Title 13

Zoning Code

Ordained and Published

By Authority of the Town Board

February 24, 1998

Revised December 21st, 1998

Revised April 26th, 2000

Revised October 8th, 2001

Revised December 11th, 2001

Revised June 11th, 2002

Revised March 11th, 2003

Revised May 10th, 2004

Revised August 9th, 2004

Revised October 10th, 2005

Revised October 9th, 2006

Revised July 14th, 2008

Revised August 2, 2018

Revised December 22nd, 1999

Revised June 12th, 2001

Revised November 13th, 2001

Revised February 12th, 2002

Revised February 11th, 2003

Revised April 7th, 2003

Revised July 12th, 2004

Revised April 11th, 2005

Revised January 9th, 2006

Revised July 16th, 2007

Revised March 7th, 2013

Chapter 1

Zoning Code – Table of Contents

Article A – Introduction ..... 9 through 26

13-1-1 Authority 9

13-1-2 Short Title 9

13-1-3 Purpose 9

13-1-4 Intent 9

13-1-5 Abrogation and Greater Restrictions 10

13-1-6 Interpretation; Standard Industrial Classification 10

13-1-7 Effective Date 10

13-1-8 Definitions 10

13-1-9 Through 13-1-19 Reserved for Future Use

Article B - General Provisions ..... 27 through 35

13-1-20 Jurisdiction and Compliance 27

13-1-21 Use Restrictions 27

13-1-22 Reduction or Joint Use 28

13-1-23 Site Regulations 28

13-1-24 Highway Setbacks 30

13-1-25 Roof Slopes and Eaves Dimensions for Single-Family Dwellings 34

13-1-26 Through 13-1-39 Reserved for Future Use

Article C – Zoning Districts .....36 through 82

13-1-40 Zoning Districts Designated.....36

13-1-41 District Boundaries 37

13-1-42 R-1 Single-Family Residential District with Public Sewer 37

13-1-43 R-2 Single-Family Residential District Without Public Sewer.....39

13-1-44 R-3 Two-Family Residential District with Public Sewer 42

13-1-45 R-4 Two-Family Residential District Without Public Sewer 44

13-1-46 R-5 Single-Family and Two-Family Residential District With Public Sewer.....46

13-1-47 R-6 Single-Family and Two-Family Residential District Without Public Sewer.....48

13-1-48 R-7 Lakeside Single-Family Residential District.....50

13-1-49 R-8 Residential Estate District 53

13-1-50 MFR Multiple-Family Residential District.....55

13-1-51 C-1 Conservancy District 57

13-1-52 A-1 Exclusive Agricultural/Farmland Preservation District.....59

13-1-53 A-2 General Agricultural District.....65

13-1-54 B-1 Business District 67

13-1-55 B-2 Business District Without Public Sewer.....71

13-1-56 I-1 Industrial District 75

13-1-57 Overlay Districts 78

13-1-58A MRC Mixed-Use Residential/Commercial Overlay 79

13-1-58B MCI Mixed Commercial/Light Industrial Overlay.....79

13-1-58C TRD Transitional Residential District.....79

13-1-58 Through 13-1-59 Reserved for Future Use

Article D - Conditional Uses.....83 through 108

13-1-60 Statement of Purpose - Conditional Uses.....83

13-1-61 Authority of the Board of Appeals; Requirements.....83

13-1-62 Initiation of Conditional Use 84

13-1-63 Application for Conditional Use.....84

13-1-64 Hearing on Application 84

13-1-65 Notice of Hearing on Application.....84

13-1-66 Standards—Conditional Uses 85

13-1-67 Denial of Application for Conditional Use Permit 86

13-1-68 Conditions and Guarantees.....86

13-1-69 Validity of Conditional Use Permits 87

13-1-70 Complaints Regarding Conditional Uses 87

13-1-71 Bed and Breakfast Establishments.....88

13-1-72 Home Occupations and Professional Home Offices.....88

13-1-73 Agricultural and Industrial Conditional Uses 89

13-1-74 Residential and Business District Conditional Uses.....91

13-1-75 Exclusive Agricultural District Conditional Uses – Wireless Telecommunications Facilities 93

13-1-76 Through 13-1-79 Reserved for Future Use

Article E – Nonconforming Uses, Structures and Lots .....109 through 111

13-1-80 Existing Nonconforming Uses.....109

13-1-81 Existing Nonconforming Structures 109

13-1-82 Changes and Substitutions.....109

13-1-83 Through 13-1- 89 Reserved for Future Use

Article F - Traffic Visibility, Loading, Parking and Access..... 112 through 119

13-1-90 Traffic Visibility..... 112

13-1-91 Loading Requirements..... 112

13-1-92 Parking Requirements..... 114

13-1-93 Highway Access..... 118

13-1-94 Through 13-1-99 Reserved for Future Use

Article G - Signs and Billboards..... 120 through 133

13-1-100 Purpose of Sign, Canopy and Awning Regulations..... 120

13-1-101 Signs, Canopies, Awnings and Billboards—Definitions..... 120

13-1-102 Required Permits for Signs, Canopies, Awnings and Billboards..... 122

13-1-103 Signs Not Requiring a Permit..... 123

13-1-104 Permitted Commercial and Industrial Signs..... 124

13-1-105 Permitted Residential Signs..... 125

13-1-106 Landscape Features..... 127

13-1-107 Prohibited Signs..... 127

13-1-108 Dangerous and Abandoned Signs..... 128

13-1-109 Variances or Exceptions..... 128

13-1-110 Construction and Maintenance Regulations for Signs..... 128

13-1-111 Special Sign Requirements..... 129

13-1-112 Nonconforming Signs..... 130

13-1-113 Awnings and Canopies..... 130

13-1-114 Violations of Sign Code..... 131

13-1-115 Through 13-1-119 Reserved for Future Use

Article H - Performance Standards—Industrial Developments .... 134 through 142

13-1-120 Article Intent 134

13-1-121 Noise 134

13-1-122 Vibration 139

13-1-123 Glare and Heat 139

13-1-124 Odor 140

13-1-125 Fire and Explosive Hazards 140

13-1-126 Air Pollution 140

13-1-127 Hazardous Pollutants 140

13-1-128 Radioactivity and Electrical Disturbances 141

13-1-129 Refuse 141

Article I - Signal Receiving Antennas, Exterior Lighting ..... 143 through 154

13-1-130 Signal Receiving Antennas 143

13-1-131 Exterior Lighting 146

13-1-132 Through 13-1-139 Reserved for Future Use

Article J - Accessory Uses and Structures; Fences; Pools..... 155 through 162

13-1-140 Accessory Uses or Structures 155

13-1-141 Fences 157

13-1-142 Swimming Pools 159

13-1-143 Through 13-1-149 Reserved for Future Use

Article K – Modifications ..... 163 through 165

13-1-150 Height Modifications 163

13-1-151 Yard Modifications 163

13-1-152 Through 13-1-169 Reserved for Future Use

Article L – Administration ..... 166 through 168

13-1-170 General Administrative System 166

13-1-171 Zoning Administrator/Permit Issuer 166

13-1-172 Violations and Penalties 167

13-1-173 Through 13-1-179 Reserved for Future Use

Article M - Changes and Amendments to the Zoning Code ..... 169 through 171

13-1-180 Authority 169

13-1-181 Initiation of Changes and Amendments 169

13-1-182 Protest 169

13-1-183 Through 13-1-189 Reserved for Future Use

Article N – Appeals ..... 172 through 175

13-1-190 Appeals to the Zoning Board of Appeals 172

13-1-191 Hearing of Appeals 173

13-1-192 Decisions of Board of Appeals 173

13-1-193 Variations 173

13-1-194 Review by Court of Record 175

This page intentionally left blank.

Article A: Introduction; Definitions

Sec. 13-1-1 Authority

These Regulations are adopted under the authority granted by §§ 60.61 and 62.23(7), Wis. Stats.

Sec. 13-1-2 Short Title

This Chapter shall be known as, referred to or cited as the "Zoning Code, Town of Taycheedah, Fond du Lac, Wisconsin."

Sec. 13-1-3 Purpose

The purpose of this Chapter is to promote the health, safety, prosperity, aesthetics and general welfare of the Town of Taycheedah.

Sec. 13-1-4 Intent

It is the general intent of this Chapter to:

A. Regulate and restrict the use of all structures, lands and waters,

B. Regulate and restrict lot coverage, populations distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways,

C. Provide adequate light, air, sanitation and drainage,

D. Prevent overcrowding, avoid undue population concentration,

E. Facilitate the adequate provision of public facilities and utilities,

F. Stabilize and protect property values,

G. Further the appropriate use of land and conservation of natural resources,

H. Preserve and promote the beauty of the Town of Taycheedah,

I. Implement the Town comprehensive plan or plan components, and

J. Provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

Sec. 13-1-5 Abrogation and Greater Restrictions

It is not intended by this Chapter 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 law. However, wherever this Chapter imposes greater restrictions, the provisions of the Chapter shall govern.

Sec. 13-1-6 Interpretations; Standard Industrial Class

A. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

B. Uses allowed in Commercial and Industrial Districts may be cross-referenced with the Standard Industrial Classification. The SIC number is shown in [].

Sec. 13-1-7 Effective Date

This Chapter shall be originally effective after a public hearing, adoption by the Town Board and publication or posting as provided by law.

Sec. 13-1-8 Definitions

A. **General Terms.** For the purposes of this Chapter, certain words and terms are defined as follows: Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory.

B. **Definitions.** For the purposes of this Chapter, the following definitions shall be used.

1. **Abandonment.** To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions during periods of vacationing, remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of seasonal closure.

2. **Abuts, abutting.** Having a common property line or district line.

3. **Accessory Building.** A subordinate building, the use of which is purely incidental to that of the main building, not including a garage as defined herein.

4. **Accessory use, farmland preservation agricultural district.** Any of the following land uses on a farm:

   a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

   b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

   c. A farm residence.

   d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:

      (1) It is conducted on a farm by an owner or operator of that farm.

      (2) It requires no buildings, structures, or improvements other than those described in par. (a) or (c).

      (3) It employs no more than 4 full-time employees annually.

      (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

      (5) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

5. **Accessory Use, general.** A use subordinate in nature, extent or purpose to the principal use of the building or lot.

6. **Adult-Oriented Establishment.** Any premise including, without limitation, "adult bookstores," or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult-Oriented Establishments" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

7. **Advertising Sign, Outdoor.** A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

8. **Advertising Structure, Outdoor.** Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

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

   a. Crop or forage production.

   b. Keeping livestock.

   c. Beekeeping.

   d. Nursery, sod, or Christmas tree production.

   e. Floriculture.

   f. Aquaculture.

   g. Fur farming.

   h. Forest management.

   i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

   j. Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

10. **Agriculture-related Use, farmland preservation district(s).** A facility, whether or not located on a farm, that has at least one of the followings as a primary and not merely incidental purpose:

    a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services.

    b. Storing, processing or handling raw agricultural commodities.

    c. Slaughtering livestock.

    d. Marketing livestock to or from farms.

    e. Processing agricultural by-products or wastes.

11. **Airport, Public.** Any airport which complies with the definition contained in Sec.114.002(7) Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

12. **Alley.** A way which affords only a secondary means of access to abutting property and which is not more than twenty-four (24) feet wide.

13. **Animal Units.** Animal units as defined by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

14. **Apartment.** A portion of a residential or commercial building used as a separate housing unit.

15. **Apartment House.** See "Dwelling, Multiple."

16. **Aquaculture.** A general term referring to the controlled cultivation of aquatic animals and plants, provided it does not disturb or impair the natural biota (also see fish farm and fish hatchery); or, as defined by the Wisconsin Department of Agriculture, Trade & Consumer Protection.

17. **Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

18. **Automobile Wrecking Yard.** Any premise on which three (3) or more automotive vehicles, not in operating condition, are stored in the open.

19. **Base Farm Tract.** All land, whether one parcel or 2 or more contiguous parcels, which is in a farmland preservation zoning district and is part of a single farm on the date on which DATCP first certifies this ordinance regardless of any subsequent changes in the size of the farm. Any other tract that the Department of Agriculture, Trade and Consumer Protection, by rule, defines as a base farm tract.

20. **Basement or Cellar.** A story partly underground but having at least one-half (1/2) of its height, or more than five (5) feet, below the mean level of the adjoining ground. See COMM 20, 21 and 22, Wis. Adm. Code.

21. **Boarding House.** A building other than a hotel where meals or lodging and meals are served for compensation for not more than six (6) persons.

22. **Boathouse.** Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.

23. **Building, Alterations Of.** Any change or rearrangements of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.

24. **Building, Front Line Of**. A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.

25. **Building, Height Of.** The vertical distance from the first-floor sub-floor to the point of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs.

26. **Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.

27. **Business.** Includes the commercial, limited industrial and general industrial uses and districts as herein defined.

28. **Carport.** See "Garage".

29. **Center Line.** A line connecting points on highways from which setback lines shall be measured, at any point on the highway.

30. **Channel.** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

31. **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or non-boarding basis only.

32. **Club.** A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.

33. **Common Ownership.** Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

34. **Community Living Arrangement.** The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under §48.60, Wis. Stats., group foster homes for children under §48.02(7), Wis. Stats., and community-based residential facilities under § 50.01(1g), Wis. Stats.; but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including §§46.03(22), 62.23(7)(i), and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.

35. **Conditional Use.** A use of land, water or building which is allowable only after the issuance of a conditional use permit or special permit by the Board of Appeals under conditions specified in this Chapter.

36. **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.

37. **Contiguous.** Adjacent to or sharing a common boundary. Contiguous land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of- way. Parcels are not contiguous if they meet only at a single point. Parcels are not contiguous if they are separated by municipal boundaries.

38. **Court.** An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides of a building.

39. **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.

40. **Curb Level**. The level of the established curb in the front of the building measured at the center of such front.

41. **Day Care Center.** A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in §48.65, Wis. Stats.

42. **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.

43. **Dwelling, One Family.** A detached building designed, arranged or used for and occupied exclusively by one (1) family, whether attached, detached or semi-attached. Shall include specially designed buildings covered by earth and manufactured homes.

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

45. **Dwelling, Multiple.** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.

46. **Dwelling Group.** A group of two (2) or more multi-family dwellings occupying a lot in one (1) ownership with any two (2) or more dwellings having any yard or court in common.

47. **Emergency Shelters.** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.

48. **Family.** One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.

49. **Farm.** All land under common ownership that is primarily devoted to agricultural use.

50. **Farm Acreage.** The combined total acreage of all of the following in the base farm tract:
    a. Farms.
    b. Open space parcels of more than 10 acres

51. **Farm Consolidation.** The combination of two (2) or more farms to create a smaller number of farms.

52. **Farm Family Business.** Any lawful activity, except a farm operation, conducted primarily by family members 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; or

    c. The sale of services. No more than two (2) persons who are not members, or the resident farm family may be employed in the farm family business.

53. **Farm Market**. A use, building or structure, which principally involves the retail sales of farm and garden products, regardless of whether such products were produced on the premises.

54. **Farm Residence.** Any of the following structures located on a farm:

    a. A single-family [or duplex] residence that is the only residential structure on the farm.

    b. A single-family [or duplex] residence that is occupied by any of the following: (1) An owner or operator of the farm.
        (1) A parent or child of an owner or operator of the farm.
        (2) An individual who earns more than 50 percent of his or her gross income from the farm.
        (3) A migrant labor camp that is certified under s. 103.92, Wis. Stats.

55. **Fish Farm.** A commercial facility consisting of tanks or ponds in which fish are raised for food (also see aquaculture and fish hatchery).

56. **Fish Hatchery.** A commercial facility where fish eggs are hatched, and the fry raised for the purpose of stocking lakes, streams, and ponds (also see aquaculture and fish farm).

57. **Floor Area.** The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

58. **Foster Family Home.** The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Sec. 48.62, Wis. Stats., and amendments thereto.

59. **Frontage.** All of the property abutting on one (1) side of a street measured along the street line.

60. **Garage.** A building or structure or portion thereof used exclusively for parking or storage of self-propelled vehicles.

61. **Garage, Public.** A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.

62. **Garage, Storage.** Any building or premises used for storage pursuant to contract or other previous arrangements.

63. **Gasoline Stations.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.

64. **Gross Farm Revenue.** Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter but does not include rent paid to the land owner.

65. **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Sec. 48.625, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.

66. **Home Occupation.** Any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building thereto and meeting the standards of Section 13-1-72.

67. **Hotel.** A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.

68. **House Trailer.** A non-self-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.

69. **Junk Yard.** An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A “junk yard” also includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

70. **Kennel.** A place where dogs are boarded for a fee on a recurrent basis, or any place where more than three adult dogs and four cats are kept for any purpose.

71. **Livestock.** Livestock refers to bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

72. **Livestock Facility.** A feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.

73. **Livestock Structure.** A building or structure such as a barn, milking parlor, feed storage facility, feeding facility animal lot or waste storage structure. Pastures, winter grazing area and machine sheds are not "livestock structures.

74. **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

75. **Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter.

76. **Lot Corner.** A lot located:

    a. At the junction of and abutting two (2) or more intersecting streets; or

    b. At the junction of and butting a street and the nearest shoreline; or high- water line of a storm or floodwater runoff channel or basin; or

    c. At the junction of and abutting two (2) or more storm or flood water runoff channels or basins; or

    d. At and abutting the point of abrupt change of a single street where the interior angle is less than one hundred thirty-five degrees (135°) and the radius of the street is less than one hundred (100) feet.

77. **Lot Depth.** The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

78. **Lot Interior.** A lot other than a corner lot.

79. **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

80. **Lot Width.** The distance between side lines of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot seventy-five (75) feet from the waterline.

81. **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.

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

83. **Lot, Zoning.** A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.

84. **Marquee or Canopy.** A roof-like structure of permanent nature which projects from the wall of a building.

85. **Manufactured Dwelling.** A dwelling structure or component thereof as is defined in the Wisconsin Administrative Code One- and Two-Family Uniform Dwelling Code Section 20.15 which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with the Subchapter V of said Uniform Dwelling Code.

86. **Manufactured Home.** A dwelling structure or component thereof fabricated in an offsite manufacturing facility for installation or assembly at the building site which is certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:

    a. Is set on an enclosed continuous foundation in accordance with COMM 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

    b. Is installed in accordance with the manufacturer's instructions;

    c. Is properly connected to utilities; and

    d. Meets other applicable standards of this Chapter.

87. **Mobile Home.** A transportable factory built structure designed for long term occupancy built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this Section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above.

88. **Mobile Home Park.** Any plot or tract of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

89. **Motel.** A series of attached, semi-attached or detached sleeping unites for the accommodations of transient guests.

90. **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

91. **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

92. **Nonconforming Building or Structure.** Any building or structure which does not comply with all of the regulations of this Chapter or of any amendment hereto regulating any building or structure for the Zoning District in which such building or structure is located.

93. **Nonconforming Use.** Any use of land, buildings or structures which does not comply with all of the regulations of this Chapter or of any amendment hereto governing use for the Zoning District in which such use is located.

94. **Nonfarm Residence.** Any residence other than a farm residence located within a base farm tract in the A-1 Exclusive Agricultural/Farmland Preservation District.

95. **Nonfarm Residential Acreage.** The combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town of Taycheedah has approved as nonfarm residences, all parcels of 10 acres or less that do not qualify as farms, and the parcel to which the conditional use permit application pertains. If a residence is located or proposed to be located on an undivided farm, but does not qualify as a farm residence, the size of the residential parcel is deemed to be 10 acres.

96. **Nonfarm Residential Cluster.** Two or more adjoining nonfarm residences.

97. **Nuisance.** An injurious effect on the safety, health, or morals or the public, or use of property which works some substantial annoyance, inconvenience, or injury to the public and which causes hurt, inconvenience or damage.

98. **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

99. **Nursery School.** Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives and guardians.

100. **Nursing Home.** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

101. **Open Space Parcel.** A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

102. **Overlay District.** Overlay district means a zoning district that is super-imposed on one or more other zoning districts and imposes additional restriction on the underlying districts.

103. **Owner.** Owner means a person who has an ownership interest in land.

104. **Parking Area, Semi-Public.** An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.

105. **Parking Space.** An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto.

106. **Permitted Use**. Permitted use means a use that is allowed without a conditional use permit, special exception, or other special zoning permission.

107. **Person.** An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

108. **Place.** An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

109. **Planned Residential Development.** A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.

110. **Prime Farmland.** All of the following:

    a. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.

    b. Land, other than land described in par. (a), which is identified as prime farmland in the County's certified farmland preservation plan.

111. **Prior Nonconforming Use.** A land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the enactment of this ordinance.

112. **Property Lines.** The lines bounding a platted lot as defined herein.

113. **Protected Farmland.** Land that is any of the following:
    a. Located in a farmland preservation zoning district certified under Ch. 91, Wis. Stats.

    b. Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.

    c. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.

    d. Otherwise legally protected from non-agricultural development.

114. **Public Way.** Any sidewalk, street, alley, highway or other public thoroughfare.

115. **Professional Home Office.** The office of a doctor, practitioner, clergy, dentist, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession meeting the standards in Section 13-1-72. When established in the R-1 Residence or A-1 Agricultural District, a beauty parlor shall be limited to three (3) licensed operators working at any one time, and a barbershop to two (2) licensed barbers operating in not to exceed two (2) barber chairs at any one time; and provided further that a beauty parlor or barbershop shall not occupy over five hundred (500) square feet of floor area, including lavatories and waiting room, and only one (1) unlighted name plate, not exceeding four (4) square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.

116. **Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

117. **Riparian Lot.** Any land adjacent to a navigable body of water.

118. **Roadside Stand.** A structure not permanently fixed to the ground 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 two hundred (200) square feet in ground area and there shall not be more than one (1) roadside stand on any one (1) premise.

119. **Sanitary Sewer.** A constructed conduit for the collection and carrying of liquid and solid sewage wastes from two (2) or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Department of Natural Resources.

120. **School, Private.** An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for mental defectives or a college or other institution of higher learning.

121. **School, Commercial.** A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.

122. **Setback.** Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. “Within the setback lines” means between the setback line and highway.

123. **Sign.** Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

124. **Sign, Directional.** A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.

125. **Stable.** "Stable" shall have the same meaning as "garage", one (1) draft animal being considered the equivalent of one (1) self-propelled vehicle.

126. **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.

127. **Story, Half.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

128. **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.

129. **Street Line.** A dividing line between a lot, tract or parcel of land and a contiguous street.

130. **Structural Alteration.** Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one (1) location or position to another.

131. **Structure.** Anything constructed or erected, the use of which required a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks and disposal fields.

132. **Temporary Structure.** A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.

133. **Traffic Lane.** A strip of roadway intended to accommodate a single lane of moving vehicles.

134. **Trailer Park.** Any lot on which are parked two (2) or more house trailers or mobile homes for longer than forty-eight (48) hours.

135. **Use.** The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.

136. **Use Consistent with Agricultural Use.** Use consistent with agricultural use means any activity that meets all of the following conditions:

    a. The activity will not convert land that has been devoted primarily to agricultural use;

b. The activity will not limit the surrounding land's potential for agricultural use;

c. The activity will not conflict with agricultural operations on the land subject to the farmland preservations agreement; and

d. The activity will not conflict with agricultural operations on other properties.

137. **Use, Conditional.** See "Conditional Use".

138. **Use, Permitted.** A use which may be lawfully established regulations and performance standards, if any, of such districts.

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

140. **Utility Structures.** Utility structures are defined as, but not limited to, infrastructure for telephone, telegraph, power transmission, cable television and microwave radio relay.

141. **Vending Machine.** A retail business device electrically or manually operated, used by the general public to obtain dairy products, foodstuffs or other merchandise without entering a public shop, store, market or other such building.

142. **Wind Energy System.** Equipment that converts and then stores or transfers energy from the wind into usable forms of energy.

143. **Yard**. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.

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

145. **Yard, Font.** A yard extending along the full length of the front lot line between the side lot lines.

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

147. **Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines.

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

149. **Yard, Street.** Yard abutting a street.

150. **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District which adjoins a zoning lot in either a Residential or Business District.

151. **Zoning District.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

Sec. 13-1-9 through Sec. 13-1-19 **Reserved for Future Use.**

This page intentionally left blank.

Sec. 13-1-20 Jurisdiction and Compliance

A. **Jurisdiction.** The jurisdiction of this Chapter shall include all lands and water within the Town of Taycheedah, Fond du Lac County, Wisconsin.

B. **Compliance.** No structure, land or water shall hereafter be used, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable Town, county and state regulations.

Sec. 13-1-21 Use Restrictions

The following use restrictions and regulations shall apply:

A. **Principal Uses.** Only those principal uses specified for a district, their essential services and the following shall be permitted in that district:

1. **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the Town Board, provided that such uses are similar in character to the principal uses permitted in the District.

2. **Performance Standards.** Performance standards listed in Article H shall be complied with by all uses in all districts.

3. **Conditional Uses.** Provisions applicable to conditional uses generally:

   a. Conditional uses and their accessory uses are considered by special uses requiring, for their authorization, review, public hearing and approval by the Board of Appeals in accordance with Article D of this Chapter excepting those existents at time of adoption of the Zoning Code.

   b. Those existing uses which are classified as “conditional uses” for the district in which they are located at the time of adoption of this Code require no action by the Board of Appeals to continue as valid conditional uses, and the same shall be deemed to be “regular” conditional uses.

   c. Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Board of Appeals in accordance with Article D.

   d. Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the re-establishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Board of Appeals in accordance with Article D.

e. Provisions in this Chapter relating generally to conditional uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provision would then control), be deemed to be applicable to both regular and limited conditional uses.

f. Conditional uses authorized by Board of Appeals resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.

g. Conditional uses authorized by the Board of Appeals shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Board approval and the procedures required in Article D.

4. Occupancy. Unless otherwise provided elsewhere in this Ordinance, residential occupancy per dwelling unit shall be limited to one (1) family. All residents are limited to three (3) dogs and four (4) cats.

Sec. 13-1-22 Reduction or Joint Use

No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

Sec. 13-1-23 Site Regulations

A. **Site Suitability.** No land shall be used, or structure erected where the land is held unsuitable for such use or structure by the Town Board 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 Board, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires.

B. **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of fifty (50) feet; however, to be buildable, the lot shall comply with the frontage requirements of the Zoning District in which it is located.

C. **Principal Structure.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot, except in the A-1 District. The Board of Appeals may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Board of Appeals, may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.

D. **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

E. **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yard not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.

F. **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting properties and with the approval of the Town Board; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining properties. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

G. **Decks.** For purposes of this Chapter, decks shall be considered a part of a building or structure.

H. **Frontline Projections.** No alterations to any building, except uncovered steps, shall project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points onto the setback lines of the next existing buildings on each side of such building.

I. **Unobstructed Yards.** Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than twenty-four (24) inches, and/or up to forty-eight (48) inches for solar heating systems.

J. **Floor size; Foundation.** All dwellings shall conform to a minimum floor size and be set upon a permanent footed foundation or a permanent footed slab.

K. **Height and Yard Exceptions.** The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

1. Places of worship, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding sixty-five (65) feet nor five (5) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

2. Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, setbacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, radio and television receiving towers, and necessary mechanical appurtenances are hereby exempted from the height regulations of this Section and may be erected in accordance with the other regulations or ordinances of the Town of Taycheedah.

3. Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.

4. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets by complied with.

5. Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet provided they be so located as not to obstruct light and ventilation.

L. **Non-complying Lots; Private Roads.** No building permit or certificate of occupancy shall be issued by the Building Inspector/Permit Issuer for any lot which does not comply with all the regulations and standards of this Chapter, except as otherwise provided by this Chapter; and which does not have at least fifty (50) feet frontage on a public street or road, which is not fully improved and opened in accordance with the Town standards for streets and highways, and so certified by the Town Clerk. Lots on private roads that were in existence at the time of the passage of the Taycheedah Zoning Code are excluded from this road requirement.

M. **Sewer Service Requirement.** All new subdivisions as of September 18, 2001, located within the boundaries of a sanitary district shall be sewered if cost-effective and feasible, as determined by the sanitary district, and satisfies the Sewer Service Area Plan administered by the Department of Natural Resources and East Central Wisconsin Regional Planning.

Sec. 13-1-24 Highway Setback Lines

A. **Purpose.** In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be, and they are hereby established in the Town of Taycheedah, Fond du Lac County, Wisconsin, outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways and highways with railways as hereafter provided, and at the water's edge on riparian lands.

B. **Riparian Land Setbacks.** The setback line on riparian lands shall be the water line as defined in the Fond du Lac County Shoreland Zoning Ordinance.

C. **Classes of Highways and Center Lines.** Highways are classified, and the position of the center line shall be determined as follows:

1. **Class 1 Highways**

   a. Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is the midway point between the edges of the road surface.

   b. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is at the center of the surfacing or pavement, or, if there be none, the center of graded roadbed.

   c. Roads and streets in platted subdivisions not otherwise classified. The center line is the midpoint between the edges of the road surface.

   d. Private Roads. The center line is at the midpoint between the edges of the road surface.

2. **Class 2 Highways.**

   a. County Trunk Highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.

   b. County Trunk Highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The center line is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

3. **Class 3 Highways.** State Trunk Highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board and the United States highways. The center line is the center of the roadbed, or the center of the surfacing or pavement of the adjacent lane if the highway is to be paved as a double-divided road.

D. **Structures Prohibited Within Setback Lines.** No new building, mobile home, new sign or other structure or part thereof shall be placed between the setback lines established this Section and the highway, except as provided by this Section, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the original effective date of this Chapter shall be altered, enlarged or added to in any way that increases.

E. **Structures Permitted Within Setback Lines.** The following kinds of structures may be placed between the setback line and the highway:

1. Open fences.

2. Utility structures may be constructed within the setback lines, and additions to and replacements of existing utility structures may be made, provided the owner files with the Town Board an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this Section, at his expense, when necessary for the improvement of the highway.

3. Underground structures not capable of being used as foundations for future prohibited over-ground structures.

4. Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.

5. This Section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.

F. **Setback Distances.** Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways as defined in Subsection (c) above, shall be as provided by the following paragraphs of this Subsection, respectively:

1. **Improved Highways.** Whenever a highway is improved to a classification requiring a greater setback distance than that required by this Section prior to such improvement, the setback distance shall be that applicable to the latter classification.

2. **Conflicting Setbacks.** In cases where the provisions of this Section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

3. **Along Highways Generally.** The setback distances from the center line, at any point for the respective classes of highways, shall be as follows:

   a. **Class 1 Highway:** Thirty (30) feet from the right-of-way or 63 feet from the center of the road, whichever is greater, for all platted and un-platted residentially zoned lands; and lots abutting on private roads as shown on the instrument creating said road or road easement.

   b. **Class 2 and Class 3 Highways:** one hundred (100) feet; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than sixty (60) feet for Class 2 and Class 3 highways.

   c. **Exceptions:** Where buildings, structures or uses are to be erected or established between buildings existing at the time of the adoption of the Chapter which buildings are located not more than one hundred fifty (150) feet apart and have setback lines less

than are established by this Section, the setback line for each such proposed building, structure or use shall be the average of the setback lines of the nearest existing building on both sides of the proposed building, structure or use, provided that a setback line of more than one hundred (100) feet from the center line of the highway, or sixty-five (65) feet from the right-of-way line, shall not be required in any case. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the Town harmless from additional improvement damages which might accrue when and if the highway is improved and provided further that no such variation shall permit a setback less than the average setback of the adjacent buildings.

4. **At Ordinary Highway Intersections.** At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary right-of-way line, which shall be a straight line connecting points on the right-of-way lines along the intersecting highways and fifty (50) feet back from the intersection of such right-of-way lines.

5. **At Highway Intersections with Transitional Widening**. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.

6. **At Highway Intersections with Curve Connections.** At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.

7. **At Railroad Grade Crossings.** At railroad grade crossings there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and seventy-five (75) feet back from the intersection of such highway setback lines and such railway right-of-way line.

8. **At the Niagara Escarpment.** At the escarpment, no structure shall be erected within 250 feet of the escarpment. Escarpment defined as a slope of 90° or visual exposure of rock outcropping(s) on a horizontal surface. Residentially zoned land of records as of April 26, 2000, shall be exempt. Escarpment setback restrictions shall expire on April 26, 2001 or the date of adoption of an Escarpment Overlay Ordinance, whichever occurs first.

Sec. 13-1-25 Roof Slopes and Eaves Dimensions for Dwellings, Accessory Buildings and Garages

A. All residential homes, including manufactured homes but excluding mobile homes, shall be covered with a roof pitched at a minimum slope of three inches to twelve inches (3:12), which is permanently covered with non-reflective material. Such homes shall have a pitched roof and overhanging eaves with a minimum twelve (12) inch overhang, measured from the vertical sides of the structure. Carports shall be excluded from the minimum slope requirement.

B. Dwellings, accessory buildings and garages shall have roofing material of a type customarily found on conventionally constructed dwellings including wood shakes or shingles, asphalt composition shingles, fiberglass composition shingles, metal shingles or standing-seam steel but not pole barn steel or corrugated fiberglass.

C. Dwellings, accessory buildings and garages shall have exterior siding of a type customarily found on conventional constructed dwellings including wood clapboards, simulated clapboards such as vinyl, metal or Masonite-type siding, wood shakes, wood shingles, brick, stone or other masonry type siding, wood, or metal but not pole barn steel or corrugated fiberglass, whether hung vertically or horizontally.

Sec. 13-1-26 through Sec. 13-1-39 Reserved for Future Use.

This page intentionally left blank.

Article C: Zoning Districts

Sec. 13-1-40 Zoning Districts Designated

A. For the purpose of this Chapter, the Town of Taycheedah is hereby divided into the following zoning districts:

1. R-1 Single-Family Residential District with Public Sewer.
2. R-2 Single-Family Residential District without Public Sewer.
3. R-3 Two-Family Residential District with Public Sewer.
4. R-4 Two-Family Residential District without Public Sewer.
5. R-5 Single-Family and Two-Family Residential District with Public Sewer.
6. R-6 Single-Family and Two-Family Residential District without Public Sewer.
7. R-7 Lakeside Single-Family Residential District.
8. R-8 Residential Estate District.
9. MFR Multiple-Family Residential District.
10. C-1 Conservancy District.
11. A-1 Exclusive Agricultural/Farmland Preservation District.
12. A-2 General Agricultural District
13. B-1 Business District with Public Sewer.
14. B-2 Business District without Public Sewer.
15. I-1 Industrial District.
16. Overlay Districts:
    a. MRC – Mixed-Use Residential/Commercial Overlay.
    b. MCI – Mixed Commercial/Light Industrial Overlay.
    c. TRD-Transitional Residential Overlay

Sec. 13-1-41 District Boundaries

A. **Zoning Map.** The boundaries of the districts enumerated in Section 13-1-40 above are hereby established as shown on a map entitled "Zoning Map, Town of Taycheedah, Wisconsin," which is adopted by reference and made a part hereof. The map shall be available to the public in the office of the Town Clerk.

B. **Boundary Lines.** The district boundaries, unless otherwise indicated, are street or highway center lines, railroad right-of-way lines extended, lines parallel or perpendicular to such street, highway or railroad lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter section lines, or quarter-quarter section lines, and when the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary line.

C. **Vacation.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

Sec. 13-1-42 R-1 Single-Family Residential District with Public Sewer

A. **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of single-family detached dwelling units on public sewer.

B. **Permitted Uses.** The following uses of land are permitted in the R-1 District:

1. Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.

2. Manufactured single-family homes complying with all of the following requirements and limitations:

   a. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.

   b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

   c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

   d. The home shall be covered by a roof pitched at a minimum slope of three inches to

twelve inches (3:12), which is permanently covered with non- reflective material. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

e. The home shall be a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Taycheedah. Refer to Section 13-12-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

3. Public parks and playgrounds.

4. Conversion of any existing building to a permitted use.

5. Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

6. Foster family care.

7. Home occupations and professional home offices.

8. Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

C. **Conditional Uses.** The following are permitted as conditional uses within the R-1 District:

1. Community living arrangements and day care centers which have a capacity for nine (9) or more persons.

2. Utilities (electric substations, telephone switching stations, gas regulators, etc.).

3. Bed and breakfast inns.

4. Places of worship and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems and incinerators.

5. Public utility structures, except those incompatible with the characteristics of the district.

6. Planned residential developments.

7. Home occupations.

D. **Area, Height and Yard Requirements:**

1. **Minimum Area and Width for Dwellings Served by Public Sanitary Sewer.** The minimum lot area for one-family units shall be twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre) and the minimum lot width one hundred (100) feet at the building line, on riparian lots, seventy-five (75) feet at the water's edge.
2. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one (1) family. All residences are limited to three (3) dogs and four (4) cats.

3. **Location.** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage.

4. **Ground Flood Area.** The minimum ground floor area per dwelling unit shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2) vertical measurement of the first-story must be above ground level.

5. **Height.** Not to exceed thirty-two (32) feet nor two and one-half (2 1/2) stories, measured from the foundation to the peak of the roof. Refer to Sec. 13-1-150 Height Modifications.

6. **Side Yards.**

   a. For all buildings the sum of the width of the side yards shall not be less than twenty-five (25) and no single side yard shall be less than ten (10) feet.

   b. Reference to 13-1-151 Yard Modifications.

7. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

E. **Substandard Lots:**

1. **Special Minimum Requirements.** A substandard lot which is at least eight thousand (8,000) square feet in area and is at least fifty (50) feet in width at the building line may be used as a building site for a single-family dwelling if it meets the following requirements:

   a. Such use is permitted in the zoning district;

   b. The lot is of record in the County Register of Deeds office prior to 9/15/1962;

   c. The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Chapter;

   d. All dimensional requirements of this Chapter are complied with; and

   e. The lot is served by a sanitary sewer, or has a sanitary permit issued by Fond du Lac County under County Sanitary Ordinance.

2. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

Sec. 13-1-43 R-2 Single-Family Residential District Without Public Sewer

A. **Purpose.** The purpose of the R-2 District is to provide the opportunity for construction and

maintenance of single-family detached dwelling units without public sewer.

B. **Permitted Uses.** The following uses are permitted in the R-2 District:

1. Single-Family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.

2. Manufactured single-family homes complying with all of the following requirements and limitations:

   a. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.

   b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure a proper support for the home.

   c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

   d. The home shall be covered by a roof pitched at a minimum slope of three inches in twelve inches (3:12), which is permanently covered with non- reflective material. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

   e. The home shall be a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Taycheedah. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

3. Public parks and playgrounds.

4. Conversion of any existing building to a permitted use.

5. Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

6. Foster family care.

7. Home occupations and professional home offices.

8. Uses customarily incident to any of the above uses, provided that no such uses generate traffic or noise that would create public or private nuisance.

C. **Conditional Uses.** The following uses are permitted as conditional uses within the R-2 District:

1. Community living arrangements and day care centers which have a capacity for nine (9) or more persons.

2. Utilities (electric substations, telephone switching stations, gas regulators, etc.).

3. Bed and breakfast inns.

4. Places of worship and public buildings, except public building housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.

5. Public utility structures, except those incompatible with the characteristics of the district.

6. Planned residential developments.

7. Golf courses and private clubs.

8. Nursery Schools.

D. **Area, Height and Yard Requirements.**

1. **Minimum Area and Width for Dwellings Not Served by Public Sanitary Sewer.**

   a. The minimum lot area for one-family units shall be forty-three thousand five hundred sixty (43,560) square feet (1 acre) and the minimum lot width one hundred (100) feet at the building line; on riparian lots, seventy-five (75) feet at the water's edge.

   b. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of applicable State and County law, then such larger lot sizes shall be considered as required by the zoning ordinance.

   c. The Building Inspector shall require a sanitary permit issued by the Fond du Lac County under the County Sanitary Ordinance.

2. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one (1) family. All residences are limited to three (3) dogs and four (4) cats.

3. **Location.** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.

4. **Ground Floor Area.** The minimum ground floor area per dwelling units shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2) vertical measurement of the first-story must be above ground level.

5. **Height.** Not to exceed thirty-two (32) feet nor two and one-half (2-1/2) stories, measured from the foundation to the peak of the roof. Refer to Section 13-1-150, Height Modifications.

6. **Side Yards.**

   a. For all buildings the sum of the width of the side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.

   b. Refer to 13-1-151 Yard Modifications.

7. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

E. **Substandard Lots.**

1. **Special Minimum Requirements.** A substandard lot which is at least sixteen thousand (16,000) square feet in area and is at least fifty (50) feet in width at the building line may be used as a building site for a single-family dwelling if it meets the following requirements:

   a. Such use is permitted in the zoning district;

   b. The lot is of record in the County Register of Deeds office prior to 9/15/1962;

   c. The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Chapter;

   d. All dimensional requirements of this Chapter are complied with insofar as practical; and

   e. The lot has a sanitary permit issued by Fond du Lac County under County Sanitary Ordinance.

2. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

Sec. 13-1-44 R-3 Two-Family Residential District with Public Sewer

A. **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of two-family dwelling units on public sewer in the newer subdivisions.

B. **Permitted Uses.** The following uses are permitted in the R-3 District:

1. Two-family detached dwellings.

2. Manufactured two-family homes complying with all of the following requirements and limitations:

   a. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.

   b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure a proper support for the home.

   c. The home shall be equipped with foundation siding which in design, color and texture spears to be an integral part of the adjacent exterior wall of the manufactured home.

d. The home shall be covered by a roof pitched at a minimum slope of three inches in twelve inches (3:12), which is permanently covered with non- reflective material. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Taycheedah. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

3. Public parks and playgrounds.

4. Conversion of any existing building to a permitted use.

5. Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

6. Foster family care.

7. Home occupations and professional home offices.

8. Uses customarily incidental to any of the above uses, provided that no such uses generate traffic or noise that would create public or private nuisance.

C. **Conditional Uses.** The following uses are permitted as conditional uses within the R-3 District:

1. Utilities (electric substations, telephone switching stations, gas regulators, etc.).

2. Public utility structures, except those incompatible with the characteristics of the district.

3. Bed and Breakfast establishments.

4. Places of worship and public buildings, except public building housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.

D. **Area, Height and Yard Requirements.**

1. **Minimum Area and Width for Dwellings Served by Public Sanitary Sewer.** For a two- family unit minimum lot area shall be forty-three thousand five hundred sixty (43,560) square feet (1 acre), with a minimum lot width at the building line of one hundred (100) feet.
2. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one (1) family. All residences are limited to three (3) dogs and four (4) cats.

3. **Location.** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.

4. **Ground Floor Area.** The minimum ground floor area per dwelling units shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2)

vertical measurement of the first-story must be above ground level.

5. **Height.** Not to exceed thirty-two (32) feet nor two and one-half (2-1/2) stories, measured from the foundation to the peak of the roof. Refer to 13-1-150 Height Modifications.

6. **Side Yards.**

   a. For all buildings that sum of the width of the side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.

   b. Refer to 13-1-151 Yard Modifications.

7. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State law.

Sec. 13-1-45 R-4 Two-Family Residential District Without Public Sewer

A. **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of two-family dwelling units not on public sewer in the newer subdivisions.

B. **Permitted Uses.** The following uses are permitted in the R-4 District:

1. Two-family detached dwellings.

2. Manufactured two-family homes complying with all of the following requirements and limitations:

   a. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.

   b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure a proper support for the home.

   c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

   d. The home shall be covered by a roof pitched at a minimum slope of three inches in twelve inches (3:12), which is permanently covered with non- reflective material. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages

   e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Taycheedah. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

3. Public parks and playgrounds.

4. Conversion of any existing building to a permitted use.

5. Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

6. Foster family care.

7. Home occupations and professional home offices.

8. Uses customarily incident to any of the above uses, provided that no such uses generate traffic or noise that would create public or private nuisance.

C. **Conditional Uses.** The following uses are permitted as conditional uses within the R-4 District:

1. Utilities (electric substations, telephone switching stations, gas regulators, etc.).

2. Public utility structures, except those incompatible with the characteristics of the district.

3. Bed and Breakfast establishments.

D. **Area, Height and Yard Requirements.**

1. **Minimum Area and Width for Dwellings Not Served by Public Sanitary Sewer.**

   a. The minimum lot area for two-family units shall be eighty-seven thousand one hundred twenty (87,120) square feet (2 acres) and the minimum lot width one hundred (100) feet at the building line; on riparian lots, seventy-five (75) feet at the water's edge.

   b. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of applicable State and County law, then such larger lot sizes shall be considered as required by the Zoning Code.

   c. The Building Inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance.

2. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one (1) family. All residences are limited to three (3) dogs and four (4) cats.

3. **Location.** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.

4. **Ground Floor Area.** The minimum ground floor area per dwelling units shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2) vertical measurement of the first-story must be above ground level.

5. **Height.** Not to exceed thirty-two (32) feet nor two and one-half (21/2) stories measured from the foundation to the peak of the roof. Refer to 13-1-150 Height Modifications.

6. **Side Yard.**

   a. For all buildings the sum of the width of the side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.

   b. Refer to 13-1-151 Yard Modifications.

7. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

Sec. 13-1-46 R-5 Single-Family and Two-Family Residential District With Public Sewer

A. **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of single-family detached and two-family dwelling in the older more established areas of the Town of Taycheedah.

B. **Permitted Uses.** The following uses are permitted in the R-5 District:

1. Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.

2. Manufactured single-family complying with all of the following requirements and limitations:

   a. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.

   b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure a proper support for the home.

   c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

   d. The home shall be covered by a roof pitched at a minimum slope of three inches in twelve inches (3:12), which is permanently covered with non- reflective material. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

   e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Taycheedah. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

3. Public parks and playgrounds.

4. Conversion of any existing building to a permitted use.

5. Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

6. Foster family care.

7. Home occupations and professional home offices.

8. Uses customarily incident to any of the above uses, provided that no such uses generate traffic or noise that would create public or private nuisances.

C. **Conditional Uses.** The following uses are permitted as conditional uses within the R-5 District:

1. Community living arrangements and day care centers which have a capacity for nine (9) or more persons.

2. Utilities (electric substations, telephone switching stations, gas regulators, etc.).

3. Bed and breakfast inns.

4. Places of worship and public buildings, except public building housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.

5. Public utility structures, except those incompatible with the characteristics of the district.

6. Two-family dwellings.

7. Planned residential developments.

8. Nursery schools.

D. **Area, Height and Yard Requirements.**

1. **Minimum Area and Width for Dwellings Served by Public Sanitary Sewer.** The minimum lot area for one-family units shall be forty-three thousand five hundred sixty (43,560) square feet (1 acre)and the minimum lot width of one hundred (100) feet at the building line; on riparian lots, seventy-five (75) feet at the water's edge.

2. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one (1) family. All residences are limited to three (3) dogs and four (4) cats.

3. **Location.** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.

4. **Ground Floor Area.** The minimum ground floor area per dwelling units shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2) vertical measurement of the first-story must be above ground level.

5. **Height.** Not to exceed thirty-two (32) feet nor two and one-half (2-1/2) stories, measured from the foundation to the peak of the roof. Refer to 13-1-150 Height Modifications.

6. **Side Yards.**

   a. For all buildings the sum of the width of the side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.

   b. Refer to 13-1-151 Yard Modifications.

7. **Rear Yards.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

Sec. 13-1-47 R-6 Single-Family and Two-Family Residential District Without Public Sewer

A. **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of single-family detached and two-family dwelling units.

B. **Permitted Uses.** The following uses are permitted in the R-6 District:

1. Single-family detached dwellings, excluding all mobile homes, for purposes of this Chapter, manufactured homes are included in the definition of single-family dwelling.

2. Manufactured single-family homes complying with all of the following requirements and limitations:

   a. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.
   b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure a proper support for the home.

   c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

   d. The home shall be covered by a roof pitched at a minimum slope of three inches in twelve inches (3:12), which is permanently covered with non- reflective material. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

e. The home shall be a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Taycheedah. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

3. Public parks and playgrounds.

4. Conversion of any existing building to a permitted use.

5. Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

6. Foster family care.

7. Home occupations and professional home offices.

8. Two-family dwellings.

9. Uses customarily incidental to any of the above uses, provided that no such uses generate traffic or noise that would create public or private nuisances.

C. **Conditional Uses.** The following uses are permitted as conditional uses within the R-6 District:

1. Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
2. Utilities (electric substations, telephone switching stations, gas regulators, etc.).
3. Bed and breakfast inns.
4. Places of worship and public buildings, except public building housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.
5. Public utility structures, except those incompatible with the characteristics of the district.

D. **Area, Height and Yard Requirements.**

1. **Minimum Area and Width for Dwellings Not Served by Public Sanitary Sewer.**

a. The minimum lot area for one-family units shall be forty-three thousand five hundred sixty (43,560) square feet (1 acre) and sixty-five thousand three hundred forty (65,340) square feet (1-1/2 acres) for two-family units and the minimum lot width one hundred (100) feet at the building line; on riparian lots, seventy-five (75) feet at the water's edge.

b. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of H82.20 and/or H85, Wis. Adm. Code, or the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the Zoning Code.

c. The Building Inspector shall require a sanitary permit issued by Fond du Lac County under the County Sanitary Ordinance.

2. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one (1) family. All residences are limited to three (3) dogs and four (4) cat
3. **Location.** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.

4. **Ground Floor Area.** The minimum ground floor area per dwelling units shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2) vertical measurement of the first story must be above ground level.

5. **Height.** Not to exceed thirty-two (32) feet, nor two and one-half (2-1/2) stories, measured from the foundation to the peak of the roof. Refer to 13-1-150 Height Modifications.

6. **Side Yards.**

   a. For all buildings the sum of the width of the side yard shall not be less than twenty-five (25) feet and no single yard shall be less than ten (10) feet.

   b. Refer to 13-1-151 Yard Modifications.

7. **Rear Yards.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

Sec. 13-1-48 R-7 Lakeside Single-Family Residential District.

A. **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of single-family detached units along the shore of Lake Winnebago.

B. **Permitted Uses.** The following uses are permitted in the R-7 District:

1. Single-family detached dwellings, excluding mobile homes; for purposes of this Chapter, manufactured homes are included in the definition of single-family dwelling.

2. Manufactured single-family homes complying with all of the following requirements and limitations:

   a. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.

   b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure a proper support for the home.

c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

d. The home shall be covered by a roof pitched at a minimum slope of three inches in twelve inches (3:12), which is permanently covered with non- reflective material. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Taycheedah. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

3. Public parks and playgrounds.

4. Conversion of any existing building to a permitted use.

5. Foster family care.

6. Home occupations and professional home offices.

7. Uses customarily incident to any of the above uses, provided that no such uses generate traffic or noise that would create public or private nuisance.

8. Boathouses shall not extend waterward beyond the ordinary high-water mark and shall be designed solely for boat storage or storage of related equipment. Boathouses shall be square or rectangular in shape. Boathouses shall be one-story in height and may not exceed fifteen (15) feet to the peak of the roof. Sidewalls of the boathouses shall be one-story in height and may not exceed eight (8) feet in height. At least one boat access door with a minimum width of seven (7) feet shall be provided on the side of the boathouse towards the water, no patio style doors are allowed on the boathouse. Boathouses may not be established where the existing slope is greater than twenty percent (20%). No boathouse may exceed eight hundred sixty-four (864) square feet using exterior sidewall dimensions on lakes over six hundred (600) acres. No more than one boathouse per conforming lot may be constructed. Indoor plumbing, decks and patios are prohibited on, in or adjacent to boathouses.

C. **Conditional Uses.** The following uses are permitted as conditional uses within the R-7 District:

1. Utilities (electric substations, telephone switching stations, gas regulators, etc.).

2. Bed and breakfast inns.

3. Public utility structures, except those incompatible with the characteristics of the district.

D. **Area, Height and Yard Requirements.**

1. **Minimum Area and Width for Dwellings Served by Public Sanitary Sewer.** The minimum lot area for one-family units shall be ten thousand (10,000) square feet and the minimum lot width of sixty-five (65) feet at the high-water mark.

2. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one (1) family. All residences are limited to three (3) dogs and four (4) cats.

3. **Location.** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.

4. **Ground Floor Area.** The minimum ground floor area per dwelling units shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2 vertical measurement of the first story must be above ground level.

5. **Height.** Not to exceed thirty-two (32) feet or two and one-half (2-1/2) stories, measured from the foundation to the peak of the roof. Refer to 13-1-150 Height Modifications.

6. **Side Yards.**

   a. For all buildings the sum of the width of the side yard shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.

   b. Refer to 13-1-151 Yard Modifications.

7. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

8. **Lake Shore.** Minimum setback of seventy-five (75) feet from ordinary high-water mark.

E. **Substandard Lots.**

1. **Special Minimum Requirements.** A substandard lot which is at least eight thousand (8,000) square feet in area and is at least fifty (50) feet in width at the building line may be used as a building site for a single-family dwelling if it meets the following requirements:

   a. Such use is permitted in the zoning district;

   b. The lot is of record in the County Register of Deeds office prior to 9/15/1962;

   c. The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Chapter;

d. All dimensional requirements of this Chapter are complied with insofar as practicable; and

e. The lot is served by sanitary sewer.

2. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

Sec. 13-1-49 R-8 Residential Estate District

A. **Purpose.** The R-8 Residential Estate District is intended to provide for a single-family residential development in a farmette or estate-type setting, at densities not to exceed one (1) dwelling unit per gross five (5) or more acres, served by private or municipal sewer and water facilities.

B. **Permitted Uses.** The following uses are permitted in the R-5 District:

1. Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter, manufactured homes are included in the definition of single-family dwelling.

2. Manufactured homes complying with all of the following requirements and limitations:

a. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.

b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

d. The home shall be covered by a roof pitched at a minimum slope of three inches in twelve inches (3:12), which is permanently covered with non- reflective material. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

e. The homes shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Taycheedah. Refer to Section 13-1-25 Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

3. Community living arrangements which have a capacity for eight (8) or fewer persons subject to the limitations set forth in Sec. 62.23(7)(i), Wis. Stats.

4. Essential services.

5. Home occupations and professional home offices.

C. **Conditional Uses.**

1. Utility substations (electric substations, telephone switching stations, gas regulations, etc.).

2. Solar collectors erected as an accessory structure.

3. Community living arrangements which have a capacity for nine (9) or more persons.

4. Bed and breakfast inns.

5. Planned residential developments.

D. **Area, Height and Yard Requirements.**

1. **Lot.**

   a. **Area.** Lots shall be a minimum of five (5) acres in area and shall be not less than one hundred fifty (150) feet in width at the building line. The Building Inspector shall require a sanitary permit issued by Fond du Lac County under the County Sanitary Ordinance.

   b. **Height.** No building or parts of a building shall exceed thirty-two (32) feet in height, measured from the foundation to the peak of the roof. Refer to 13-1-150 Height Modifications.

   c. **Building Area.**

      (1) The total floor area of a dwelling shall be not less than one thousand six hundred (1,600) square feet.

      (2) Building coverage on the lot shall not exceed thirty-five percent (35%) of the total lot area.

2. **Ground Floor Area**. The minimum ground floor area per dwelling units shall be one thousand six hundred (1,600) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2) vertical measurement of the first-story must be above ground level.

3. **Side Yards.**

   a. For all buildings the sum of the width of the side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.

   b. Refer to 13-1-151 Yard Modifications

4. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

E. **Other Development Standards.**

1. Rural cross section streets may be permitted with special permission from the Town Board under the following circumstances and conditions of development:

   a. Minimum roadway design standards:

      (1) Blacktop pavement width per Town standards. Refer to Sections 14-1-70 and 14-1-71.

      (2) Gravel shoulders per Town standards. Refer to Sections 14-1-70 and 14-1-71.

      (3) Sixty-six (66) foot right-of-way.

      (4) One hundred thirty-two (132) feet cul-de-sac bulb right-of-way

2. The developer shall submit detailed drainage plans to the Fond du Lac County Land & Water Conservation Department for review and approval.

3. Livestock such as, but not limited to, cattle, swine, horses, ponies, poultry and other fowl, may only be allowed in the R-8 District following issuance of a conditional use permit after public hearing. As a general policy guideline, the R-8 District is not intended to be used for intensive raising or boarding of livestock or fowl. A conditional use permit for livestock or fowl may only be issued if such use is compatible with the neighborhood.

Sec. 13-1-50 MFR Multiple-Family Residential District.

A. **Purpose.** The purpose of this district is intended to provide an area of higher density residential use than is allowed under other zoning districts. The standards are designed to encourage creativity in the arrangement and placement of multi-family residential dwellings, including apartment buildings, condominium development and clustered development. The use of this District should be applied to those areas where an increased density would be compatible with surrounding areas, buildings and future development.

B. **Permitted Uses.** The following uses are permitted in the MFR District:

1. Multi-family dwellings served by a public sanitary sewer. All such structures shall be arranged, and development organized according to the procedures established under Subsection (d).

2. Public parks, playgrounds.

3. Professional home offices.

4. Home occupations

C. **Conditional Uses.** The following uses are permitted as conditional uses within the MFR District:

1. Multi-family dwellings not served by public sewer.

2. Planned residential developments.

3. Utilities.

4. Schools and places of worship.

5. Government and public uses such as fire and police stations, community centers, and public emergency shelters.

D. **Area, Height and Yard Requirements.**

1. **Width.** The minimum lot width shall be one hundred (100) feet.

2. **Lot Area.**

   a. Minimum lot area shall be one hundred thirty thousand six hundred eighty (130,680) square feet (3 acres) and a minimum of three thousand five hundred (3,500) square feet for each unit in a multi-family dwelling on public sewer and two hundred seventeen thousand eight hundred (217,800) square feet (5 acres) and a minimum of three thousand five hundred (3,500) square feet for the ground floor of each unit in a multi-family dwelling not on public sewer.

   b. No more than twelve (12) units in a multi-family development shall be allowed per acre, and at least twenty percent (20%) of the development area shall be open space.

3. **Height.** Not to exceed thirty-five (35) feet or two and one-half (2 1/2) stories, measured from the foundation to the peak of the roof.

4. **Side Yard.** Minimum side yard for each building shall be twenty-five (25) feet.

5. **Rear Yard.** Minimum rear yard for each building shall be thirty (30) feet.

6. **Setback from Water.** The minimum setback from any navigable water shall be seventy- five (75) feet.

7. **Street Setback.** The minimum setback from public streets shall be one hundred (100) feet from the center of such public street or highway, or thirty (30) feet from lot line in a platted subdivision.

8. **Minimum Dwelling Area.** No dwelling unit shall be less than nine hundred (900) square feet in area, exclusive of common areas, hallways and basements.

E. **Inapplicability of Provisions.** The following provisions of this Taycheedah Zoning Code do not apply to this District:

1. Section 13-1-22, Reduction or Joint Use.

F. **Procedures and Standards for Approval of Development.**

1. Application for approval of the development plan shall be made to the Town Board by the owner and developer. A fee established by the Town Board shall be submitted with the application. (Refer to Section 1-3-1 Fee Schedule.)

2. The development plan shall include the following:

   a. Building elevation drawings.

   b. Existing trees over six (6) inches in trunk diameter measured at two (2) feet above grade, streams, marshes and other predominant natural features.

   c. Grading and drainage plan at two (2) foot contour intervals. d. Landscape plan.

   d. Utility plan for all public utilities.

   e. Site plan showing the lot lines, building locations, street system, parking spaces, drives, common open space areas, recreational improvements and structures.

   f. Summary sheet indicating the area of land in each land use, number of units proposed, density of development, the percentage of land in usable open space, the number of acres of common open space and the number of parking spaces provided.

   g. Typical floor plan of each type of building.

   h. Vicinity map showing sufficient area surrounding the proposed development to demonstrate the development's relationship to the adjacent land uses and street system.

Sec. 13-1-51 C-1 Conservancy District

A. **Purpose.** The purpose of this District is to preserve, protect and maintain the natural environment and character of areas exhibiting significant natural resource features which contribute to the productive, recreational, or aesthetic value of the community.

B. **Permitted Uses.**

1. Farming and related agricultural uses when conducted in accordance with conservation standards.

2. Forest and game management.

3. Hunting, fishing and hiking.

4. Parks and recreation areas; arboreta; botanical gardens; greenways.

5. Utilities.

6. Non-residential buildings used solely in conjunction with the raising of water, fowl or fish.

7. Harvesting of wild crops.

8. Recreation related structures not requiring basements.

9. Land restoration, flowage, and ponds.

10. Skating rinks.

C. **Conditional Uses.**

1. Animal hospitals shelters and kennels.

2. Archery and firearm ranges and sports fields.

3. Golf courses and clubs.

4. Ski hills and Nordic ski trails.

5. Yacht clubs and marinas.

6. Public and private campgrounds.

7. Riding stables.

8. Planned residential developments.

9. Governmental, cultural and public buildings or uses.

10. Utilities.

11. Hunting and fishing clubs.

12. Farm structures.

D. **Area, Height and Yard Requirements.**

1. **Lots.**

   a. **Area.** Minimum one and one-half (1-1/2) acres.

   b. **Width.** Minimum one hundred fifty (150) feet.

2. **Building Height.** Maximum thirty-five (35) feet, measured from the foundation to the peak of the roof.

3. **Other Structures Height.** Maximum one-half (1/2) the distance from the structures nearest lot line.

4. **Yards.**

   a. **Rear.** Minimum twenty (20) feet.

   b. **Side.** Minimum twenty (20) feet except structures used for the housing or shelter of animals must be one hundred (100) feet from lot lines.

Sec. 13-1-52 A-1 Exclusive Agricultural/Farmland Preservation District

A. **Purpose.** The purposes of the Exclusive Agricultural/Farmland Preservation District are to:

1. Preserve productive agricultural land for food and fiber production;

2. Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;

3. Maintain a viable agricultural base to support agricultural processing and service industries;

4. Prevent conflicts between incompatible uses;

5. Reduce costs of providing services to scattered non-farm uses;

6. Pace and shape of growth;

7. Implement the provisions of the county agricultural plan as adopted and periodically revised; and

8. Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under §71.60, Wis. Stats.

B. **Lands Included with This District.** This district is generally intended to include prime agricultural lands historically exhibiting high crop yields, which generally consist of Class I, II, and III soil capability classes established by the Soil Conservation Service, USDA. This District also includes other lands which are integral parts of productive farm operations.

C. **Permitted Uses.** The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

D. **Agricultural Uses and Accessory Uses.**

   a. A new or expanded livestock facility used to keep cattle, swine, poultry, sheep or goats, if that facility will have less than 1,000 animal units.

   b. Roadside stand.

      (1) Not to exceed 200 square feet in size.

      (2) Products must be produced on site.

c. Horse boarding.

d. Bed and Breakfast.

e. Beekeeping;

f. Floriculture;

g. Fish farming;

h. Forest and game management;

i. Orchards;

j. Plant greenhouse and nurseries;

k. Raising of grain, grass, mint and seed crops;

l. Raising of fruits, nuts, and berries;

m. Sod farming;

n. Vegetable raising;

o. Home Occupations, under the condition that the use does not impair or limit current or future agricultural use of the farm or of other protected farmland;

p. Farm Market must comply with §91.01(1)(d), Wis. Stats. and employs no more than three (3) persons.

2. **Undeveloped natural resource and open space areas.**

3. **Transportation, Utilities, Communications Facilities.** Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use. Utilities meaning gas and electric utility uses not requiring authorization under §196.491, Wis. Stats., except wind energy systems as defined in Section 13-1-8.

4. **Pre-Existing Residences and Residential Lots.** Pre-Existing residences or structures in existence prior 9/15/1962, the adoption of the Town of Taycheedah Zoning Ordinance.

E. **Conditional Uses.**

1. **General.** The Town of Taycheedah may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit the Board of Appeals shall determine in writing that the proposed use meets applicable conditions under this section. The Board of Appeals may issue the permit subject to any additional conditions which it deems necessary to carry out the purposes of this Zoning Code.

2. **Nonfarm Residences.** The Board of Appeals may issue a conditional use permit for a proposed *nonfarm residence* if all of the following standards will be met when the approved *nonfarm residence* comes into existence:

   a. If a nonfarm residence will be located in a base farm tract:

      (1) The ratio of nonfarm residential acreage to farm acreage in the base farm tract will not exceed 1:20.

      (2) The minimum lots size for a nonfarm residence in a base farm tract will be one and one-half (1 ½) acres.

      (3) No more than two (2) nonfarm residence will be allowed within a base farm tract.

   b. The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:

      (1) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.

      (2) Significantly impair or limit the current or future agricultural use of any other protected farmland.

3. **Nonfarm Residential Clusters.** Nonfarm residential clusters are prohibited in the A-1 District.

4. **Agricultural and accessory uses on farms.** The Board of Appeals may issue a conditional use permit for any of the following agricultural uses or accessory uses for which a permit is required:

   a. A new or expanded livestock facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 1,000 animal units, if the proposed facility meets the standards prescribed in Ch. ATCP 51, Wis. Adm. Code.

   b. Fur farming.

   c. Farm Market must comply with §91.01(1)(d), Wis. Stats. and employ four or more persons.

5. **Agriculture-related uses.** The Board of Appeals may issue a conditional use permit for an *agriculture-related use* if all of the following apply:

   a. The use supports agricultural uses in the A-1 zoning district in direct and significant ways and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.

   b. The use and its location in the A-1 zoning district are consistent with the purposes of the farmland preservation zoning district.

c. The use and its location in the A-1 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

d. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.

e. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

f. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

6. **Non-farm Facilities.** A conditional use permit may authorize non-farm facilities such as the following, if those facilities fall within the definition of an agriculture-related use and meet the criteria listed in Sec. 13-1-52(d)(5):

a. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received.

b. A dairy plant that processes or handles milk from farms.

c. A food processing plant that processes raw agricultural commodities received.

d. A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms or supplies animal feed.

e. An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes to produce fuel or other products.

f. A sawmill or other facility that processes wood or other forest products.

g. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed.

h. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.

i. A facility that is primarily engaged in providing agronomic or veterinary services to farms.

7. **Compatible Infrastructure.**

a. The Board of Appeals may issue a conditional use permit for any of the following uses if that use meets applicable conditions under par. b. below:

(1) Transportation uses, including roads, rail facilities, and agricultural aeronautic facilities.

(2) Communication uses, including transmission lines, cell towers, antennae and broadcast towers.

(3) Oil, gas and other pipelines.

(4) Electrical transmission lines.

(5) Wind energy systems as defined in Section 13-1-8.

(6) Solar power generation facilities.

(7) Drainage facilities.

b. The Board of Appeals may issue a conditional use permit for a proposed use under par. a. above if all of the following apply:

(1) The use and its location in the A-1 zoning district are consistent with the purposes of the farmland preservation zoning district.

(2) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(3) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

(4) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

(5) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

8. **Government and nonprofit community uses.** The Board of Appeals may issue a conditional use permit for a government use, or for an institutional, religious or community use, if it determines that all of the following apply:

a. The use and its location in the A-1 zoning district are consistent with the purposes of the farmland preservation zoning district.

b. The use and its location in the A-1 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

d. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

9. **Nonmetallic mineral extraction**. The Board of Appeals may issue a conditional use permit for a nonmetallic mineral extraction operation if all of the following apply:

a. The operation complies with all of the following:

(1) Subchapter I of Ch. 295, Wis. Stats., and rules promulgated under that subchapter.

(2) Applicable provisions of any County or Town ordinances adopted under § 295.13 and 295.14, Wis. Stats.

(3) Any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of non-metallic mineral extraction sites.

b. The operation and its location in the A-1 zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

c. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

d. The operation does not substantially impair or limit the current or future agricultural use of other protected farmland.

e. The conditional use permit requires the landowner to restore the affected land after the nonmetallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit.

F. **Rezoning Land out of a Farmland Preservation Zoning District.**

1. The Town Board may not rezone land out of a farmland preservation zoning district unless the [zoning authority] does all of the following prior to the rezoning:

a. Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

(1) The rezoned land is better suited for a use not allowed in the A-1 zoning district.

(2) The rezoning is consistent with the Town of Taycheedah Comprehensive Plan adopted in July 2009 and as subsequently amended.

(3) The rezoning is substantially consistent with the Fond du Lac County farmland preservation plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

(4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

2. Subsection (1) does not apply to any of the following:

   a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.

   b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Fond du Lac County farmland preservation plan map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

3. By March 1 of each year, the Town shall submit to DATCP a report of the number of acres rezoned out of the A-1 District during the previous year and a map that clearly shows the location of those areas. A copy of this report shall also be provided to the Fond du Lac County Planning Department.

G. **Area, Height and Yard Requirements.**

   a. **Minimum Height and Yard Requirements for Permitted Uses.**

      (1) The minimum side and rear yards for farm dwellings and accessory structures shall be ten (10) feet from the nearest lot lines. The minimum side and rear yards for livestock structures shall be one hundred (100) feet from the nearest lot lines.

      (2) Highway setbacks for farm dwellings and structures shall be as specified in this Chapter.

2. **Minimum Lot Size, Height and Yard Requirements for Conditional Uses.**

   (1) The minimum lot size, height and yard requirements for conditional uses shall be as specified in the conditional use permit, but in no case shall be less than fifty (50) feet from a lot line and shall be set back at least the distances specified in this Chapter.

H. **Dog Kennels**

Sec. 13-1-53 A-2 General Agricultural District

A. **Purpose and Intent.**

1. **Purpose:** The primary purposes of the district are to maintain, preserve, and enhance land historically used or suited for agricultural or agriculturally-related purposes but which are not eligible for participation in the farmland preservation program.

2. **Intent:** This district is intended to provide for the orderly transition of agricultural land located in areas planned for eventual non-agricultural uses consistent with the Town of Taycheedah Comprehensive Plan.

B. **Permitted Uses.**

1. Agricultural use [see Section 13-1-53(d)(20)].

2. Farm markets and road side stands for the sale of farm products produced on the premises.

3. Telephone and electrical power transmission lines and necessary accessory structures.

4. Uses permitted in 13-1-52(c)(1) subject to these limitations: On parcels smaller than two (2) acres no livestock shall be permitted. Livestock means any horse, bovine, sheep, llama or other ruminants, goat, pig, or domestic fowl, including fur bearing animals and game raised in captivity. On lots over two (2) acres, livestock shall not exceed one livestock unit per acre. A livestock unit equals one horse or bovine, two miniature horses, sheep, goat or pig, or 20 fowl or fur-bearing animals.

5. Single and two family residential dwellings and seasonal dwellings.

6. Community-based Residential Facilities (CBRF) which serve 8 or less residents. See Section 13-1-8(25).

7. Recreational vehicles as provided in 13-1-74(d).

8. Home occupations.

9. Animal confinement facilities.

10. Bed and breakfast establishments.

11. Commercial greenhouse, landscape and nursery business.

12. Dog kennels.

13. Duplexes subject to the provisions of 13-1-52(f) of this Zoning Code.

14. Farm machinery repair.

C. **Conditional Uses.**

1. Aircraft landing fields and hangers.

2. Places of worship; cemeteries.

3. Farms operated for the disposal or reduction of garbage, sewage or any other waste material.

4. Government and cultural uses such as town halls and fire and police stations.

5. Mobile home parks.

6. Public, parochial and private elementary and secondary schools.

7. Quarries and earth borrow pits, mineral extraction.

8. Sanitary landfill, junk and salvage yard operations.

9. Self-service storage facility.

10. Trap and sporting clay shooting facilities, shooting ranges.

11. Utilities.

12. Any similar use subject to the approval of the Board of Appeals.

D. **Area, Height and Yard Requirements.**

1. **Lot.**

   a. **Area.** No less than 3 acres (applies to lots created after the adoption of this ordinance).

2. **Building Height.** Thirty-five (35) feet maximum. Agricultural structures are exempt.

3. **Yard.**

   a. **Street.** See Section 13-1-24(f)(3)(a).

   b. **Rear.** Minimum twenty-five (25) feet.

   c. **Side.** Minimum ten (10) feet for dwellings and accessory structures. The minimum side and rear yards for livestock structures shall be one hundred (100) feet from the nearest lot lines.

E. **Parking and Access.** See Section 13-1-90 to 13-1-93.

F. **Sign Regulation.** See Section 13-1-100 to 13-1-114.

G. **Standards for Rezoning.** See Section 13-1-52

Sec. 13-1-54 B-1 Business District with Public Sewer

A. **Purpose.** The B-1 District is intended to provide an area with public sewer for the business, retail, financial, professional, and commercial needs of the community, especially those which can be most suitably located in a compact and centrally located business district.

B. **Permitted Uses.** The following uses of land are permitted in the B-1 District:

1. Single residential units located above a business in the same structure.

2. Hotels, motels, boarding or lodging houses, and dwelling units, located on the same lot with such a permitted use.

3. Farm implement sales.
4. Feed mills.
5. Paint, glass and wallpaper stores.
6. Hardware Stores.
7. Department stores, variety stores, general merchandise stores.
8. General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores.
9. Candy, nut or confectionery stores.
10. Dairy products stores, including ice cream stores.
11. Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery.
12. Clothing and shoe stores.
13. Furniture, home furnishings, floor covering and upholstery shops/stores.
14. Restaurants, lunch rooms and other eating places.
15. Taverns, bars and other drinking places with beverage license approved by Town Board.
16. Drug stores and pharmacies.
17. Liquor stores.
18. Antique stores and secondhand stores.
19. Sporting goods stores and bicycle shops.
20. Bookstores, not including adult books.
21. Stationary stores.
22. Jewelry and clock stores.
23. Camera and photographic supply stores.
24. Gift, novelty and souvenir shops.
25. Lawn and garden shops, florist shops, tree and nursery stock.
26. Tobacco and smokers' supplies stores.

27. News dealers and newsstands.

28. Wholesale merchandise establishments, only for retail items listed above; e.g., # 23 would allow wholesale camera sales.

29. Banks and other financial institutions.

30. Offices of insurance companies, agents, brokers and service representatives.

31. Offices of real estate agents, brokers, managers and title companies.

32. Miscellaneous business offices.

33. Heating and plumbing supplies.

34. Barbershops, beauty shops and hairdressers.

35. Shoe repair shops and shoe shine parlors.

36. Trade and contractor operations.

37. Advertising agencies, consumer credit reporting, news agencies, employment agencies.

38. Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops.

39. Computer services.

40. Commercial parking lots, parking garages, parking structures.

41. Watch, clock and jewelry repair services.

42. Motion picture theaters, not including drive-in theaters.

43. Miscellaneous retail stores.

44. Offices/clinics of physicians and surgeons, dentists and dental surgeons, osteopathic physicians, optometrists, chiropractors, and veterinarian's offices.

45. Law Offices

46. The offices, meeting places, places of worship, and premises of professional membership association; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations.

47. Engineering and architectural firms or consultants.

48. Accounting, auditing and bookkeeping firms or services.

49. Professional, scientific, or educational firms, agencies, offices, or services, and research laboratories or manufacturing operations.

50. The offices of governmental agencies and post offices.

51. Public transportation passenger stations, taxicab company offices, taxicab stands, and vehicle storage lots or garages.

52. Telephone and telegraph offices.

53. Lawn and garden shops, florist shops, tree and nursery stock.

54. Blacksmith shops, machine shops, welding shops, sheet metal shops.

55. Retail laundry and dry-cleaning outlets, including coin-operated laundries and dry-cleaning establishments, commonly called Laundromats and launderettes. Tailor shops, dressmakers' shops, and garment repair shops, and garment pressing establishments, hand laundries, or hat cleaning and blocking establishments.

56. Photographic studios and commercial photography establishments.

57. Miscellaneous repair shops and related services.

58. Establishments engaged in the publishing and printing of newspapers, periodicals or books.

C. **Conditional Uses.** The following are permitted as conditional uses in the B-1 District; provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations necessary or incidental to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Town Board with regard to such matters.

1. Dwelling units provide that no dwelling shall be permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.

2. Establishments engaged in the retail sale of automobiles, trailers, mobile homes or campers.

3. Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories.

4. Gasoline service stations; provided, further, that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line.

5. Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers.

6. Establishments engaged in daily or extended-term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.

7. Establishments for the washing, cleaning, or polishing of automobiles, including self-service car washes.

D. **Area, Height and Yard.**

1. **Residential Uses.** All residence uses shall comply with regulations and standards provided for R-5 Residential District.

2. When an apartment or residence is a part of the business structure, then there shall be sufficient residential square footage to qualify the same under the requirements for residences in the R-5 Residential District and subject to the alternative provisions and test therein contained. This same provision shall apply to multiple family residences, boarding houses and lodging houses.

3. **Height of Buildings.** Not to exceed sixty (60) feet.

4. **Side Yard.** As established for R-5 Residential District.

5. **Rear Yard.** As established for R-5 Residential District.

6. **Minimum Lot Size.** Lots shall be a minimum of forty-three thousand five hundred sixty (43,560) square feet (1 acre).

Sec. 13-1-55 B-2 Business District Without Public Sewer

A. **Purpose.** The purpose of this District is intended to provide an area without public sewer for the business, retail, financial, professional, and commercial needs of the community, which are located in non-urban areas of the Town.

B. **Permitted Uses.** The following uses are permitted in the B-2 Business District:

1. Single-residential units located above a business in the same structure.

2. Hotels and motels, boarding or lodging houses, and dwelling units, located on the same lot with such a permitted use.

3. Farm implement sales.

4. Feeds mills.

5. Paint, glass and wallpaper stores.

6. Hardware stores.

7. Department stores, variety stores, general merchandise stores.

8. General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores.

9. Candy, nut or confectionery stores.

10. Dairy products stores, including ice cream stores.

11. Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery.

12. Clothing and shoe stores.

13. Furniture, home furnishings, floor covering and upholstery.

14. Restaurants, lunch rooms and other eating places.

15. Taverns, bars and other drinking places with beverage license approved by Town Board.

16. Drug stores and pharmacies.

17. Liquor stores.

18. Antiques stores and secondhand stores.

19. Sporting goods stores and bicycle shops.

20. Bookstores, not including adult books.

21. Stationary stores.

22. Jewelry and clock stores.

23. Camera and photographic supply stores.

24. Gift, novelty and souvenir shops.

25. Lawn and garden shops, florist shops, tree and nursery stock.

26. Tobacco and smokers' supplies stores.

27. News dealers and newsstands.

28. Wholesale merchandise establishments, only for retail items listed above; e.g., # 23 would allow wholesale camera sales.

29. Banks and other financial institutions.

30. Offices of insurance companies, agents, brokers and service representatives.

31. Offices of real estate agents, brokers, managers and title companies.

32. Miscellaneous business offices.

33. Heating and plumbing supplies.

34. Barbershops, beauty shops and hairdressers.

35. Shoe repair shops and shoe shine parlors.

36. Trade and contractor operations.

37. Advertising agencies, consumer credit reporting, news agencies, employment agencies.

38. Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops.

39. Computer services.

40. Commercial parking lots, parking garages, parking structures.

41. Watch, clock and jewelry repair services.

42. Motion picture theaters, not including drive-in theaters.

43. Miscellaneous retail stores.

44. Offices/clinics of physicians and surgeons, dentists and dental surgeons, osteopathic physicians, optometrists, chiropractors, and veterinarian's offices.

45. Law offices.

46. The offices, meeting places, places of worship, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations.

47. Engineering and architectural firms or consultants.

48. Accounting, auditing and bookkeeping firms or services.

49. Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations.

50. The offices of governmental agencies and post offices.

51. Public transportation passenger stations, taxicab company offices, taxicab stands, and vehicle storage lots or garages.

52. Telephone and telegraph offices.

53. Lawn and garden shops, florist shops, tree and nursery stock.

54. Blacksmith shops, machine shops, welding shops, sheet metal shops.

55. Miscellaneous repair shops and related services.

C. **Conditional Uses.** The following uses are permitted as conditional uses within the B-2 District; provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from smoke, steam, harmful vapors, noxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations necessary or incidental to the proper performances of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Town Board with regard to such matters.

1. Dwelling units, provided that no dwelling shall be permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.

2. Establishments engaged in the retail sale of automobiles, trailers, mobile homes or campers.

3. Stores for sale and installation of tires, batteries, mufflers or other automotive accessories.

4. Gasoline service stations; provided, further that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line.

5. Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers.

6. Establishments engaged in the daily or extended-term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.

D. **Area, Height and Yard.**

1. **Residential Uses.** All residential uses shall comply with regulations and standards provided for R-2 Residential District.

2. When an apartment or residence is part of the business structure, then there shall be sufficient residential square footage to qualify the same under the requirements for residences in the R-2 Residence District and subject to the alternative provisions and test therein contained.

3. **Height of Buildings**. Not to exceed sixty (60) feet.

4. **Side Yard**. As established for R-2 Residential District.

5. **Rear Yard**. As established for R-2 Residential District.

6. **Minimum Lot Size**. Lots shall be a minimum of eighty-seven thousand one hundred twenty (87,120) square feet (2 acres).

Sec. 13-1-56 I-1 Industrial District

A. **Purpose.** This District is intended to provide an area for manufacturing, marketing, and industrial and agribusiness activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas, or which would create or tend to create conditions of public or private nuisances, hazard, or other undesirable conditions, or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.

B. **Permitted Uses.**

1. Manufacture of marine engines.

2. Light industry and service uses

3. The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.

4. Wholesale establishments and warehouses.

5. Building construction contractors.

6. Highway passenger and motor freight transportation.

7. **Light Industry and Service Uses.**

   a. Automotive repair and body repair.

   b. Automotive upholstery.

   c. Cleaning, pressing, dyeing.

   d. Commercial bakeries.

   e. Commercial greenhouses.

   f. Distributors.

   g. Food locker plants.

h. Printing and publishing.

i. Trade and contractor's facilities.

j. Painting services.

k. Retail sales and service facilities such as retail and surplus outlet stores, and restaurants and food service facilities when established in conjunction with a permitted manufacturing or processing facility.

l. Recreation vehicle, boat and miscellaneous storage.

8. Agricultural Related Industry and Service Uses.

a. Production of natural and processed cheese.

b. Production or shortening, table oils, margarine and other edible fats and oils.

c. Production of condensed and evaporated milk.

d. Wet milling of corn.

e. Production of creamery butter.

f. Drying and dehydrating fruits and vegetables.

g. Preparation of feeds for animal and fowl.

h. Pea vineries.

i. Creameries.

j. Production of flour and other grain mill products; blending and preparing of flour.

k. Fluid milk processing.

l. Production of frozen fruits, fruit juices, vegetables and other specialties.

m. Fruit and vegetable sauces and seasoning, and salad dressing preparation.

n. Poultry and small game dressing and packing providing that all operations be conducted within an enclosed building.

o. Production of sausages and other meat products providing that all operations be conducted within an enclosed building.

p. Corn shelling, hay baling and threshing services.

q. Grist mill services.

r. Horticultural services.

s. Canning of fruits, vegetables, preserves, jams and jellies.

t. Canning of specialty foods.

u. Grain elevators and bulk storage of feed grains.

v. Fertilizer production, sales, storage, mixing and blending.

w. Sales and maintenance of farm implements and related equipment.

x. Animal hospitals shelters and kennels.

y. Veterinarian services.

C. **Conditional Uses.** The following are permitted as conditional uses within the I-1 District. Such use shall be subject to the consideration of the Board of Appeals with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:

1. Manufacturing establishments, usually described as factories, mills or plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.

2. Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.

D. **Public Facilities and Uses.**

1. Governmental, cultural and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.

2. Schools and places of worship.

3. Vehicle and metal salvage operations.

4. Storage and warehousing of fuel and materials, and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.

E. **Lot, Yard and Building Requirements.**

1. **Minimum Lot Size.** Lot size shall be a minimum of sixty-five thousand three hundred forty square feet (1 ½ acres) in area.

2. **Maximum Coverage.** The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed fifty percent (50%).

3. **Special Yard Requirement.** A front yard on each lot line abutting a street, a side or rear yard, except in the case where three (3) sides of a lot abut a street, there shall be required in addition to three (3) front yards, a side yard.

4. **Front Yard.** Depth where a lot abuts a highway or street shall be sixty (60) feet from the right-of-way. If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located, but not less than fifteen (15) feet from the right-of-way.

5. **Side Yard.** Width shall be a minimum of fifteen (15) feet. No portion of any accessory building shall project into the required side yard space.

6. **Rear Yard.** Depth shall not be less than twenty-five (25) feet. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading or motor vehicles off the street.

7. **Nuisances Prohibited.** Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, the emission of smoke or particulate matter, glare and heat, or as to create fire or explosive hazards.

Required Buffer Strips in Industrial Districts. Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in widths as measured at right angles to said lot line. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential District shall be planted in the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. Fencing may be sued in lieu of planting materials to provide said screening. The fencing shall not be less than four (4) nor more than eight (8) feet in height and shall be of such materials as to effectively screen the industrial area. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles, storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

Sec. 13-1-57 Overlay Districts

A. **General.** An overlay is a regulatory tool that creates a special zoning district, placed over an existing base zone or zones, which identifies special provisions in addition to those in the underlying zoning district. The overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations or incentives are attached to the overlay district to guide development within a special area.

B. **Overlay Districts Designated.** The following overlay districts are hereby designated in the Town of Taycheedah:

1. **MRC - Mixed Residential/Commercial Overlay District**

   a. **Purpose.** To allow for a mixture of residential and commercial uses within the same structure, on a shared parcel, or on adjoining parcels in areas designated for such development on the Town of Taycheedah Future Land Use Map (as amended).

   b. **Permitted uses.** There are no permitted uses within the Mixed Residential/Commercial Overlay.

   c. **Conditional Uses.** All uses identified as permitted or conditional in the R-1, R-3, R-5, MFR, and B-1 Districts when deemed by the Zoning Administrator/Permit Issuer as compatible with existing or proposed adjoining uses.

2. **MCI - Mixed Commercial/Light Industrial District**

   a. **Purpose.** To allow for a mixture of commercial and light industrial uses, when compatible, within the areas identified on the Town of Taycheedah Comprehensive Plan Future Land Use Map as Mixed Commercial/Light Industrial Nodes.

   b. **Permitted uses.** There are no permitted uses within the Mixed Commercial/Light Industrial Overlay.

   c. **Conditional Uses.** All uses identified as permitted or conditional in the B-1, B-2, and I-1 Districts when deemed by the Zoning Administrator/Permit Issuer as compatible with existing or proposed adjoining uses.

3. **TRD-Transitional Residential**

   a. **Purpose.** The TRD-Transitional Residential District is intended to serve as a buffer between the more densely developed areas of the Town along and east of the Niagara Escarpment and the less densely developed and agriculturally dominant eastern portion of Taycheedah. The principles of conservation design will be applied to all residential development occurring within the TRD- Transitional Residential District.

   b. **Permitted Uses.** The following uses are permitted in the TRD-Transitional Residential District.

      (1) One-family dwellings.

      (2) Two-family dwellings.

      (3) Manufactured homes, subject to the following requirements:

         (a) The home shall be at least twenty-four (24) feet in width and forty-two (42) feet in length.

         (b) Each manufactured home must be built on or after October 1, 1974, in compliance with either American National Standards Institute or Housing and Urban Development Codes as enforced by the Wisconsin Department of Industry, Labor and Human Relations.

(c) Foundation base. The home shall be installed on an approved foundation system in conformity with the Uniform Building Code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer. The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

(d) The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

(e) The home shall be covered with a roof pitched at a minimum slope of three inches in twelve inches (3:12), which is permanently covered by non-reflective material. Refer to Section 13-1-25, Roof Slopes and Eaves Dimensions of Dwelling.

(f) The home shall be covered with a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Taycheedah. Refer to Section 13-1-25, Roof Slopes and Eaves Dimensions for Dwelling, Accessory Buildings and Garages.

4. Public parks, playgrounds.

5. Public and semi-public non-profit institutional uses including places of worship, schools, libraries and uses of a similar nature.

6. Conversion of any existing building to a permitted use.

7. Home occupations, provided that no more than 1 sign, not illuminated and not exceeding 2 square feet in area which refers to the home occupation, is placed on the premises.

8. Swimming pools, provided that all pools shall maintain a minimum side yard and rear yard clearance of 20 feet from the adjoining property.

C. **Conditional Uses.**

1. Bed and breakfast establishments.

2. Rest homes, nursing homes, clinics, and commercial childcare facilities.

D. **Regulations and Standards.**

1. The following regulations and standards shall apply to all dwellings.

a. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one family.

b. **Location.** Dwellings shall be located so as to abut a public road and have a minimum of fifty (50) feet of frontage thereon.

c. **Ground Floor Area.** The minimum ground floor area per dwelling unit shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split-level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2) of the vertical measurement of the first story must be above ground level.

E. **Dimensions of Building Sites for One and Two- Family Units.**

1. **Minimum Area and Width for Dwellings.** The minimum lot area shall be one-half (½)acre

for each parcel created within a conservation design subdivision consistent with and as described in the Town of Taycheedah Land Division and Subdivision Ordinance, as amended; and a minimum lot width of 75 feet at the building line.

2. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the applicable County ordinances and State law provisions, then such larger lot sizes shall be considered as required by the Zoning Code.

3. **Height.** Not to exceed thirty-two (32) feet nor two and one-half (2½) stories, measured from the foundation to the peak of the roof. Refer to Section 13-1-150, Height Modifications.

4. **Side Yards.** For all dwellings, the sum of the width of the required side yards shall not be less than 25 feet and no single side yard shall be less than 10 feet.

5. **Rear.** A minimum rear yard depth of 25 feet and a water setback of 75 feet on riparian lots, riparian lot setbacks shall comply with applicable County ordinance and State law.

6. **Front.** Road setbacks are as provided in Section 13-1-24.

7. The Building Inspector shall require a sanitary permit issued by the County Sanitarian under the Fond du Lac County Sanitary Ordinance prior to issuing a town building permit.

Section 13-1-58 through Sec. 13-1-59 Reserved for Future Use.

This page intentionally left blank.

Article D: Conditional Uses

Sec. 13-1-60 Statement of Purpose-Conditional Uses

The development and execution of this Article is based upon the division of the Town of Taycheedah into districts, within which districts the use of land and buildings, and location of buildings and structures in relation to the land are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses. Conditional use standards for the Exclusive Agricultural/Farmland Preservation District (A-1) and General Agricultural District (A-2) are detailed in Sections 13-1-52 and 13-1-53.

Sec. 13-1-61 Authority of the Board of Appeals

A. The Board of Appeals hereby authorizes the Town Clerk to issue a conditional use after review, public hearing, and approval from the Board of Appeals, provided that such conditional use and involved structures are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Board of Appeals action and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Board of Appeals shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

B. Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Board of Appeals shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.

C. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Board of Appeals upon their finding that these are necessary to fulfill the purpose and intent of this Chapter. Refer to Section 13-1-68.

D. Compliance with all other provisions of this Chapter, such as lot widths and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Sec. 13-1-62 Initiation of Conditional Use

Any person, firm, corporation or organization having a freehold interest of 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 in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

Sec. 13-1-63 Application for Conditional Use

An application for a conditional use shall be filed on a form prescribed by the Town. The application for a conditional use shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Board of Appeals may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plan of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

Sec. 13-1-64 Hearing on Application

All requests for conditional uses shall be to the Board of Appeals. Upon receipt of the application and statement referred to in Section 13-1-63 above, the Board of Appeals shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted, and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Board of Appeals shall, by rule, prescribe from time to time.

Sec. 13-1-65 Notice of Hearing on Application

Notice of the time, place and purpose of such hearing shall be given by publication of Class I Notice under the Wisconsin Statutes in the official Town newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator/Permit Issuer, members of the Board of Appeals and Town Board, and the owners of record as listed in the office of the Town Assessor who are owners of property in whole or in part situated within three hundred (300) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing. Within sixty (60) days after an application has been filed, after which the Board of Appeals shall take formal action.

Sec. 13-1-66 Standards-Conditional Uses

A. **Standards.** No application for a conditional use shall be granted by the Board of Appeals, unless the Board of Appeals shall find all of the following conditions are present:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been, or are being, provided.

5. That adequate measures have been, or will be taken, to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

7. That the proposed use does not violate flood plain regulations governing the site.

8. That adequate measures have been taken, or will be taken, to prevent and control water pollution, including sedimentation, erosion and runoff.

B. **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Board of Appeals shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objectives of the zoning district.

C. **Additional Considerations**. In addition, in passing upon a Conditional Use Permit, the Board of Appeals shall also evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.

2. The prevention and control of water pollution including sedimentation.

3. Existing topographic and drainage features and vegetative cover on the site.

4. The location of the site with respect to floodplains and floodways of rivers and streams.

5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

6. The location of the site with respect to existing or future access roads.

7. The need of the proposed use for a shoreland location.

8. Its compatibility with uses on adjacent land.

9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-67 Denial of Application for Conditional Use Permit

Whenever a decision of denial of a conditional use application is made by the Board of Appeals, the Board of Appeals shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Board of Appeals has used in determining that each standard was not met.

Sec. 13-1-68 Conditions and Guarantees

The following conditions shall apply to all conditional uses:

A. **Conditions.** Prior to the granting of any conditional use, the Board of Appeals may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Town shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

1. Landscaping.

2. Type of construction.

3. Construction commencement and completion dates.

4. Sureties.

5. Lighting.

6. Fencing.

7. Operational control.

8. Hours of operation.

9. Traffic circulation.

10. Deed restrictions.

11. Access Restrictions.

12. Setbacks and yards;
13. Type of shore cover.
14. Specified sewage disposal and water supply systems.
15. Planting screens.
16. Piers and docks.
17. Increased parking.
18. Any other requirement necessary to fulfill the purpose and intent of this Chapter.

B. **Site Review.** The Board of Appeals shall evaluate each application and may request assistance from any source which can provide technical assistance. The Board of Appeals may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

C. **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Board of Appeals.

D. **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Board of Appeals may require the use of certain general types of exterior construction materials and/or architectural treatment.

Sec. 13-1-69 Validity of Conditional Use Permit

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within twenty-four (24) months of the date of the approval unless the use is commenced, construction is underway, or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. The Board of Appeals may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Board of Appeals at least thirty (30) days before the expiration of said permit.

Sec. 13-1-70 Complaints Regarding Conditional Uses

The Board of Appeals shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator/Permit Issuer to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint, submitted within 30 days of the alleged violation, by any citizen, accompanied with a non-refundable filing fee as established by the Town Board (Refer to Section 1-3-1 Fee Schedule) [pursuant to action taken by the Board on 1/12/04]. The Board of Appeals shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-

66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Board of Appeals may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Board of Appeals, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Board of Appeals may revoke the subject conditional approval and direct the Zoning Administrator/Permit Issuer and the Town Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Board of Appeals shall be furnished to the current owner of the conditional use in writing stating the reasons therefore.

Sec. 13-1-71 Bed and Breakfast Establishments

A. **As Conditional Use.** Bed and Breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.

B. **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

C. **State Standards.** Bed and breakfast establishments shall comply with the standards of DHS 197, Wis. Adm. Code.

Sec. 13-1-72 Home Occupations and Professional Home Offices

A. **Intent.** The intent of this Section is to provide a means to accommodate a small family home-based business or professional home office as a permitted or conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.

B. **Restrictions on Home Occupations.** Except under the limited permitted use exception provided in Subsection (c) below, home occupations and professional home offices are a conditional use in all Residential Districts and are subject to the requirements of the District in which the use is located, in addition to the following:

1. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage. Detached accessory structures shall not be used in connection with the home occupation.

2. There shall be no exterior alterations which change the character as a dwelling, including but not limited to the creation of a separate or exclusive entrance, and/or exterior evidence of the home occupation.

3. No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible from outside of the premises.

4. No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.

5. Under a conditional use permit only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall comply with district sign regulations. Signage is not permitted for a home occupation or professional office operating as a permitted use.

6. The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

7. The Board of Appeals may determine the percentage of the property that may be devoted to the occupation but shall not exceed thirty percent (30%).

8. The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the sale of items or products on the premises is prohibited. Retail sales are not permitted.

9. The types and number of equipment or machinery may be restricted by the Board of Appeals.

10. Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.

11. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.

12. One (1) non-resident employee may be employed on the premises.

C. **Permitted Use Exception.**

1. A home occupation or professional home office under this Section may be maintained in any Residential or Agricultural District as a permitted use, as opposed to a conditional use, if the standards of Subsection (b) above are complied with, and no sign is erected or maintained regarding the home occupation, no more than one (1) person works on the premises, no customers regularly come to the house, and the business is service- oriented and not engaged in retail trade. Customers/clients served on an appointment only basis.

2. Home-based hair and beauty salons shall require issuance of a conditional use permit.

Sec. 13-1-73 Agricultural and Industrial District Conditional Uses

In the A-1, A-2, or I-1 Industrial Districts, all conditional uses require renewal every ten (10) years if a permit term is not specified. The following are conditional uses excepted where provided:

A. **Junk Yards/Salvage Yards.** Automobile wrecking yard or junk yard, in the Industrial District only.

B. **Agricultural Products Processors.** In the Industrial District only. Canneries, cheese factories, condenseries, creameries, pea viners and such other establishments for the processing, packing or manufacture of the agricultural products of Fond du Lac County as may have a nuisance factor not separable there-from, such as the emission or effluence of noxious or odorous wastes or by-products.

C. **Religious Charitable Institutions.** Religious charitable institutions are limited in exclusive agricultural districts to those that are consistent with agricultural use and are found to be necessary in light of the alternative locations available for such uses.

D. **Nonmetallic Mineral Extraction.** In the A-1 (Exclusive Agricultural District) only, nonmetallic mineral extraction operations, including washing, crushing, quarrying, borrow pits, or other processing or removal or nonmetallic mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing, and the preparation of hot black top mix or ready-mix concrete, and the operation of lime kilns; provided that:

1. An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.

2. The reclamation plans, approved locally prior to August 1, 2001, contain adequate provisions that all final slopes around the area be flatter than a three to one (3:1) horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this Section; all final slopes shall be covered with topsoil and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation the area shall be cleared of all debris and be left in a clean condition, subject to the approval of the Board of Appeals or its agent. The reclamation plan shall indicate the proposed use or uses of the site; however, the proposed re-use of the site for a clean materials disposal site shall have the concurrence of the Board of Appeals. Reclamation plans developed for nonmetallic mineral extraction operations after August 1, 2001, must be submitted to the Fond du Lac County Code Enforcement Department for their review, approval and administration. The Town of Taycheedah retains the right to submit a recommendation to the Fond du Lac Code Enforcement Department prior to their review and approval of reclamation plans.

3. Application for a permit for nonmetallic mineral extraction operations proposed to be located within six hundred (600) feet of a residence district, a residential subdivision or a city or village limits line, or within three hundred (300) feet of any building occupied for residence purpose; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Board of Appeals given after the public hearing has been held.

4. The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted through appeal, or additional conditions may be required. The Board of Appeals has jurisdiction over reclamation plans only if it was approved by the Board of Appeals prior to August 1, 2001. The Board of Appeals shall consider the effect of the proposed operation and the proposed reclamation plan modification upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan modification may be approved, approved conditionally, or rejected.

5. No permit shall be granted for a period of time exceeding four (4) years, unless approved by the Board of Appeals. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this Section and the permit issued hereunder. The Board of Appeals shall require a public hearing prior to such renewal.

6. A filing fee as determined by the Town Board shall be required for each initial application, and a filing fee as established by resolution of the Town Board for each renewal application.

7. All existing nonmetallic mineral extraction operations lawfully operated and existing shall be considered non-conforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this Section.

8. In the A-1 District, nonmetallic mineral extraction, including clay and gravel extraction, may be continued, with Board of Appeals approval, as a conditional use. The conditional use would be subject to an approved reclamation plan. The nonmetallic mineral extraction site, was established prior to August 1, 2001, shall remain subjected to a locally-approved reclamation plan, which was submitted by the mine operator or person proposing to perform the nonmetallic mineral extraction to the Town of Taycheedah Board of Appeals that provided for the restoration of the nonmetallic mineral extraction site to agricultural use. All mineral extraction operations proposed after August 1, 2001, shall conform to a reclamation plan approved and administered by the Fond du Lac County Code Enforcement Department. The nonmetallic mineral extraction area shall be restored to agricultural production within two (2) years after the completion of the operation.

E. **Radio Relay Structures.** Microwave radio relay structures, telecommunications towers, windmills and mechanical appurtenances are allowed as conditional uses only in the A-1 districts, provided that:

1. All commercial television and radio towers are prohibited in exclusive agricultural zone, and

2. All commercial telecommunications uses meeting the definition of a utility must obtain conditional use or special exception permits, regardless of height.

F. **Prisons.** Penal and correctional institutions are limited in exclusive agricultural districts to those that are consistent with agricultural use and are found to be necessary in light of the alternative locations available for such uses.

Sec. 13-1-74 Residential and Business District Conditional Uses

In the R-1 Residential and B-1 Business Districts, the following are conditional uses:

A. **Hospitals.** Public hospitals, when such hospital buildings shall be located not less than one hundred (100) feet from any lot in an R-1 Residential District not used for the same purpose.

B. **Utility Structures.** Public utility or public service corporation building or structures, provided that the Board of Appeals shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.

C. **Marinas and Golf Courses.** In Business District only public boat liveries and marinas, public beaches and bathhouses, public parks, golf grounds, picnic areas and swimming pools, and other recreational uses similar in character to or customarily established in connection with the foregoing; provided, however, that no permit shall be issued until plans for sanitary facilities shall have been approved as adequate by the County Sanitarian.

D. **Campgrounds.** In Business District only, campgrounds designed and used for the purposes of temporary occupancy by tourists and campers for vacation camping by the use of recreational vehicles, tents or shelter cottages; subject to the following provisions:

1. No such permit shall be issued for use in any R-1 Residence area and no camping shall be permitted within three hundred (300) feet of the boundary of any R-1 Residence area.
2. The minimum size of a campground shall be five (5) acres.
3. The maximum number of camping units shall be fifteen (15) per gross acre.
4. Minimum dimensions of a camp site shall be twenty-five (25) feet wide by forty (40) feet long.
5. Each unit shall be separated from other units by a yard not less than fifteen (15) feet wide.
6. There shall be one and one-half (1-1/2) automobile parking spaces for each site.
7. In addition to the side yard and setback requirements of this Section, there shall be minimum setback of forty (40) feet from all other exterior lot lines.
8. It shall conform to any and all requirements of the Wisconsin Administrative Code for "Developed Campgrounds," as amended.
9. Unless adequately screened by existing vegetative cover, the campgrounds may require screening to buffer the grounds, as determined upon by the site plan of such park.
10. The campground site does not possess any of the physical limitations enumerated for land subdivisions and for the Sanitary Ordinance of Fond du Lac County.
11. Definitions:

    a. "Recreational vehicle" means any of the following:

        (1) Travel trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.

        (2) Pick-up coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

    b. "Temporary occupancy" means the occupying of a site by a recreation vehicle for a cumulative period not to exceed sixty (60) days in any twelve (12) months, or where the occupants of the site are non-resident tourists or vacationers and the recreation vehicle shall be accompanied by an automobile bearing license plates issued by any other state, for an accumulated period not to exceed sixty (60) days in any twelve (12) months. The site shall be considered occupied if the camp is open, service facilities are maintained and there is access to the recreation vehicle either by motor vehicle or in any other way or the same is in fact used at any time.

    c. Developed campgrounds and "camping resorts" means any privately or municipally owned parcel or tract of land accessible by automobile or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use by recreational vehicle, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.

E. **Residential Animal Units.** In the R-8 Residential District, a total in aggregate of not more than three (3) cows, horses or goats shall be permitted on lots of five (5) or more provided that adequate provisions are made for the fencing, housing and feeding of the animals and all manure shall be promptly removed and not to be stored on the premises. That such animals shall be for the use of the property owner only and no business use shall be made of the raising and keeping of such animals.

Sec. 13-1-75 Exclusive Agricultural District Conditional Uses – Wireless a. Telecommunications Facilities

In the Exclusive Agricultural District (A-1), Wireless Telecommunications Facilities is a conditional use. In the event a facility is exempt from the provisions of Section 13-1-76, the facility will require a conditional use permit under Chapter 91, Wis. Stats.

A. **Purpose.** The purpose and intent of the regulations and requirements of Section 13-1-76 ("Section") are to:

1. Facilitate the provision of wireless telecommunication facilities through careful siting and design standards;

2. Minimize adverse visual effects of wireless telecommunications facilitate through careful siting and design standards;

3. Avoid potential adverse impact to adjacent properties from the construction and operation of wireless telecommunications facilities and structures through structural standards and setback requirements.

4. Provide a process for obtaining necessary permits for telecommunication facilities, while at the same time protecting the interests of Town of Taycheedah citizens;

5. Encourage the use of alternative support structures, collocation of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate three or more providers, thereby maximizing the use of existing and approved towers, buildings or structures to accommodate new wireless communication antennas, to reduce the number of towers needed to serve the industry;

6. Take into consideration the location of and possible impact to, known migratory bird flyway routes during the siting and placement of telecommunications facilities;

7. Accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare. This ordinance is not intended to have the effect of prohibiting wireless services to or within the Town of Taycheedah, rather its intent is to ensure that a non-discriminatory, competitive, telecommunications are provided to serve the community.

B. **Jurisdiction.** The jurisdiction of this Section shall be limited to the Town of Taycheedah.

C. **Definitions.**

1. **Alternative Support Structure.** Steeples, silos, buildings or similar structures that may support telecommunications facilities.

2. **ANSI/TIA/EIA.** American National Standard Institute/Telecommunication Industry Association/Electronic Industrial Association.

3. **Antenna.** Any device or equipment used for the radiation or gathering of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (dish) but excludes satellite antennas with diameters of two feet or less.

4. **Applicant.** Any person, carrier/provider, firm, partnership or company who files an application for any permit required by this ordinance for the construction, replacement, or alteration of a communication facility or any component thereof.

5. **Camouflaged Tower.** Any telecommunication tower that due to design or appearance blends into the surrounding environment; hiding, obscuring, or otherwise concealing the presence of the tower and antennas.

6. **Carrier.** Companies licensed by the FCC to build personal wireless telecommunication facilities and operate personal wireless telecommunication services. Also called provider.

7. **Collocation.** The location of more than one (1) antenna or set of antennae of more than one (1) government or commercial wireless communication service provider on the same tower structure.

8. **FAA.** Federal Aviation Administration.

9. **FCC.** Federal Communications Commission.

10. **Guyed Tower.** A telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

11. **Height.** The distance measured from ground level to the highest point on any tower or structure, including any antenna.

12. **Lattice (self-support Tower).** A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces, with no other means of support
    1. besides the superstructure of the tower itself.

13. **Monopole.** A telecommunication tower of a single pole design, with no other means of support other than the superstructure of the tower itself.

14. **Non-Conforming.** A telecommunications facility that was in existence prior to the adoption of this ordinance and that has not been issued a conditional use permit or was issued a conditional use permit prior to the adoption date of this ordinance. This definition shall only apply to this specific ordinance and shall not apply to other Town of Taycheedah Code of Ordinances.

15. **Platform.** A support system that may be used to connect antennas and antenna arrays to telecommunications towers or alternative support structures.

16. **Provider.** See Carrier.

17. **Satellite Dish.** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is a shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

18. **Shorelands.** Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from the lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

19. **Telecommunication Facility.** A facility, site, or location that contains one or more antennas, towers, alternative support structures, satellite dish antennas, other similar devices, and support equipment which is used for transmitting, receiving, or relaying telecommunication signals, excluding exempted facilities.

20. **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas (or is itself an antenna), including guy towers, monopole towers and self-supporting lattice towers and any support.

21. **Tower Accessory Structures.** Any structure located at the base of a tower for housing base receiving/transmitting equipment.

22. **Wireless Communication/Telecommunication.** Any personal wireless services as defined in the Federal Telecommunications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communications (GSM), paging and similar services that currently exist or may be developed.

D. **Applicability and Exemptions**

1. **Pre-existing towers.** Any tower for which a permit has been issued prior to the effective date of this Section shall not be required to meet the requirements of this Section, other than **General Requirement** subsections 13-1-76(e)(1), (2) and (6). Any replacement of, addition to or change to a pre-existing tower shall make such tower subject to all applicable requirements of this ordinance;

2. **District height limitation.** The requirements set forth in this Section shall govern the design and siting of towers and antennas.

   a. **Facilities exempt from this Section**. The following telecommunication facilities are exempt from the provisions of this section, except the regulations contained in subparagraph (b) of this subsection:

(1) A building mounted receive-only radio or television antenna that does not exceed twenty-five feet (25') in height and which is used solely by the occupants of a dwelling located in a residential zoning district.

(2) A building mounted receive-only radio or television antenna that does not exceed forty-five feet (45') in height and which is used solely by the occupants of a dwelling located in a residential zoning district.

(3) A ground or building mounted receive-only radio or television satellite dish which does not exceed thirty-six inches (36") in diameter; which does not project beyond the roof line and which is used solely by the occupants of a dwelling located in a residential zoning district.

(4) A citizen band radio tower and antenna, which does not exceed thirty-five feet (35') in height.

(5) A ham radio tower and antenna, which does not exceed sixty feet (60') in height.

(6) Microwave dishes for private home use.

(7) Governmentally owned and operated receive and/or transmit telemetry station antenna for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet (35').

(8) Towers, equipment facilities and antennas that existed prior to the effective date of this Chapter.

b. **Regulations of exempt telecommunication facilities.** Notwithstanding subparagraph (a) of this subsection, exempt facilities shall be subject to the following rules and regulations.

(1) In residential districts there shall be no more than one antenna support structure per tax parcel.

(2) Towers shall be designed to prevent children and trespassers from climbing on structures.

(3) Towers and antennas constructed and maintained in the Town of Taycheedah shall comply with all other applicable local, state and federal laws.

(4) Pre-existing towers and equipment shall not be exempt from the conditional use permit on file and the licensing requirements of Chapter 196 of the Wisconsin Statutes.

(5) Telecommunication structures shall not exceed in height their distance from the nearest lot line.

3. **Mobile Services.** Mobile services providing public information coverage of news of a temporary or emergency nature shall be exempt from this Section, but subject to approval by the Town Board or their designee.

4. **Other Devices.** Any other devices not mentioned above that are exempt according to Sec. 704 of the Federal Telecommunications Act of 1996.

E. **General requirements.**

1. All towers and antennas shall comply with all FCC and FAA regulations.

2. Design and installation of all towers and antennas shall comply with the manufacturers' specifications and with ANSI/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer registered in the State of Wisconsin.

3. Installation of all towers and antennas shall comply with applicable state and local building and electrical codes.

4. For leased sites, written authorization for siting the wireless telecommunication facilities from the property owner must be provided as established in **Permit Requirements** section 13-1-76(i).

5. Towers and antennas shall not be artificially illuminated unless required by FCC or FAA regulations. If lighting is required, aviation red obstruction lights are to be used.

6. All unused towers and antennas must be removed by the owner/operator within 12 months of cessation of operation or use, unless the Town Board provides a written exemption. After the facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed to within 5 feet of the ground. Removal of anchoring elements to a depth less than 5 feet may be approved if the applicant can provide information that the reduced depth will not have an adverse impact on use of the land after restoration. If removal and/or restoration are not completed within 90 days of the expiration of the 12-month period specified herein, the Town is authorized to order completion of the removal and site restoration at the owner/operator's expense.

7. Collocation of multiple users upon a single tower is the preferred method of siting multiple antennas.
8. All ground-mounted telecommunication structures shall be self-supporting monopoles or lattice towers. The overall height of the telecommunication facility may not exceed one hundred ninety-nine (199) feet.

9. A certificate of insurance providing Comprehensive General Liability Insurance insuring the Town, its officials, agents, employees and residents against liability of personal injury in a minimum amount of $1,000,000 per occurrence with the combined aggregate of $2,000,000 must be on file with the Town of Taycheedah Clerk. A bond in the amount of not less than $25,000 shall be filed with the Town of Taycheedah Clerk to provide for removal of a telecommunication facility and site restoration in the event that removal shall be required. The Town of Taycheedah Town Board must approve the bonding company and the Town of Taycheedah must be named as oblige in the bond.

10. Two (2) towers may be permitted to be located within 100 feet of each other on the same property subject to Conditional Use review and approval by the Town of Taycheedah Board of Appeals and subject to meeting the setback requirements. Written evidence, by an independent expert named by the Town of Taycheedah, must be submitted that indicates the inability to collocate. The cost of such evidence will be the owner/operator's expense.

11. Three (3) towers may be permitted within 100 feet of each other on the same property subject to Conditional Use review and approval by the Town of Taycheedah Board of Appeals, when needed to satisfy the requirements of AM Broadcast operations.

12. A public hearing shall be conducted to receive oral or written testimony from landowners and homeowners whose property is adjacent to proposed tower sites. This testimony shall be received by the Town of Taycheedah Board of Appeals and shall be considered when making siting decisions. For more details on the hearing procedure, see Article D of the Zoning Code.

F. **Prohibitions.**

1. No temporary mobile communication sites are permitted except in the case of equipment failure, equipment testing, and equipment replacement or in the case of emergency situations. Placement of temporary equipment shall be limited to 90 days unless extended in writing by the Zoning Administrator.

2. No advertising message/sign shall be affixed to any tower or antenna.

3. No part of any tower or antenna shall extend across or over any right-of-way, public street, highway, sidewalk or adjacent property.

4. Outdoor storage shall not be permitted on any wireless telecommunication structure site.

G. **District Requirements.**

1. **Areas permitting telecommunications facility.** Areas permitting telecommunication facility location with Zoning Permit review and approval.

   a. Installation of free standing antennas (ground mounted, not supported on or attached to a building) and their supporting towers, poles or masts (excluding exempt facilities listed above) shall require issuance of a building permit when the overall height of the antennas and their supporting structure does not exceed a height of 60 feet above the original grade at the site of the installation. This provision shall apply to all agricultural, commercial, and industrial districts. Free standing antennas and their support to the Conditional Use regulations.

   b. Antennas attached to an existing tower, structure, or utility pole shall not exceed the total height approved by the Board of Appeals and thereby stated in the Conditional Use Permit.

2. **Areas prohibiting telecommunication facility.** Areas prohibiting telecommunications facility location:

   a. Floodplains.

   b. Wetlands.

   c. Shorelands.

   d. Residential-zoned districts.

   e. Conservancy-zoned districts.

   f. Recreation-zoned districts.

   g. Agricultural-Transitional districts.

   h. Industrial districts.

   i. Commercial districts.

   j. Residential Growth Area as defined and mapped in the Town of Taycheedah Comprehensive Plan adopted on May 11, 2009.

3. **Areas permitting telecommunications facility location with Conditional Use permit review and approval.** Telecommunications facilities are regulated according to the zoning district in which the property is located. The facility must meet all requirements of the governing district other than the standards in this Section: 1. Exclusive Agricultural-zoned district (A-1).

4. **Siting location of telecommunication facilities.** Telecommunication facilities shall be located in the Exclusive Agricultural (A-1) zoning district.

5. **Areas exempt from the siting location.** Telecommunication facilities may be permitted on the following site locations:

   a. Monopole(s) only on the parcel of land owned by the Town of Taycheedah located in Section 20, further described as part of the NW ¼ of the SE ¼, as described in V614512, 4.90 acres. The parcel is located north of the salt shed parcels.

   b. A parcel of land on which exists a communication facility as of the date of adoption and publication of this ordinance.

6. **Areas Limiting Telecommunication Facility Location.** Telecommunications facilities may be permitted as described in the previous section, but are also subject to review and approval by the Federation Aviation Administration (FAA), State Bureau of Aeronautics and other appropriate agencies, if located within:

   a. 1/2-mile radius from heliports;

   b. 1-mile radius from private airport runways;

   c. 3-mile radius from public use airport runway(s).

H. **Performance Standards.** Except as provided in this Section, all wireless communication facilities shall meet the dimensional standards of the Exclusive Agricultural zoning district.

1. **Setback and Separation.**

a. Tower structures shall be set back from the nearest property line a distance equal to the height of the tower or as delineated by the following minimum setback requirement, whichever is greater:

(1) Minimum setbacks for the telecommunication structures. The following setback provisions shall be measured from the base of the tower or telecommunications support facilities, unless otherwise stated. If more than one setback standard applies the greater setback distance prevails.

(a) Highway Setback Lines. See Sec. 13-1-24 of the Town of Taycheedah Code of Ordinances.

(b) Lot Line Setbacks. Fifty (50) feet for towers, twenty-five (25) feet for guy wire anchors in the case of guyed towers.

(c) Setbacks from Habitable Commercial and Residential Buildings. One hundred twenty-five (125%) percent of the height of the tower.

b. Tower structures shall be set back from the nearest road right-of-way a distance equal to the height of the tower, or the right-of-way setbacks established in the Town of Taycheedah Zoning Code, whichever is greater.

c. All guy wire anchors shall be set back at least twenty-five (25) feet from all property lines; this does not include leased parcels with boundaries located within a larger property. Subsurface anchors or portions of anchors that are subsurface shall be located on the property in which the tower has been constructed.

d. Towers shall not be located within five hundred (500) feet of any residence other than the residence on the parcel on which the tower is to be located.

e. When located on contiguous lands also containing the residence of the owner of the property, the setback from any residence on adjacent property shall be no less than that from the residence of the owner of the property on which the tower is to be located. For the purpose of this Section, contiguous lands shall include adjacent parcels separated by a public highway, whether dedicated or by easement.

f. Towers shall not be located within one thousand (1,000) feet of any single- family dwelling within a platted subdivision.

g. The required separation distance between tower and dwelling and/or subdivision may be reduced by obtaining the written agreement of the adjacent property owner and the Town of Taycheedah Board of Appeals. The separation distance shall not be less than 125% of the height of the tower.

2. **Collocation/Sharing of Facilities.**

   a. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Board of Appeals that no existing tower or structure can accommodate the applicant's proposed antenna. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within the Town of Taycheedah. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Town of Taycheedah Board of Appeals as a means of demonstrating the need for a new tower. Supporting evidence of the need for a new tower shall consist of any of the following conditions:

      (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

      (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

      (3) Existing towers or structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.

      (4) The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing tower or structure would cause interference with the applicant's proposed system.

      (5) The fees, cost or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs are considered unreasonable if they exceed the cost of the development and the construction of a new structure.

         (a) The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.

   b. New towers shall be designed structurally and electrically to accommodate the applicant's users (minimum of 3 users required for each tower structure). Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights. The requirement for construction to allow a minimum of two additional users may be waived by the Town of Taycheedah Board of Appeals if evidence is provided that a special circumstance exists that would prevent the proposed tower structure from feasibly supporting additional users.

3. **Screening and Landscaping.** All telecommunication facilities, except exempt facilities as earlier defined, shall be designed to blend into the surrounding environment to the greatest extent feasible.

   a. The tower location shall provide for the maximum amount of screening of the facility. The site shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least twenty (20) feet outside the perimeter of the area where tower accessory structures and equipment are located at ground level.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived by the Town of Taycheedah Board of Appeals. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section.

c. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the current growing season.

d. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

4. **Security Fencing, Lighting and Signs.**

a. Towers, tower guy anchor points, and equipment structures and enclosures shall be enclosed by security fencing not less than six (6) feet in height and secured so as to make the enclosure area inaccessible to the general public. All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing.

b. Security lighting for on-ground facilities and equipment is permitted, as long as it is down shielded to keep light within the boundaries of the site.

c. Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower and identifying the owner of the tower and telephone number for contact in case of emergency.

5. **Color and Materials.**

a. Telecommunication towers shall be constructed out of metal or other non- flammable material, unless specifically permitted by the Town of Taycheedah Board of Appeals to be otherwise.

b. Telecommunication support facilities shall be constructed out of non- reflective materials (visible surfaces only) and shall be designed to blend with existing architecture in the area. Support facilities shall be no taller than one story (15-feet) in height, measured from the original grade at the base of the facility to the top of the structure, and shall be located or designed to minimize their visibility.

c. Telecommunication facility towers shall be painted a non-contrasting color in relation to its environment to minimize its visibility, unless otherwise required by the FCC or FAA. Galvanized towers may be permitted.

d. Camouflaged towers and related facilities are encouraged and may be required in historical, environmental or other sensitive areas as determined by the Town of Taycheedah Board of Appeals.

6. **Parking and Access**

   a. There shall be adequate off-street parking provided for each site. The Town of Taycheedah Board of Appeals may require additional parking if the minimum parking proves to be inadequate. Minimum parking is considered to be one stall for each prospective user of the site. Access must be provided by an all an all-weather gravel or paved driveway.

   b. All sites must be served by a minimum twenty (20) foot wide ingress/egress with a turnaround. All sites shall use existing access points and roads whenever possible. The Fond du Lac County Highway Dept., State of WI DOT, or the applicable municipality depending on road jurisdiction shall approve the access point to the site.

I. **Permit Requirements.**

1. The construction or installation of any wireless telecommunication facility requires the issuance of a zoning permit or conditional use permit under this Section.

   a. **Land Use Permit.** A Land Use Permit shall be obtained from the Permit Issuer or designated representative of the Town of Taycheedah. Applications for a Land Use Permit to add a new antenna to an existing tower or structure shall be subject to the requirements 13-1-76(i)(2)(b), (d) and (e), and such other information as the Permit Issuer deems appropriate.

   b. **Conditional Use Permit.** Uses and facilities requiring a conditional use permit under this Section shall be authorized by the Board of Appeals upon the submittal of a properly completed application for a conditional use permit as detailed in this subsection and Board of Appeals approval after conducting a public hearing.

   c. **Failure to Obtain the Proper Permits.** Failure to obtain the proper permits shall be considered a violation of this Section and may subject the violator to any appropriate penalties. A zoning permit for a telecommunication facility shall expire six (6) months after issuance if the tower and/or supporting facilities have not been erected. The Permit Issuer or his/her designees due to unforeseen or extenuating circumstances may grant one extension of time, not to exceed six (6) months per request. There is no additional fee for an extension.

2. **Applications.** Applications for conditional use permits for new wireless telecommunication facilities shall include the following information:

   a. **Conditional Use Application.** Completed conditional use application form and the $500.00 fee. The form must have the original signature of the applicant and land owner (if the telecommunication facility is located in an easement, the beneficiaries of the easement and underlying property owner must authorize the application); the identity of the carrier/provider, applicant, landowner and service provider and their legal status; and the name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application.

b. **Site Plan.** A site plan or plat of survey (drawn to a commonly used engineering scale, i.e. 1”=20’ or 1”=50’, etc.) showing a written legal description of the parcel boundaries (including lease boundaries and acreage), tower and support facilities (including dimensions and the lighting and painting to be used on tower and buildings), access, landscaping, fencing, zoning district, adjacent zoning districts if different than site, existing and proposed contours, location map, north arrow and plan scale.

c. **Land-Lease Agreement.** In the case of a land-leased site a copy of a lease agreement or binding lease memorandum, or a letter signed by all parties, shall be submitted which shows on its face that it does not preclude the tower owner from entering into sub-leases on the site with the carrier/provider(s), and the legal description and amount of property leased.

d. **Submittal.** Submittal of information including:

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

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

(3) A photo simulation of the proposed facility from affected residential properties and public right-of-way.

e. **Facility Plan.** Each application shall include a facility plan. The Town will maintain an inventory of all existing and proposed wireless communication site installations and all tower owners and/or carriers/providers shall provide the following information in each plan. The plan will contain information on the applicant’s sites only and must be updated with each submittal as necessary.

(1) Written description of the type of consumer services each carrier/provider will provide to its customers (cellular, PCS, SMR, ESMR, Paging or other anticipated wireless communication services).

(2) Provide a list of all existing sites to be upgraded or replaced and proposed telecommunication sites within the Town of Taycheedah and all adjacent townships for these services to be provided by the provider.

(3) Provide access to a map, which shows the geographic service areas of the existing and proposed telecommunication sites in the Town and all the sites in adjacent towns.

f. **Landowner acknowledgement.** Written acknowledgement by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the land use permit and a conditional use permit, including the restoration and reclamation requirements of this Section. Such acknowledgement shall be made applicable to all successors, heirs and assignees.

g. **Additional information and analysis.** The Board of Appeals may, at their discretion, require additional information deemed necessary to facilitate review of the request. The Board of Appeals may employ, on behalf of the Town, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required by not submitted by the applicant. The applicant shall pay the costs of such review and/or independent analysis. The payment to the Town shall be due upon receipt of an invoice. All invoices, fees, and charges accumulated for the technical review must be paid in full prior to the issuance of permit(s).

3. **Submittals required following the Conditional Use Approval.** For each Conditional Use permit approved by the Town of Taycheedah Board of Appeals the applicant shall submit the following before the permit will be issued:

a. A report stamped and signed by a professional engineer registered in the State of Wisconsin which:

(1) Certifies that a detailed engineering soils report has been completed and that the design of the tower foundation is based on that report.

(2) Describes the tower height and design, including a cross section elevation and foundation design.

(3) Certifies the facility's compliance with structural and electrical standards.

(4) Certifies that the applicant (or tower owner/carrier/provider the applicant represents) has a valid license from the FCC (where applicable) to operate the proposed facilities and identifies both the class of the license and the license holder.

(5) Describes how the requirements and standards of this Section will be met by the proposed facilities.

b. Copies of the determination of no hazard from FAA including any aeronautical study determination or other findings and the Wisconsin State Bureau of Aeronautics, if applicable.

c. Copies of an Affidavit of Notification of the airport operator and airport property owner(s) within the areas limiting telecommunication facility locations, if applicable.

d. Copies of any Environmental Assessment (EA) reports on Form 600, Form 854 or other appropriate forms submitted to the FCC, if applicable.

e. Copies of any filings submitted to the FCC shall be submitted within 30 days of filing, subject to the review of the Town Board or his/her designee, if applicable.

4. **Annual Information Report.** The purpose of the annual review report is to provide the Town with accurate and current information concerning the telecommunication tower owners and carrier/providers who offer or provide telecommunication services within the Town, or that own or operate telecommunication facilities within the Town, to assist the Town in enforcement of this Section, and to assist the Town in monitoring compliance with Local, State and Federal laws. All telecommunication tower owners and carrier/providers of any new or existing telecommunication facility shall submit annually on or before January 31st of each year, to the Town Board a Telecommunication Facility Annual Information Report. The Annual Report shall include the owner and operator names, addresses, phone numbers, contact person(s), and any other appropriate information deemed necessary by the Town Board. Tower owners and operators shall supply the number of collocation positions designated, occupied, or vacant. The information shall be submitted on a Town form, designated for such use, and shall become evidence of compliance.

J. **Non-Compliance/Revocation.** Grounds for revocation of the Conditional Use Permit shall be limited to one of the following findings as determined by the Town of Taycheedah Board of Appeals:

1. The owner of such site, service provider, and/or tower owner fails to comply with any requirements of this Section as it existed at the time of the issuance of the conditional use permit;

2. The permittee has failed to comply with any of the conditions of approval imposed;

3. The facility has not been properly maintained.

   If one of these findings exists, the Taycheedah Town Board shall report to the Board of Appeals of the non-compliance. The owner of the site, service provided, and/or tower shall be notified of the non-compliance and given an opportunity to present their position to the Board of Appeals. If the Board determines that the facility is non- compliant, a corrective notice shall be given with a time period specified. If compliance is not obtained in the time identified, the Conditional Use Permit will automatically be rescinded.

K. **Transferability.** All permits issued under this Section shall be transferrable, an all subsequent holders of such permits shall be subject to all applicable requirements of this Section and any permit conditions that may exist. Written notice, by registered mail, shall be made to the Taycheedah Town Board and Town Clerk within 30 days of such transfer.

L. **Severability.** In the event, any portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.

M. **Enforcement and Penalties.** The provisions of this Section shall be enforced under the direction of the Town of Taycheedah Board of Appeals, through the Town Board, the Permit Issuer and the Fond du Lac County law enforcement officers. For forfeitures and penalties related to non-compliance with this Section of the Zoning Code, please see Article L.

Wireless Telecommunication Facilities Ordinance duly adopted June 12th, 2001.

Section 13-1-76 through Sec. 13-1-79 Reserved for Future Use.

This page intentionally left blank.

Article E: Nonconforming Uses, Structures and Lots

Sec. 13-1-80 Existing Nonconforming Uses

A. **Continuation.** Except as otherwise specially provided in this Chapter, the lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter, provided however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged. Reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this Chapter.
2. The total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the assessed value of the structure unless it is permanently changed to conform to the use provisions of this Chapter.
3. Substitution of new equipment may be permitted by the Town Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring use.

B. **Abolishment or Replacement of Existing Nonconforming Use.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than fifty percent (50%) of its current fair-market value as determined by the Town Assessor, it shall not be restored except so as to comply with the use provisions of this Chapter.

Sec. 13-1-81 Existing Nonconforming Structures

A. The existing lawful use of a building or premises at the time of the enactment or amendment of this Section may be continued although such use does not conform to the regulations for the district in which it is located. Nonconforming mobile homes shall not be moved, relocated or placed unless in conformity with this Section.

B. If no structural alternations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

C. A nonconforming structure may be repaired, maintained, renovated, or remodeled regardless of the cost of such repair, maintenance, renovation or remodeling.

Sec. 13-1-82 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Town Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Town Board.

Sec. 13-1-83 through Sec. 13-1-89 Reserved for Future Use

This page intentionally left blank.

Article F: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-90 Traffic Visibility

A. On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the lot lines of such corner lots and a line joining the points along said street lines twenty-five (25) feet from the point of intersection.

B. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-91 Loading Requirements

A. **Loading Space Requirements.** On every lot on which a new business, trade or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Use Space	Floor Area (sq. ft.)	Loading
Retail, wholesale	2,000-10,000	1
Warehouse, service	10,000-20,000	1
Manufacturing, and	20,000-40,000	2
Industrial establishments	40,000-60,000	3
	Each additional 50,000	1
Motels, schools, offices	5,000-10,000	1
Hospitals	10,000-50,000	2
Public assembly	50,000-100,000	2
	Each additional 25,000	1
Funeral Homes	2,500-4,000	1
	4,000-6,000	1
	Each additional 10,000	1

Multiple or Mixed Uses. Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

Location. Required off-street loading spaces shall be located on the same lot with the principle use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.

Design Standards. Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty (40) feet, and a vertical clearance of at least fifteen (15) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. All loading berths shall be completely screened from residential properties by building walls or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight (8) feet in height.

Surfacing. All open off-street loading berths shall be improved with a compacted gravel base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.

Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided by any Residential District.

Utilization. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

Central Loading. Central loading facilities may be substituted for loading berths on individual zoning lots provided the following conditions are fulfilled:

Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.

Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)

No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.

The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 13-1-92 Parking Requirements

All new parking lots and all alterations of existing lots shall be subject to the approval of the Town Board. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except those areas which are located in a fire district as designated on the official map, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

A. **Access.** Adequate access to a public street shall be provided for each parking space.

B. **Design Standards.** Each required off-street parking space shall have a stall width of at least nine (9) feet and a stall length of at least eighteen (18) feet. Such space shall have a vertical clearance of at least six and one-half (6-1/2) feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Aisles shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between centerline of parking space and centerline of aisle) and twelve (12) feet wide for parallel parking. For parallel parking, the minimum length of the parking space shall be increased to twenty-three (23) feet. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.

C. **Location.**

1. Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.

2. Off-street parking is permitted in all yards of all districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.

D. **Surfacing.** All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds [normally, a two (2) inch blacktop on a four (4) inch base or five (5) inches of Portland cement will meet this requirement.] Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

E. **Landscaping Requirements.**

1. **Landscaping.** All public and private off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.

2. **Location.** Location of landscape areas, plant materials, protection afforded the planting, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administration/Permit Issuer.

3. **Plans.** All plans for such proposed parking areas, at the discretion of the Zoning Administrator/Permit Issuer and Building Inspector, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.

4. **Special Residential Requirements.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density, or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.

5. **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking is is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.

6. **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with unenclosed parking facilities provided in residence districts.

7. **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot candles measured at the lot line.

F. **Number of Stalls.** Number of parking stalls required for newly created parking lots are shown in the following table:

Use	Minimum Parking Required
Single family dwellings and mobile homes	2 stalls for each dwelling unit.
Multi-family dwellings	2 stalls for each dwelling unit.
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Town Board may order them installed.
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees.
Sororities, lodges, clubs, dormitories, rooming and boarding houses	1 stall for each bed plus 1 stall for each three employees.
Institutions, clubs, rest and nursing home	1 stall for each 5 beds plus 1 stall for each employee.
Medical and dental clinics	3 stalls for each doctor.
Churches, theaters, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats.
Secondary and Elementary schools	1 stall for each 2 employees plus 1 stall for each student auto permitted.
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 100 square feet of retail floor area, plus 1 stall per employee.
Manufacturing and processing plants, laboratories and warehouses	1 stall for every 3 employees; number of employees shall be construed to mean the maximum number on the premises at one time.
Financial institutions, business, government and professional offices	1 stall for each 200 square feet of floor area and 1 stall for each 2 employees.

Motor vehicle sales (new and used)	1 space for each 500 sq. feet of floor area used plus, one space for each 300 square feet of outdoor display area for each vehicle to be displayed. (This requirement does not include service garages – see below).
Automobile repair garages and service stations	1 space for each employee plus 1 space for each 250 square feet of floor area used for repair work.
Bowling Alleys	5 spaces for each alley.

G. **Uses Not Listed**. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.

H. **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these ordinances, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

I. **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of fifty percent (50%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

J. **Off-Lot Parking.**

1. Required off-street parking spaces shall be located on the same lot with the principle use, or when this requirement cannot be met; such parking spaces may be located off- lot provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simply ownership by the owner of the use requiring such parking or to be leased or rented through a written agreement satisfactory to the Town Attorney.

2. Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principle entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of the parking lot for all other uses shall be within three hundred (300) feet of the entrance of the establishment.

3. Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.

4. All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

Sec 13-1-93 Highway Access

A. **Private Access Restricted.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

B. **Public or Private Access Prohibited.** No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Freeways, interstate highways and their interchanges or turning lanes nor to intersection of interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.

2. Arterial streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.

3. Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.

C. **Public Access Barriers.** Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

D. **Temporary Access.** Temporary access to the above rights-of-way may be granted by the Zoning Administrator/Permit Issuer after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

Sec. 13-1-94 through Sec. 13-1-99 Reserved for Future Use

This page intentionally left blank.

Article G: Signs, Canopies, Awnings and Billboards

Sec. 13-1-100 Purposes of Sign, Canopy and Awning Regulations

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign or other advertising structures in the Town of Taycheedah; painting, posting and general maintenance are excepted.

Sec. 13-1-101 Signs, Canopies, Awnings and Billboards-Definitions

The following definitions are used in this Article:

A. **Area of Sign.** The area is the perimeter which forms the outside shape but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire are within a single continuous rectilinear perimeter of not more than eight (8) straight lines.

B. **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.

C. **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

D. **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.

E. **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.

F. **Day.** A day shall be designed as a period of time in terms of calendar days.

G. **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

H. **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial signs.

I. **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphic, time, date, temperature, weather or information concerning civic, charitable or advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.

J. **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

K. **Freestanding (Ground and/or Pole Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

L. **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principle products offered for sale on the premises or combination of these.

M. **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.

N. **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

O. **Nonconforming Sign.** Any sign which does not conform to the regulations of this Chapter.

P. **Off-Premise Sign.** Any sign, device or display which advertises goods other than the commonly available or services other than that commonly performed on the premise on which the sign is located.

Q. **Political Sign.** Any sign displaying a candidate for an election, or a current election's subject matter.

R. **Portable Sign/Message Boards.** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.

S. **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.

T. **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

U. **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.

V. **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.

W. **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed twenty-eight (28) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight (8) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Chapter, a portable sign is not a temporary sign.

X. **Wall Sign.** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.

Y. **Window Sign.** Any sign located completely within an enclosed building and visible from a public way. For purposes of this Chapter a window sign shall not include any sign permanently attached in the window or directly painted on the glass.

Sec. 13-1-102 Required Permits for Signs, Canopies, Awnings and Billboards

A. **Application.** Except those specified in Section 13-1-103, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Town of Taycheedah. If the signs will affect the structural strength of a building, is large enough to require structural supports and bracing, or is to have electrical wiring, an inspection by the Building Inspector and/or the Electrical Inspector shall also be required. Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator/Permit Issuer. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.

B. **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Town which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in business name is involved.

C. **Permit Fees.** Required permit fees shall be paid to the Zoning Administrator/Permit Issuer for each sign permit issued under this Article, provided, however, that a fee shall not be charged for putting an existing sign in conformity with this Article, or for a copy change when no change in business name is involved.

D. **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of One Hundred Thousand Dollars ($100,000.00) for bodily injury and Two Hundred Thousand Dollars ($200,000.00) aggregate and One Hundred Thousand Dollars ($100,000.00) property damage. Proof of insurance shall be presented to the Zoning Administrator/Permit Issuer before the sign permit is granted.

E. **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator/Permit Issuer who will assure the sign complies with the regulations of this Article. If a building permit was also required, the applicant shall also notify the Building Inspector.

F. **Appeals.** The Zoning Administrator/Permit Issuer may, at any time for a violation of this Article, revoke a permit or require changes so the sign conforms with this Article. The holder of a revoked permit shall be entitled to an appeal before the Board of Appeals. Any person, firm or corporation aggrieved by any permit denial or decision by the Zoning Administrator/Permit Issuer relative to the provisions of these sign regulations may appeal and seek review of such decision to the Board of Appeals.

Sec. 13-1-103 Signs Not Requiring a Permit

The following signs do not require a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water:

A. **Commercial, Industrial and Planned Unit Development (Commercial/Industrial) Districts.**

1. Warning signs not to exceed four (4) square feet located on the premises.
2. 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 the structure.
3. Official signs, such as traffic control, parking restriction, information and notices.
4. Rummage or garage sale signs not to exceed eight (8) square feet in area but use of this type of sign shall be limited to seventy-two (72) hours per sale.
5. Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
6. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers or names of occupants of premises.
7. Flags and insignia of any government, except when displayed in connection with commercial promotion.
8. Legal notices, identification information or directional signs erected by governmental bodies.
9. Integral decorative or architectural features of buildings, except letters, trademark moving parts or moving lights.
10. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
11. Political message signs during an election campaign, as defined in Sec. 12.04(1), Wis. Stats. Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of thirty- two (32) square feet.
12. Window signs are allowed with no permits.
13. Bills, posters and banners shall be allowed with no permits.

B. **Residential, Conservancy and Agricultural Districts.**

1. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed

two (2) square feet.

2. Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

3. Official signs, such as traffic control, parking restrictions, information and notices.

4. Awnings or canopies servicing only a single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.

5. House numbers or signs identifying parks or country clubs or official bulletin boards.

6. Political message signs during an election campaign, as defined in Sec. 12.04(1), Wis. Stats. Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of eight (8) square feet.

7. Rummage or garage sale signs not to exceed eight (8) square feet in area but use of this type of sign shall be limited to seventy-two (72) hours per sale.

8. Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which signs are temporarily located.

9. Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.

Sec. 13-1-104 Permitted Commercial and Industrial Signs

A. **Permitted Signs.** The following signs shall require a permit to be issued by the Town of Taycheedah. Signs may be permitted in all commercial, planned unit development (commercial/Industrial) and industrial districts, subject to the following restrictions:

1. **Wall Signs.** Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of the wall surface; shall not exceed three hundred (300) square feet of area for any one (1) business or any one (1) street frontage and shall not exceed twenty (20) feet in height above the street grade. Wall signs may only advertise on-site businesses.

2. **Projecting Signs; Collapsible Awnings.** Projecting signs and collapsible awnings fastened to, suspended from or supported by structures shall not extend more than six (6) feet into the required yard but in no case shall extend closer than three (3) feet to the inner curb line; shall not be less than ten (10) feet from all side lot lines except awnings; shall not exceed a height of twenty (20) feet above the street grade; shall not be less than ten (10) feet above the sidewalk except eight (8) feet for awning nor fifteen (15) above a driveway or an alley. Such sign shall not exceed three hundred (300) square feet in area on any one (1) premise.

3. **Ground Signs.** Ground signs shall not exceed ten (10) feet in height above the street grade; shall meet all yard requirements for the district in which it is located and only one (1) sign for each street frontage shall be permitted. Such sign shall not exceed thirty-two (32) square feet in total area.

4. **Roof Signs.** Roof signs are prohibited.

5. **Combinations of Signs.** Combinations of any of the above signs shall meet all the requirements for the individual signs.

B. **Facing.** No sign except those permitted in Subsection (a) shall be permitted to face a Residence District within one hundred (100) feet.

C. **Lighting.** Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.

D. **Signs Causing Obstruction Prohibited.** Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress, or for firefighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.

E. **Signs at Intersection Prohibited.** No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.

F. **Canopy Signs Restricted.** Signs shall be permitted to hang from canopies or covered walks in Business or Industrial Districts provided that there shall be only one (1) sign, not to exceed five (5) square feet, for each business and that the sign shall be at least ten (10) feet above ground level.

Sec. 13-1-105 Permitted Residential Signs

In addition to those permitted signs not requiring a permit pursuant to Section 13-1-103(b), the following non-flashing, non-illuminated signs are permitted under the conditions specified in (a) residential and planned unit development (residential) districts established by this Chapter:

A. **Nameplate and Identification Signs.** Subject to the following:

1. **Area and Content-Residential.** There shall be not more than one (1) nameplate, not exceeding two (2) square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation. On a corner lot, two (2) such nameplates for each dwelling unit (one facing each street) shall be permitted.

2. **Projection.** Such signs shall be affixed flat against the wall of the building.

3. **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.

B. **"For Sale" and "To Rent" Signs.** Subject to the following:

1. **Area and Number.** There shall be not more than one (1) sign per zoning lot, except that on a corner zoning lot two (2) signs (one facing each street) shall be permitted. No sign shall exceed eight (8) square feet in area nor be closer than twelve (12) feet to any other zoning lot.

2. **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower, when attached to a building; detached or free-standing signs shall not be more than four (4) feet in height, measured from the soil grade to the top of the sign post.

C. **Signs Accessory to Parking Area.** Subject to the following:

1. **Area and Number.** Signs designated parking area entrances or exits are limited to one (1) sign for each such exit or entrance, and to a maximum size of two (2) square feet each.

2. **Projection.** No sign shall project beyond the property line into the public way.

3. **Height.** No sign shall project higher than seven (7) feet above curb level.

D. **Subject to the following:**

1. **Content.** The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.

2. **Area and Number.** The signs shall be on the same zoning lot (either zoned agricultural or with a conditional use permit) as the roadside stand, and there shall be not more than two (2) signs per lot. No sign shall exceed twelve (12) square feet in are nor be closer than fifty (50) feet from any other zoning lot.

3. **Projection.** No sign shall project beyond the property line into the public way.

4. **Height.** No sign shall project higher than fifteen (15) feet above the curb level.

5. **Permit.** A sign permit is required for this type of sign.

E. **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Districts.** Subject to the following:

1. **Content**. The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, or for the identification of other nonresidential uses under construction.

2. **Area, Number and Setback**. Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principle use and shall be located at least fifty (50) feet from all other boundaries of the site.

3. **Height**. No sign shall project higher than eight (8) feet above curb level.

4. **Time Limitations**. The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of a sign permit.

5. **Subdivision Identification Signs**. Subject to the following:

6. **Content**. The signs shall bear only the name of the subdivision or development.

F. **Area, Number.** There shall be not more than two (2) signs located at each entrance to a subdivision. No sign shall exceed thirty-two (32) square feet in area. Such identification signs shall only be erected after review and approved by the Zoning Administrator/Permit Issuer.

G. **Height.** No sign shall project higher than twelve (12) feet above curb level; the Town Board may, however, temporarily authorize a larger sign for a period not to exceed two (2) years.

H. **Permit.** A sign permit is required for this type of sign. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Zoning Administrator/Permit Issuer for approval. The location of any such sign shall be at the discretion of the Zoning Administrator/Permit Issuer based upon the character of the area, the type and purpose of the sign and the length of time permitted.

I. **Non-flashing, Illuminated Church Bulletins.** Subject to the following:

1. Area and Number. There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed sixteen (16) square feet in area nor be closer than eight (8) feet from any other zoning lot.

2. Projection. No sign shall project beyond the property line into the public way.

3. Height. No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.

Sec. 13-1-106 Landscape Features

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

Sec. 13-1-107 Prohibited Signs

A. **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.

B. **Moving or Flashing Signs.** No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.

C. **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter or be located within five (5) feet of a property line.

Sec. 13-1-108 Dangerous and Abandoned Signs

Removal of Dangerous Signs. All signs shall be removed by the owner or lessee of the premises upon which the sign is located in the judgment of the Zoning Administrator/Permit Issuer, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner of lessee fails to remove it, the Zoning Administrator/Permit Issuer may remove the sign at the cost of the owner, following adequate written notice. The owner may appeal the decision of the Zoning Administrator/Permit Issuer to the Town Board.

Abandoned Signs. Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premises sign is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign, the Zoning Administrator/Permit Issuer shall give the owner sixty (60) days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Zoning Administrator/Permit Issuer may take any other appropriate legal action necessary to attain compliance.

Violations. All signs constructed or maintained in violation of any of the provisions of this Article after the date of adoption are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Zoning Administrator/Permit Issuer or Town Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

Sec. 13-1-109 Variances or Exceptions

Variances or exceptions to these sign regulations may be granted by the Board of Appeals following a recommendation from the Town Board and Zoning Administrator/Permit Issuer, pursuant to the standards of the Town Zoning Code.

Sec. 13-1-110 Construction and Maintenance Regulations for Signs

A. **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Zoning Administrator/Permit Issuer and/or Building Inspector.

B. **General Requirements.**

1. **Construction Standards.** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.

2. **Illuminated Signs.** Any illuminated signs shall not interfere with surrounding properties or traffic.

3. **Roof Signs.** Roof signs are prohibited by Section 13-1-104(a)(4).

4. **Projection.** Signs including supports shall not interfere with surrounding properties or traffic.

5. **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.

6. **Blanketing.** Blanketing of signs on buildings shall not be allowed.

7. **Maintenance.** All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

Sec. 13-1-111 Special Sign Requirements

A. **Electronic Message Unit Signs.**

1. Such signs may be used only to advertise activities conducted on the premises or to present public service information.

2. Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.

3. Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.

B. **Portable Signs/Message Boards.** Such signs shall be limited in use to fifteen (15) days at a time following approval by the Zoning Administrator/Permit Issuer shall not give approval for placement of a portable sign/message if it presents a vision obstruction; such signs shall not be displayed more frequently than four (4) times per calendar year at any one (1) location, not more than fifteen (15) days each time. The maximum size of a portable sign/message board shall be ten (10) square feet on each face, back to back. Portable signs/message boards shall not be located in any public right-of-ways and shall be securely fastened to prevent any hazardous condition.

C. **Search Lights.** The Zoning Administrator/Permit Issuer may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.

Sec. 13-1-112 Nonconforming Signs

A. **Signs Eligible for Characterization as Legal Nonconforming.** Any signs located within the Town of Taycheedah limits of the date of adoption of this Article hereafter which does not conform to the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted.

B. **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:

1. If said sign is damaged by fire, flood, explosion, earthquake, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article;

2. The sign is relocated;

3. The sign fails to conform to the Town requirements regarding maintenance and repair, abandonment or dangerous or defective signs.

4. On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefore or shall be removed.

C. **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

Sec. 13-1-113 Awnings and Canopies

A. **Permitted Awnings.** No awnings (non-collapsible tape) shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

1. **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.

2. **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than seven (7) feet above the level of the public sidewalk or public thoroughfare.

3. **Setback from Curb Line.** No awning shall extend within one (1) foot of the curb line.

B. **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the

same are to be located:

1. **Support.** The structural support of all canopies shall be approved by the Zoning Administrator/Permit Issuer as in compliance with the Building Code of the Town and shall meet state building codes. All frames and supports shall be of metal and designed to withstand and wind pressure as provided in Section 13-1-110 of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground level.

2. **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.

3. **Setback from Curb.** No canopy shall extend beyond a point two (2) feet from the curb line.

Sec. 13-1-114 Violations of Sign Code

A. **Construction Without Permit.** Any person, firm or corporation who begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.

B. **Compliance Notice.**

1. If the Zoning Administrator/Permit Issuer finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.

2. If such sign, awning or canopy owners fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator/Permit Issuer may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article.

C. **Violations; Penalties.** Any person who shall violate any of the provisions of this Article shall be subject to a penalty which shall be as follows:

1. Any person found guilty of violating any part of this Article who has previously been notified of being in violation or been convicted of violating the same Article within one (1) year shall, upon conviction thereof, be subject to a forfeiture as prescribed by Section 1-1-6 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

2. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

Sec. 13-1-115 through Sec. 13-1-119 Reserved for Future Use

This page intentionally left blank.

Article H: Performance Standards

Sec. 13-1-120 Article Intent

It is the intent of this Article to use performance standards for the regulation of uses to facilitate a more objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects. The standards contained in this Article shall not be applicable to properties zoned agricultural. This Chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following environmental performance standards.

Sec. 13-1-121 Noise

A. **Definitions.**

1. **Emergency.** Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

2. **Emergency Work.** Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

3. **Impulsive Sound.** Impulsive sound means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

4. **Noise Sensitive Area.** Noise sensitive area includes, but is not limited to, a posted area where a school, hospital, nursing home, church, court, public library, or similar institution is located.

5. **Person.** Person means any individual, firm, association, partnership, joint venture, or corporation.

6. **Public right-of-way**. Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

7. **Public Space.** Public space means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

8. **Residential Area.** Residential area means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the Town of Taycheedah's Zoning Code.

B. **General Prohibition.**

1. Unless otherwise stated herein, no person shall make, continue, or cause to be made or continued:

   a. Any unreasonably loud or raucous noise or injuries;

   b. Any noise which unreasonably disturbs, or endangers the comfort, repose, health, peace, or safety of reasonable persons or ordinary sensitivity, within the jurisdictional limits of the Town of Taycheedah;

   c. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business;

   d. Any noise exceeding the following when measured at the property line:

Sound Pressure Level Limit--dB(A)

	Day (7:00 a.m. – 10:00 p.m.)	**Night (10:00 p.m. – 7:00 a.m.)**
Residential District	55	50
Commercial District	60	55
Industrial District	80	75

2. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

   e. The proximity of the sound to sleeping facilities, whether residential or commercial;

   f. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;

   g. The time of day or night the sound occurs;

   h. The duration of the sound; and

   i. Whether the sound is recurrent, intermittent, or constant.

C. Noise Prohibited.

The following acts are declared to be per se violations of this chapter. This **enumeration does not constitute an exclusive list:**

1. **Unreasonable Noises.** The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner, which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

2. **Vehicle Horns, Signaling Devices and Similar Devices.** The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the Town of Taycheedah for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

3. **Non-Emergency Signaling Devices.** Sounding, or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten (10) consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the Town of Taycheedah for traffic control purposes are exempt from the operation of this provision.

4. **Emergency Signaling Devices.** The intentional sounding or permitting the sounding outdoors or any emergency signaling device including fire, burglar, civil defense alarm, siren whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (4)(a) and (4)(b) below.

    a. Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar week.

    b. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen (15) minutes of activation unless an emergency exists.

5. **Radios, Televisions, Boomboxes, Phonographs, Stereos, Musical Instruments and Similar Devices.** The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operation(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by, or is plainly audible at a distance of 50 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings. Any noise exceeding the ambient noise level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.

6. **Loudspeakers, Amplifiers, Public Address Systems and Similar Devices.** The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:

   a. within or adjacent to residential or noise-sensitive areas:

   b. within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates and is unreasonably loud and raucous. The sound shall be deemed unreasonably loud if it exceeds 15 dBA above the ambient noise level as measured at the property line from which the sound emanates.

7. **Yelling, Shouting and Similar Activities.** Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

8. **Animals and Birds.** Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet ships or pet kennels, [licenses under and in compliance with licensing and permitting provisions set forth in this chapter] are exempt from this subsection.

9. **Loading or Unloading Merchandise, Materials, Equipment.** The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicles at a place of business or residence.

10. **Construction or Repair of Buildings, Excavation of Streets and Highways.** The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m., or between the hours of 6:00 a.m. and 7:00 p.m. during daylight savings time. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, a Building Inspector/Permit Issuer may issue a permit, upon application, if the Building Inspector/Permit Issuer determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m., or between the hours of 6:00 a.m. and 7:00 p.m. during daylight savings time, will not be impaired, and if the Building Inspector/Permit Issuer further determines that loss or inconvenience would result to a party in interest. The permit shall grant permission in non-emergency cased for a period of not more than three (3) days. The permit may be renewed once for a period of three (3) days or less.

11. **Blowers and Similar Devices.** In residential or noise sensitive areas, between the hours of 7:00 p.m. to 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.

12. **Unnecessary Engine Noise.** To discharge into open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

13. **Tire Squealing and Other Unnecessary Motor Noise.** Squealing of motor vehicle tires by intentional sudden acceleration or deceleration to accomplish that effect or unnecessary motor noise by the excessive acceleration of the engine or a motor vehicle.

D. **Exemptions.**

Sounds caused by the following are exempt from the prohibitions set out in Section 13-1-121(c) and are in addition to the exemptions specifically set forth in Section 13-1-121(c).

1. **Motor vehicles** on traffic ways of the Town of Taycheedah, provided that the prohibition of 13-1-121(c)(2) continues to apply.

2. **Repairs of utility structures** which pose a clear and immediate danger to life, health, or significant loss of property.

3. **Sirens, whistles, or bells** lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in 13-1-121(c)(4) continues to apply.

4. **The emission of sound** for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

5. **Repairs or excavations of bridges, streets, or highways** by or on behalf of the Town of Taycheedah, the State, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., or between the hours of 7:00 p.m. and 6:00 a.m. during daylight savings time, when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m. or between the hours of 7:00 p.m. and 6:00 a.m. during daylight savings time.

6. **Outdoor School and Playground Activities.** Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.

7. **Other Outdoor Events.** Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events.

8. **Agricultural Activity.** The operation of farm equipment and machinery for agricultural purposes, and the construction or repair of buildings, regardless of the time.

9. **Discharge of Firearms.** The discharge of firearms for the purposes of hunting, target practicing, skeet and trap shooting.

Sec. 13-1-122 Vibration

A. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

B. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

Sec. 13-1-123 Glare and Heat

No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial district which may emit direct or 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 premises.

Sec. 13-1-124 Odor

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 429.03, Wisconsin Administrative Code.

Sec. 13-1-125 Fire and Explosive Hazards

All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive material 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 and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

Sec. 13-1-126 Air Pollution

A. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 431.05 Wisconsin Administrative Code.

B. No activity or operation shall be established or maintained which by reason of its nature causes emissions of any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. In no case shall any activity emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ring Lemann Chart described in the United States Bureau of Mines' Information Circular 7718 in any Industrial District. Fugitive emissions shall not exceed the ambient standards for respitorial dust as established by the United States Environmental Protection Agency currently known as the PM Standard.

Sec. 13-1-127 Hazardous Pollutants

A. **Pollutants.** No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 445.03, Wisconsin Administrative Code.

B. **Liquid or Solid Wastes.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

Sec. 13-1-128 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.

Sec. 13-1-129 Refuse

All waste material, debris, refuse or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

This page intentionally left blank.

Article I: Signal Receiving Antennas; Antenna Towers

Sec. 13-1-130 Signal Receiving Antennas

A. **Purpose.** This Section regulating the placement of signal receiving antennas is adopted to:

1. Provide uniform regulation of all signal receiving antenna devices;

2. Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;

3. Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and

4. Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.

B. **Permit Required.** No owner shall, within the Town of Taycheedah, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator/Permit Issuer. Excepted from the permit requirements of this Article are small dish [under twenty-four (24) inches in diameter] digital signal receiving antennas, free- standing UHF and VHP antenna towers under 45 feet in height.

C. **Definitions.**

1. For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHP television antennas, and AM, FM, ham and shortwave radio antennas, regardless of the method of mounting.

2. "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.

D. **Application.**

1. Application for a signal receiving antenna permit shall be made in writing to the Zoning Administrator/Permit Issuer or Town Clerk. With such application, there shall be submitted a fee as determined by the Town Board and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings.

    a. Prior to the issuance of a permit for the installation of a satellite television antenna, all owners of property adjoining that of the applicant shall be notified of the application together with copies of any plans or other material filled with the application deemed appropriate. Each property owner shall have ten (10) days to object to the installation of said antenna.

    b. If any adjoining property owner objects to the installation of said antenna, no permit shall be issued, and the application, plans and any objection thereto shall be referred to the Board of Appeals under Article N of this Chapter.

E. **Installation Standards**. Signal receiving antennas installed in any zoning district within the Town shall comply with the following provisions:

1. **Setbacks**.

    a. Any signal receiving antenna and its mounting post shall be located a minimum of fifteen (15) feet from any property line.

    b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.

    c. If side yard, front yard or roof mounting is requested, the Zoning Administrator/Permit Issuer shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.

2. **Mounting**. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator/Permit Issuer may require engineering calculations.

3. **Diameter**. The diameter of signal receiving antenna shall not exceed fourteen (14) feet and six (6) feet for a roof-mounted antenna, except for systems used to provide community antenna television services.

4. **Height**.

   a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed forty-five (45) feet in height, as measured from the ground to the highest point of the antenna.

   b. A roof-mounted antenna may not exceed eight (8) feet in height above the ridgeline of the roof as measured from the lowest point of the existing roof line.

5. **Wind Pressure**. All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.

6. **Electrical Installations**. Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.

7. **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator/Permit Issuer of the date when such placement shall begin and end.

8. **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.

9. **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an 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 signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

10. **Compliance with Federal Regulations**. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.

11. **Aesthetic Considerations**. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

12. **Color**. The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Zoning Administrator/Permit Issuer as part of the application.

13. **Signal Receiving Antennas**. Signal receiving antennas installed in the A-l zoning district shall comply with the following provisions:

    a. All commercial television and radio towers are prohibited in the exclusive agricultural zone, and

    b. All commercial telecommunications use meeting the definition of a utility must obtain conditional use or special exception permits, regardless of height.

F. **Variances**. Requests for variances from the standards established by this Section may be made to the Board of Appeals.

G. **Enforcement.**

1. It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Zoning Administrator/Permit Issuer, Town Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.

2. Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

13-1-131 Exterior Lighting

A. **Authority.** The provisions of this Ordinance are adopted by the Town of Taycheedah pursuant to the authority granted by Sections 60.62, 61.35 and 62.23(7), Wisconsin Statutes. The Board of Supervisors of the Town of Taycheedah, Fond du Lac County, Wisconsin does ordain as follows:

B. **Purpose and Intent.** It is the intent of this Ordinance to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security and the nighttime use and enjoyment of property. These measures will curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed.

C. **Conformance with Applicable Ordinances.** All outdoor illuminating devices shall be installed in conformance with all other provisions of the Town of Taycheedah Code of Ordinances.

D. **Applicability.**

1. **New Uses, Buildings and Major Additions or Modifications.** For all proposed new land uses, developments, buildings, and structures that require any Town permit, all outdoor lighting fixtures shall meet the requirements of this Ordinance. Whenever any building additions or modifications of fifty (50) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions, occurs subsequent to the effective date of this Ordinance, the entire property shall be required to comply with the requirements of this Ordinance.

2. **Residential Fixtures.** Any outdoor light fixtures above the eave, or any light fixture attached to buildings or poles separate from the residence must comply with the provisions of this Ordinance. Outdoor light fixtures that are attached to residential buildings, located below the eave, are exempt from the provisions of this Ordinance. Residential spot or flood lights shall be fully shielded and directed no more than 45 degrees above straight down.

3. **Resumption of Use After Abandonment.** If a property or use with nonconforming lighting is abandoned as defined below, then all outdoor lighting shall be brought into compliance with this Ordinance before the use is resumed.

4. **Existing Uses and Buildings; Nonconformance and Compliance.** Unless otherwise provided in this Ordinance, any replacement or structural alteration made to the lighting or light fixture shall be brought into full compliance with the requirements of this Ordinance.

5. **Roadways.** Lighting for public roadways is exempt from the provisions of this Ordinance except that:

   a. Any outdoor lighting for newly constructed Town roads or private roads shall comply with this Ordinance;

   b. Any existing outdoor road lighting on Town roads that is repaired or replaced shall comply with this Ordinance.

E. **General Outdoor Lighting Standards**

1. All nonexempt outdoor lighting fixtures shall be fully shielded.

2. All nonexempt outdoor lighting fixtures shall be placed so as to not cause light trespass or light glare.

3. Flood or spot lamps must be aimed no higher than 45 degrees above straight down (halfway between straight down and straight to the side) when the source is visible from any off-site residential property or public roadway.

4. Any lamp installed on a residential property must be shielded such that the lamp is not directly visible from any other residential property.

5. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully-shielded fixtures.

6. Beyond the shielding requirements of this Ordinance, all light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries. Particularly, any lamp installed on a residential property and visible from any other residential property must be shielded such that it is not directly visible from that property.

7. Multi-use lighting must conform to the shielding and timing restrictions, if any, that apply to the most restrictive included use.

F. **Outdoor Advertising Signs**

1. **Externally illuminated and neon signs.** External illumination for signs shall conform to all provisions of this Ordinance. All upward-directed sign lighting, meaning lighting directed above the horizontal plane of the luminary, is prohibited.

2. **Internally illuminated and neon signs.**

   a. Outdoor internally-illuminated advertising signs must either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light gray, cream or yellow) background and generally lighter text and symbols.

   b. Neon signs shall be treated as internally illuminated signs for the purposes of this Ordinance. Neon lighting extending beyond the area considered to be the sign area shall conform to all provisions of this Ordinance and be treated as decorative lighting.

   c. Other internally-illuminated panels or decorations not considered to be signage, shall be considered decorative lighting, and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source and shielding standards.

3. **Nonconformance of Existing Outdoor Advertising Signs.**

   a. If any outdoor advertising sign or light fixture thereon changes its use, fixtures, or there is any replacement or structural alteration made, the advertising sign and light fixtures thereon shall be brought into full compliance with the requirements of this Ordinance. Further, if the property is abandoned, or if there is a change in use of the property, the provisions of this Ordinance will apply when the abandonment ceases, or the new use commences.

G. **Special Uses**

1. **Recreational Facilities.** [Reserved for Future Use]

2. **Outdoor Display Lots.**

   a. Shielding. All display lot lighting shall utilize fully shielded luminaires that are installed in a fashion that maintains the fully shielded characteristics.

   b. Off-Site Spill. The display lot shall limit off-site spill (off the parcel containing the display lot) at any location on any property, as measurable from any orientation of the measuring device.

3. **Service Station Canopies**.

   a. Shielding. All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.

   b. Off-Site Spill. [Reserved for Future Use]

4. **Generally.** All lighting not directly associated with the special use areas above shall conform to the lighting standards described in this Ordinance, including but not limited to the lamp type and shielding requirements.

H. **Submission of Plans and Evidence of Compliance with Ordinance, Subdivision Plats.**

1. **Submission Contents.** If any subdivision proposes to have installed street or other common or public area outdoor lighting, submission of the information as described herein shall be required for all such lighting. The applicant for any subdivision final plat approval shall submit evidence that the proposed work will comply with this Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the Town Code:

   a. Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site;

   b. Description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include, but is not limited to catalog cuts and illustrations by manufacturers (including sections where required);

2. **Additional Submission.** The above required plans, descriptions and data shall be sufficiently complete to enable the Town to readily determine whether compliance with the requirements of this Ordinance will be secured.

3. **Lamp or Fixture Substitution.** Should any outdoor light fixture or the type of light source therein be changed after the final plat approval, a change request must be submitted to the Town Board for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

I. **Prohibitions**

1. **Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

2. **Searchlights.** The operation of searchlights for advertising purposes is prohibited.

3. **Outdoor Advertising Off-Site Signs.** Illumination of outdoor advertising off-site signs is prohibited.

J. **Temporary Exemption**

1. **Request; Renewal; Information Required.** Any person may submit, on a form prepared by the Town, to the Town Clerk, a temporary exemption request. The request shall contain the following information:

   a. Specific Ordinance exemption(s) requested;

   b. Duration of requested exemption(s);

   c. Proposed location on premises of the proposed light fixture(s);

   d. Purpose of the proposed lighting;

   e. Information for each luminaire and lamp combination as required herein;

   f. Previous temporary exemptions, if any, and addresses of premises thereunder; and

   g. Such other data and information as may be required by the designated official.

2. **Approval; Duration.** The designated official shall have thirty (30) business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable upon further written request, at the discretion of the designated official, for a maximum of one (1) additional thirty (30) day period. The designated official is not authorized to grant more than one (1) temporary permit and one (1) renewal for a thirty (30) day period for the same property within one (1) calendar year.

3. **Disapproval; Appeal.** If the request for temporary exemption or its extension is disapproved, the person making the request may appeal to the Zoning Board of Appeals.

K. Other Exemptions

1. **State and Federal Facilities**. Compliance with the intent of this Ordinance at all State and Federal facilities is encouraged, but no required.

2. **Emergency Lighting.** Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this Ordinance for as long as the emergency exists.

3. **Swimming Pool and Fountain Lighting.** Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards provided herein, though it must conform to all other provisions of this Ordinance.

4. **Flags, Lighted.** United States and State of Wisconsin flags are exempt from the provisions of this Ordinance. All other outdoor lighted flags, such as, but not limited to, decorative and commercial flags shall conform to the provisions of this Ordinance.

5. **Holiday Lighting.** Holiday lighting is exempt from the provisions of this Ordinance from November 10 until January 30 of the following year.

6. **Towers.** Legally required safety lighting for towers shall be exempt from this Ordinance.

7. **Airfields and Airports.** These facilities, both commercial and noncommercial, shall be exempt from the provisions of this Ordinance where lighting is used for air safety reasons. All other lighting shall conform to this Ordinance.

L. Enforcement, Penalties, and remedies: Severability.

1. **Violations.** It shall be unlawful for any person to violate any provision of this Ordinance. Each and every day or night during which the violation continues shall constitute a separate offense. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or applicable Wisconsin Statutes. The Town Board is required and authorized to enforce all provisions of this Ordinance including the power to issue municipal citations for any violations.

2. **Penalties.** Any person who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, shall be subject to a penalty of a civil forfeiture as prescribed in Section 1-1-6 of this Code of Ordinances, and also pay the costs of prosecution for each violation, including the Town's reasonable and actual attorney fees and disbursements incurred in the prosecution of such violations.

3. **Severability.** If any section, provision or portion of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

M. **Definitions.** As used in this Ordinance, unless the context clearly indicates otherwise, certain words and phrases used in this Ordinance shall mean the following:

1. **Direct Illumination.** Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

2. **Display Lot or Area.** Outdoor areas where active nighttime sales activity occurs, and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Uses not on this list must be approved as display lot uses by the Town Board.

3. **Flood Light.** A specific form of lamp designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope: Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

4. **Fully Shielded Light Fixture.** A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane. Any structural part of the light fixture providing this shielding must be permanently affixed.

5. **Glare.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on this brightness level to which the eyes are adapted.

6. **Installed.** The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

7. **Lamp.**

8. **Light Trespass.** Light falling across property boundaries.

9. **Luminaire.** The complete lighting assembly, less the support assembly.

10. **Multi-class or Multi-use Lighting.** Any outdoor lighting used for more than one purpose, such as security and decoration.

11. **Opaque.** Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

12. **Outdoor Light Fixture.** An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to lights used for:

    a. Parking lot lighting;

    b. Roadway lighting;

    c. Buildings and structures;

    d. Recreational areas;

    e. Landscape lighting;

    f. Billboards and other signs (advertising or other);

    g. Product display area lighting; and

    h. Building overhangs and open canopies.

13. **Outdoor Recreation Facility.** An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

14. **Person.** Any individual, tenant, lessee, owner, or any commercial entity including, but not limited to firm, business, partnership, joint venture or corporation.

15. **Sign Externally Illuminated.** A sign illuminated by light sources from the outside.

16. **Sign Internally Illuminated.** A sign illuminated by light sources entirely within the sign cabinet and not directly visible from outside the sign.

17. **Sign, Neon.** A sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.

18. **Spot Light.** A specific form of lamp designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope; such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.

19. **Temporary Lighting.** Lighting which does not conform to the provisions of this Ordinance and which will not be used for more than one thirty (30) day period within a calendar year, with one thirty (30) day extension. Temporary lighting is intended for uses which by their nature are of limited duration, for example, holiday decorations, civic events or construction projects.

20. **Translucent.** Permitting light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.

21. **Use, Abandonment of.** The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short-term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principle use of the property.

Sec. 13-1-132 through 13-1-139 Reserved for Future Use

This page intentionally left blank.

Article J: Accessory Uses and Structures; Fences

Sec. 13-1-140 Accessory Uses or Structures

A. **Principal Use to be Present**. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.

B. **Placement Restrictions**. An accessory use or structure may be established subject to the following regulations (these restrictions shall not apply to accessory buildings in A-1 Exclusive Agricultural, A-2 General Agricultural, B-1 Business with Public Sewer, B-2 Business without Public Sewer, I-1 Industrial or R-8 Residential Estate):

1. **Attached Accessory Building Size Units**. No attached accessory building or structure shall exceed the height of the principal building or structure.

2. **Attached Accessory Buildings Yard Requirements**. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.

3. **Detached Accessory Buildings**. No detached accessory building shall occupy more than thirty percent (30%) of the required rear yard or be larger than the dimensions listed in this subsection (3), below, with a maximum of ten (10) feet side walls or be located within three (3) feet of any other accessory building, or within five (5) feet of a lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to the one (1) hour fire resistive construction are complied with. The size limitations referenced above are as follows:

   864 sq. ft. on a .5-acre lot,

   964 sq. ft. on a .75-acre lot,

   1064 sq. ft. on a 1-acre lot,

   1164 sq. ft. on a 1.25-acre lot,

   1264 sq. ft. on a 1.5-acre lot,

   1364 sq. ft. on a 1.75-acre lot,

   1464 sq. ft. on a 2.0-acre lot,

   1500 sq. ft. on a 2.5 acre or larger lot.

   Detached accessory buildings on property zoned R-7 Lakeside Single-Family Residential District shall not exceed 864 sq. ft. regardless of lot size.

4. **Garages.** Garages, when attached, shall comply with the dimensional requirements of the zoning district in which located. Garages shall comply with the setback requirements applicable for principal structures on the lot.

5. **Detached Garages.** No detached garage shall be larger than the dimensions listed in this subsection (5), below, with a maximum of ten (10) feet side walls and the roof pitch shall not exceed the steepest pitch of the principal structure. The total lot coverage shall not exceed the total allowed as set forth in the zoning district where the garage will be located. (Total lot coverage shall include all buildings located on the subject lot.) The size limitations referenced above are as follows:

   864 sq. ft. on a .5-acre lot,

   964 sq. ft. on a .75-acre lot,

   1064 sq. ft. on a 1-acre lot,

   1164 sq. ft. on a 1.25-acre lot,

   1264 sq. ft. on a 1.5-acre lot,

   1364 sq. ft. on a 1.75-acre lot,

   1464 sq. ft. on a 2.0-acre lot,

   1500 sq. ft. on a 2.5 acre or larger lot.

   Detached garages on property zoned R-7 Lakeside Single-Family Residential District shall not exceed 864 sq. ft. regardless of lot size.

6. **Boathouses**. Refer to Section 13-1-48(b)(8).

C. **Use Restrictions - Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations and professional offices as defined and authorized herein and shall not be occupied as a dwelling unit and shall be limited to one accessory building and one detached or attached garage per lot. Accessory buildings two hundred (200) square feet or less with sidewalls seven (7) feet or lower shall be exempt from the limitation. Boathouses shall also be exempt from the limitation. The exemption shall be limited to one exempt accessory building per parcel of land.

D. **Use Restrictions - Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.

E. **Reversed Corner Lots**. When an accessory structure is located on the rear of a reversed comer lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure.

F. **Landscaping and Decorative Uses**. Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. No landscaping, vegetation, agricultural crops or accessory structures are permitted within the road rights-of-way. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.

G. **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator/Permit Issuer and shall be removed within thirty (30) days of occupancy of the project.

H. **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than five (5) feet to an abutting property line and, where not specifically otherwise regulated, shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

I. **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than five (5) feet to an abutting property line other than a street line.

J. **Retaining Walls.** Retaining walls may be permitted in setback areas, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.

K. **Roofs/Siding.** Roofs and siding on all accessory buildings and garages must comply with Sections 13-1-25(b) and 13-1-25(c).

Sec. 13-1-141 Fences

A. **Fences Defined.** For the purpose of this Section, the following definitions apply:

1. **Fence**. An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

2. **Boundary Fence**. A fence placed the property lines of adjacent properties.

3. **Protective Fence**. A fence constructed to enclose a hazard to the public health, safety and welfare.

4. **Architectural or Aesthetic Fence**. A fence constructed to enhance the appearance of the structure or the landscape.

5. **Hedge**. A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

6. **Picket Fence**. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

B. **Residential Fence Permit Required.** No person shall erect a fence in the Town within on a residentially zoned property without first obtaining a fence permit from the Permit Issuer. The applicant shall provide the Permit Issuer with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.

C. **Height of Fences Regulated.**

1. Except as provided in Section 13-1-90, a fence or wall may be erected, placed, or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no fence or wall that is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.

2. No fence or wall shall be erected, placed or maintained along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.

3. In any residence district, no fence or wall shall be erected, constructed or maintained to a height exceeding two and one half2 1/2) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected. (See Section 13-1-90).

D. **Setback for Residential Fences.** Fences in or adjacent to a residential property may be constructed on lot lines if all affected parties agree in writing. However, if the affected parties do not agree in writing, the fence must be constructed with a minimum of a two (2) foot setback. Fences may be constructed parallel to lot lines but shall not extend into the front setback area as extended to the side lot lines. However, if the affected parties do not agree in writing, the fence must be constructed with a minimum of a two (2) foot setback.

E. **Protective/Security Fences. Protective/s**ecurity fences are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

F. **Prohibited Fences.** No residential fence shall be constructed which is a picket fence or which is of an other-wise dangerous condition, or which conducts electricity or is designed to electrically shock, or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area. Snow fences are prohibited from May 1st to November 1st.

G. **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

H. **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein but said fences shall not be erected for more than forty-five (45) days.

I. **Nonconforming Fences.** Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but any alteration, modification or improvement of more than fifty percent (50%) of said fence shall result in the entire fence being brought into compliance with this Section.

J. **Location Determination.** The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his property.

Sec. 13-1-142 Swimming Pools

A. **Definition.** A private or residential swimming pool is a permanent outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his/her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

B. **Exempt Pools.** Storable swimming or wading pools, which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this Section.

C. **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Permit Issuer. Plans and specifications and pertinent explanatory data should be submitted to the Permit Issuer at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The minimum building permit fee pursuant to the Town Building Code shall accompany such application.

D. **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:

1. All materials and methods for construction in the construction, alteration, addition,

remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the Town now in effect or hereafter enacted.

2. All plumbing work shall be in accordance with all applicable ordinances of the Town and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

3. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Town ordinances regulating electrical installations.

E. **Setbacks and Other Requirements.**

1. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

2. Permanent pools shall maintain a minimum side and rear yard clearance of twenty (20) feet from the adjoining property.

F. Fence or Security Cover.

1. Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength or by a manufacturer installed locking security cover to prevent access to the pool. Such fence or wall shall not be less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. Gates, doors or security covers shall be kept locked while the pool is not in actual use.

2. No permit for the construction of a pool shall be issued unless the same shall be accompanied by plans for the pool and the fence and showing the exact location and adequate provisions for drainage.

3. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing or uncovered sidewalls a minimum of thirty-six (36) inches high, provided that ladder or stairs access can be restricted.

G. **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool.

H. **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Building Inspector.

I. **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

J. **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

K. **Draining of Portable Pools.** Portable pools over one (1) foot in depth must be drained, fenced, or covered in such manner as to provide public safety after each day's use.

Sec. 13-1-143 through Sec. 13-1-149 Reserved for Future Use

This page intentionally left blank.

Article K: Modifications

Sec. 13-1-150 Height Modifications.

The District height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following except as referenced in Sections 13-l-23(k)(1) and 13-
1-23(k)(2):

A. **Architectural Projections.** Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.

B. **Special Structure Height Limitations.** Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, commercial radio and television transmitting antennas and towers, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks are exempt from the height limitations of this Chapter.

C. **Essential Services Height Limitations.** Essential services, utilities, water towers, and electric power and communication transmission lines are subject to conditional use permit.

D. **Communications Structures Height Restrictions.** Communications structures such as radio and television transmission and relay towers, aerial and observation towers, shall not exceed in height one hundred twenty-five (125%) their height in distance from any habitable commercial or residential building and a minimum of fifty (50) feet from lot lines for towers, twenty-five (25) feet for guy wire anchors in the case of guyed towers.

E. **Agricultural Structures Height Restrictions.** Agricultural structures such as barns, silos and water windmills shall not exceed in height twice their distance from the nearest lot line.

F. **Public Facilities Height Restrictions.** Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the District's maximum height requirement.

Sec. 13-1-151 Yard Modifications

The yard requirements stipulated elsewhere in this Chapter may be modified as follows except as referenced in Sections 13-1-23(k)(3), 13-1-23(k)(4), 13-1-23(k)(5) and 13-1-23(k)(6):

A. **Uncovered Stair Restrictions.** Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than three (3) feet to any lot line.

B. **Architectural Projection Restrictions.** Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard (setback requirements), but such projection shall not exceed two (2) feet. All projections greater than two (2) feet shall result in a proportionate increase in the minimum setbacks applicable to the footprint of the structure.

C. **Essential Services Exemptions**. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.

Sec. 13-1-152 through Sec. 13-1-169 Reserved for Future Use

This page intentionally left blank.

Article L: Administration

Sec. 13-1-170 General Administrative System

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator/Permit Issuer" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Code require review and action by the Town Board. The Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

Sec. 13-1-171 Zoning Administrator/Permit Issuer

A. The Zoning Administrator/Permit Issuer is hereby designated as the primary administrative officer for the provisions of this Chapter and shall be referred to as the Zoning Administrator/Permit Issuer. The Zoning Administrator/Permit Issuer shall be appointed by resolution of the Town Board. The duty of the Zoning Administrator/Permit Issuer shall be to interpret and administer this Chapter and to issue all permits required by this Chapter. The Zoning Administrator/Permit Issuer shall further:

   1. Issue all zoning certificates and make and maintain records.

   2. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter.

   3. Maintain permanent and current records of this Chapter, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore.

   4. Provide and maintain a public information function relative to all matters arising out of this Chapter.

   5. Receive, file and forward to the Town Clerk all applications for amendments to this Chapter.

   6. Receive, file and forward to the Board of Appeals all applications for conditional uses.

   7. Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this Chapter and shall attend all Board of Appeals meetings to provide technical assistance when requested by the Town Board.

B. Due to the size of the Town of Taycheedah it may not be feasible to find a suitable person willing to take on the responsibility of being Zoning Administrator/Permit Issuer on a part-time basis. It is therefore provided that the function of the Zoning Administrator/Permit Issuer can be delegated to a committee of the Board, to another Town Official, or a single member of the Board or the Town Chairperson or any individual or entity the Town Board deems competent.

Sec. 13-1-172 Violations and Penalties

A. **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Town Board, the Zoning Administrator/Permit Issuer or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.

B. **Remedial Action.** Whenever an order of the Zoning Administrator/Permit Issuer has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Town Board, the Zoning Administrator/Permit Issuer or the Town Attorney may institute appropriate legal action or proceedings.

C. **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator/Permit Issuer issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

Sec. 13-1-173 through Sec. 13-1-179 Reserved for Future Use

This page intentionally left blank.

Article M: Changes and Amendment to the Zoning Code

Sec. 13-1-180 Authority

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Town, may by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review of the Town Board.

Sec. 13-1-181 Initiation of Changes or Amendments

A. **Initiation.** A change or amendment may be initiated by the Town Board or by a petition of one (1) or more of the owners or lessees of property within the area proposed to be changed.

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

1. A plot plan drawn to a scale of one (1) inch equals one hundred (100) feet [one (1) inch = one hundred (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 existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
2. The owners' names and addresses of all properties lying within three hundred (300) feet of the area proposed to be rezoned.
3. Additional information required by the Town Board or Plan Commission.

C. **Action.** The Town Board shall hold a public hearing as provided for in Sec. 62.23(7)(d), Wis. Stats., and review all proposed changes and amendments. Prior to making a determination on the application, the Town Board shall refer the application to the Plan Commission for the Commission's review and advisory recommendation; the Town Board may delegate to the Plan Commission the responsibility to hold the public hearing on the application. Notice of such hearing shall be mailed not less than 7 days prior to the hearing to the fee owners of record of all lands within three hundred (300) feet of any part of the subject area proposed to be rezoned. The Town Board shall determine whether the petition be granted as requested, modified or denied.

Sec. 13-1-182 Protest

A. In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Town Board membership.

B. In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last gender election, it shall cause a three-fourths (3/4) vote of the full Town Board membership to adopt such amendment.

Sec. 13-1-183 through Sec. 13-1-189 Reserved for Future Use

This page intentionally left blank.

Article N: Appeals

Sec. 13-1-190 Appeals to the Zoning Board of Appeals

A. **Scope of Appeals**. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Town Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.

B. **Stay of Proceedings**. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, of notice to the officer from whom the appeal is taken and on due cause shown.

C. **Powers of Zoning Board of Appeals**. In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:

1. **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/Permit Issuer or Building Inspector.

2. **Variances**. To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed, and the public safety, welfare and justice secured. Use variances shall not be granted.

3. **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.

4. **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.

5. **Unclassified Uses**. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Town Board has made a review and recommendation.

6. **Temporary Uses.** 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 and the Town Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.

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

8. **Conditional Uses.** To hear and grant Conditional Uses as designated within each zoning district classification of land.

Sec. 13-1-191 Hearing on Appeals

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than seven (7) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than seven (7) days prior to the hearing of the fee owners of records of all land within three hundred (300) feet of any part of the subject building or premises involved in the appeal.

Sec. 13-1-192 Decisions of Board of Appeals

A. **Timeframe.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator/ Permit Issuer.

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

C. **Validity.** Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-193 Variances

A. **Purpose.**

1. A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him/her undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.

2. The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed, and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection that the flood protection elevation for the particular area or permit standards lower than those required by state law.

3. For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

B. **Application for Variance**. The application for variance shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:

1. Name and address of applicant and all abutting and opposite property owners of record.

2. Statement that the applicant is the owner or the authorized agent of the owner of the property.

3. Address and description of the property.

4. A site plan showing an accurate depiction of the property.

5. Additional information required by the Town Engineer, Town Board, Zoning Board of Appeals or Zoning Administrator/Permit Issuer.

6. Fee receipt in the amount as determined by the Town Board.

C. **Public Hearing of Application**. The Board of Appeals shall conduct at least one (1) public hearing on the proposed variance. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one (1) or more of the newspapers in general circulation in the Town and shall give due notice to the parties in interest, the Zoning Administrator/Permit Issuer and the Town Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board of Appeals shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.

D. **Action of the Board**. For the Board of Appeals to grant a variance, it must find that:

1. Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

2. The conditions upon which a petition for a variation is based are unique to the property for which variance is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.

4. The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.

5. The proposed variance will not undermine the spirit and general and specific purposes of the Zoning Code.

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

Sec. 13-1-194 Review by Court of Record

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