .....	10-1
10.0102 Title .....	10-1
10.0103 Purpose.....	10-1
10.0104 Intent .....	10-1
10.0105 Abrogation and Greater Restrictions .....	10-2
10.0106 Interpretation.....	10-2
10.0107 Severability .....	10-2
10.0108 Repeal .....	10-2
10.0109 Effective Date .....	10-2
10.0110 Commentary.....	10-2
10.0111 Headings .....	10-3
10.0200 GENERAL REGULATIONS.....	10-3
10.0201 Jurisdiction.....	10-3
10.0202 Application of Regulations .....	10-3
10.0203 Kewaunee County Shoreland/Wetland and Floodplain Zoning Regulations ....	10-5
10.0204 Erosion Control.....	10-5
10.0205 Site Restrictions .....	10-5
10.0206 Regulation of Offensive Material and Conditions .....	10-7
10.0300 ZONING DISTRICTS .....	10-9
10.0301 Establishment of Districts.....	10-9
10.0302 Zoning Map.....	10-9
10.0303 Interpretation of District Boundaries .....	10-9
10.0304 A-1 Exclusive Agricultural District.....	10-10
10.0304 A-1 Exclusive Agricultural District.....	10-10
10.0305 A-2 Agricultural Rural Residential District.....	10-15
10.0306 A-3 Exclusive Agricultural District.....	10-18
10.0307 RS-1 Single Family Residential District.....	10-22
10.0308 RS-2 Single-Family Rural Residential District.....	10-24
10.0309 RD-1 Single Family and Two-Family Residential District .....	10-26
10.0310 RM-1 Multi-Family Residential District .....	10-28
10.0311 B-1 Business District .....	10-30
10.0312 B-2 Highway Business District.....	10-32
10.0313 M-1 Light Manufacturing District .....	10-35
10.0314 M-2 Heavy Manufacturing District .....	10-39
10.0315 Conservancy Overlay District (C-1).....	10-42
10.0316 PDO – Planned Development Overlay District .....	10-43
10.0400 CONDITIONAL USE PERMITS .....	10-48
10.0401 General Provisions .....	10-48
10.0402 Initiation.....	10-48
10.0403 Application.....	10-49

## TABLE OF CONTENTS, cont.

10.0404	Hearing on Application.....	10-49
10.0405	Standards Applicable to All Conditional Uses .....	10-49
10.0406	Conditions Attached to Conditional Use Permit.....	10-49
10.0407	Conditional Use Permit Fee .....	10-50
10.0408	Expiration.....	10-50
10.0409	Amendments. ....	10-50
10.0410	Revocation of a Conditional Use Permit. ....	10-50
10.0500	PARKING, LOADING, DRIVEWAYS, AND ACCESS.....	10-50
10.0501	Parking Standards .....	10-50
10.0502	Restrictions on Parking of Equipment .....	10-52
10.0503	Parking of Recreational Vehicles.....	10-53
10.0504	Traffic Visibility .....	10-54
10.0505	Loading Requirements .....	10-54
10.0506	Driveways .....	10-54
10.0507	Street and Highway Access .....	10-55
10.0600	SUPPLEMENTARY USES.....	10-55
10.0601	Manufactured Homes & Manufactured Home Parks Regulations .....	10-55
10.0602	Fences and Hedges.....	10-63
10.0603	Junkyards, Salvage Yards, Solid Waste Recycling, Storage or Transfer Facility	10-64
10.0604	Automobile and Other Junkyards .....	10-65
10.0605	Quarries and Mines .....	10-65
10.0606	Commercial Uses .....	10-70
10.0607	Communications Uses .....	10-74
10.0608	Wind and Solar Energy Systems.....	10-77
10.0609	Natural Resources Features ( <i>Reserved</i> ) .....	10-81
10.0610	Recreational Uses.....	10-81
10.0700	SITE PLAN REVIEW .....	10-83
10.0701	Purpose and Intent.....	10-83
10.0702	Exceptions.....	10-83
10.0703	Fee.....	10-83
10.0704	Principles.....	10-83
10.0705	Site Plan Materials .....	10-84
10.0706	Review and Findings.....	10-85
10.0707	Sureties.....	10-85
10.0800	SIGNS.....	10-85
10.0801	Purpose and Intent.....	10-85
10.0802	Compliance .....	10-86
10.0803	Signs Permitted in All Districts Without a Permit.....	10-86
10.0804	Signs Permitted in All Residential Districts With a Permit .....	10-86
10.0805	Signs Permitted in All Agricultural Districts With a Permit .....	10-87
10.0806	Signs Permitted in All Business And Manufacturing Districts With a Permit .....	10-87
10.0807	Reserved.....	10-88
10.0808	Portable Signs .....	10-88

**TABLE OF CONTENTS, cont.**

10.0809 Facing..... 10-88  
10.0810 Lighting and Color..... 10-89  
10.0811 Construction and Maintenance Standards..... 10-89  
10.0812 Nonconforming Signs ..... 10-90  
10.0813 Prohibited Signs ..... 10-90  
10.0814 Flags..... 10-90  
10.0815 Sign Permit..... 10-90  
10.0816 Measuring Signs..... 10-91  
10.0900 PERFORMANCE STANDARDS ..... 10-92  
    10.0901 Compliance ..... 10-92  
    10.0902 Air Pollution..... 10-92  
    10.0903 Fire and Explosive Hazards ..... 10-92  
    10.0904 Glare and Heat ..... 10-92  
    10.0905 Water Quality Protection ..... 10-92  
    10.0906 Noise ..... 10-93  
    10.0907 Odors..... 10-93  
    10.0908 Radioactivity and Electrical Disturbances ..... 10-93  
    10.0909 Vibration ..... 10-94  
    10.0910 Lighting..... 10-94  
10.1000 NONCONFORMING USES AND STRUCTURES ..... 10-95  
    10.1001 Purpose and Intent..... 10-95  
    10.1002 Existing Structures: Dimensional Nonconformance..... 10-95  
    10.1003 Existing Uses and Structures: Use Nonconformance ..... 10-95  
    10.1004 Existing Structures and Uses: Other Standards and Requirements ..... 10-95  
10.1100 ADMINISTRATION AND ENFORCEMENT ..... 10-96  
    10.1101 Purpose..... 10-96  
    10.1102 Administrative Authority ..... 10-96  
    10.1103 Zoning Administrator..... 10-96  
    10.1104 Town Plan Commission..... 10-96  
    10.1105 Zoning Permit ..... 10-97  
    10.1106 Application for Zoning Permit..... 10-97  
10.1200 VIOLATIONS, PENALTIES, AND PERMIT FEES ..... 10-98  
    10.1201 Violation ..... 10-98  
    10.1202 Complaints Regarding Violations..... 10-98  
    10.1203 Penalties for Violation ..... 10-98  
    10.1204 Abatement of Violation..... 10-99  
    10.1205 Permit Fees..... 10-100  
    10.1206 Double Fee..... 10-100  
10.1300 ZONING BOARD OF APPEALS ..... 10-100  
    10.1301 Establishment..... 10-100  
    10.1302 Board Membership..... 10-100  
    10.1303 Organization..... 10-101

**TABLE OF CONTENTS, cont.**

10.1304 Powers..... 10-102  
10.1305 Appeals ..... 10-102  
10.1306 Variances..... 10-103  
10.1307 Conditions..... 10-105  
10.1308 Variances or Substitutions ..... 10-105  
10.1400 AMENDMENT PROCEDURES ..... 10-105  
    10.1401 Authority..... 10-105  
    10.1402 Initiation..... 10-105  
    10.1403 Application..... 10-105  
    10.1404 Findings and Recommendations ..... 10-106  
    10.1405 Hearings ..... 10-107  
10.1500 DEFINITIONS ..... 10-108  
    10.1501 General Definitions..... 10-108  
    10.1502 Words Defined..... 10-108  
10.1600 TOWN BOARD ACTION..... **ERROR! BOOKMARK NOT DEFINED.**  
    10.1602 Reversion of Map Amendments .....**Error! Bookmark not defined.**

## **CHAPTER 10: ZONING ORDINANCE**

### **10.0100 INTRODUCTION**

#### **10.0101 Authority**

The Town of Franklin pursuant to the authority conferred by applicable provisions of Chapter 60, Chapter 61, Chapter 62 and Chapter 91, Sections 60.61, 60.62, 61.35, 62.23(7), 91.75 and other relevant provisions of the Wisconsin Statutes and amendments thereto, do ordain as follows:

#### **10.0102 Title**

This Ordinance shall be known, cited and referred to as: THE TOWN OF FRANKLIN ZONING ORDINANCE, KEWAUNEE COUNTY, WISCONSIN

#### **10.0103 Purpose**

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

#### **10.0104 Intent**

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

- A. Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- B. Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- C. Preserve productive agricultural land for food and fiber production and preserve productive farms by preventing land use conflicts between incompatible uses.
- D. Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- E. Secure safety from fire, pollution, contamination and other dangers;
- F. Stabilize and protect existing and potential property values;
- G. Preserve and protect the beauty of the Town of Franklin;
- H. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;
- I. Further the maintenance of safe and healthful water conditions;
- J. Provide for and protect a variety of suitable commercial and industrial sites;
- K. Protect the traffic-carrying capacity of existing and proposed arterial roads and highways;

- L. Implement those town, county, watershed, and regional comprehensive plans or components of such plans adopted by the Town of Franklin, Kewaunee County; and
- M. Provide for the administration and enforcement of this Ordinance and provide penalties for the violation of this Ordinance.

**10.0105 Abrogation and Greater Restrictions**

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

**10.0106 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

**10.0107 Severability**

- A. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinances as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- B. If any application of this Ordinance to a particular structure, land or water is judged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

**10.0108 Repeal**

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**10.0109 Effective Date**

This Ordinance shall take effect from and after its passage and posting according to law, and shall be effective for all areas of the Town of Franklin, excluding only those which are subject to extraterritorial zoning by an incorporated village or city which has exercised such power.

**10.0110 Commentary**

Through out this Ordinance, insertions prefaced “Commentary” are included. These insertions are intended to give the information or to explain certain



provisions of this Ordinance. They are not by themselves regulatory provisions and shall not be used thusly.

### **10.0111 Headings**

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

## **10.0200 GENERAL REGULATIONS**

### **10.0201 Jurisdiction**

The jurisdiction of this Ordinance shall include all lands and waters within the Town of Franklin, Kewaunee County, Wisconsin.

### **10.0202 Application of Regulations**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be occupied or used, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located and a zoning permit has been issued as required in Section 10.1015 of this Ordinance.
- B. No building or other structure shall hereafter be erected or altered;
  - 1. To exceed the height or bulk;
  - 2. To accommodate or house a greater number of families;
  - 3. To occupy a greater percentage of lot area;
  - 4. To have narrower or smaller rear yards, street yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance.
- C. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements (for the zoning district within which the lot is located) established by this Ordinance.
- E. Permitted Uses, Permitted Accessory Uses, and Conditional Uses are not limited to the uses indicated for the respective districts, except in the A-1 Exclusive Agricultural District and the A-3 Exclusive Agricultural District. Unclassified or Unspecified Uses may be permitted by the Town Board after review and public hearing provided that such uses are similar in character to

the principal uses permitted in the district, except in the A-1 Exclusive Agricultural District and the A-3 Exclusive Agricultural District.

- F. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission and issuance of a conditional use permit.
- G. Where the Zoning Administrator has issued a zoning/land use permit pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is substantially underway within 12 months of the date of the issuance of such permit.
- H. The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:
  - 1. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.
  - 2. Special structures such as, gas tanks, silos, grain elevators, scenery lofts manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.
  - 3. Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
  - 4. Communication Structures, such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas shall not exceed in height their distance from the nearest lot line. See Section 10.0608 for requirements for wireless communication facilities.
  - 5. Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 85 feet, provided all required yards are increased from the minimum requirement for that zoning district not less than one foot for each foot the structure exceeds the district's maximum height requirement.
- I. Setback Averaging: A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) main buildings existing prior to the enactment of this Ordinance and located within five hundred (500) feet of the proposed site that are also built to less than the required setback. In such a case, the minimum setback for the new structure shall be the average of the nearest main building on each side of the proposed site. If there is no building on one side of the proposed new site, the required setback is used to compute the average. Such setback shall be granted by a permit from the Zoning Administrator and shall not require a variance.

- J. Districts adjacent to Agricultural Districts are to recognize that agriculture is the principal land use in the town and is encouraged to continue. Furthermore, there are certain environmental conditions that often result from normal farm operations which may have an impact on adjacent residential land uses. Criteria used in reviewing this situation shall consider which land use has existed for the longest period of time, and what land use existed at the time the adjacent land use was created.

**10.0203 Kewaunee County Shoreland/Wetland and Floodplain Zoning Regulations**

The Town recognizes that Kewaunee County has adopted a Shoreland and Wetland Zoning Ordinance and a Floodplain Zoning Ordinance in compliance with Wisconsin Statutes. Accordingly, the Zoning Administrator for the Town of Franklin shall refer to Kewaunee County all applicants seeking Zoning Permits for structures or uses which are proposed to be located or conducted within the shoreland/wetland or floodplain area subject to County regulations. If the Zoning Administrator determines that any Town Zoning Permit is required for such project, the permit shall not be issued until the county permit has been issued. In a situation where the Town and County regulations conflict, the more restrictive regulations shall apply.

**10.0204 Erosion Control**

The Town of Franklin finds that runoff from construction sites may carry a significant amount of sediment and other pollutants to the waters of this state and the waters of the Town of Franklin.

It is the purpose of this Section to preserve natural resources; to protect the quality of the waters of the state and the Town of Franklin; and to protect and promote the health, safety, and general welfare of the people of the Town of Franklin, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands.

Accordingly, no construction site activity shall discharge sediment and other pollutants to lakes, streams, wetlands, or adjoining properties so as to exceed or contribute to the exceeding of minimum standards set forth in applicable state or county regulations or equivalent programs including, but not limited to, Department of Commerce Uniform Dwelling Code and Commercial Building Code provisions contained within Comm. Chapter 21; Comm. Chapters 60 to Chapter 65; Comm. Chapter 101; and, Department of Natural Resources NR 216 of the Wisconsin Administrative Code.

**10.0205 Site Restrictions**

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Town of Franklin Plan Commission, in applying the provisions of this

Section, shall in writing recite the particular facts upon which they base their conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if so desired. Thereafter the Town Board may affirm, modify or withdraw the determination of unsuitability. In addition:

- A. Private Sewer and Water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit location of legal and conforming private onsite waste treatment system and an area large enough to accommodate a replacement system should the original system fail, designed in accordance with *Chapters Comm 83 and Comm 85 of the Wisconsin Administrative Code and all county and town ordinances* .
- B. Public Access. No zoning permit shall be issued for construction unless the main body of the lot upon which the building or structure is to be erected fronts on a public street for a distance of at least 200 feet.
- C. No Zoning Permit shall be issued for a lot which abuts a street dedicated or reserved to only a portion of its proposed width and located on the side from which the required dedication has not been secured. (*Any new town roads must have a proposed width of 66 feet. Existing roads where new building is to occur must be dedicated to 33 feet from the centerline where improvements are proposed.*)
- D. Lots Abutting More Restrictive district boundaries shall provide side and rear yards that are equal to those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- E. A Transitional Yard shall be created and maintained around all business and manufacturing districts that abut residential districts and all manufacturing districts that abut business districts. Transitional Yards shall be a minimum of 20 feet in width and shall screen business or manufacturing uses from adjoining lands in such a manner that:
  - 1. If the transitional yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than two (2) years and during all seasons of the year.
  - 2. Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such wall or fence to create an attractive view from the residential side, and all walls and fences shall be maintained in a structurally sound and attractive condition. Any wall or fence shall be no less than four (4) feet nor more than six (6) feet in height.
  - 3. All landscaping shall be maintained by the owner or operator to the satisfaction of the Town Board.
  - 4. Where the land adjacent to the transitional yard is a parking lot, the transitional yard shall be sufficiently opaque to prevent the penetration of

headlight glare. Overhead lighting installed in or adjacent to a transitional yard shall not throw any rays onto adjacent residential properties.

5. No signs shall be permitted on or in any part of the transitional yard.

## **10.0206 Regulation of Offensive Material and Conditions**

### **A. General Regulations:**

1. No person or entity shall cause or permit or otherwise encourage the dumping, accumulation or escape of any material which is offensive to the public or constitutes a public nuisance as defined below.
2. The regulations in the following subsections apply to all districts established under this Ordinance and all lands and waters within the Town of Franklin.

### **B. Specific Regulations:**

The following acts, omissions, places, conditions and things are hereby specifically declared to be offensive and to constitute public nuisances, but such enumeration shall not be construed to exclude other nuisances coming within the definition given below or otherwise within the regulatory authority of the town.

1. Carcasses of animals, birds, or fowl not intended for human consumption or food which is not burned or otherwise disposed of in a sanitary manner within 24 hours after death.
2. Accumulations or storage of decayed animal or vegetable matter, offal, dead animals reduction, trash, rubbish, garbage, or any offensive material whatsoever which was not produced on the specific property on which it is located. The abovementioned items are not to be transported to “mini dumps” as garbage pickup is available. Recycables must be recycled by town recycling methods or transported to a recycling station. This does not include items which are incidental to the customary farm operations of the landowner of the property on which it is located.
3. The escape of smoke, soot, cinders, noxious acids, odors, fumes, gases, fly ash, industrial dust or other atmospheric pollutants in such quantities as to endanger the health of or offend persons of ordinary sensibilities or to threaten or cause substantial injury to property in the town. (Site DNR regulations re: open burning and burn barrels)
4. Any use of property, substance or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia or stenches, extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.
5. The pollution of any private or public well, cistern, stream, lake, canal, or other body of water by sewage, industrial lake or other substances. \

6. Any natural or artificial windbreak including, but not limited to trees and shrubbery located on a lot less than ten (10) feet from an existing lot line or R-O-W which interferes with the use of adjoining lots or parcels of land or lines of sight.

C. Public Nuisance. Defined, a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public;
2. In any way render the public insecure in life or in the use of property;
3. Greatly offend the public morals or decency;
4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

D. Application to Farming Operations

This Section is not intended to unduly or unreasonably interfere with normal and customary farm operations including the accumulation and spreading of manure produced on the farm upon which it is accumulated and spread.

**10.0300 ZONING DISTRICTS**

**10.0301 Establishment of Districts**

For the purpose of this Ordinance, the Town of Franklin, Kewaunee County, Wisconsin, is hereby divided into the following zoning districts:

A-1 Exclusive Agricultural District (>35.0 Acres)

A-2 Agriculture Rural Residential District

A-3 Exclusive Agricultural District (<35.0 Acres and >5.0 Acres)

RS-1 Single Family Residential District

RS-2 Single-Family/Rural Residential District

RD-1 Single Family and Two Family Residential District

RM-1 Multi-Family Residential District

B-1 Business District

B-2 Highway Business District

M-1 Light Manufacturing District

M-2 Heavy Manufacturing District

C-1 Conservancy Overlay District

PDO Planned Development Overlay District

**10.0302 Zoning Map**

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled "Official Zoning Map, for the Town of Franklin, Kewaunee County, Wisconsin, dated August 13, 2007 (Wisconsin Land and Water Conservation Board certification date of December 4, 2007) and which are incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

**10.0303 Interpretation of District Boundaries**

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

A. District boundary lines are the center lines of highways, streets, alleys, and pavements; or right of way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.

B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and length of frontage shall be in accordance with dimensions shown on the map from section,

quarter section, or division lines, or center lines of streets and highways, or railroad rights-of- way, unless otherwise indicated.

- C. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Town Board, after due hearing may extend the regulation for either portion of such lot.
- D. In a district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the adoption of this Ordinance, March 31, 1979, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals.
- E. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

**10.0304 A-1 Exclusive Agricultural District**

- A. The A-1 Exclusive Agricultural District applies to lands in productive farm operations including: (1) lands historically exhibiting high crop yield or capable of such yields; (2) lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; (3) other lands which are integral parts of each farm operations; and (4) land used for the production of specialty crops such as mint, sod, fruits, and vegetables. As a matter of policy, it is hereby determined that the highest and best use of these lands is for agriculture. The purposes of the A-1 Exclusive Agricultural District are:
  - 1. To meet the requirements of Chapter 91, Wisconsin Statutes, and to certify this ordinance for Farmland Preservation tax credit eligibility purposes;
  - 2. To meet the requirements of Chapter 91 Wisconsin Statutes and to tax relieve to land owners;
  - 3. To preserve productive agricultural land for food and fiber production;
  - 4. To preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services;



5. To maintain a viable agricultural base to support agricultural processing and service industries;
6. To prevent conflicts between incompatible uses; and
7. To reduce costs of providing public services to scattered, non-farm uses.

B. Permitted Uses

Pursuant to Wisconsin Stats 91.01 (1) permitted uses in the A-1 Exclusive Agricultural District are restricted to “agricultural uses” and “uses consistent with agricultural use” including:

1. Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.
2. Essential Services, exclusive of commercial radio and television transmission towers, not requiring authorization under applicable state statutes or Wisconsin Public Service Commission Administrative Code (PSC 113, PSC 114, PSC 115, and PSC 116) and as defined in Section 10.1500 of this ordinance.

C. Use consistent with agricultural “use” means any activity that meets all of the following conditions:

1. The activity will not convert land that has been devoted primarily to agricultural use.
2. The activity will not limit the surrounding land's potential for agricultural use.
3. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
4. The activity will not conflict with agricultural operations on other properties

D. Accessory Uses

1. Antennas (see Section 10.0607 B.) exclusive of commercial radio and television transmission antennas.
2. Camping trailer, mobile home and houseboat parking limited to vehicles owned by the resident owner and not intended for living purposes.
3. Extraction of sand or gravel for use on the farming operation.
4. Gas and electric utility uses not requiring authorization under s. 196.491 (3) Wis. Stats.

5. Home occupations, conducted within the primary farm residence, and that are incidental to the farm operation (see Definitions, Section 10.1500).
6. Roadside stands not to exceed one per farm.
7. Structures necessary for the continuance of the farming operation.

E. Conditional Uses (Also see Section 10.0400)

A conditional use in this district is to permit the following uses only after public meeting and approval of the Town Plan Commission. Conditional uses are limited to those agricultural-related, religious, other utility, institutional or governmental uses that are consistent with agricultural use (listed below) and are found to be necessary in light of the alternative locations available for such uses. The Department of Agriculture, Trade and Consumer Protection (DATCP) shall be notified of the Town's approval of conditional use permits within the A-1 Exclusive Agricultural District.

1. One single-family dwelling or manufactured homes with a use "consistent with agricultural uses" and occupied by only the following:
  - (a) An owner of the parcel substantially engaged in the farming operation;
  - (b) A person who, or a family at least one adult member of which, earns the majority of his or her income from conducting the farm operation;
  - (c) A parent or child of an owner who conducts the majority of the farm operations;
  - (d) A parent or a child of an owner who resides on the parcel and who previously conducted the majority of the farm operations.
2. Animal hospitals and shelters to primarily service farm animals.
3. Airfields, airports and heliports incidental to the farm operation and not open to the public.
4. Artificial lakes and ponds for non-recreational use
5. Cemeteries and public parks.
6. Communication uses (see Section 10.0607)
7. Egg production facilities.
8. Farm Aggregation or Consolidation (combining two (2) or more farms into a smaller number of farms): Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from a larger farm parcel provided that the parcel upon which the structures are located conforms with all regulations set forth in this Ordinance. The remaining and larger portion of the parcel will be rezoned to A-3 Exclusive Agricultural. Additionally, any separation of farm residences or structures from the larger farm parcel must meet all of the following requirements:

- (a) The separation is for the purpose of farm consolidation;
  - (b) The residence or structure existed prior to the adoption of the ordinance; and,
  - (c) The separated parcel is no larger than reasonably necessary to accommodate the proposed use.
9. Farm Family Business is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than 2 persons who are not members of the resident farm family may be employed in the farm family business. Farm Family Business means any lawful activity, except a farm operation, conducted primarily for any of the following:
- (a) The purchase, sale, lease or rental of personal or real property.
  - (b) The manufacture, processing or marketing of products, commodities or any other personal property.
  - (c) The sale of services.
10. Fur farms .
11. Governmental and cultural uses including “ice age trail”, colleges, universities, schools, hospitals, sanitariums, churches and other religious institutions.
12. Lease of land for oil or natural gas exploration and extraction.
13. Maple syrup processing plants.
14. Migrant labor camps certified under Section 103.92 of the Wisconsin Statutes.
15. Nonmetallic mineral extraction, including clay and gravel extraction, may be permitted as a conditional use subject to a reclamation plan approved under the Kewaunee County Non-Metallic Mining Ordinance submitted by the mine operator or person proposing to perform the nonmetallic mineral extraction and that provides for the restoration of the nonmetallic mineral extraction site to agricultural use
16. Stockyards and livestock sales and livestock processing facilities.
17. Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; feed mills; and similar agricultural activities.
18. Tree farms and related wood processing activities.
19. Wind and Solar Energy Systems (see Section 10.0608)
- F. Structures and Improvements

All structures and improvements located, placed or constructed within the A-1 Exclusive Agricultural district, either as permitted or conditional uses, shall be “consistent with agricultural use” as defined in Wisconsin Stats. 91.01(10).

G. Area, Height and Yard Requirements

Within the A-1 Exclusive Agricultural District, the following standards shall apply:

1. Minimum lot or farm size	Thirty-five (35) Acres
2 Minimum lot width at road frontage	<u>200 feet</u>
3. Maximum building height	<u>35 feet</u> for residential structures - no maximum on other structures.
4. Minimum rear yard setback	<u>50 feet</u> for principal and accessory structures. <u>100 feet</u> for structures housing animals.
5. Minimum side yard setback	<u>20 feet</u> for residential and accessory structures; except <u>100 feet</u> for those structures housing animals.
6. Minimum street yard	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line or 32 feet from the edge of the right of way, which ever is greater
7. Minimum Building Area	The total minimum first floor area of a residential dwelling shall be 980 square feet with a minimum width of 22 feet.

## **10.0305 A-2 Agricultural Rural Residential District**

### **A. Purpose and Intent of the (A-2) Agricultural-Rural Residential District**

The purpose of the A-2 District is to provide a mixture of low density residential and agricultural land uses. This district is designed to permit utilization of smaller land parcels in predominantly agricultural areas for small scale agricultural and rural residential uses. The intent of the A-2 District is that it is to be applied to those lands with less than 35 acres and have marginal utility for agricultural use because of soil type, lot configuration and/or topography.

### **B. Permitted Uses**

The following uses are permitted in this district:

1. Single family dwellings or manufactured homes.
2. General farming, orchards, vegetable raising, plant nurseries and greenhouses.
3. Essential Services, exclusive of commercial radio and television transmission towers, not requiring authorization under applicable state statutes or Wisconsin Public Service Commission Administrative Code (PSC 113, PSC 114, PSC 115, and PSC 116) and as defined in Section 10.1500 of this ordinance.

### **C. Accessory Uses**

1. Accessory buildings, including buildings clearly incidental to the residential use of the property, provided that no accessory building may be used as a separate dwelling unit.
2. Antennas (see Section 10.0608)
3. Day Care Home-Family
4. Roadside stands not exceeding one per farm or residence.

### **D. Conditional Uses (Also see Section 10.0400)**

A conditional use in this district is to permit the following uses only after public meeting and approval of the Plan Commission.

1. Airports and landing strips.
2. Artificial lakes
3. Cemeteries
4. Churches, chapels, temples, synagogues, rectories, parsonages and parish houses.
5. Day-Care Center, Group
6. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.

7. Home Occupations, (see Section 10.0607 B)
8. Home occupations and industries, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building. (see Section 10.0607 B)
9. Home Office/Studio. (see Section 10.0607 C)
10. Ponds
11. Public, parochial and private, elementary, junior high and senior high schools.
12. Sand, gravel, stone, and nonmetallic mineral extraction (see Section 10.0605).
13. Sewage Treatment plants.
14. Solar Energy Conversion Systems (see Section 10.0609)
15. Solid Waste, Recycling, Storage or Transfer Facility (see Section 10.0603)
16. Solid Waste Disposal Sites and Facilities. (see Section 10.0603)
17. Signs
18. Trade or Contractors Establishments
19. Utilities
20. Wireless Communication facilities (see Section 10.0608)
21. Wind Energy Systems-Farmed-Sized (see Section 10.0609)
22. Wind Energy Systems-Small-Sized (see Section 10.0609)

E. Area, Height and Yard Requirements

Within the A-2 District, the following standards shall apply:

1. Minimum lot size	Two and one-half (2.5) acres
2. Minimum lot width at road frontage	200 feet
3. Maximum building height	<u>35 feet</u> for residential structures
4. Minimum rear yard setback	<u>50 feet</u> for principal structures, <u>20 feet</u> for accessory structures, and <u>100 feet</u> for structures housing animals.  <i>Note: Existing structures housing animals that are within the 100 foot rear yard setback due to farm consolidation are permitted.</i>
5. Minimum side yard setback	20 feet
6. Minimum street yard setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line or 32 feet from the edge of the right of way, which ever is greater
7. Minimum Building Area	The total minimum first floor area of a residential dwelling shall be 980 square feet with a minimum width of 22 feet.

### **10.0306 A-3 Exclusive Agricultural District**

- A. The A-3 Exclusive Agricultural District applies to parcels of land that are generally, but not always, less than 35 acres in size, and that are in productive farm operations including: (1) lands historically exhibiting high crop yield or capable of such yields; (2) lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; (3) other lands which are integral parts of each farm operations; and (4) land used for the production of specialty crops such as mint, sod, fruits, and vegetables (5) parcels that are 35 acres or more that were zoned A-3 as a result of a map amendment allowing a subdivision and rezoning of that subdivision to RS-1 or A-2. As a matter of policy, it is hereby determined that the highest and best use of these lands is for agriculture.
- B. There are no existing residential structures upon parcels located within the A-3 Exclusive Agricultural District. Parcels that have been zoned A-3 Exclusive Agricultural are those that were historically productive lands that were previously split from larger parent parcels through farm consolidation or aggregation or are legally divided parcels that would be classified as non-conforming lots if zoned A-1 Exclusive Agricultural. The town has zoned these parcels as A-3 Agricultural in an effort to preserve those lands that continue to exhibit high crop yields or the capability of such yields or have been demonstrated to be productive for dairying, livestock raising, and grazing.
- C. New residential structures are prohibited within the A-3 Exclusive Agricultural District and no structure or improvement may be built on the land unless consistent with agricultural use.
- D. The purposes of the A-3 Exclusive Agricultural District are:
  - 1. To meet the requirements of Chapter 91, Wisconsin Statutes, and to recertify this Ordinance, adopted on March 31, 1979, for Farmland Preservation tax credit eligibility purposes;
  - 2. To prohibit further and future residential development upon remnant parcels that are generally less than 35 acres in size and that have been previously divided under the farm aggregation provisions of Chapter 91.
  - 3. To prohibit the division and fragmentation of productive farm land for non-agricultural purposes.
  - 4. To preserve productive agricultural land for food and fiber production;
  - 5. To preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services;
  - 6. To maintain a viable agricultural base to support agricultural processing and service industries;
  - 7. To prevent conflicts between incompatible uses; and
  - 8. To reduce costs of providing public services to scattered, non-farm uses.



E. Permitted Uses

Pursuant to Wisconsin Stats 91.01 (1) permitted uses in the A-3 Exclusive Agricultural District are restricted to “agricultural uses” and “uses consistent with agricultural use” including:

1. Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.
2. Essential Services, exclusive of commercial radio and television transmission towers, not requiring authorization under applicable state statutes or Wisconsin Public Service Commission Administrative Code (PSC 113, PSC 114, PSC 115, and PSC 116) and as defined in Section 10.1500 of this ordinance.

F. Use consistent with agricultural “use” means any activity that meets all of the following conditions:

1. The activity will not convert land that has been devoted primarily to agricultural use.
2. The activity will not limit the surrounding land's potential for agricultural use.
3. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
4. The activity will not conflict with agricultural operations on other properties

G. Accessory Uses

1. Antennas (see Section 10.0607 B.) exclusive of commercial radio and television transmission antennas.
2. Extraction of sand or gravel for use on the farming operation.
3. Gas and electric utility uses not requiring authorization under s. 196.491 (3) Wis. Stats.
4. Roadside stands not to exceed one per farm.
5. Non-residential accessory structures, consistent with agricultural use and necessary for the continuance of the farming operation.

## H. Conditional Uses

A conditional use in this district is to permit the following uses only after public meeting and approval of the Town Plan Commission. Conditional uses are limited to those agricultural-related, religious, other utility, institutional or governmental uses that are consistent with agricultural use (listed below) and are found to be necessary in light of the alternative locations available for such uses. The Department of Agriculture, Trade and Consumer Protection (DATCP) shall be notified of the Town's approval of conditional use permits within the A-3 Exclusive Agricultural District.

1. Artificial lakes and ponds for non-recreational uses.
2. Gas and electric utility uses not requiring authorization under Wis. Stats. 196.491(3).
3. Sand, gravel, stone, and nonmetallic mineral extraction (see Section 10.0605).
4. Stockyards, fur farms, riding academies and stables.
5. Supportive agribusiness activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar agricultural activities.

## I. Lot Divisions

No subsequent divisions of the lot are permitted.

## J. Animal Units (see Section 10.1500)

First 10 acres (one animal unit per acre).

Greater than 10 acres to 20 acres (2 animal units per acre).

Greater than 20 acres to less than 35 acres (3 animal units per acre).

K. Requirements for Permitted and Conditional Uses

There shall be no further division of parcels zoned A-3 Exclusive Agricultural after the effective date of the Ordinance, March 31, 1979.

Within the A-3 District the following standards shall apply:

1. Minimum lot size	5.0
2. Minimum lot width at road frontage	None
3. Maximum building height	None
4. Minimum rear yard setback	<u>50 feet</u> for accessory structures. <u>100 feet</u> for those structures housing animals.
5. Minimum side yard setback	<u>20 feet</u> for accessory structures; except <u>100 feet</u> for those structures housing animals.
6. Minimum Street Yard Setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line or 32 feet from the edge of the right of way, which ever is greater

## **10.0307 RS-1 Single Family Residential District**

### **A. Purpose and Intent of the RS-1 Single-Family Residential District**

The RS-1 Single-Family Residential District is intended to provide for single-family residential development. This district is intended to provide quiet, pleasant, and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses on soils that are compatible for on-site disposal of sewage effluent, and in areas that do not infringe on agricultural uses.

### **B. Permitted Uses**

The following uses are permitted uses in this District:

1. Single-family dwellings.
2. Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
3. Essential Services, exclusive of commercial radio and television transmission towers, not requiring authorization under applicable state statutes or Wisconsin Public Service Commission Administrative Code (PSC 113, PSC 114, PSC 115, and PSC 116) and as defined in Section 10.1500 of this ordinance.

### **C. Permitted Accessory Uses**

The following uses are permitted in this district only when there is a principal permitted use present:

1. Accessory buildings incidental to the residential use, such as gardening, tool, or storage sheds, playhouses, or gazebos.
2. Antennas (see Section 10.0608)
3. Private garages, carports, and driveways.

### **D. Conditional Uses (Also see Section 10.0400)**

1. Bed and Breakfast establishments, residential.
2. Cemeteries.
3. Churches, chapels, temples, synagogues, rectories, parsonages and parish houses.
4. Community living arrangements with a capacity of 9 or more persons subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
5. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
6. Home Occupations (see Section 10.0607 B.)

7. Home Office/Studio. (see Section 10.0607 C.)
  8. Public, parochial and private, elementary, junior high and senior high schools.
  9. Solar Energy Conversion Systems (see Section 10.0609)
  10. Two-family dwellings.
  11. Utilities
  12. Wind Energy Systems-Small-Sized (see Section 10.0609)
- E. Lot Area and Width, Yard, and Height Requirements

Within the RS-1 District, the following standards shall apply:

1. Minimum lot size	One (1.0) acre
2. Minimum lot width at road frontage	200 ft.
3. Maximum building height	35 feet
4. Minimum rear yard setback	<u>50 feet</u> for Principal Use, <u>10 feet</u> for Accessory Structures.
5. Minimum side yard setback	<u>20 feet</u> for Principal Use, <u>10 feet</u> for Accessory Structures.
6. Minimum street yard setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line.
7. Minimum Building Area	The total minimum first floor area of a residential dwelling shall be 980 square feet with a minimum width of 22 feet.
8. Maximum Lot Coverage	30 percent

## **10.0308 RS-2 Single-Family Rural Residential District**

### **A. Purpose and Intent of the RS-2 Residential District**

The RS-2 District is intended to provide for a quiet, pleasant and spacious living area on larger lots protected from traffic hazards and the intrusion of incompatible land uses. The intent is to provide for rural residential development on soils that are compatible for on-site disposal of sewage effluent, and in areas that do not infringe on agricultural uses. The district provides for rural densities with a minimum lot size of two and one-half (2.5) acres.

### **B. Permitted Uses**

The following uses are permitted uses in this District:

1. Single-family dwellings.
2. Community living arrangements with a capacity for 8 or fewer persons and foster homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
3. Essential Services, exclusive of commercial radio and television transmission towers, not requiring authorization under applicable state statutes or Wisconsin Public Service Commission Administrative Code (PSC 113, PSC 114, PSC 115, and PSC 116) and as defined in Section 10.1500 of this ordinance.

### **C. Permitted Accessory Uses**

The following uses are permitted in this district only when there is a principal permitted use present:

1. Antennas (see Section 10.0608)
2. Accessory buildings incidental to the residential use, such as gardening, tool, or storage sheds, playhouses, or gazebos.
3. Day Care Center, family.
4. Home Occupations. (see Section 10.0607 B.)
5. Home Office/Studio. (see Section 10.0607 C.)
6. Private garages, carports, and driveways.

### **D. Conditional Uses (Also see Section 10.0400)**

1. Airfields, airports, and heliports.
2. Cemeteries.
3. Churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
4. Community living arrangements with a capacity for 9 or more persons subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes served by the program.

5. Day Care Center, group.
6. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
7. Public, parochial and private, elementary, junior high and senior high schools.
8. Solar Energy Conversion Systems (see Section 10.0609)
9. Utilities.
10. Wind Energy Systems-Small-Sized (see Section 10.0609)

E. Lot Area and Width, Yard, and Height Requirements

Within the RS-2 District, the following standards shall apply:

1. Minimum lot size	Two and one-half (2.5) acres
2. Minimum lot width at road frontage	250 feet
3. Maximum building height	35 feet
4. Minimum rear yard setback	<u>50 feet</u> for Principal Use, <u>10 feet</u> for Accessory Structures.
5. Minimum side yard setback	<u>20 feet</u> for Principal Use and Accessory Structures.
6. Minimum street yard setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line.
7. Minimum Building Area	The total minimum first floor area of a residential dwelling shall be 980 square feet with a minimum width of 22 feet.
8. Maximum Lot Coverage	30 percent

## **10.0309 RD-1 Single Family and Two-Family Residential District**

### **A. Purpose and Intent of RD-1 Single Family and Two-Family Residential District:**

The primary purpose of RD-1 District is to provide for a quiet and pleasant living area for residential development protected from traffic hazards and the intrusion of noncompatible land uses on soils that are compatible for on-site disposal of sewage effluent, and in areas that do not infringe on agricultural uses.

### **B. Permitted Uses**

1. Single-family dwellings with attached garages.
2. Community living arrangement with a capacity for 8 or fewer persons and foster homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes served by the program.
3. Two-family dwellings.
4. Essential Services, exclusive of commercial radio and television transmission towers, not requiring authorization under applicable state statutes or Wisconsin Public Service Commission Administrative Code (PSC 113, PSC 114, PSC 115, and PSC 116) and as defined in Section 10.1500 of this ordinance.

### **C. Permitted Accessory Uses**

1. Accessory buildings incidental to the residential use, such as gardening, tool, or storage sheds, playhouses, or gazebos.
2. Antennas (see Section 10.0608)
3. Day Care Home, Family
4. Essential Services.
5. Home Occupations. (see Section 10.0607 B)
6. Home Office/Studio. (see Section 10.0607 C)
7. Private Garages, Carports, and Driveways.

### **D. Conditional Uses (Also see Section 10.0400)**

1. Bed and Breakfast establishment, residential
2. Cemeteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
3. Community living arrangement with a capacity for 9 or more persons homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes served by the program.
4. Day Care Center, Group.



5. Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
6. Public, parochial and private, elementary, junior high and senior high schools.
7. Solar Energy Conversion Systems (see Section 10.0609)
8. Utilities - Transmission lines, substations, telephone and telegraph lines, and public utility installations.
9. Wind Energy Systems-Small Size (see Section 10.0609)

E. Lot Size, Bulk Restrictions and Yard Requirements

Within the RD-1 District, the following standards shall apply:

1. Minimum lot size	Two and one-half (2.5) acres
2. Minimum lot width of building line	300 feet
3. Maximum building height	35 feet
4. Minimum rear yard setback	<u>50 feet</u> for Principal Use, <u>40 feet</u> for Accessory Structures.
5. Minimum side yard setback	<u>25 feet</u> for Principal Use, <u>20 feet</u> for Accessory Structures.
6. Minimum street yard (setback) setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line.
7. Minimum Building Area	The total minimum living area of a dwelling shall be 980-square feet per dwelling unit with a minimum width of 22-feet.
8. Maximum Lot Coverage	30 percent

## **10.0310 RM-1 Multi-Family Residential District**

### **A. Intent and Purpose and intent of RM-1 Multi-Family Residential District**

The primary purpose of the RM-1 District is to provide for multiple family residential developments at low densities of 20,000 square feet per dwelling unit located near or adjacent to existing development.

### **B. Permitted Uses**

1. Community living arrangements with a capacity for 15 or fewer persons and foster homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
2. Day Care Center, Group.
3. Day Care Home, Family.
4. Essential Services, exclusive of commercial radio and television transmission towers, not requiring authorization under applicable state statutes or Wisconsin Public Service Commission Administrative Code (PSC 113, PSC 114, PSC 115, and PSC 116) and as defined in Section 10.1500 of this ordinance.
5. Multi-family dwellings.
6. Two-family dwellings.

### **C. Accessory Uses**

1. Antennas (see Section 10.608)
2. Accessory buildings incidental to the residential use, such as gardening, tool , or storage sheds, playhouses, or gazebos.
3. Private garages, carports, and driveways.

### **D. Conditional Use (Also see Section 10.0400)**

1. Bed and Breakfast establishments, residential
2. Community living arrangement with a capacity for serving 16 or more persons, subject to the limitations of Section 60.63 of the Wisconsin Statutes.
3. Churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
4. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums
5. Manufactured home park subject to Section 10.0601
6. Public, parochial and private, elementary, junior high and senior high schools.
7. Solar Energy Conversion Systems (see Section 10.0609)

- 8. Utilities.
- 9. Wind Energy Systems-Small Size (see Section 10.0609)

E. Lot Size, Bulk Restrictions, and Yard Requirements

Within the RM-1 Multi-Family Residential District, the following standards shall apply:

1. Minimum lot size	Five (5) acres and provide not less than 20,000 square feet per dwelling unit
2. Minimum lot width of building line	500 feet
3. Maximum building height	35 feet
4. Minimum rear yard setback	<u>50 feet</u> for Principal Use and <u>10 feet</u> for Accessory Structures.
5. Minimum side yard setback	<u>20 feet</u> for Principal Use, <u>10 feet</u> for Accessory Structures.
6. Minimum street yard setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line.
7. Minimum Building Area	The total minimum living area of a dwelling shall be 980 square feet per dwelling unit with a minimum width of 22 feet.
8. Maximum Lot	50 percent

F. Plans and Specifications to be submitted to Plan Commission

To encourage development that is compatible with the rural character of the Town, zoning permits for permitted uses in the RM-1 Multi-Family Residential District shall require the review and approval of the Town of Franklin Plan Commission and the review and approval of a site plan in accordance with Section 10.0700 of this ordinance. The Plan Commission’s review will include the approval of the development’s general layout, building plans, ingress and egress, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.

## **10.0311 B-1 Business District**

### **A. Purpose and Intent of B-1 Business District**

The purpose and intent of the B-1 District is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the town and be compatible with residential uses, and to accommodate commercial development by providing areas adjacent to major highways for the location of commercial establishments which require extensive land area for open storage and display of merchandise and equipment, require year-round roads, or which serve the traveling public.

### **B. Permitted Uses**

The following uses are permitted in this district:

1. Stores and shops in which items are sold directly to the public to include: gasoline service stations and automotive and farm equipment, repair; metal fabricating; grocery; hardware; clothing and apparel stores; drug and beverage stores; bakeries; magazine and tobacco stores; coffee shops; laundry and dry cleaners; gift shops; taverns and restaurants; parking areas and other similar commercial establishments.
2. Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and other similar professional services in which services are offered to the general public on the premises.
3. Personal services to include barbershops, beauty salons, tailor shops, and coin operated laundromats.
4. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.
5. Bed and Breakfast – Commercial.
6. Essential Services.
7. Adult Entertainment (see Section 10.0607 A)

### **C. Accessory Uses**

1. Antennas (see Section 10.0608)

### **D. Conditional Uses (Also see Section 10.0400)**

A conditional use in this district is to permit the following uses only after public meeting and approval of the Plan Commission.

1. Animal hospital and clinics, excluding open kennels and exercise yards.
2. Fireworks sales.
3. Lodges and fraternal buildings, nursing and retirement homes, nursery and day care centers.
4. Lodging house.

5. Mini warehousing.
  6. All public utility facilities, sewage treatment plants.
  7. Single-family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
  8. Solar Energy Conversion Systems (see Section 10.0609)
  9. Utilities.
  10. Wind Energy Systems-Farmed-Sized (see Section 10.0609)
  11. Wind Energy Systems-Small Size (see Section 10.0609)
- E. Area, Height and Yard Requirements

Within the B-1 District, the following standards shall apply:

1. Minimum lot size	Two (2) acres
2. Minimum lot width of building line	200 feet
3. Maximum building height	35 feet
4. Minimum rear yard setback	30 feet
5. Minimum side yard setback	30 feet
6. Minimum street yard setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line.
7. Maximum Lot Coverage	60 percent

F. Plans and Specifications to be Submitted to Plan Commission

To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-1 District shall require the review and approval of the Town of Franklin Plan Commission and the review and approval of a site plan in accordance with Section 10.0700 of this ordinance. The Plan Commission's review will include the approval of the development's general layout, building plans, ingress and egress, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.

**10.0312 B-2 Highway Business District**

A. Purpose and Intent of B-2 Highway Business District

The B-2 Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

B. Permitted Uses

1. Auto and home supply stores.
2. Barber shops.
3. Beauty salons.
4. Boat dealers.
5. Bowling centers.
6. Building materials and garden supplies.
7. Business credit institutions.
8. Car dealers, new and used.
9. Computer and data processing service.
10. Department stores.
11. Depository institutions, banks, credit unions, etc.
12. Eating and drinking places.
13. Engineering and architectural services.
14. Equipment rental, small.
15. Essential services.
16. Farm equipment and machinery sales and service.
17. Food stores.
18. Furniture and home furnishings store.
19. Gasoline service stations.

20. General merchandise stores.
21. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums.
22. Gift, novelty and souvenir shops.
23. Hardware stores.
24. Hospitals.
25. Hotels and motels.
26. Household appliance stores.
27. Insurance agents, brokers and services.
28. Insurance carriers.
29. Landscape and horticultural services.
30. Lawn and garden services.
31. Lumber and other building materials.
32. Medical and dental laboratories.
33. Membership organizations.
34. Mortgage bankers and brokers.
35. Motion picture theaters.
36. Office and clinic of medical doctors.
37. Office and clinic of osteopathic physicians.
38. Office of other health practitioners.
39. Office and clinic of dentists.
40. Real estate agents and managers.
41. Real estate operators and lessors.
42. Retail nurseries and garden stores.

C. Permitted Accessory Uses

1. Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
2. Antennas (see Section 10.0608)
3. Off-street parking and loading areas.

D. Conditional Uses (Also see Section 10.0400)

1. Attached dwelling unit or residential quarters for the owner, proprietor, commercial tenant, employee, or care taker located in the same building as the business.

2. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
3. Car wash.
4. Manufactured home sales.
5. Fireworks sales.
6. Mini warehousing.
7. Recreation and utility trailer dealers.
8. Shopping centers.
9. Solar Energy Conversion Systems (see Section 10.0609)
10. Utilities.
11. Wireless Communication facilities (see Section 10.0608)
12. Wind Energy Systems-Farmed-Sized (see Section 10.0609)
13. Wind Energy Systems-Small Size (see Section 10.0609)

E. Lot Size, Bulk Restrictions and Yard Requirements

Within the B-2 District, the following standards shall apply:

1. Minimum lot size	Two (2.0) acres
2. Minimum lot width of building line	200 feet
3. Maximum building height	35 feet
4. Minimum rear yard setback	<u>50 feet</u> for Principal Use, <u>20 feet</u> for Accessory Structures.
5. Minimum side yard setback	<u>30 feet</u> for Principal Use and <u>20 feet</u> for Accessory Structures.
6. Minimum street yard setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line.
7 Minimum Building Area	The total minimum living area of a dwelling shall be 980-square feet per dwelling unit.
8 Maximum Lot Coverage	30 percent



F. Plans and Specifications to be Submitted to Plan Commission

To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-2 District shall require the review and approval of the Town of Franklin Plan Commission and the review and approval of a site plan in accordance with Section 10.0700 of this ordinance. The Plan Commission's review will include the approval of the development's general layout, building plans, ingress and egress, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.

**10.0313 M-1 Light Manufacturing District**

A. Purpose and Intent of M-1 Light Manufacturing District

The M-1 District is intended to provide for the orderly development of light manufacturing or light industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as well reasonably ensure compatibility with the surrounding area in this respect.

B. Permitted Uses:

1. Agricultural services
2. Apparel manufacture
3. Appliance repair
4. Automotive services, except repair
5. Automotive truck, trailer leasing
6. Blacksmith shops
7. Building cleaning and maintenance services
8. Bus charter service
9. Communications equipment manufacture
10. Computer and office equipment manufacture
11. Contractors: carpentry and floor work
12. Contractors: concrete work
13. Contractors: electrical
14. Contractors: masonry, stonework, tile, plastering
15. Contractors: painting and paper hanging
16. Contractors: plumbing, heating and air conditioning
17. Contractors: roofing, siding, and sheet metal work

18. Electronic components and accessories manufacture
19. Equipment rental and leasing
20. Farm machinery and equipment, sales
21. Farm machinery repair
22. Farm supplies wholesale
23. Food manufacturing facilities, except slaughtering
24. Footwear manufacture
25. Furniture and fixture manufacture
26. General building contractors, except heavy construction
27. Gloves and mitten manufacture
28. Handbags and other personal leather goods
29. Household audio and video equipment
30. Laundry, cleaning, and garment services
31. Locksmith shops
32. Luggage manufacture
33. Lumber and other building supplies and sale
34. Mailing, reproduction, commercial art supplies
35. Miscellaneous fabricated textile products manufacture
36. Motorcycle repair shops, including sales
37. Pest control services
38. Photographic equipment manufacture
39. Photography and stenographic services
40. Printing and publishing
41. Printing service industries, typesetting,
42. Professional and scientific instrument manufacture
43. Retail nurseries, lawn and garden supply stores
44. Upholstery and furniture repair
45. School bus establishment
46. Surgical, medical and dental supplies and manufacture
47. Taxidermists
48. Textile mill products
49. Warehousing and storage
50. Watches and clocks manufacture

- 51. Wholesale trade-nondurable goods, except chemicals
- 52. Wholesale trade-durable goods
- 53. Wood kitchen cabinets manufacture
- 54. Essential Services

C. Permitted Accessory Uses

- 1. Antennas (see Section 10.608)
- 2. Garages for storage of vehicles used in conjunction with the operation of an industry.
- 3. Off-street parking and loading areas.
- 4. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.

D. Conditional Uses (Also see Section 10.0400)

- 1. Automotive repair shops.
- 2. Business services, miscellaneous.
- 3. Contractors: well drilling.
- 4. Miscellaneous wood manufacture.
- 5. Miscellaneous light manufacturing.
- 6. Motor vehicle parts, used-wholesale and retail (salvage yards).
- 7. Propane bulk storage, sales and service.
- 8. Repair services, miscellaneous.
- 9. Residential quarters for the owner or caretaker.
- 10. Sawmills and plane mills.
- 11. Septic tank cleaning services.
- 12. Sewer cleaning.
- 13. Solar Energy Conversion Systems (see Section 10.0609).
- 14. Special trade contractors, except excavation and demolition.
- 15. Utilities.
- 16. Welding shops.
- 17. Wireless Communication facilities (see Section 10.0608).
- 18. Wind Energy Systems-Farmed-Sized (see Section 10.0609).
- 19. Wind Energy Systems-Small Size (see Section 10.0609).

E. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the agricultural and rural residential characteristics of the town and surrounding area and are herewith prohibited:

1. Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, proxline, and radium.
2. Processing ammonia, asbestos, cabbage, chlorine, coal tar, creosote, explosives, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxyline, and radioactive materials.
3. Storage of explosives, gasoline in excess of 50,000 gallons, grease and radioactive materials.
4. Garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

F. Lot Size, Bulk Restrictions, and Yard Requirements

Within the M-1 District, the following standards shall apply:

1. Minimum lot size	Two (2) acres
2. Minimum lot width of building line	200 feet
3. Maximum building height	45 feet
4. Minimum rear yard setback	<u>30 feet</u> for Principal Use and Accessory Structures.
5. Minimum side yard setback	<u>30 feet</u> for Principal Use and Accessory Structures.
6. Minimum street yard setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line.
7. Maximum Lot Coverage	75 percent

G. Plans and Specifications to be Submitted to Plan Commission

To encourage an industrial environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the M-1 District shall require the review and approval of the Town of Franklin Plan Commission and the review and approval of a site plan in accordance with Section 10.0700 of this ordinance. The Plan Commission’s review will include the approval of the development’s general layout, building plans,

ingress and egress, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.

#### **10.0314 M-2 Heavy Manufacturing District**

##### **A. Purpose and Intent**

The M-2 Manufacturing District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operation characteristics, would not be detrimental to the surrounding area or to the town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

##### **B. Permitted Uses**

1. Aircraft and parts manufacture.
2. Apparel manufacture.
3. Computer and office equipment manufacture.
4. Converted paper and paper board products and manufacture.
5. Electronic and electrical equipment manufacture.
6. Fabricated metal products manufacture.
7. Food manufacturing facilities.
8. Furniture and fixture manufacture.
9. General building contractors.
10. Heavy construction contractors.
11. Industrial and commercial machinery manufactures.
12. Leather and leather products manufacturers.
13. Lumber and wood products manufacture.
14. Millwork, veneer, plywood and structural wood manufacturers.
15. Motor freight transportation and warehousing.
16. Motor freight terminal and maintenance terminals.
17. Motor vehicles and motor vehicle equipment manufacture.
18. Motorcycles, bicycles and parts manufacture.
19. Pallets and skid manufacture.
20. Paper and allied products manufacture.

21. Paper mills.
22. Paperboard containers and box manufacture.
23. Printing, publishing and allied industries.
24. Professional and scientific instrument manufacture.
25. Public warehousing and storage.
26. Pulp mills.
27. Railroad equipment.
28. Railroad transportation.
29. Rubber and plastics manufacture.
30. Sawmills and plane mills.
31. Ship and boat building and repair establishments.
32. Special trade contractors.
33. Stone, clay, glass, and concrete products manufacturers.
34. Textile mill products.
35. Transportation equipment and manufacturers.
36. Trucking and courier services.
37. Wholesale trade-nondurable goods.
38. Wholesale trade durable goods.
39. Wood containers manufacturers.
40. Essential services.

C. Permitted Accessory Uses

1. Antennas (see Section 10.0608)
2. Garages for storage of vehicles used in conjunction with the operation of an industry.
3. Off-street parking and loading areas.
4. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.

D. Conditional Uses (Also see Section 10.0400)

1. Asphalt paving and roofing establishments.
2. Chemicals and allied product manufacture.
3. Electrical power generation facilities.
4. Junk Yards and Salvage Yards (see Section 10.0603)
5. Miscellaneous heavy industry.

6. Motor vehicle parts used-retail and wholesale (salvage yards)
7. Petroleum bulk stations and terminals.
8. Petroleum refining.
9. Primary metals industries, steel works, foundries, castings.
10. Propane bulk storage, sales and service.
11. Residential quarters for the owner or caretaker.
12. Sand, gravel, stone, and nonmetallic mineral extraction (see Section 10.0605).
13. Sewer treatment plants.
14. Sludge disposal sites.
15. Solar Energy Conversion Systems (see Section 10.0609)
16. Solid waste, recycling, storage, and transfer facilities (see Section 10.0603)
17. Solid waste disposal site and facilities.
18. Power plants.
19. Utilities.
20. Wireless Communication Facilities (see Section 10.609)
21. Wind Energy Systems-Farmed-Sized (see Section 10.0609)
22. Wind Energy Systems-Small Size (see Section 10.0609)

E. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Town and surrounding area and are herewith prohibited:

1. Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, proxline, and radium.
2. Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxyline, and radioactive materials.
3. Storage of explosives, gasoline in excess of 50,000 gallons, grease and radioactive materials.
4. Garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

F. Lot Size, Bulk Restrictions, and Yard Requirements

Within the M-2 District, the following standards shall apply:

1. Minimum lot size	Two (2) acres
2. Minimum lot width of building line	200 feet
3. Maximum building height	45 feet
4. Minimum rear yard setback	<u>50 feet</u> for Principal Use and Accessory Structures and Uses.
5. Minimum side yard setback	<u>30 feet</u> for Principal Use and for Accessory Structures and Uses.
6. Minimum street yard setback	<b><u>State and Federal Highways:</u></b> 110 feet from the road center line or 50 feet from the edge of the right of way, which ever is greater. <b><u>County Roads:</u></b> 85 feet from the road center line or 42 feet from the edge of the right of way, which ever is greater. <b><u>Town Roads:</u></b> 55 feet from the road center line.
7. Maximum Lot Coverage	75 Percent

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

To encourage an industrial environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the M-2 District shall require the review and approval of the Town of Franklin Plan Commission and the review and approval of a site plan in accordance with Section 10.0700 of this ordinance. The Plan Commission’s review will include the approval of the development’s general layout, building plans, ingress and egress, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.

**10.0315 Conservancy Overlay District (C-1)**

Overlay Districts provide the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force. The Conservancy Overlay District is intended to inform the public that the provisions of the Kewanee County Shoreland and Floodplain Zoning Ordinance may apply in this District in addition to those of the underlying zoning district.



**10.0316 PDO – Planned Development Overlay District**

**A. Purpose and Intent of PDO - Planned Development Overlay District**

The PDO District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PDO District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the town upon specific petition under this section of the Ordinance and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the Ordinance have been met.

**B. Permitted Uses**

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

**C. Minimum Area Requirements**

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

<b>Principal Uses</b>	<b>Minimum Area of PDO</b>
Residential PDO	Five (5) Acres
Commercial PDO	Three (3) Acres
Industrial PDO	Twenty (20) Acres
Mixed Use /Compatible Use PDO	Ten (10) Acres

#### D. Procedural Requirements

1. Pre-petition Conference. Prior to the official submission of the petition for the approval of a Planned Development Overlay District, the owner or his agent making such petition shall meet with the Plan Commission Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
2. Petition and Fee. Following the pre-petition conference, the owner or his agent may file a petition with the Zoning Administrator for approval of a Planned Development Overlay District. Such petition shall be accompanied by a review fee, as required by the Town Board and the following information:
3. A statement which sets forth the relationship of the proposed PDO to towns adopted master plan, if applicable, or any adopted component thereof, and the general character of and the uses to be included in the proposed PDO, including the following information:
  - (a) Total area to be included in the PDO, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
  - (b) A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
  - (c) Any proposed departures from the standards of development as set forth in the town's zoning regulations, other town regulations or administrative rules, or other universal guidelines.
  - (d) The expected date of commencement of physical development as set forth in the proposal.
4. A general development plan including:
  - (a) A legal description of the boundaries of the subject property included in the proposed PDO and its relationship to surrounding properties.
  - (b) The location of public and private roads, driveways, and parking facilities.
  - (c) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
  - (d) The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
  - (e) The type, size, and location of all structures.

- (f) General landscape treatment.
  - (g) Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
  - (h) The existing and proposed location of public sanitary sewer and water supply facilities.
  - (i) The existing and proposed location of all private utilities or other easements.
  - (j) Characteristics of soils related to contemplated specific uses.
  - (k) Existing topography on the site with contours at no greater than two (2) foot intervals.
  - (l) Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
  - (m) Additional information as may be reasonably requested by the Plan Commission or Town Board.
5. Referral to Plan Commission. The petition for a Planned Development Overlay District shall be referred to the Town Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
  6. Public Hearing. The Town Plan Commission shall hold a joint public hearing of this Ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Development Overlay District. As soon as is practical following the hearing, the Plan Commission shall report its findings and recommendations to the Town Board.

E. Basis For Approval of the Petition

1. The Town Plan Commission in making its recommendation and the Town Board in making its determination shall consider:
  - (a) That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PDO within nine (9) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the town.
  - (b) That the proposed Planned Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted master plan or any adopted component thereof; and that the development would not be contrary to the general welfare and economic prosperity of the community.
2. The Town Plan Commission in making its recommendations and the Town Board in making its determination shall further find that:

- (a) The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
  - (b) The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
  - (c) No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
  - (d) The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and meet the minimum standards of all applicable ordinances or administrative regulations of the town.
  - (e) Public water and sewer facilities shall be provided.
  - (f) The entire tract or parcel of land to be included in a Planned Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot or tract and be so recorded with the Register of Deeds for Kewaunee County.
3. That in the case of a proposed residential Planned Development Overlay District:
- (a) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
  - (b) The total net residential density within the Planned Development Overlay District will be compatible with the Town master plan or component thereof.
  - (c) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
  - (d) Adequate, continuing fire and police protection is available.
  - (e) The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
  - (f) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation or maintenance or by dedication to the public.

4. That in the case of a proposed commercial Planned Development Overlay District:
  - (a) The proposed development will be adequately served by off-street parking and truck service facilities.
  - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
  - (c) The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - (d) The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
5. That in the case of a proposed industrial Planned Development Overlay District:
  - (a) The operational character, physical plant arrangement and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.
  - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
  - (c) The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately serviced by rail and/or arterial highway facilities.
  - (d) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
6. That in the case of a mixed use Planned Unit Development Overlay District:
  - (a) The proposed mixture of uses produces a unified composite, which is compatible within the underlying districts and which, as a total development entity, is compatible with the surrounding neighborhood.

- (b) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
- (c) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

F. Determination

- 1. The Town Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Town Board.

G. Changes and Additions

- 1. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town Plan Commission, and if in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Town Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 10.1705 of this ordinance, and said proposed alterations shall be submitted to the Town Board for approval.

H. Subsequent Land Division

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

**10.0400 CONDITIONAL USE PERMITS**

**10.0401 General Provisions**

Any use listed as a conditional use in this Ordinance may be permitted only upon application to the Zoning Administrator, review, determination of the conditions to be attached to the permit, and approval by the Plan Commission, and issuance of a Conditional Use Permit by the Zoning Administrator at the direction of the Plan Commission. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual.

**10.0402 Initiation**

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold

interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.

#### **10.0403 Application**

The application for a conditional use permit shall be filed with Zoning Administrator on forms so prescribed by the Town. The application shall be accompanied by such plans and/or data prescribed by the Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zoning districts. Such application shall be reviewed by the Plan Commission.

#### **10.0404 Hearing on Application**

Upon receipt in proper form of the application referred to above, the Town Plan Commission shall hold at least one (1) public hearing on the proposed conditional use. Notice of such public hearing specifying the time, place and matters to come before the Commission shall be given as a Class I notice as referred to in Chapter 985 of the Wisconsin Statutes. Due notice of the hearing shall be given to parties of interest as well as all adjacent property owners and owners of property within 200 feet of the proposed conditional use.

#### **10.0405 Standards Applicable to All Conditional Uses**

Pursuant to acting upon a Conditional Use Permit application, the Plan Commission shall consider the following factors:

- A. The location, nature, and size of the proposed use.
- B. The size of the site in relation to it.
- C. The location of the site with respect to existing or future roads giving access to it.
- D. Its compatibility with existing uses on land and development adjacent thereto.
- E. The proposals consistency with the adopted comprehensive plan.
- F. Its harmony with the future development of the district.
- G. Existing topography, drainage, soil types, and vegetative cover.
- H. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

#### **10.0406 Conditions Attached to Conditional Use Permit**

Upon consideration of the factors listed above, the Plan Commission shall attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include, but are not limited to, landscaping, architectural design, type of construction, construction commencement and completion date, lighting fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting

basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions that are necessary to fulfill the purpose and intent of this Ordinance.

**10.0407 Conditional Use Permit Fee**

The applicant, upon filing of his application, shall pay a fee to the Zoning Administrator in accordance with Section 10.1205 of this Ordinance.

**10.0408 Expiration**

All conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use as determined by the Plan Commission. If a time limit has been imposed as a condition for the permit, the permit shall expire at the end of the time limit.

**10.0409 Amendments.**

Changes subsequent to the initial issuance of a conditional use permit which would result in a need to change the initial conditions shall require an amendment to the conditional use permit. The process for amending a conditional use permit shall generally follow the procedures for granting a conditional use permit as set forth in Section 10.1400.

**10.0410 Revocation of a Conditional Use Permit.**

Should a permit applicant, his or her heirs or assigns, fail to comply with the conditions of the permit issued by the Plan Commission, or should the use, or characteristics of the use be changed without prior approval by the Plan Commission, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a conditional use permit as set forth in Section 10.1400.

**10.0500 PARKING, LOADING, DRIVEWAYS, AND ACCESS**

**10.0501 Parking Standards**

- A. Parking areas may be located in any yard space for commercial uses and in any yard but the street yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
- B. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
- C. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- D. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.



- E. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- F. Where a zoning/land use permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said zoning/land use may be provided in lieu of any different amounts required by this ordinance.
- G. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
- H. None of the off-street facilities as required in this Ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. Required Number of Parking Stalls

Use	Minimum Parking Required
Single-family dwellings and manufactured homes	Two (2) spaces for each dwelling unit
Multiple-family dwellings	One and a half (1.5) spaces for each dwelling unit
Motels, hotels	One (1) space for each guest room plus one (1) space for each three (3) employees
Hospitals, clubs, lodges, dormitories, and lodging and boarding houses	One (1) space for each two (2) beds plus one (1) space for each three (3) employees
Sanitariums, institutions, rest and nursing homes	One (1) space for each five (5) beds plus one (1) space for each three (3) employees
Medical and dental clinics	Five (5) spaces for each doctor
Churches, theaters, auditoriums, community center, vocational and night schools, and other places of public assembly	One (1) space for each five (5) seats
Colleges, secondary and elementary schools	One (1) space for each two (2) employees plus one (1) space for each 10 students of 16 years of age or more
Restaurants, bars, places of entertainment, repair shops, and retail and service stores	One (1) space for each 150 square feet of floor area and one (1) space for each two (2) employees
Manufacturing and processing plants, laboratories, and warehouses	One (1) space for each two (2) employees
Financial institutions, and business, government, and professional offices	One (1) space for each 300 square feet of floor area and one (1) space for each two (2) employees
Funeral Homes	One (1) space for each four (4) seats
Bowling alleys	Five (5) spaces for each alley
Lodges and clubs	One (1) space for each five (5) members
Automobile repair garages	One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area used for repair work
Gasoline filling stations	Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant

Uses Not Listed: In the case of structures or uses not mentioned, the provision for a use which is essentially similar in nature shall apply.

J. Driveway approaches shall be so constructed so as not to restrict the natural flow of water. Property owners shall be financially responsible for providing the proper size culvert necessary for driveways if needed as determined by the Zoning Administrator.

**10.0502 Restrictions on Parking of Equipment**

Parking of farm, construction, or building equipment and parking of trucks, tractors, and semi-trailers shall be restricted as follows:

- A. Parking in residential and conservancy districts. No truck tractor, semi-trailer, commercial or construction vehicle, machinery, equipment or truck with dual rear axles shall be stored on lots in Residential or Conservancy districts. Agricultural vehicles and machinery stored on an operating farm in any of the aforementioned districts are exempt from this restriction.
- B. Parking in agricultural, business, and manufacturing districts. Vehicles and machinery used in conjunction with a business or industry may be stored, inside or outside, on the premises provided that when stored outside, they do not block a public right-of-way or obscure clear vision on roadways.
- C. Storage of junked vehicles. No more than three (3) disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicles shall be stored or allowed to remain in the open upon private property in the Town of Franklin within 10 days after receiving written notice from the Zoning Administrator to remove or enclose such vehicle unless:
  - 1. The vehicle is being held as a part of an automotive sales or repair business enterprise located within a district zoned for that purpose; or
  - 2. The vehicle is in use on the premises as a lawful, unlicensed use; or
  - 3. Due to individual hardship, a variance has been granted by the Zoning Board of Appeals to store such vehicle. The Zoning Board of Appeals shall not grant such variances for a period of more than one year.

**10.0503 Parking of Recreational Vehicles**

No motorhome, travel trailer, recreational vehicle, boat, snowmobile, or other recreational type vehicle shall be stored on any property in any residential district except as provided herein:

- A. One boat and its trailer, or snowmobile and its trailer, travel trailer, or other recreational vehicle may be stored in the yard. If more than one recreational vehicle is stored in the yard, all vehicles, with the exception of one, shall be shielded from view by an opaque screen. The screen may consist of any combination of opaque fencing, vegetation, natural features, or structures.
- B. Storage of recreational vehicles shall be limited to recreational vehicles owned and used by the property owner.
- C. Any number of personal recreational vehicles may be stored within the lot within a fully enclosed structure.
- D. In the A-1 Exclusive Agricultural District, conditional use permits to commercially store recreational vehicles shall be reviewed pursuant to Section 10.0400 of this Ordinance.

**10.0504 Traffic Visibility**

No obstructions such as structures, parking, or permanent vegetation shall be permitted in any district between the heights of two and one-half (2.5) feet and ten (10) feet above the plane through the mean centerline within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 100 feet from their intersection.

In the Case of Arterial Streets intersection with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance (Appendix B: Illustration 1) space shall be increased in 125 feet.

**10.0505 Loading Requirements**

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

**10.0506 Driveways**

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

- A. Islands between driveway openings shall be provided, with a minimum of 12 feet between all driveways and six (6) feet at all lot lines.
- B. Openings for vehicular ingress and egress shall not be less than 24 feet at the street line nor more than 35 feet.
- C. Vehicular entrances and exits to drive-in theaters; banks; and restaurants; motels; funeral homes; vehicular sales, service, washing, and repair stations; garages, or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
- D. Permits. All driveways shall require a permit from the town. Applications for a driveway permit shall be made on forms provided by the Zoning Administrator or Town Clerk and shall contain or have attached thereto the following information:
  - 1. Name, address, and telephone number of the applicant. Location of proposed driveway and existing or proposed use served by the driveway.
  - 2. A scale drawing indicating the location and dimensions of such driveway.
  - 3. Additional information as may be required by the Zoning Administrator or Plan Commission..

**10.0507 Street and Highway Access**

- A. No direct private access shall be permitted to the existing or proposed right-of-way of expressways, state trunk highways, or any controlled access arterial street without permission from the highway agency having access control jurisdiction. Access barriers, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.
- B. Driveways on arterial streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Plan Commission shall determine the driveway location. Said setback shall be measured from the intersection of the rights-of-way of the two streets.
- C. Driveways on collector or land access streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Plan Commission shall determine the driveway location. Said setback shall be measured from the intersection from the rights-of-way of the two streets.
- D. Residential driveways on corner lots shall be located on the least heavily traveled street.
- E. Temporary access to the above rights-of-way may be granted by the Plan Commission after review and recommendation by the highway agency having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required by the reviewing agencies, Plan Commission, or Town Board.

**10.0600 SUPPLEMENTARY USES**

**10.0601 Manufactured Homes & Manufactured Home Parks Regulations**

The purpose of these regulations is to provide for the orderly and well-planned development of manufactured home parks and to allow for the location and placement of manufactured homes within the RM-1 Multi-Family Residential District.

A. Definitions

- 1. Manufactured Home: Manufactured home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426.
- 2. Manufactured Home Park: Any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured Home Park shall not include

automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

3. Mobile Home - Mobile home means a structure, transportable in one or more sections built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.
4. Occupied Area - That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.
5. Pad - A concrete slab or eight-inch gravel pad, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.
6. Park Management - The person who owns or has charge, care or control of the manufactured home park.
7. Person - Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.
8. Space - A plot of ground in a manufactured home park designed for the location of only one (1) manufactured home.
9. Unit - One (1) manufactured home.

#### B. General Requirements

1. It shall be unlawful, except as provided in this Ordinance, for any person to park any manufactured home on any street, alley or highway or other public place or on any tract of land owned by any person within the Town of Franklin.
2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
3. No person shall park or occupy any manufactured home on any premise which is situated outside an approved manufactured home park, except as permitted under Section 10.0601 C. Parking of only one (1) unoccupied manufactured home, mobile home, or travel trailer is permitted, provided no living quarters shall be maintained or business practiced in said trailer, while such trailer is so parked or stored. Said unit can be parked or stored:
  - (a) Within an accessory private garage building or in a rear yard during the entire year.
  - (b) Within the side yard setback area during the period between the dates of May 1 and the second Tuesday in September. A unit so

parked may have the drawbar protrude into the street yard setback area.

- (c) Within the street yard setback area for a maximum period of two (2) weeks during the period indicated in (b) above to permit preparation and cleaning of the unit.
- 4. Except as permitted under Section 10.0601 (B) (3), mobile homes are permitted only in manufactured home parks.
- 5. Replacement of any legally existing manufactured home is allowed in each zoning district.
- 6. All manufactured homes manufactured for or used for human habitation must meet the construction standards contained in Wisconsin Administration Code Chapter Comm27.

C. Permit Required for Manufactured Homes Not Located in a Manufactured Home Park

- 1. Manufactured homes are a permitted use on individual lots in the A-1 Exclusive Agricultural District and the A-2 Agricultural-Rural Residential District provided that:
  - (a) A proposed site plan shall be submitted with the zoning/land use application to the Zoning Administration for review and approval by the Zoning Board of Appeals and shall include the size of the manufactured home along with the location on the building plot showing all yard measurements and locations of water supply and septic tank filter bed.
  - (b) To help ensure that the manufactured home is compatible with site-built housing, the manufactured home shall comply with the following design standards:
    - (1) The manufactured home is set on an enclosed foundation in accordance with Sec. 70.043(1), Wisconsin Stats., and subchapters III, IV, and V of Ch. Comm 21, Wis. Admin. Code. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure property support for the home.
    - (2) The manufactured home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2800 lbs., and the anchors embedded in concrete to withstand the tie-down strain. The amount of tie-downs shall be guided by the manufactured home manufacturer's recommendations provided there are no less than four tie-downs.
    - (3) The manufactured home is installed in accordance with the manufacturer's instructions and is properly connected to utilities.

- (4) The hitch and wheels must be removed.
  - (5) The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run and covered with material that is residential in appearance, including but not limited to, approved wood, asphalt, composition or fiberglass shingles but excluding corrugated aluminum, corrugated fiberglass, or metal roof. The roof shall have a minimum 8-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.
  - (6) The dwelling shall have exterior siding material that is residential in appearance and consist of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingle shakes or similar material, but excluding smooth, ribbed or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
- (c) All other district regulations shall apply.
  - (d) No manufactured home shall be located in the Town of Franklin after six (6) months unless it meets the requirements of a permanent dwelling and is taxed accordingly or located in a manufactured home park licensed and approved by the Town Board.

D. License for Manufactured Home Park: Application and Issuance

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a manufactured home park within the limits of the Town of Franklin without first securing a license for each park from the Town Board, pursuant to this Section. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this Section for an additional period of one (1) year.
2. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee of One Hundred (\$100.00) Dollars, and in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of one thousand (\$1,000.00) dollars for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Ordinance. The annual license shall be



subject to renewal by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.

3. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan at a minimum scale of 1" = 50 feet showing the following, either existing or as proposed:
  - (a) The extent and area for park purposes.
  - (b) Roadway and driveways.
  - (c) Location of manufactured home spaces.
  - (d) Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
  - (e) Complete layout of storm, sanitary and water systems for service building and spaces.
  - (f) Method and plan of garbage removal.
  - (g) Plan for electrical or gas lighting of spaces.
  - (h) Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

E. Revocation and suspension

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.0435 (2) (d), Wisconsin Statutes.

F. Location of Manufactured Home parks

Manufactured home parks as a conditional use are permitted in any A-2 Agricultural-Rural Residential District and any Multi-family district subject to the regulations of this ordinance.

## G. Manufactured Home Park Plan

The manufactured home park shall conform to the following requirements:

1. Manufactured home spaces shall be clearly defined and shall consist of a minimum of four thousand two hundred (4200) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Engineer. The roadways shall be well lighted and shall not be obstructed.
2. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
3. All manufactured homes within a manufactured home park shall be parked within the designated spaces.
4. For the protection of abutting property owners as well as mobile homeowners, a twenty-five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty-five (25) foot buffer strip.
5. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:
  - (a) Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
  - (b) The hitch used for pulling the manufactured home may protrude into the street yard setback.
6. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with *Section 10.0305 G5*.
7. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Zoning Administrator to be used for the accommodation of necessary water and sanitary connections.

8. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in 10.0305 G 4 and 5 above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
9. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space.
10. All manufactured homes in manufactured home parks shall be skirted. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
11. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Zoning Administrator. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition or awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback, side yard and rear yard requirements for manufactured home units.

#### H. Sanitarian Regulations

All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Kewaunee County.

#### I. Operation of manufactured home parks: responsibility of park management

1. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.
2. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
  - (a) Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
    - (1) Names and addresses of all owners and occupants of each manufactured home.
    - (2) Number of children of school age.
    - (3) State and legal residence.
    - (4) Dates of entrance and departure of each manufactured home.

- (5) Make, model, year and serial number of license number of each manufactured home and towing or other motor vehicles and state, territory or country issuing such licenses.
- (6) Place of employment of each occupant, if any.
- (b) Notify park occupants of the provision of this ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.
- (c) Notify the health officer immediately of any suspected communicable or contagious disease within the park.
- (d) Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tie-downs.
- (e) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

J. Variances

The requirements of Section 10.0601 G 1, 4, 5, 6, 7, 8, and 9 shall not apply to manufactured home parks existing prior to the effective date of this Ordinance; however, they shall apply to new manufactured home parks and to additions to existing manufactured home parks.

K. Monthly Parking Fee

1. There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Town of Franklin a monthly parking fee determined in accordance with Section 66.0345 (3) of the Wisconsin State Statutes which is hereby adopted by reference and made part of this ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each manufactured and mobile home owner. Said licensee shall be liable to the town for any default in payment of the monthly parking permit fee by the manufactured home or mobile home owner.
2. Licensees of manufactured home parks and owners of land on which are parked any occupied, nonexempt mobile or manufactured homes shall furnish information to the Town Clerk on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.0435 (3) (c) and (e) of the Wisconsin Statutes.

## 10.0602 Fences and Hedges

- A. Definition - For the purposes of this Ordinance, a fence is herein defined as an enclosing barrier consisting of vegetation, wood, stone, metal, brick, cement, or other material. The term "fence" shall be construed to include planting, such as hedges.
- B. Location - Fences may be located on lot lines if the adjoining property owner(s) approves in writing. Such written approval must be filed with the Zoning Administrator prior to construction erection, or planting of the fence. No fence or other structure consisting in whole or in part of barbed wire, rods or bands or other material dangerous to life and limb, shall be erected along or within four (4) feet of any public streets, sidewalks, or alleys in the Town not to supersede state statutes Chapter 90.
- C. Construction and Maintenance - Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose. Any such fence which is, or has become dangerous to the Town health or welfare, is a public nuisance, and the Town may commence property proceedings for the abatement thereof. Electric fences shall not be permitted except for agricultural purposes. Barbed wire fences shall only be permitted for agricultural uses and by conditional use for industrial or commercial security uses. No fence shall have sharp or pointed pickets dangerous to life or limb. Hedges and other plantings shall be continuously trimmed and all parts thereof confined to the property on which planted, and shall not interfere with or obstruct overhead utilities such as power lines, telephone lines or cable lines.
- D. Residential Fences - No fence or hedges exceeding two and one-half (2-1/2) feet in height shall be allowed within the building setback limits adjacent to a street right-of-way, except in rear yard setback where there is no access to a street right-of-way, the maximum height may be six (6) feet. The maximum height of fences or any other boundary line shall not be more than six (6) feet in height, except the hedges may be permitted to grow to their natural height. Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited. The most attractive side of a fence shall face adjoining property.
- E. Commercial, Agricultural, Industrial Fences – Solid wall fences used for industrial, commercial, agricultural purposes shall have a maximum height of eight (8) feet, except within the required front or corner setback areas wherein such height shall be limited to two and one-half (2-1/2) feet. Arms or extensions which project from the fence must project into the lot proper.
- F. Fences Required for Certain Swimming Pools - All permanent in-ground or above ground private swimming pools located in Residential zoned districts shall be completely enclosed by a fence of not less than four (4) feet in height. Said fence shall have intermediate rails or an ornamental pattern such that an object larger than nine (9) inches in diameter cannot pass through.

**10.0603 Junkyards, Salvage Yards, Solid Waste Recycling, Storage or Transfer Facility**

- A. Conditional Use - Junk or salvage yards, solid waste recycling, storage or transfer facilities, shall be a conditional use and shall only be permitted in the M-2 Heavy Manufacturing District.
- B. Procedure - Except as otherwise provided in this Section, the procedure for securing, granting and revoking a conditional use permit under this Section shall be as set forth in Section 10.0400 of this Ordinance.
- C. Fees - Each application shall be accompanied by a fee as established by the Town Board, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Town.
- D. Operational Plan - The application shall be accompanied by a detailed description of the proposed method of operation; the manner in which materials will be stored; the equipment proposed to be used; the method of disposition of end products; the manner in which adjoining property owners will be protected; the house of operation; the town highways proposed to be used; the gross weight of equipment to be used in hauling in and hauling out of any of the product; and other similar information as the Plan Commission may require.
- E. Restoration Plan - The application for the operation of a conditional use under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.
- F. State Licenses - Any permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.
- G. Bond - No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Town Board.
- H. Term of Permit - The permit shall be in effect for one year, subject to termination by the Town Board after notice of hearing for violations of the Plan of Operations or Restoration Plan, and may be renewed by the Town Board if the operations are in reasonable compliance with the terms of the existing permit.
- I. Inspection - The Zoning Administrator shall inspect the operations at least semi-annually to ensure compliance, and the reasonable fees of such inspection, as fixed by the Town Board at the time of granting the permit, shall be paid by the applicant.
- J. Fencing
  - 1. Junk or salvage materials pits shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junkyard, nor from a public right-of-way such as roads,

streets, highways and waterways. The fence or planting screen shall be a minimum of eight (8) feet in height and shall be kept in good repair.

2. Junk or salvage materials shall not be piled higher than the height of the fence.
3. For fire protection, an unobstructed fire break shall be maintained, one rod in width and completely surrounding the salvage or junkyard.

#### **10.0604 Automobile and Other Junkyards**

- A. The provisions of the 1987-88 revised Wisconsin Statutes Section 84.31 as amended regarding regulation of junkyards excluding any penalty provisions and excluding provisions applicable only to the Wisconsin Department of Transportation are hereby adopted and incorporated in this Ordinance by reference.
- B. The provisions of the 1987-88 Wisconsin Statutes Section 175.25 as amended regarding storage of junk automobiles excluding any penalty provisions are hereby adopted and incorporated in this Ordinance by reference to the extent such provisions apply to towns. The Town Plan Commission shall issue permits according to law for the accumulation and storage of junk automobiles or parts thereof located within 750 feet of the centerline of any county trunk, state trunk or federal highway or within 500 feet of the centerline of any town road.
- C. Any automobile junkyards and any other type of junkyards within the limits of the Town of Franklin shall be screened from public view by a solid fence completely surrounding such junkyard at least eight (8) feet in height and made of a permanent weather resistant type of material such as weather resistant treated wood, metal or plastic. Such fence shall be properly maintained so as to retain its integrity and as to be reasonably aesthetic.
- D. No junk automobiles or parts thereof or other junk shall be stored outside the confines of the screening fence required in subsection three (3) above nor shall junk automobiles or parts thereof or other junk be piled up higher than the height of the screening fence or otherwise stored so as still to be visible to public view despite the existence of the screening fence.
- E. The owner or operator of any property used as an automobile junkyard or any other type of junkyard shall undertake rodent control measures so as to prevent the infestation of rodents in any such junkyards. The rodent control measures taken shall be documented by any professional pest control company or by the owner or operator of the junkyard and shall be consistent with the then prevailing rodent control practices followed by professional pest control businesses in the area.

#### **10.0605 Quarries and Mines**

- A. Applicability - The following regulations shall apply to mining operations on activities for the extraction from the earth of mineral aggregates such as stone, sand and gravel; nonmetallic minerals such as asbestos, beryl, clay, feldspar,

peat and talc; and other natural material; and to related operations or activities such as excavation, grading or dredging; and related processes such as crushing, screening, scalping, dewatering and blending.

- B. Exempt Activities - These regulations do not apply to the following activities:
1. Excavations or grading by a person solely for domestic use at his or her residence.
  2. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
  3. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
  4. Excavations for building construction purposes.
- C. Permit - The application for a conditional use permit shall be submitted to the Town Zoning Administrator on forms provided by the Town of Franklin. The application shall be signed and dated by the applicant and shall be accompanied by information which shall include but not be limited to the following:
1. General Information – The name and address of the operator.
  2. Lease(s) – A signed copy of the lease(s) or a letter(s) signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this Ordinance. The expiration date of the lease of agreement shall clearly be indicated thereon.
  3. Legal Description – A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.
  4. General Map – Two copies of a general map which shall be drawn at a scale of no less than one inch equals 200 feet and shall include the following:
    - (a) Property boundaries of the operator's owned or leased land and the location of other owners' property boundaries at the point where they abut the boundary of the project site.
    - (b) Topography of affected lands at intervals no larger than ten feet.
    - (c) Location and names of all streams and roads, on or within 300 feet of the project site.
    - (d) Location of all structures on or adjacent to the site and the purpose for which each structure and the adjoining land is used.
    - (e) Boundaries of previous excavations on the site.
    - (f) Location and description of mining site boundary stakes and permanent reference point. Boundary stakes may not be required for projects which are to be completed in six months or less.



5. Operation Plan – All horizontal and vertical measurements shall be referenced to a permanent reference point. the operation plan shall include two copies of maps, information about the site, a description of the proposed mining operation, methods and procedures to be used in mining the site and a proposed timetable for completion of various stages of the operation as follows:
- (a) Observed or estimated depth to groundwater.
  - (b) Type of mining and processing.
  - (c) Estimated total volume of materials to be extracted.
  - (d) A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation shall be identified.
  - (e) Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.
  - (f) Plan view drawing and a description of the sequential stages of mining. The drawing shall show the location of the stage boundary stakes, the location and extent of the mining site to include but not be limited to mining refuse dumps, sediment and/or wash ponds, and sediment.
  - (g) Two copies of a plan showing temporary erosion control measures to be used during excavation.
    - (1) Temporary stabilization measures shall describe how such things as haul roads and stockpiles will be dealt with to minimize erosion and contamination of surface and groundwater.
    - (2) Temporary stabilization measures may be ordered by field directive by the Zoning Administrator or his designee to correct situations which arise out of the operation of a project site.
    - (3) Temporary stabilization may include but need not be limited to the following: Silt fencing, bale check dams, sod strips, rock riprap, hard surfacing through the use of concrete or blacktop slope or highwall reduction, temporary seeding, erosion mat placement, mulching and sediment basin construction.
  - (h) Proposed truck and machinery access to the site.
  - (i) Types and location of temporary or permanent buildings and structures to be erected on the site.
  - (j) Approximate number of trucks and other types of machinery to be used at the site.

- (k) Reclamation Plan – A reclamation plan for the nonmetallic mining site as required and approved under the Kewaunee County Non-Metallic Mining Ordinance.
    - (1) Restoration of the Site - In the A-1 Exclusive Agricultural District and the A-3 Exclusive Agricultural District it is required that the site be restored for and to permitted agricultural uses only.
  - 6. Other Information – The Town Plan Commission and the Town Board may require the submittal of such other information as may be necessary to determine the nature of the mining operation and proposed reclamation.
- D. Conditions – These conditions shall apply to the Permit in addition to those established under Section 10.0400.
- 1. No fixed machinery shall be erected or maintained within 200 feet of any property or street right-of-way.
  - 2. No excavation shall take place within 100 feet of any property line or 100 feet of an existing or platted street right-of-way.
  - 3. Screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises shall be at least 500 feet from any residential zone.
- E. Standards Applied to all Permits:
- 1. Right of Access – The filing of an application shall grant the Town the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this Ordinance.
  - 2. Boundary Staking – All excavation and phase boundaries shall be staked or otherwise marked and other operators shall notify the department that the site is staked at least two work days prior to commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the Town. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.
  - 3. Permit Period – Permits shall be granted for a specified period of time not to exceed two (2) years based on the nature of the operation.
  - 4. Limits of Operation – Projects shall be limited to approved dimensions and depths.
  - 5. Conflicts with other Regulations – It is the responsibility of the applicant to obtain any local, state and federal permits or approvals.
  - 6. Compliance with Reclamation – The operator shall comply with progressive and final reclamation plans for the site.

7. Notification of Commencement and Cessation – The operator shall notify the department, in writing, at least fifteen (1) work days prior to initial mining operations and at least thirty (30) work days prior to final completion of project reclamation. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the Town for approval of the reclamation before entering the next stage.
8. Other Standards – The Town may apply such other requirements as are necessary to ensure progressive and final reclamation in a manner consistent with this Ordinance and to limit environmental pollution.

#### F. Renewal of Permit

1. Requests for permit renewal must be submitted in writing to the Town Zoning Administrator prior to the 60 days expiration date of the existing permit.
2. Permit renewals may be granted by the Plan Commission for not more than the duration of the original permit.
3. No permit renewal shall be granted unless the project is in reasonable compliance with the terms of the existing permit.
4. Permit renewals may be conditioned upon correction of any unanticipated environmental pollution occurring during the original permit.

#### G. Project Site Modification or Enlargement and Transfer of Permit

1. Site Modification – An operator may apply, in writing, to the Town Zoning Administrator, for a modification or cancellation of a permit or for a change in the reclamation plan for a project site. This application shall identify the area to be removed as affected by a change on the operation and reclamation plans.
2. Transfer of Permit – When one operator succeeds to the interest of another in an uncompleted site, the Town Plan Commission shall release the first operator of the responsibilities imposed by the permit only if:
  - (a) Both operators are in compliance with the requirements and standards of this Ordinance.
  - (b) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document.
3. Site Enlargement – Any proposed enlargement may be approved by the Plan Commission subject to the Plan Commission’s evaluation of the revised reclamation plan.

#### H. Fees

1. The application for a permit shall be accompanied by a permit fee established by the Town Board.

2. The Applicant shall furnish the necessary sureties which will enable the town to perform the planned restoration of the site in event of default by the applicant. The form and type of such sureties shall be approved by the Town Attorney.

#### **10.0606 Commercial Uses**

##### **A. Adult Entertainment Businesses**

Adult entertainment businesses may be permitted as a conditional use in the B-1 District provided

1. No adult entertainment business shall be located:
  - (a) Within a residential zoning district
  - (b) Within 1000 feet of an existing adult entertainment business.
  - (c) Within 1000 feet of any residence.
  - (d) Within 1000 feet of any pre-existing school, church, or day care center.
  - (e) Within 1000 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
  - (f) Within 1000 feet of a public park
  - (g) Within 1000 feet of a property or Historic District listed in the State Register of Historic Places or in the National Register of Historic Places.
2. For purposes of this Section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of the above listed uses.
3. No portable signs, window displays, or temporary signs shall be permitted on the premises.

##### **B. Home Occupations**

The use of a dwelling unit or accessory structure for a home occupation shall be clearly secondary to the residential use of the property and shall not change the property's residential character. The following shall apply:

1. Home occupations are allowed as an accessory use in the A-1 Exclusive Agricultural District provided that the home occupation is incidental to the farm operation and conducted within the farm residence.
2. Home Occupations may be permitted as a conditional use in the A-2, R-1, R-2 and R3 Zoning Districts.
3. A maximum of two home occupations shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.

4. The home occupation shall be conducted by resident(s) of the dwelling unit on the property. Other persons may be employed by the business but no more than one non-resident shall work on the premises.
5. Home occupations may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home occupations, whether located within the dwelling unit and/or an accessory building, shall be no more than 25% of the floor area of the dwelling unit.
6. Home occupations shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced or normally used by the home occupation.
7. Home occupations shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.
8. Home occupations shall not involve any outdoor storage or display of any articles offered for sale or produced on the premises in conjunction with the home occupation, nor any outdoor storage or display of any products, materials, equipment, or machinery used in conjunction with the home occupation.
9. A maximum of one on-site vehicle bearing business insignia and one trailer used in conjunction with the home occupation may be stored outdoors, provided that the vehicle and/or trailer are screened from rights-of-way and neighboring properties.
10. In addition to parking required for the dwelling unit, one off-street parking space shall be provided for each 150 square feet of floor area used for the home occupation.
11. Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with the home occupation shall not exceed five per week.
12. A maximum of one on-premise advertising sign, not to be illuminated and not to exceed 3 square feet in area, shall be permitted for a home occupation. Such signs shall be authorized through issuance of a sign permit in compliance with the requirements of this ordinance. No off-premise advertising signs shall be permitted.
13. Sanitary facilities shall be provided per county and state sanitary code requirements.
14. Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.

### C. Home Office/Studio

The use of a dwelling unit or accessory structure for a home office/studio shall be clearly secondary to the residential use of the property and shall not change the property's residential character. The following shall apply:

1. Home offices/studios may be permitted as a conditional use in the A-2 Agricultural/Rural Residential District, RS-1 Single Family Residential District and as an accessory use in the RS-2 Single Family Rural Residential District and the RD-1 Single Family and Two-Family Residential Districts.
2. A maximum of two home offices/studios shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.
3. The home office/studio business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed by the business but shall not work on the premises.
4. Home offices/studios may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home offices/studios, whether located within the dwelling unit and/or in an accessory building, shall be no more than 25% of the floor area of the dwelling unit.
5. Home offices/studios shall not include the conduct of any retail or wholesale business on the premises, nor any other activity requiring visits by members of the public.
6. Home offices/studios shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.
7. Home offices/studios shall not involve any outdoor storage or display of any products, materials, equipment, or machinery used in conjunction with the home office/studio.
8. Any on-site vehicles bearing business insignia or trailers used in conjunction with the home office/studio shall be stored indoors.
9. No parking in addition to that required for the dwelling unit shall be required.
10. Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with a home office/studio shall not exceed two per week.
11. No off-premise nor on-premise advertising signs shall be permitted.
12. Sanitary facilities shall be provided per county and state sanitary code requirements

13. Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations

D. The following shall apply.

1. Home offices/studios may be permitted as a conditional use in the A-2 Agricultural/Rural Residential District, RS-1 Single Family Residential District and as an accessory use in the RS-2 Single Family Rural Residential District and the RD-1 Single Family and Two-Family Residential Districts.
2. A maximum of one home business shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.
3. The home business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed by the business but no more than one non-resident shall work on the premises.
4. If located within a dwelling unit, home businesses shall occupy no more than 60 percent of the floor area of the dwelling unit. If located in accessory buildings, home businesses shall not occupy an area greater than 100 percent of the floor area of the dwelling unit, except that home businesses may occupy an entire accessory building that existed prior to the effective date of this ordinance.
5. Home businesses shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced or normally used by the home business.
6. Home businesses shall not involve any outdoor display of any articles offered for sale or produced on the premises in conjunction with the home business. Outdoor storage of products, materials, equipment, or machinery used in conjunction with the home business shall be permitted if the outdoor storage areas are provided with the fencing or vegetative screening so that such storage is not visible from public rights-of-way nor neighboring properties.
7. Vehicles bearing business insignia and trailers used in conjunction with the home business may be stored on-site, provided that no more than one of each is visible from public rights-of-way and surrounding properties.
8. Off-street parking shall be provided in accordance with the requirements in Section 10.0500.
9. A maximum of one on-premise advertising sign, not to be illuminated and not to exceed 12 square feet in area, shall be permitted for a home business. Such signs shall be authorized through issuance of a sign permit in compliance with the requirements of this ordinance. No off-premise advertising signs shall be permitted.

10. Sanitary facilities shall be provided per county and state sanitary code requirement.

11. Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.

#### **10.0607 Communications Uses**

##### **A. Wireless Communication Facilities**

In response to consumer demand for wireless communication services and requirements of the Federal Communications Commission (FCC), wireless communications providers wish to establish their systems as quickly and efficiently as possible. This will result in more antennas and towers across the visual landscape. In order to provide for appropriate location and network development, to minimize adverse visual effects through careful design, siting, co-location of providers and screening, and to maximize public safety, specific sites for wireless communication facilities may be granted by conditional use permit.

Wireless communication facilities, excluding commercial radio and television facilities, may be permitted as conditional uses in the A1, A-2, A3, B-2, M-1, and M-2 Districts provided that the following information, requirements, and standards shall apply:

1. Applications for wireless communication facilities shall include the following information:
  - (a) A plat of survey, or site plan drawn to scale, showing the exact location of the facility and any associated equipment.
  - (b) A description of the telecommunication service to be provided by the facility.
  - (c) An indication as to whether the facility is designed to accommodate the equipment of additional carriers.
  - (d) Approval from a registered professional engineer familiar with the requirements of wireless communication structures of new towers or appurtenances to be placed on buildings or to be ground mounted, and certification that the facility complies with applicable building and electrical codes and Electronic Industries Alliance and Telecommunications Industry Association standards.
  - (e) Photo simulation that illustrates the appearance of the site once the facility has been constructed. Photos shall be taken from any adjoining street and from any adjacent residential zoning districts from which the facility will be visible. Elevation drawings shall be provided for wall and roof-mounted facilities for each side of the building from which the antennas or equipment will be visible.



- (f) A description of the height, material, and color of the facility, and associated accessory equipment, as well as a description of how the accessory equipment will be landscaped, screened, and secured.
  - (g) Evidence of compliance with pertinent FCC regulations and federal requirements concerning radio-frequency emissions.
  - (h) A copy of the Federal Aviation Administration (FAA) and Wisconsin Department of Transportation, Division of Aeronautics application, if required, or a written statement signed by the applicant that such approval is not required.
  - (i) A copy of the Wisconsin Department of Commerce (COMM) application, if required, or a written statement explaining why COMM approval is not required.
  - (j) A statement from the building/property owner indicating that they consent to the placement of the wireless communication facility on the site, and that the lease does not preclude co-location.
  - (k) Any other applicable information necessary to evaluate the request, as determined by the Town.
2. Co-location of equipment by various carriers is encouraged. No facility owner or operator shall unfairly exclude a telecommunications competitor from using the same facility or location. Any such exclusion shall be based upon technical, structural, or other objective reasons. If co-location is not feasible, the applicant shall provide sufficient reason and documentation of why it is not feasible.
  3. Freestanding wireless communication facilities shall be subject to the height limitations of the zoning district in which they are located. Requests for freestanding facilities that are proposed to be constructed in excess of the maximum height allowed in the zoning district shall be considered when accompanied by a statement which justifies the need for the proposed height.
  4. Roof and wall mounted antennas, support structures, and screening devices shall not exceed the highest point of the building upon which they are mounted by more than 7 feet. Whip type antennae may extend 15 feet from the highest point of the building. All roof, wall, and whip antennas, and required equipment shall comply with the height requirement for the zoning district in which they are located. Requests to exceed the maximum height allowed by the zoning district shall be considered when accompanied by a justification statement.
  5. Freestanding wireless communication facilities shall be located no closer than a distance equal to 5 times their height from any property zoned RS-1, RS-2, and, RD-1 or RM-1. This distance shall be measured in a straight line from the boundary line of the residential zone to the proposed tower location. Stealth facilities shall be exempt from this requirement. Any equipment associated with wireless communications facilities shall

meet the required setbacks for the zoning district in which they are located.

6. The minimum street, side, and rear yard setbacks for freestanding wireless communication facilities shall be a distance equal to the height of the freestanding facility.
7. Wireless communication facilities may be attached to existing utility infrastructure (i.e., electrical transmission poles, street light standards, and telephone poles) located within a public or utility right-of-way or easement, or constructed within the right-of-way or easement, provided the following requirements are met:
  - (a) The antennae do not exceed the height of the existing utility infrastructure by more than 4 feet.
  - (b) The facilities visually resemble other vertical utility infrastructure along the same street or highway.
  - (c) The applicant submits written authorization from the owner of the existing utilities and the right-of-way or easement with the application.
8. Freestanding wireless communication facilities shall not be artificially lighted unless required by the FAA or another regulatory agency.
9. Stealth wireless communication facilities and associated equipment are preferred and encouraged in instances where a freestanding facility is necessary.
10. Carriers shall notify the Town when they place the FCC on notice that a specific facility is being discontinued. Antennas or support structures and equipment not in use for 6 months for wireless communication purposes shall be removed by the facility owner. The Town may require the posting of a bond or other financial guarantee adequate to ensure removal of the facility at no cost to the Town.

#### B. Antennas

The Town of Franklin recognizes that the development of various antennas, including satellite dish antennas, and their increased use poses questions of regulation not often addressed in local zoning ordinances. In developing antenna regulations, the interest of the antenna owner in the use of the device must be balanced with the interest of adjoining property owners and the general public. To protect the health and safety of all citizens, as well as the aesthetic values embodied in this Ordinance, the following regulations shall apply to all terrestrial and satellite dish antennas, with the exception of satellite antennas with a diameter of 2 feet or less:

1. Terrestrial antennas and satellite dish antennas may be located in the side or rear yard or on the roof of the principal structure in all zoning districts.

2. All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located, except as provided in Section 10.0608 of this Ordinance.
3. Ground-mounted satellite dish antennas shall not exceed 15 feet in height.
4. All free standing terrestrial antennas shall be located not less than one foot from a lot line for each one foot of height above the surrounding grade. (See Appendix B, Illustration No. 2).
5. Roof mounted antennas may be mounted one foot above the roofline for each one foot from the nearest lot line.
6. All satellite dish antennas shall be located not less than 5 feet from a side or rear lot line. (See Appendix B, Illustration No. 2).
7. All antennas, including satellite dish antennas, shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.
8. All antennas, including satellite dish antennas, shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
9. Not more than one terrestrial and one satellite dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
10. Satellite dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
11. Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed 2 days at any one location.
12. In the event the property owner of a parcel of land located in a residential district determines and documents that the placement of an antenna in a side or rear yard would prevent its use for its intended purpose, the property owner may apply to the Zoning Board of Appeals for a variance to allow for the installation of the antenna in a front yard location. The procedure for issuing the variance shall follow the procedure set forth in Section 10.1306 of this Ordinance.

#### **10.0608 Wind and Solar Energy Systems**

##### **A. Wind Energy Systems-Wind Farms**

Wind Farms are permitted only in the A-1 District as a conditional use provided that the following shall apply:

(Commentary: Section 66.0401 of the Wisconsin Statutes limits the authority of the Town to place restrictions on a wind energy system “unless the restriction satisfies one of the following conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.”

Therefore the Town should consider the above when establishing the conditions for the conditional use permit for a wind farm.)

1. Density of wind towers shall not exceed one per 40 acres
2. The period and time of construction must be approved by the Town Board.
3. The Town Board may establish separate fees to cover the costs of hearings, attorney’s fees, engineering fees and other cost necessary to process the conditional use permit and may establish impact fees.
4. The applicant shall address how the construction of proposed project will affect wells within in a one mile radius of the proposed construction.
5. The applicant must address the impact of the project on radio and television reception within a one-mile radios of the proposed project construction.
6. The applicant must address pre and post construction noise levels within a one-mile radios of the proposed project construction and develop a plan to ameliorate objectionable noise levels may not exceed the standards as shown in 10.1006 of this ordinance.
7. The applicant must show the proposed pattern and location of the wind generation facilities.
8. The applicant must show how the public roads will be effected during construction, and post construction and ensure that roads will be restored to pre-construction conditions, if the roads are damaged.
9. The applicant must document receipt of all necessary state, county, and federal permits and any conditions imposed by those permits.
10. The applicant must demonstrate that the project will not adversely effect avian bird populations.
11. The applicant must address the removal and repair of wind generation facilities.
12. The applicant must address clean up during and after constructions.
13. The applicant must address erosion control and storm water management.
14. The applicant must address the removal and replacement of trees, shrubbery, and ground cover during and after construction.

15. The applicant must address the adequacy of emergency services during and after construction.
16. The applicant must provide a terrorism protection plan
17. The applicant must provide a natural hazards protection plan.
18. Any storage facility or other building associated with the wind generation facility shall meet the setback requirements for principal building in the district in which it is located. A storage building shall not be classified as an accessory structure.
19. Parking. When a wind generation facility is regularly staffed, a parking space for each such on site staff person shall be provided.
20. Signs and advertising. The use of any portion of a wind generation tower and its appurtenances for signs other than warning or equipment information signs is prohibited.
21. New or modified towers shall be certified by a registered professional engineer to be in accordance with structural standards for the industry.
22. Tower Appearance and Illumination
  - (a) For towers not regulated by the Wisconsin Division of Aeronautics or the Federal Aviation Administration, a surface paint or finish shall be used that reduces the visibility of the tower.
  - (b) Towers shall not be illuminated and shall not display strobe lights except as required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower. However, such lights shall be directional and shall not produce glare into residential areas.
  - (c) A photo simulation that illustrates the appearance of the site once the facility has been constructed. Photos shall be taken from any adjoining street and from any adjacent residential zoning districts from which the facility will be visible.
23. Interference with Public Safety Telecommunications
  - (a) No new or existing wind generation facility shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems..
24. The applicant must present a plan for the connection of the wind generation facility to the existing power grid.
25. The applicant must identify and address the cumulative and secondary impacts of the proposed and existing wind generation facilities in the town and adjacent towns.

26. The applicant must present a plan to identify and address post construction impacts.

27. Landscaping and Building Materials

Landscaping shall be installed or existing vegetation shall be maintained for the purpose of screening the base of towers and their associated buildings. Building materials shall blend with the surrounding environment. The following regulations shall apply:

- (a) All plants shall meet the minimum standards of the most recent issue of the American Standard for Nursery Stock, by the American Association of Nurserymen, Inc.

28. Abandonment

Abandoned or unused towers or portions of towers shall be removed within six (6) months of the cessation of operations at the site. In the event that a tower is not removed within six (6) months of cessation of operations at a site, the tower may be removed by the Town and the costs of removal assessed against the property. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit

29. Reporting Reserved

30. Modification Reserved

31. Unanticipated Impacts Reserved

B. Wind Energy Systems-Farm -Sized

Wind Energy System-Farm-Sized are permitted as conditional use in all districts, except residential districts, where they are not allowed

(Commentary: Section 66.0401 of the Wisconsin Statutes limits the authority of the Town to place restrictions on a wind energy system “unless the restriction satisfies one of the following conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.”

Therefore the Town should consider the above when establishing the conditions for the conditional use permit for a wind farm.)

C. Wind Energy Systems-Small Sized

Wind Energy System-Home-Sized are permitted in all Districts as a conditional use.

(Commentary: Section 66.0401 of the Wisconsin Statutes limits the authority of the Town to place restrictions on a wind energy system “unless the restriction satisfies one of the following conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.”

Therefore the Town should consider the above when establishing the conditions for the conditional use permit for a wind farm.)

**D. Solar Energy Conversion Systems**

(Commentary: Section 66.0401 of the Wisconsin Statutes limits the authority of the Town to place restrictions on a solar energy system as defined in Section 13.38(2)(h)1g. of the Wisconsin Statutes “unless the restriction satisfies one of the following conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.”

Therefore the Town should consider the above when establishing the conditions for the conditional use permit for a solar energy system.

Commonly referred to as “active” or “passive” solar collection and heating systems and including all systems as defined by Section 13.48(2)(h) of the Wisconsin Statutes when such systems are erected as an accessory structure may be permitted in any district.

1. Application: Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures.
2. Construction: Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building and zoning codes.
3. Location and Height: Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this ordinance unless otherwise provided in the conditional use permit issued pursuant to this section.

**10.0609 Natural Resources Features (*Reserved*)**

**10.0610 Recreational Uses**

**A. Artificial Lakes**

The following regulations shall apply to all artificial lakes hereinafter constructed or developed within the Town of Franklin.

1. Location

Artificial lakes shall be allowed as Conditional Uses in all districts.

2. Site Plan materials shall be required as shown in Section 10.0700 of this Ordinance and shall include the following:

- (a) A site plan showing the proposed lake size and depth and the adjoining property within five hundred (500) feet of the site and setbacks from property lines.
- (b) Layout of proposed residential lots and other buildings, if applicable.
- (c) The type of sanitary facilities to be installed, if residential development is to take place.
- (d) Source of water supply for residential dwellings and water level maintenance in the lake.
- (e) Surface drainage sources and topography.
- (f) Proposed roadways
- (g) Proposed amount of and disposal location of excavated materials and amount of
- (h) A description of all natural and manmade features, including wetlands, watercourse, fish and wild life habitat, floodplains, and structures, and appurtenances thereto, potentially affected by the subject activity.

3. Other Requirements

- (a) The constructed lake shall meet the applicable requirements of the Kewaunee County Shoreland/Floodplain Zoning Ordinance.
- (b) Artificial lakes constructed adjacent to a navigable body (within in 500 feet) of water shall comply with the regulations set by the Wisconsin Department of Natural Resources.
- (c) Any or all requirements of state or federal agencies shall be met.
- (d) The groundwater table in the surrounding area and adjacent to the lake shall be protected.
- (e) State permits shall be required if high capacity wells are drilled on the site.
- (f) The Division of Environmental Health requirements shall be met to ensure proper safety of swimmers
- (g) The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
- (h) The lake shall be setback a minimum of 25 feet from rear and side yard lots lines.



- (i) The lake shall meet the setback requirements for buildings for the district in which it is located.
- (j) All buildings shall be setback a minimum of 25 feet from the artificial lake.
- (k) The Town Board may require a buffer strip to control erosion and sedimentation and to protect water quality.
- (l) Proposed method of erosion and sedimentation control
- (m) A performance bond shall be filed with the Town Board prior to the start of construction. Amount of bond per acre shall be specified by the Town Board of Franklin.

**10.0700 SITE PLAN REVIEW**

**10.0701 Purpose and Intent**

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a permit for new construction or additions in the B-1 Business District, B-2 Highway Business District, M-1 Light Manufacturing District and M-2 Heavy Manufacturing District, without first obtaining the approval of the Plan Commission of a site plan as set forth in this section.

The Town Plan Commission shall insure that such construction is in accord with the official map, subdivision ordinance and comprehensive plan of the town of Franklin and other applicable codes and ordinances of the Town of Franklin.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

**10.0702 Exceptions**

Residential development having four or fewer dwelling units on a lot of record are exempt from the site plan review, except as specifically required elsewhere in this Ordinance.

**10.0703 Fee**

All site plans submitted to the Town of Franklin for review and approval shall be accompanied by a review fee as established from time to time by the Town Board.

**10.0704 Principles**

To implement and define criteria for the purposes set forth in Section 10.0701, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

- A. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to

be unsightly or offensive to generally accepted taste and community standards.

- B. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- C. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- D. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- E. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the town.
- F. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.

#### **10.0705 Site Plan Materials**

Four copies of the site plan shall be submitted to the Zoning Administrator who shall transit all applications and their accompanying plan to the Plan Commission for their review. Plan data to be submitted with all review applications shall include the following:

- A. Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.
- B. Name of project noted.
- C. Owner's and/or developer's name and address noted.
- D. Architect and/or engineer's name and address noted.
- E. Date of plan submittal.
- F. Scale of drawing noted on plan.
- G. North arrow shown.
- H. Existing and proposed topography shown at a contour interval not less than two (2) feet.
- I. The characteristics of soils related to contemplated specific uses.
- J. Total number of parking spaces noted including location and dimension.
- K. Dimensions of lot.
- L. The type, size, and location of all structures with all building dimensions shown including setbacks.

- M. Indicate height of building(s).
- N. Existing and proposed street names indicated.
- O. Indicate existing and proposed rights-of-way and widths.
- P. Locate existing and general location of proposed sanitary disposal systems.
- Q. Locate any proposed storm water management facilities, including detention/retention areas.
- R. Locate existing trees and wetlands.
- S. Note location, extent, and type of proposed plantings.
- T. Note location of pedestrian sidewalks and walkways.
- U. A graphic outline of any development staging which is planned is required to be shown on the site plan.
- V. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
- W. A certified survey may be required by the Planning and Zoning Committee.

**10.0706 Review and Findings**

The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

**10.0707 Sureties**

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to Section 10.1200 of this ordinance.

**10.0800 SIGNS**

**10.0801 Purpose and Intent**

The intent of this Section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the Town as a whole.

**10.0802 Compliance**

No sign (See Appendix B, Illustration 4) shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this Ordinance. No signs, with the exception of official signs, shall be placed within the public right of way. No signs shall be located within the vision clearance triangle of any intersection (See Appendix B: Illustration 1).

**10.0803 Signs Permitted in All Districts Without a Permit**

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- A. Real Estate Signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. One real estate sign shall be allowed per parcel.
- B. Name and Warning Signs not to exceed 2 square feet located on the premises.
- C. Home Occupation and Professional Home Office Signs located on premise not to exceed 2 square feet in area.
- D. Election Campaign Signs provided that permission shall be obtained from the property owner, renter, or lessee; and provided that such sign shall not be erected prior to the first day of the “election campaign period” as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within 4 days following the election. Election campaign signs may not be placed within the public right-of-way.
- E. Rummage Sale and Garage Sale Signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
- F. Bulletin Boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises.
- G. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- H. Official Signs, such as traffic control, parking restrictions, information, and notices.
- I. Farm Identification Signs placed on premise showing the name of the owner or corporate affiliation or memberships not to exceed 32-square feet in area.

**10.0804 Signs Permitted in All Residential Districts With a Permit**

The following signs are permitted in any residential district and are subject to the following regulations:

- A. Permanent Real Estate Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development, shall meet all the yard requirements of the district in which it is located, and

shall be placed as to not impede visibility. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.

- B. Temporary Development Signs for the purpose of designating a new building or development, or for the promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

#### **10.0805 Signs Permitted in All Agricultural Districts With a Permit**

The following signs may be permitted in all Agricultural Districts and are subject to the following regulations:

- A. Wall Signs affixed to or painted on farm buildings advertising farm products produced on and/or sold on the premises, or displaying the owner's name shall not exceed a total of 200 square feet.
- B. Ground Signs advertising farm products produced on and/or sold on the premises shall not exceed 15 feet in height above the ground surface, shall meet all yard requirements for the district in which they are located, and shall not exceed a total of 100 square feet on one side or 200 square feet on all sides for any one premises.
- C. Directional Signs indicating the name of a business or other establishment, and the direction and distance to the establishment. No directional sign shall exceed 12 square feet in area. The location and the number of directional signs permitted shall be determined by the Plan Commission on a case-by-case basis.

#### **10.0806 Signs Permitted in All Business And Manufacturing Districts With a Permit**

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

- A. Wall Signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface and shall not extend above the roofline of the building. Wall signage shall be allocated at a maximum of 1.5 square foot of signage allowed for each linear foot of building length.
- B. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than 6 feet into any required yard; shall not extend into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; shall not be less than 10 feet from all side lot lines; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- C. Ground Signs shall not exceed 6 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is

located, shall not exceed 32 square feet on one side nor 64 square feet on all sides for any one lot.

- D. Marquee, Awning, or Canopy Signs affixed flat to the surface of the marquee, awning, or canopy are permitted providing that the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding 2 square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.
- E. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings. Window signs shall not be subject to the limitation on number of signs.
- F. Pole Signs shall meet the height requirements for the zoning district in which they are located; shall not be less than 10 feet above a sidewalk and 15 feet above a parking lot, driveway, or other area used by motor vehicles; and shall not exceed 32 square feet on one side or 64 square feet on both sides. Pole signs shall be set back a minimum of 20 feet from the front or rear property boundary line; may not be placed in any right-of-way or easement; and may not be located closer than 500 feet to another pole sign.
- G. Combinations of any of the above signs, excluding window signs, shall meet all the requirements of the individual sign. The total number of signs on any premises shall be limited as follows:

Floor Area	Maximum Number of Signs Permitted
0 - 5,000 sq. ft	2
5,001 - 20,000 sq. ft	3
20,001 - 50,000 sq. ft	4
More than 50,000 sq. ft	5

**10.0807 Reserved**

**10.0808 Portable Signs**

The Zoning Administrator may permit the temporary use of a portable sign for advertising purposes in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than 30 days in any 365-day period. The permit required in Section 10.0815 shall be required for portable signs.

**10.0809 Facing**

No sign except those permitted in Sections 10.0803 and 10.0804 shall be permitted to face a residence within 100 feet of such residence.

### **10.0810 Lighting and Color**

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility. Signs may be illuminated but non-flashing. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Plan Commission approval.

### **10.0811 Construction and Maintenance Standards**

- A. Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.
- B. Protection of the Public. The temporary occupancy of a side walk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- C. Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- D. Supporting Members or Braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other non-corrosive incombustible material. Every means or device used for attaching any sign shall extend through the walls of the building should the Zoning Administrator determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Zoning Administrator. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Zoning Administrator.
- E. No Signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Town, as necessity therefore may require.
- F. All signs shall comply with the provisions of Chapter Comm 16 Electrical of the Wisconsin Administrative Code and the Wisconsin State Electrical Code.

**10.0812 Nonconforming Signs**

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the size or location does not conform to this Ordinance and shall be subject to the nonconforming use provisions of Section 10.1000 of this Ordinance.

**10.0813 Prohibited Signs**

The following signs shall be prohibited within the Town of Franklin:

- A. Roof signs.
- B. Flashing or Animated Signs or signs with intermittent intensity of illumination, except for a sign indicating the time, date, and temperature.
- C. Signs Which Obstruct any door, fire escape, stairway, or any opening intended to provide ingress and egress to or from any building or structure.
- D. Any Sign Which May Obstruct or impair the view in any direction at the intersection of two streets through its placement or illumination.
- E. Signs Which Advertise Activities that are illegal under Federal or State laws or regulations, or County or Town ordinances or resolutions.
- F. Billboards

**10.0814 Flags**

Flags shall be allowed as follows:

- A. Flags of the United States, the state, the town, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, shall not be subject to regulation, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 35 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a sign and shall be subject to regulation as such.
- B. Businesses will be allowed one flag, not to exceed 15 square feet, identifying the business with text or a logo.

**10.0815 Sign Permit**

Applications for a sign permit shall be made on forms provided by the Zoning Administrator or Town Clerk and shall contain or have attached thereto the following information:

- A. Name, Address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- B. Name of Person, firm, corporation, or association erecting the sign.
- C. Written Consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.



- D. A Scale Drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- E. A Scale Drawing indicating the location and position of such sign in relation to nearby buildings or structures.
- F. Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections to determine if the sign complies with the Town Electrical Ordinance.
- G. Additional Information as may be required by the Zoning Administrator or Plan Commission.
- H. Sign Permit Applications shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within 6 months of the date of issuance.
- I. Bond. Every applicant for a sign permit shall, before the permit is granted, execute a cash bond or other appropriate surety in a sum fixed by the Town Board upon recommendation of the Plan Commission and Zoning Administrator, but not to exceed \$25,000. The form of the cash bond or other surety shall be approved by the Town Attorney, indemnifying the Town against all loss, cost of damages, or expense incurred or sustained by or recovered against the Town by reason of the erection, construction, or maintenance of the sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and conforming to the requirements of this Section may be permitted by the Town Attorney in lieu of a bond.

#### **10.0816 Measuring Signs**

In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign. For signs located on slopes, height shall be measured from the average finished grade

## **10.0900 PERFORMANCE STANDARDS**

### **10.0901 Compliance**

This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their lot lines or district. All structures, land, air, and waters shall hereafter, in addition to their use and site regulations, shall comply with the following performance standards.

### **10.0902 Air Pollution**

No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding state or federal air pollution standards.

### **10.0903 Fire and Explosive Hazards**

All activities involving the manufacturing, utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing systems. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 50,000 gallons.

### **10.0904 Glare and Heat**

No activity shall emit glare or heat that is visible or measurable outside its lot lines except activities which may emit sky-reflected glare, which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their lot lines.

### **10.0905 Water Quality Protection**

- A. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- B. In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

**10.0906 Noise**

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

<b>Octave Band Frequency (cycles per second)</b>	<b>Sound Level (decibels)</b>
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1,200	53
1,200 to 2,400	47
2,400 to 4,800	41
above 4,800	39

B. No activity in any other district shall produce a sound level outside its lot lines that exceeds the following:

<b>Octave Band Frequency (cycles per second)</b>	<b>Sound Level (decibels)</b>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
above 4,800	32

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

**10.0907 Odors**

No non-agricultural activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 154 of the Wisconsin Administrative Code and amendments thereto.

**10.0908 Radioactivity and Electrical Disturbances**

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

**10.0909 Vibration**

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

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

**10.0910 Lighting**

No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spill over on operators of motor vehicles, pedestrians, and uses of land in abutting lots or public rights-of-way. These requirements shall not apply to lighting placed in a public right-of-way for public safety. Accent lighting and low voltage lighting (12 volts or less) are exempt from these requirements.

- A. Orientation. No exterior lighting fixture shall be oriented so that the lighting element (or a transparent shield) is visible from a property in a residential district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaries, or luminaries with cutoff optics, and careful fixture placement is encouraged to facilitate compliance with this requirement.
- B. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candles, exclusive of approved anti-vandal lighting.
- C. Intensity of Illumination. The intensity of illumination, measured at the property line, shall not exceed 0.5 foot-candles.
- D. Flashing, Flickering, and other Distracting Lighting which may distract motorists is prohibited.
- E. Nonconforming Lighting. All lighting fixtures approved prior to the adoption of this Ordinance not meeting the above criteria shall be treated and regulated as legal nonconforming uses under Section 10.1000.

## **10.1000 NONCONFORMING USES AND STRUCTURES**

### **10.1001 Purpose and Intent**

The purpose and intent of this Section is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land and uses shall be permitted to continue. Any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this Ordinance (March 31, 1979) is subject to the regulations which follow.

### **10.1002 Existing Structures: Dimensional Nonconformance**

Buildings which were constructed prior to the effective date of this Ordinance (March 31, 1979), which are conforming to the Ordinance as to use, but do not conform as to dimensional rules (setbacks, height, yard spaces, separations, etc.) are subject to the following requirements.

- A. Repairs and improvements of a maintenance nature are allowed.
- B. Alterations, additions and expansion which change the exterior dimensions of the structure or building and which conform to the dimensional rules of this Ordinance are allowed.
- C. Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which do not conform to this Ordinance, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced are allowed provided that they do not exceed 50 percent of full market value of the structure or building.
- D. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.

### **10.1003 Existing Uses and Structures: Use Nonconformance**

Land uses or uses of structures which were established prior to the date of this ordinance (March 31, 1979), which are nonconforming as to use may be continued provided that:

- A. If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of that use or structure shall conform to this Ordinance.
- B. A nonconforming use may be changed to another nonconforming use by the Zoning Board of Appeals. A nonconforming use which is changed to a conforming use shall not revert back to a nonconforming use or structure.

### **10.1004 Existing Structures and Uses: Other Standards and Requirements**

When a nonconforming use or structure is damaged by fire, explosion, act of God or public enemy to the extent of more than 60 percent of its current full market value, it shall not be restored except so as to comply with the use requirements of this Ordinance.

**10.1100 ADMINISTRATION AND ENFORCEMENT**

**10.1101 Purpose**

This Section of the Ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this Ordinance.

**10.1102 Administrative Authority**

- A. This Ordinance shall provide for the position of Zoning Administrator and Zoning Board of Appeals.
- B. This article shall provide the authority and necessary requirements for issuance of zoning/land uses, appeals, fees, and violations and penalties.

**10.1103 Zoning Administrator**

- A. A zoning administrator designated by the Town Board shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Town Board may direct. The Zoning Administrator shall be appointed for a two-year term and serves at the pleasure of the Town Board. The zoning administrator shall have the following duties:
  - 1. Issue all zoning/land uses and make and maintain records thereof.
  - 2. Issue all rezoning certificates and make and maintain records thereof.
  - 3. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.
  - 4. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
  - 5. Forward to the Plan Commission all applications for conditional uses and amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
  - 6. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this Ordinance.
  - 7. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.
  - 8. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and to make reports of his recommendations to the Town Board.

**10.1104 Town Plan Commission**

- A. The Town Plan Commission shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin Statutes and in accordance with the Town Board Ordinance that established the Plan Commission.

- B. In addition to the duties in 10.1204 the Plan Commission shall have the powers to carry out the following duties under this ordinance.
1. To review all applications for conditional use permits, determine appropriate conditions to be attached to the conditional use permit and to, issue the conditional use permit. The Plan Commission shall report its actions relative to issuance of Conditional Use permits to the Town Board in accordance with the provisions of this ordinance.
  2. To review all zoning changes and amendment requests to this Ordinance and report said findings and recommendations to the Town Board.
  3. To receive from the Zoning Administrator recommendations as related to the effectiveness of this Ordinance and report his/her conclusions and recommendations to the Town Board.
  4. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Plan Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.
  5. To review and approve site plans for commercial and industrial uses.
  6. To hold public hearings as directed by the Town Board and as required under this Ordinance.

**10.1105 Zoning Permit**

- A. No building, or addition thereto, constructed after March 31, 1979, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a zoning/land use has been issued by the Town Zoning Administrator. No change in a use shall be made until a zoning/land use has been issued by the Town Zoning Administrator. The application for a zoning/land use shall include information as lawfully may be required by the Town Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. Every zoning/land use shall state that the use complies with provisions of this Ordinance.

**10.1106 Application for Zoning Permit**

- A. Application for said zoning/land use shall be made in writing to the Franklin Town Zoning Administrator by the land owner or his/her authorized agent.
- B. Each zoning/land use applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a zoning/land use

will be forwarded in writing by the Town Zoning Administrator to the applicant.

- C. All applications for zoning/land uses shall be accompanied by the following:
1. A plat in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by Board of Appeals and Zoning Administrator for the proper enforcement of this Ordinance.
  2. For new residential dwellings, the applicant or their agent shall include a copy of the sanitary permit issued by the Kewaunee County Zoning Administrator for the installation of an on-site soil absorption sanitary sewage disposal system or other approved waste disposal system. A zoning/land use for a new home in the Town of Franklin will be issued only after a sanitary permit has been issued by Kewaunee County.
  3. The applicant, upon filing of the Zoning Administrator, shall pay a fee to the Zoning Administrator per Section 10.1205 of this Ordinance.

## **10.1200 VIOLATIONS, PENALTIES, AND PERMIT FEES**

### **10.1201 Violation**

It shall be unlawful to construct, erect, reconstruct, alter, convert, or maintain any building or structure, or to develop or use any land, water or air in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Plan Commission, the Zoning Administrator, the Zoning Board of Appeals, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

### **10.1202 Complaints Regarding Violations**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

### **10.1203 Penalties for Violation**

- A. General Penalty. Any person who violates any of the provisions of this Ordinance shall upon conviction for such violation, be subject to a penalty, which shall be as follows:
1. First Offense Penalty. Any person who is convicted of a violation of any provision of this Ordinance shall be subject to forfeiture not less than \$50.00 nor more than \$1,000.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 30 days. The amount of forfeiture pursuant to any bail bond



schedule adopted by the Town of Franklin for a violation pursuant to this subsection of this Ordinance shall be \$50.00.

2. **Second Offense Penalty.** Any person found guilty of violating any provision of this Ordinance who has previously been convicted of a violation of the same Ordinance, shall upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,500.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such said forfeiture and costs of prosecution are paid, but not to exceed six (6) months. Each separate day a violation continues shall be considered a separate offense. The amount of forfeiture pursuant to any bail bond schedule adopted by the Town of Franklin for a violation of this Ordinance pursuant to this subsection of this Ordinance shall be \$100.00
  3. A “person” shall include a corporation, partnership, limited liability company or other entity. Any officer or registered agent of a corporation, any partner of a partnership and any member of a limited liability company or other entity may be directly and individually cited hereunder for a violation. The owner of the premises may also be cited for a violation hereunder even though not directly involved in the violation.
- B. **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.
- C. **Imprisonment.** No violation of this Ordinance of the Town shall be construed to be a misdemeanor nor shall imprisonment be imposed as a punishment for a violation of any ordinance of the Town except in the event of a failure of the defendant to pay the forfeiture imposed by the court, any other provision of the ordinances of the Town to the contrary. This Section shall not be construed to authorize imprisonment of a defendant for failure to pay forfeiture or costs solely because the defendant is indigent and cannot forthwith pay his fine in full.
- D. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- E. Nothing herein contained shall prevent the Town of Franklin from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **10.1204 Abatement of Violation**

Any person, firm, partnership, limited liability company, corporation or other entity who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon

conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Ordinance. Such removal may be performed by a Town agency or by contract arrangements with private persons, and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

**10.1205 Permit Fees**

All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Zoning Administrator to help defray the cost of administration, investigation, advertising, and processing of permits, licenses, and variances. The permits for which a fee is required are the Zoning/land use, Conditional Use Permit, Sign Permit, Quarry Permit, Planned Unit Development Review, and Mine, Junk Yard and Salvage Yard Permit. A fee is required for a manufactured home park. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate, except where specifically listed in this Ordinance.

**10.1206 Double Fee**

A double fee will be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

**10.1300 ZONING BOARD OF APPEALS**

**10.1301 ESTABLISHMENT**

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

**10.1302 Board Membership**

- A. The board of appeals shall consist of 5 members appointed by the Town Chairperson subject to confirmation of the Town Board
- B. Members of the Board of Appeals shall be appointed for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years.
- C. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the Chairperson for cause upon written charges and after public hearing.
- D. The Town Chairperson shall designate one of the members as chairperson.
- E. The board may employ a secretary and other employees or elect a secretary from among its members.
- F. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

- G. The Chairperson shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for.
- H. Annually, the Chairperson shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent.
- I. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
- J. The Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.
- K. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.

**10.1303 Organization**

The Zoning Board of Appeals shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.

- A. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson of the Board, and at such times as the Zoning Board of Appeals may determine.
- B. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agency or attorney.
- C. Notice of the time and place of such public hearing shall be published as provided by the State Law on Planning and Zoning and applicable to the Town of Franklin.
- D. The Chairperson, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
- E. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
- F. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.
- G. All decisions and findings of the Zoning Board of Appeals on appeals, or upon application for a variance, shall be by the concurring vote of two (2) members of the Zoning Board of Appeals.

#### **10.1304 Powers**

The Zoning Board of Appeals shall have the following powers:

- A. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator.
- B. Variances. To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured.
- C. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Board has made a review and recommendation.
- D. Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- E. Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issuance of a permit.
- F. Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.
- G. Oaths. The Chairperson may administer oaths and compel the attendance of witnesses.

#### **10.1305 Appeals**

##### **A. Application**

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator.

Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all of the paper(s) constituting a record upon which the action appealed from was taken. Such appeals shall include the following information:

1. Name and address of the appellant or applicant and all abutting and opposite property owners of record, and owners within two hundred (200) feet.
2. All adjoining property owners shall be notified (by first class mail) of the appeal.

3. A plat of survey at a minimum scale of one (1) inch to 100 feet prepared by a registered land surveyor showing all of the information required by this Ordinance for a zoning/land use.
4. Additional information required by the Zoning Board of Appeals.
5. Fee receipt from the Zoning Administrator per Section 10.1205 of this Ordinance or cost of legal notice publication, whichever is greater.

**B. Findings on Appeals**

An appeal shall terminate all further proceedings on action unless the Zoning Administrator certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record or notice from the Zoning Administrator on due cause.

**C. Hearings on Appeals**

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Zoning Administrator and the Town Board. At the hearing, the appellant or applicant shall appear in person, by agent, or by attorney.

**D. Decisions on Appeals**

1. The Zoning Board of Appeals shall decide all appeals within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant, Zoning Administrator and Town Board.
2. The Zoning Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, that, in its opinion, ought to be done and to that end, shall have all powers of the officer to whom the appeal is taken. The Board of Appeals shall maintain records of all actions relative to appeals.

**E. Review by Court of Record of Appeals**

Any person or persons, or any board, taxpayer, department, or bureau of the Town of Franklin aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23 (7)(e).

**10.1306 Variances**

**A. Application**

An application for a variance shall be filed with the Zoning Administrator and shall include the following information:

1. Name and address of the applicant and all abutting and opposite property owners of record, and owners within two hundred (200) feet.
2. The Zoning Administrator (at his or her discretion) may require that a plat of survey drawn at a minimum scale of one (1) inch to one hundred (100) feet and prepared by a registered land surveyor - showing all of the information required by this Ordinance for a zoning/land use, be submitted.
3. Additional information required by the Zoning Board of Appeals.
4. Fee receipt from the Zoning Administrator per Section 10.1205 of this Ordinance or the cost of legal notice publication, whichever is greater.

B. Hearings

The Zoning Board of Appeals shall select a reasonable time and place for hearing of the Variance, give notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Zoning Administrator and the Town Board.

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

1. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated principal use, accessory use, or conditional use in that particular district.
2. 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 of 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.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
4. 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.
5. 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.

6. Impairment of Air and Light. The proposed variance shall not impair an adequate supply of light and air to adjacent property.
7. Increase in Traffic Congestion. The proposed variance shall not substantially increase the congestion of the public streets.
8. Public Endangerment. The proposed variance shall not increase the danger of fire, or endanger public health and safety, or substantially diminish or impair property values within the neighborhood.

D. Decisions on Variances

1. The Zoning Board of Appeals shall decide on application for variances within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant, Zoning Administrator and Town Board.

E. Review by Court of Record of Variance

Any person or persons, or any board, taxpayer, department, bureau or commission of the Town of Franklin aggrieved by any decision of the Board of Appeals may, within 30 days of the B.O.A. decision, seek review by a court of record of such decision, as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23 (7)(e).

**10.1307 Conditions**

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

**10.1308 Variances or Substitutions**

Variances or substitutions granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

**10.1400 ZONING TEXT AND MAP AMENDMENT PROCEDURES**

**10.1401 Authority**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance when the amendment is consistent with the purposes and intent of this Ordinance.

**10.1402 Initiation**

A change or amendment may be initiated by the Town Board, Town Plan Commission, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

**10.1403 Application**

An application for an amendment shall be filed with the Zoning Administrator. Said application shall be reviewed by the Plan Commission with a written recommendation submitted thereon to the Town Board for final action.

Applications for any change to the district boundaries or amendments to the regulations shall describe the district boundaries or amendments to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- A. Plot Plan drawn to scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and current use of all properties within five hundred (500) feet of the area proposed to be rezoned.
- B. Owner's Names and Addresses of all properties lying within five hundred (500) feet of the area proposed to be rezoned.
- C. Additional Information required by the Plan Commission or Town Board.
- D. Fee Receipt from the Zoning Administrator in the minimum amount per Section 10.1205 of this Ordinance or the cost of legal notice publication whichever is greater.

**10.1404 Findings and Recommendations**

- A. The Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
- B. Where the purpose and effect of the proposed map or text amendment is to change the zoning classification of particular property, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
  - 1. Existing uses or property within the general area of the property in question.
  - 2. Zoning classification of property within the general area of the property in question.
  - 3. Suitability of the property in question to the uses permitted under the existing zoning classification.
  - 4. Trend of development, if any in the general area of the property in question, including changes if any, which have taken place in its present zoning classification.
  - 5. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
  - 6. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.



C. Revisions and Amendments to the A-1 and A-3 Exclusive Agricultural Districts

1. Pursuant to Section 91.77 (1) of the Wisconsin Statutes, the town may approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following:
  - (a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
  - (b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
  - (c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.
  - (d) Land which is rezoned under this section shall be subject to the lien provided under Section 91.19 (8) to (10) of the Wisconsin Statutes for the amount of tax credits paid on the land rezoned. If the rezoning occurs solely as a result of action initiated by a governmental unit, any lien required under s. 91.19 (8) to (10) shall be paid by the governmental unit initiating the action.
2. The Department of Agriculture, Trade and Consumer Protection (DATCP) shall be notified of all rezonings under this section.
3. Comprehensive revisions of this ordinance shall be recertified by the Wisconsin Land and Water Conservation Board.

**10.1405 Hearings**

The Town Clerk shall notify all property owners within five hundred (500) feet of the land in question and after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, the Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

**10.1406 Town Board Action**

The Town Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the .Plan Commission on the proposed amendment.

The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, be duly signed and acknowledged by the owners of 20 percent or more either in the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent, extending 100

feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.

If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

#### **10.1407 Reversion of Map Amendments**

The Town Board may reverse a map amendment if certain actions are not taken by the applicant.

The adopted rezoning may be conditioned on an automatic reversion of the zoning to the previous zoning, if in one year from the date of approval of the map amendment by the Town Board substantial work has not commenced on the use for which the rezoning was granted.

The adopted rezoning may be conditioned on the proper recording of the lot subject to the rezoning amendment with the Kewaunee County Register of Deeds within 30 days of the date of approval date of the map amendment by the Town Board.

### **10.1500 DEFINITIONS**

#### **10.1501 General Definitions**

For the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.

A. The word "shall" is mandatory and not discretionary.

B. The word "may" is permissive.

C. The word "lot" shall include the words "piece", "parcel", and "plats"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

D. All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the next "integral foot" below shall be taken.

Any words not herein defined shall be construed as defined in other respective state, county, and town codes.

#### **10.1502 Words Defined**

Certain words and terms in this Ordinance are to be interpreted as defined herein:

Accessory Building - A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. It shall be limited to not greater than 75% of the size of the main building.

Adult Entertainment Business

- A. Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.
- B. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.
- C. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

Agricultural Operation - Including, but not limited to, general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, but not including commercial seed, fertilizer, grain mills, food processing, or canning operations.

Alley - A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

Antenna - Any outdoor or indoor structure or device designed and constructed for transmission or reception of telephone, radio, television and/or other signals for the exclusive use of residential occupants of the property.

Animal Unit - the total number of animal units for a given type of animal shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor from Table 1, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed in the following table, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

**Number Equivalent to 1000 Animal Units**

Number Equivalent to 1,000 Animal Units	Animal Type	Animal Equivalency Factor
	<b>Dairy Cattle:</b>	
700	Milking and Dry Cow	1.4
910	Heifers (800 to 1,200 lbs)	1.1
1670	Heifers (400 to 800 lbs)	0.6
5000	Calves (under 400 lbs)	0.2
	<b>Beef Cattle:</b>	
1000	Steers or Cows (600 lbs to Mkt)	1.0
2000	Calves (under 600 lbs)	0.5
700	Bulls	1.4
	<b>Swine</b>	

2500	Pigs (55 lbs to Mkt)	0.4
10000	Pigs (up to 55 lbs)	0.1
2500	Sows	0.4
2000	Boars	0.5
	<b>Sheep:</b>	
10000	Per Animal	0.1
	<b>Horses</b>	
500	Per Animal	2.0
	<b>DUCKS:</b>	
5000	Per Bird (Wet Lot)	0.2
100000	Per Bird (Dry Lot)	0.01
	<b>CHICKENS</b>	
100000	Layers	0.01
200000	Broilers	0.005
100000	Broilers (continuous overflow watering)	0.01
30000	Layers or Broilers (liquid manure system)	0.033
	<b>TURKEYS:</b>	
55000	Per Bird	0.018
	<b>COMBINED ANIMAL UNITS:</b>	
1000	Calculated Total	

Automobile Wrecking Yard - Any premises on which more than three automotive vehicles, not in running or operating condition, are stored in the open.

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

Bed and Breakfast-Residential - means any place of lodging that: (a) Provides four or fewer rooms for rent to no more than a total of 10 tourists or transients; (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place; (c) Is the owner's personal residence; (d) Is occupied by the owner at the time of rental; (e) Was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a single-family residence and; (f) Has had completed as of May 1, 1990, any structural additions to the dimensions of the original structure, including renovation, except that a structural addition, including renovation to the structure may after May 1, 1990, be made within the dimensions of the original structure.

Bed and Breakfast-Commercial - means any place of lodging that: (a) Provides eight or fewer rooms for rent to no more than a total of 20 tourists or transients; (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place; (c) Is the owner's personal residence; (d) Is occupied by the owner at the time of rental; (e) Was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a place of lodging; and (f) Has had completed as of May 1, 1990, any structural additions to the dimensions of the original structure, including renovation, except that a structural addition, including renovation to the structure may after May 1, 1990, be made within the dimensions of the original structure

Billboard - A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Boarding House - A building other than a hotel where meals, or lodging and meals, are furnished for compensation for 4 (four) or more persons, not members of a family.

Buildable Area - The space remaining on a zoning lot after the minimum open space requirements (coverage, yards, setbacks) have been met.

Building - Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animal, or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

Building, Height of - The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of gambrel, hip or pitch roof.

Campgrounds or Sites - A tract of land with or without buildings or other equipment on which one or more cabins are located or where temporary

accommodations are provided for two or more automobile trailers or house cars or tents open to the public, free or for a fee.

Community Living Arrangement - "Community living arrangement" means any of the following facilities licensed or operated or permitted under the authority of the State Department of Health and Social Services: child welfare agencies under Wis. Stat. s.48.60, group homes for children under s.48.02 (7), and community-based residential facilities under s.50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

Conditional Use - A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Day Care Center, Group - An establishment licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes for the care and supervision of six (6) or more children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.

Day Care Home, Family - A dwelling licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes for the care and supervision of one (1) to five (5) children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.

Dwelling - A building, structure, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including, manufactured home, modular homes, single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels and motels.

Dwelling, One Family - A detached building designed for or occupied exclusively by one family, which does not include tents, cabins or mobile homes.

Dwelling, Multiple - A building or portion thereof designed for and occupied by more than 2 (two) families living independently of each other.

Dwelling, Two Family - A detached or semi-detached building designed for or occupied exclusively by 2 (two) families living independently of each other.

Dwelling Unit - One (1) or more rooms which are arranged, designed for use as living quarters for one family only. Individual bathrooms and complete kitchen facilities that are permanently installed, shall always be included for each dwelling unit.

Essential Services - Essential Services, exclusive of commercial radio and television transmission towers, not requiring authorization under applicable state statutes or Wisconsin Public Service Commission Administrative Code (PSC 113, PSC 114, PSC 115, and PSC 116). Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal

structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems (excluding commercial radio and television towers), and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Family - Two or more persons, each related to the other by blood, marriage, or legal adoption. A family may include, in addition, thereto, not more than two roomers, boarders or permanent guests, whether or not gratuitous.

Farm - Any parcel of land containing at least 5 (five) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.

Farm Family Business A home occupation/business or industry that is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than 2 persons who are not members of the resident farm family may be employed in the farm family business.

Floor Area - (For determining off-street parking and loading requirements). Shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Forestation - Planting trees or shrubs on burned over land, cut over land or land that was never covered by forest, consisting of 5 (five) or more acres.

Frontage - All the property abutting one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Frontage, Zoning Lot - The length of all the property of such zoning lot fronting on a street, measured between side lot lines.

Game farms – See Shooting Preserves

Garage, Private - An accessory building or space for the storage of motor vehicles for the use of the occupants of a lot on which such building is located.

Garage, Public - Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, services, hired, sold or stored.

Garage, Storage - Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons capacity shall be stored in any storage garage.

Holding Tank - Tank for holding effluent per town specifications.

Home Business - A business, profession, occupation or trade conducted for gain or support as an accessory use to a residence and in such a manner that meets the requirements of section 10.0606 B. of this Ordinance. Examples of business that may be permitted as home business include trade or contractors establishments (such as plumbing, heating, air conditioning, well drilling, excavation, carpentry and wood working, welding, painting, electrical,) veterinary offices, kennels, and automotive repair and restoration, and farm implement repair shops.

Home Occupation - A permitted home occupation shall not be deemed to include animal hospitals or kennels. A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of Section 10.0606 B of this ordinance. Examples of businesses that may be permitted as home occupations include barber/beauty shops, canning, tailoring, upholstering, picture framing, and professional home offices.

Home Office/Studio - Means a business, profession, occupations, trades conducted for gain or support in conjunction as an accessory use to a residence in a manner that meets the requirements of Section 10.0606 C. of this Ordinance. Examples of uses that may be permitted as home office/studio include businesses that where transactions with customers are conducted entirely by telephone, facsimile machine, and computer or business where the home serves only as the office or storage facility and all services or work is performed off-site

Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms.

Junk (or Salvage) Yard - An area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used machinery, used building material and similar materials. A "junk" or "salvage" yard includes an auto wrecking yard.

Kennel - The term kennel as used in this Ordinance shall mean any lot or premises wherein or whereon more than 3 dogs over 6 months of age are either permanently or temporarily kept, boarded, bred or sold.

Limited Forestation - Planting trees or shrubs on burned over or cut over land or land that was never covered by forest, consisting of 5 (five) or less acres.

Living Area - The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.



Lodging House - A building other than a hotel or motel where lodging only is provided for compensation for more than two persons not members of the family.

Lot - A parcel of land having a width and depth sufficient to provide the space necessary for one principal building and its accessory building, together with the open spaces required by this ordinance and abutting on a public street or officially approved place, and having the area, size and dimensions required by this Ordinance for the particular zoning district.

Lot Coverage – The maximum portion of a lot that may be covered with buildings, structures, pavement, and other impervious surfaces.

Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Kewaunee County; or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this Ordinance, and certified survey maps approved and recorded in the Register of Deeds' Office of Kewaunee County.

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 line, measured within the lot boundaries.

Lot Area, Gross - The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.

Lot, Interior - A lot other than a corner lot or reversed corner lot.

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

Lot Line, Front - That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.

Lot Line, Rear - That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

Lot, Reversed Corner - A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot Sub-Standard - A lot smaller than the minimum required acreage that has been recorded with the Register of Deeds prior to the adoption of the Zoning Ordinance.

Lot, Through - A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

Lot Width - The horizontal distance between the side lot lines of a lot, measured at the rear line of the required street yard.

Manufactured Homes - Manufactured home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426.

Manufactured Home Sales Lot - An area for display and inspection of Manufactured Homes not to be used for dwelling.

Mini-Warehouse - shall mean a structure or group of structures for the dead storage of customer's residential goods and wares where individual stalls or lockers are rented for storage.

Mobile Home - Mobile home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

Modular Home - Modular homes are manufactured buildings constructed in compliance with State of Wisconsin Uniform Dwelling Code - Wisconsin Administrative Code Chs. Comm-20-25.

Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients or tourists.

Non-Conforming Use - A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments hereto, which use or occupancy does not conform to the regulations of this Ordinance or any amendments thereto for the zoning district in which it is situated.

Parking Space, Off-Street - For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriated to the circumstances of the case, and in accordance with all the ordinances and regulations of the Town.

Permitted Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the permitted use of structure.

Permitted Use - A use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.

Prime Agricultural Land - All lands which have capability unit I and II soils: farmlands of state wide importance having capability unit III soils and farmland of local significance have capability class and subclass IV, Vw, Vle, Vlle. Wetland type 3-8 found within these boundaries are not considered part of units I, II, or III.

Principal Use - The main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted", "conditional" or "non-conforming".

Professional Office - The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25 percent of the floor area of any one story of a dwelling unit shall be occupied by such office and only one unlighted name plate not exceeding three square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.

Public Airport - Any airport which complies with the definition contained in Section 114.002(7) Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

Public Hunting & Fishing Grounds - Land purchased or held in compliance with applicable state and federal government statutes and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statutes and regulations.

Right-of-Way - a. A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. b. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

Roadside Stand - A structure not permanently fixed to the ground and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one lot.

Satellite Dish Antenna - A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or

cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

Seasonal Cottage - Dwelling occupied less than 181 days per year.

Setback - The minimum horizontal distance between the line of a building or structure and the front property line.

Setback Area - The minimum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.

Setback, Corner Side Yard - The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.

Setback, Front Yard - The minimum horizontal distance between the front line of the building or use, and the street right-of-way line.

Setback Lines - Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.

Setback, Rear Yard - The minimum horizontal distance between the back line of the building or use, and the rear lot line.

Setback, Side Yard - The minimum horizontal distance between the side line of the building or use, and the side lot lines; unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.

Sign - any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, and model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

Shooting Preserve - Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations. Shooting preserve includes game farms regulated under Chapter NR 16 of the Wisconsin Administrative Code and shooting preserves regulated under Chapter NR 19 of the Wisconsin Administrative Code.

Sign, Awning - Any sign or other graphic material attached or inscribed on an awning (See Appendix B, Illustration No. 4).

Sign, Directional - A non-commercial sign limited to directional messages (e.g. enter, exit, drive through lane, or no smoking). Logos or business names will be permitted as needed to complete the directional message.

Sign, Ground - Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure (See Appendix B, Illustration No. 4).

Sign, Pole - A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 6 feet or more above grade (See Appendix B, Illustration No. 4).

Sign, Portable - Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without any structural support changes (See Appendix B, Illustration No. 4).

Sign, Projecting - Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall (See Appendix B, Illustration No. 4).

Sign, Roof - A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. (See Appendix B, Illustration No. 4)

Sign, Temporary - A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a period of 30 days or less.

Sign, Wall - A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure (See Appendix B, Illustration No. 4).

Sign, Window - Any sign printed, attached, glued, or otherwise affixed to or behind a window and visible to the public (See Appendix B, Illustration No. 4).

Solid Waste Recycling Facility - As defined in s.NR 500.03, Wis. Adm. Code.

Solid Waste Storage Facility - As defined in s.NR 500.03, Wis. Adm. Code.

Solid Waste Transfer Facility - As defined in s.NR 500.03, Wis. Adm. Code.

Solid Waste Disposal Site and Facilities - Commercial or municipal establishments such as sanitary land fills, dumps and incinerator sites, excluding however, auto junk yards and scrap metal salvage yards.

Stable - An accessory building in which horses or domestic livestock are kept.

Story - The portion of a building included between the surface of a floor and surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one

half or more of its height above grade shall be deemed a story for purposes of height regulations.

Street - All property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.

Structural Alterations - any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

Structure - Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

Survey and Plans - survey and plans as referred to in this Ordinance and as relating to the construction of highways, shall be considered as accepted by the Town Board if Town or County funds have been used in the improvement carried out according to such plans.

Town - The Town of Franklin.

Town Board - The governing body of the Town of Franklin .

Town Zoning Administrator - The Administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.

Trade or Contractors Establishment – Uses such as plumbers, plasterers electricians, heating and air condition contractors, excavators, carpenters, painting contractors, wastewater treatment system contractors, electricians, well drillers, and similar uses.

Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.

Utilities – Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, wireless communication facilities, shops, and storage yards.

Variance - A variance is a relaxation of the terms of the Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or uses in an adjoining district.

Vision Clearance - An unoccupied triangular space at the intersection of two or more streets or highways which is bounded by the street lines or highway right-

of-way lines and a setback line connecting points specified by measurement from the corner on each street or highway line.

Wind Energy Systems-Farm -Sized, means a equipment that converts and then stores or transfers energy from the wind into useable forms of energy, normally consisting of a wind turbine, a tower, and associated control or conversions electronics, which has rated capacity of more 20 kW and not more than 100kW and which is primarily intended to reduce onsite consumption of utility power

Wind Energy Systems-Small-Sized, means a equipment that converts and then stores or transfers energy from the wind into useable forms of energy, normally consisting of a wind turbine, a tower, and associated control or conversions electronics, which has rated capacity of not more than 20 kW and which is primarily intended to reduce onsite consumption of utility power.

Wind Energy System-Wind Farm means a equipment that converts and then stores or transfers energy from the wind into useable forms of energy, normally consisting of a wind turbine, a tower, and associated control or conversions electronics, which has rated capacity of more than 100kW and which is primarily intended to produce and sell generation to an electric public utility. Wind Farms are larger arrays of wind towers, are grid-connected, and are interconnected to the electrical transmission system

Yard - An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation and except as otherwise provided herein. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in. The street and rear yards extend the width of the lot.

Yard, Corner Side - A side yard which adjoins a public street.

Yard, Interior Side - A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Yard, Rear - A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot (See Appendix B, Illustration No. 5).

Yard, Side - A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure (See Appendix B, Illustration No. 5).

Yard, Street or Setback - A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards (See Appendix B, Illustration No. 5).

Yard, Transitional - That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.

Zoning District - Divisions of the town, each area being accurately defined to boundaries and locations on the Official Zoning Map and in the Zoning Ordinance, for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.





## **APPENDIX A: FEES**

---

---



Note that this fee schedule is established by a separate resolution of the Town Board as adopted from time to time.

(1) Permit Not Required for Minor Repairs. No permit required for signs, repairs, or minor alterations costing less than \$1,000.00 which do not change the occupancy, area, structural strength, fire protection, exits, lighting or ventilation of a building.	
(2) Zoning/Land Use Permit	Permit Fee
Value of the Building Improvement <sup>1</sup>	
\$0 to \$5,000	\$25.00
\$5,001 to \$50,000	\$50.00
\$50,001 to \$100,000	\$100.00
Over \$100,000	\$1 per thousand
(3) Accessory building and structures, pools, etc	\$25.00
(4) Conditional Use Permit at a Regularly Scheduled Meeting	\$300.00
(5) Quarrying Permit	\$300.00/per year
(6) Sand or Gravel Extraction Permit	\$150.00 per year
(7) Salvage/Junk Yard Permit	\$ 50.00/per year
(7) Sign Permit	\$ 5.00 or \$.25 per square foot, whichever is greater
(8) Sign Refacing	\$ 5.00 or \$.08 per square foot, whichever is greater
(9) Appeals and Variance Applications to be heard by the Zoning Board of Appeals	\$250.00
(10) Amendment to Ordinance (Text or Map) to be Considered at a Regular Meeting	\$150.00
(11) Failure to obtain a permit at the start of a project	The fee will be double the regular fee



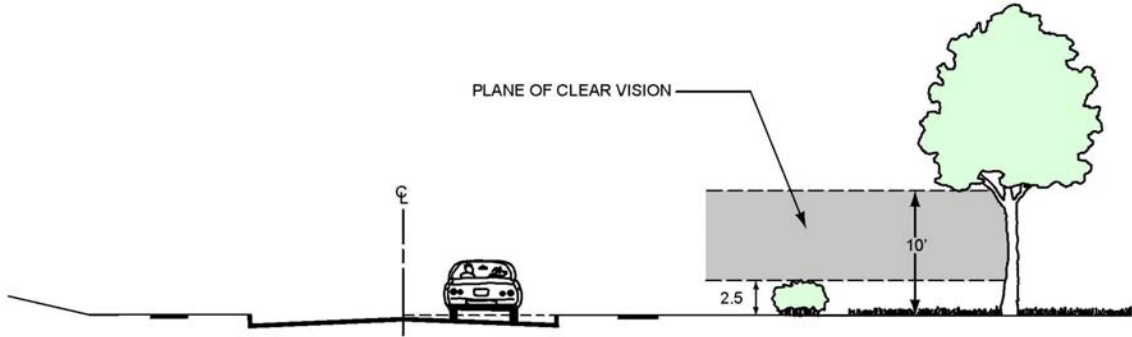
## **APPENDIX B: ILLUSTRATIONS**

---

---

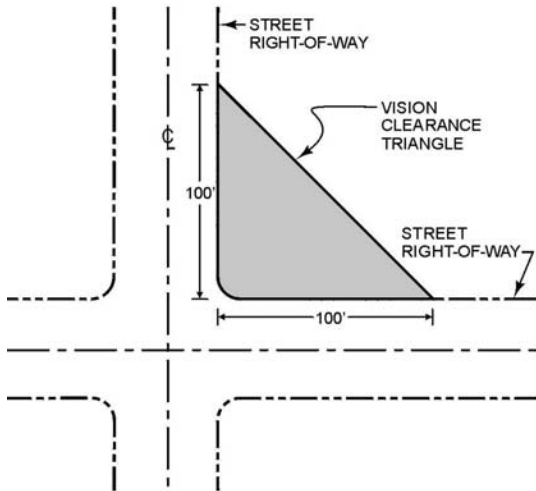


**VISION CLEARANCE TRIANGLE  
(CROSS-SECTION VIEW)**

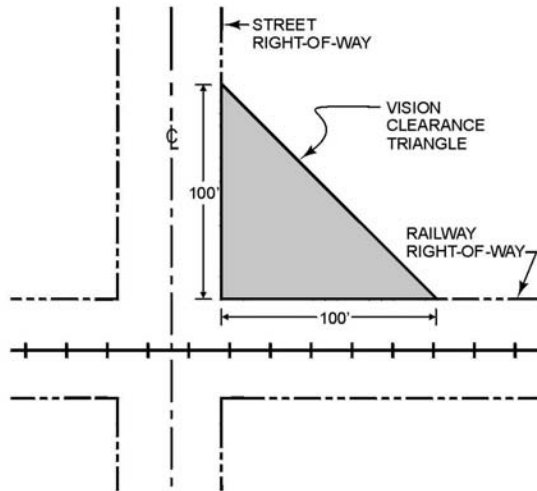


**VISION CLEARANCE TRIANGLE  
(PLAN VIEW)**

TWO TOWN STREETS INTERSECTING



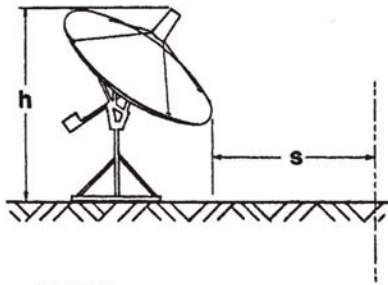
STREET INTERSECTING A RAILWAY



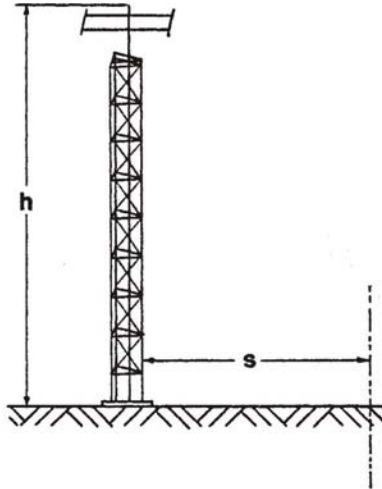


## MEASURING HEIGHT AND SETBACK OF ANTENNAS

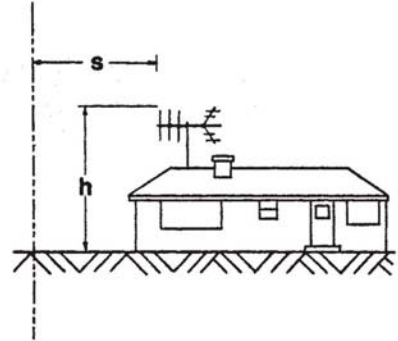
EARTH STATION DISH ANTENNA



TOWER MOUNTED ANTENNA

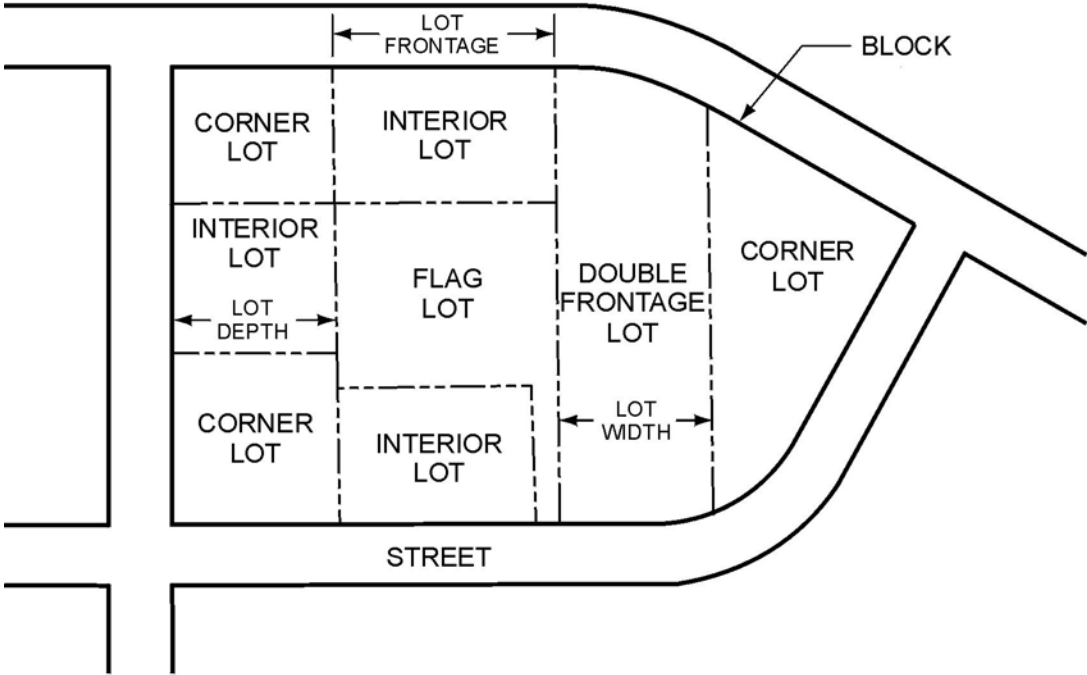


ROOF MOUNTED ANTENNA

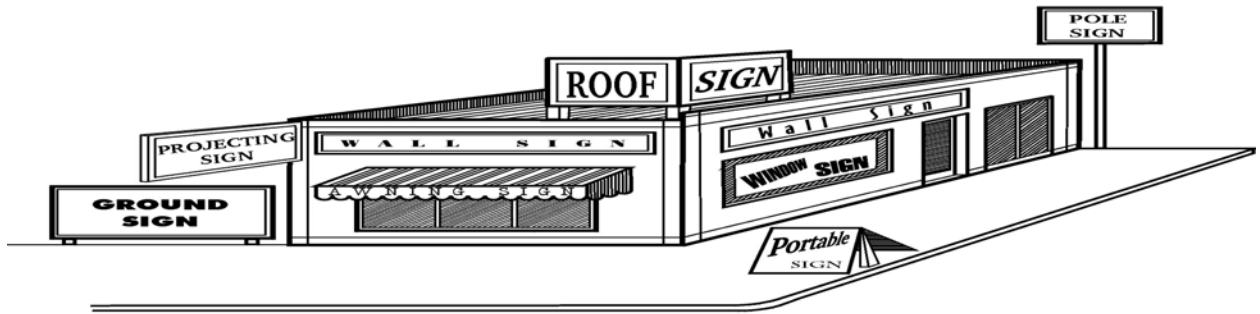


s = SETBACK  
h = HEIGHT

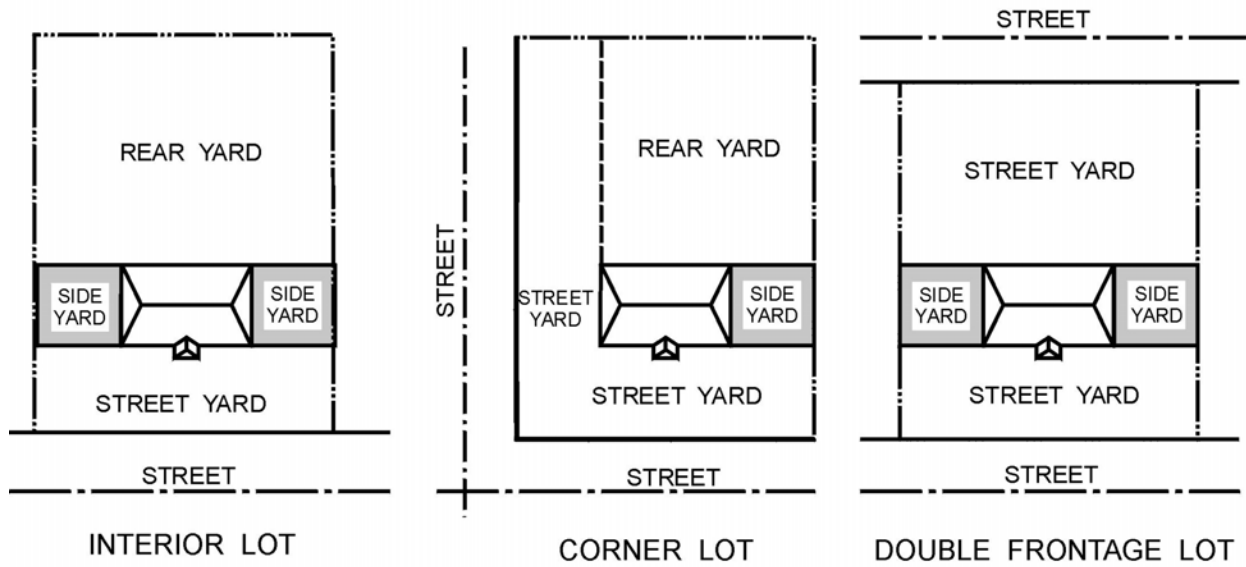
TYPICAL CORNER, DOUBLE FRONTAGE,  
FLAG AND INTERIOR LOTS



SIGN TYPES



LOCATION OF YARDS ON TYPICAL  
INTERIOR, CORNER, AND DOUBLE FRONTAGE LOTS





## **APPENDIX C: DIMENSIONAL REQUIREMENTS**

---

---



Zoning Districts	Zoning District	Minimum Lot Size (Acres)	Road Frontage (Feet)	Maximum Building Height (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Sideyard Setback (Feet)
A-1	Exclusive Agricultural District	35.0	200'	35' - residential	50' - residential/accessory 100'- bldgs housing animals	20' - residential/accessory 100' bldgs housing animals
A-2	Agricultural/Rural Residential District	2.5	200'	35' - residential	50' - residential 20'- accessory	20' - Principal Bldg. 10' - Accessory Bldgs.
A-3	Exclusive Agricultural District - <35 acres	5.0		none	50' - residential/accessory 100'- bldgs housing animals	20' - accessory bldgs. 100'- bldgs housing animals
RS-1	Single-Family Residential District	1.0	200'	35' - residential	50' - residential 10'- accessory	20' - Principal Bldg. 10' - Accessory Bldgs.
RS-2	Single Family/Rural Residential District	2.0	250'	35' - residential	50' - residential 10'- accessory	20' - Principal Bldg. 20' - Accessory Bldgs.
RD-1	Single-Family and Two Family Residential District	2.5	300'	35' - residential	50' - residential 40'- accessory	25' - Principal Bldg. 20' - Accessory Bldgs.
RM-1	Multi-Family Residential District	5.0	500'	35' - residential	50' - residential 10'- accessory	20' - Principal Bldg. 10' - Accessory
B-1	Business District	2.0	200'	35'	30'	30'
B-2	Highway Business District	2.0	200'	35'	50' - residential 20'- accessory	30' - Principal Structure 20' - Accessory Structure
M-1	Light Manufacturing District	2.0	200'	45'	30' principal and accessory	30' principal and accessory
M-2	Heavy Manufacturing District	2.0	200'	45'	50' - principal and accessory	30' principal and accessory
C-1	Conservancy Overlay District	na				
PDO	Planned Development Overlay District	na				

Road Setbacks are the same for all Zoning Districts: 110 Feet from the centerline of a a USH or State Highway; 85 feet from the centerline of a County highway and 65 feet from the centerline of a Town road.



