Chapter 9

Town of Clayton Zoning Code of Ordinances

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ARTICLE 1
GENERAL PROVISIONS

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9.01-01 Name of chapter

This chapter shall be known as “Town of Clayton Zoning Ordinance” and may be referred to herein as “this chapter.”

9.01-02 Authority

This chapter is adopted under the authority granted by Wis. Stats. §§ 60.10(2) 60.62, 60.63, 60.627, 61.35, 62.23, 66.0401, 66.0403 and amendments thereto.

9.01-03 Jurisdiction

Jurisdiction of these regulations shall include all lands and waters within the Town of Clayton, except for those shoreland areas governed by ch. 27 of the general code of Winnebago County, consistent with the shoreland zoning standards set forth in ch. NR 115 of the Wisconsin Administrative Code.

9.01-04 Legislative findings

(a) **General findings**. The Town Board of Supervisors makes the following legislative findings:

(1) Pursuant to 66.1001, Wis. Stats., the Town adopted a comprehensive plan on December 16, 2009.

(2) This chapter is consistent with and furthers the overall intent of the Town's comprehensive plan, as may be amended.

(b) **Other findings**. Other legislative findings are included in the various articles, divisions, and sections of this chapter as may be appropriate.

9.01-05 Purpose

(a) **General purpose**. This chapter promotes the public health, safety, and welfare and is intended to:

(1) implement the goals, objectives, and policies of the town’s comprehensive plan to the greatest extent practicable;

(2) establish clear and consistent standards, regulations, and procedures for the review of proposed development as may be regulated by this code; and

(3) establish minimum standards for the use or development of land within the county.

(b) **Specific purposes**. Consistent with s. 62.23(7)(c), Wis. Stats., this chapter is also intended to:

(1) promote the public health, safety, convenience, and general welfare;

(2) encourage planned and orderly land use development;

(3) protect property values and the property tax base;

(4) permit the careful planning and efficient maintenance of highway systems;

(5) ensure adequate highway, utility, health, educational and recreational facilities;

(6) recognize the needs of agriculture, forestry, industry and business in future growth;

(7) encourage use of land and other natural resources which are in accordance with their character and adaptability;

(8) provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;

(9) conserve soil, water and forest resources;

(10) protect the beauty and healthy surroundings for family life; and

(11) promote the efficient and economical use of public funds.

(c) **Other purposes**. Other purposes are included in the various articles, divisions, and sections as may be appropriate.

9.01-06 Compliance

(a) **Generally**. Except as specifically provided, the provisions of this chapter shall apply to all development within the town under the jurisdiction of this chapter. No development shall be undertaken without the prior authorizations required by this chapter and other applicable chapters of the Town of Clayton Code of Ordinances.

(b) **Previously granted permits, an exception**. When a permit has been issued in accordance with law prior to the effective date of this chapter, or amendment thereto, it shall be valid for one year from date of issuance, even if it authorizes an action that is not allowed under this chapter or amendment. If the action, as authorized by the permit, does not commence within that time period and continue in good faith to completion, such permit shall lapse and be null and void.

(c) **Establishment of a use, structure, building not requiring authorization, an exception**. If prior to the adoption of this chapter, or amendment thereto, a use, structure, or building is actively being established that did not require a permit or authorization, said work may continue to completion even when the use, structure, or building requires a permit or other authorization under this chapter, is being developed contrary to this chapter, or is otherwise prohibited under this chapter.

9.01-07 Liability

The Town of Clayton and its officials, agencies, employees, agents, and assigns, shall not be liable for any flood damage, sanitation problems, structural damage, or other damages or loss of property value that may occur as a result of reliance upon and conformance with this chapter.

9.01-08 Relationship of this chapter to state and federal regulations

In addition to meeting the requirements contained in this chapter, development shall comply with all applicable regulations of federal and state agencies. In all cases, the strictest of the applicable provisions shall apply.

9.01-09 Relationship of this chapter to private agreements

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any easement, covenant, deed restriction, or other private agreement governing land development. However, when this chapter imposes a greater restriction than the aforementioned, the provisions of this chapter shall apply.

9.01-10 Additional local and regional regulations

(a) In addition to meeting the regulations contained in this chapter, development shall comply with all applicable regulations in the Town of Clayton Code of Ordinances, including but not limited to the following chapters:

(1) Chapter 7.3 Site Plan

(b) Land located in the vicinity of the Outagamie County Regional Airport may also be subject to additional land use regulations as may be adopted by Outagamie County under s. 114.136, Wis. Stats.

(c) Land located within shoreland zoning areas as defined by NR 115 of the Wisconsin Administrative Code will also be governed by ch. 27 of the Winnebago County general code.

(d) Land located within floodplain areas will also be governed by ch. 26 of the Winnebago County general code.

(e) In all cases, the strictest of the applicable provisions shall apply.

9.01-11 No defense to nuisance action

Compliance with the standards and requirements in this chapter shall not constitute an absolute defense to an action to abate a public or private nuisance.

9.01-12 Applicability to public entities

This chapter shall apply to all publicly-owned land to the fullest extent allowed by state and federal law. When a public entity undertakes any development that is exempted from this chapter, in whole or in part, it is strongly encouraged to meet the provisions of this chapter.

9.01-13 Applicability to projects under the purview of the Public Service Commission

This chapter shall apply to projects under the purview of the Wisconsin Public Service Commission (PSC) to the fullest extent allowed by state law.[1] The Plan Commission or the Town Board of Supervisors, or both, may submit a written request to the PSC outlining those standards and/or requirements of this chapter that the PSC should impose as conditions of project approval, if approval is to be granted.

9.01-14 Applicability to wind energy systems

Because municipalities in Wisconsin may not regulate wind energy systems under their general zoning authority, wind energy systems are not regulated by this chapter.[2]

[1] Commentary: See s. 196.491(3)(i), Wis. Stats., and also *American Transmission Co., LLC v. Dane County*, 2009 WI App. 126

[2] Commentary: The Town Board has the authority to adopt a wind ordinance as provided for under s. 66.0401, Wis. Stats.

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ARTICLE 2
INTERPRETATION AND CONSTRUCTION

Sections

9.02-01	General rules of construction	9.02-06	Interpretation of boundaries and designations for base districts
9.02-02	Responsibility for interpretation	9.02-07	Interpretation of boundaries and designations for overlay districts
9.02-03	Delegation of authority	9.02-08	General rules of interpretation
9.02-04	Internal conflicts	9.02-09	Computation of time
9.02-05	Use of graphics, illustrations, headings, references, statutory citations, and commentary notes	9.02-10	Calculations

9.02-01 General rules of construction

(a) **Generally**. In the interpretation and application of this chapter, all provisions shall be construed so the true intent and meaning of this chapter is carried out.

(b) **Minimum requirements**. The interpretation and application of any provision of this chapter shall be held to be the minimum requirement adopted for the promotion of the public health, safety, and general welfare and not be deemed a limitation or repeal of any other powers granted by state statute.

9.02-02 Responsibility for interpretation

In the event a question arises concerning any provision or the application of any provision of this chapter, interpretations shall be issued consistent with article 7 of this chapter.

9.02-03 Delegation of authority

If a provision in this chapter states that an elected official, department supervisor, or some other employee is to perform some act, such individual may designate, delegate, or authorize a subordinate to perform the act unless state law or the provision clearly prohibits such delegation.

9.02-04 Internal conflicts

More specific provisions of this chapter shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

9.02-05 Use of graphics, illustrations, headings, references, statutory citations, and commentary notes

(a) **Purpose**. Graphics, illustrations, headings, references, statutory citations, and commentary notes are included to improve the readability of this chapter and increase reader comprehension. Specifically, graphics and illustrations are included to help the reader visualize the meaning of the text. Headings and subheadings generally state the content of that section and are intended to help the reader quickly find information. References and statutory citations are included when the section is related to a state or local law or another section in this chapter. These are included to help the reader understand the relationship among various provisions. Commentary notes are included to supplement and/or further clarify a sentence or provision.

(b) **Interpretation**. A graphic, illustration, heading, reference, statutory citation, or commentary note shall not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.

(c) **Effect of deficiency**. Because the text controls, no provision shall be held invalid by reason of any deficiency in any graphic, illustration, heading, reference, statutory citation, or commentary note.

9.02-06 Interpretation of boundaries and designations for base districts

(a) **Boundary line interpretations**. Interpretations regarding boundaries of base land use districts shall be made in accordance with the following rules:

(1) **Centerlines**. Boundaries shown as following, or approximately following, any easement, railroad, alley, road, street, highway, or similar feature shall be construed as following the centerline of such feature.

(2) **Property lines**. Boundaries shown as following, or approximately following, any platted lot line or other property line shall be construed as following such line.

(3) **Political boundaries**. Boundaries shown as following, or approximately following, any political boundary shall be construed as following such line.

(4) **Section lines**. Boundaries shown as following, or approximately following, a section line, half-section line, or quarter-section line shall be construed as following such line.

(5) **Natural boundaries**. Boundaries shown as following, or approximately following, any natural feature such as a stream, river, canal, other bodies of water, or topographical features, such as a watershed boundary, shall be construed as following such natural feature as verified by field inspection when necessary.

(b) **Street abandonment**. In the event a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the land to which it reverted shall apply to such vacated or abandoned road, street, or alley, unless otherwise provided by town, county, or state action.

9.02-07 Interpretation of boundaries and designations for overlay districts

The location of the overlay district boundaries shall be as shown on the zoning map, or other supplemental map provided by the Town of Clayton, or by Winnebago County in the case of the floodplain and shoreland/wetland overlay districts, or by Outagamie County in the case of the airport overlay zoning district.

9.02-08 General rules of interpretation

In the construction of this chapter, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of this chapter:

(1) **Gender**. Words of the masculine gender include the feminine and neuter, and vice versa.

(2) **Singular and plural words**. Words in the singular include the plural and words in the plural include the singular.

(3) **Tense**. Words in the present tense include the past and future tense, and the future tense includes the present tense.

(4) **"Must", "shall" and "will"**. The words "must", shall" and "will" imply a mandatory condition.

(5) **"May" or "should"**. The words "may" and "should" imply a permissive condition.

(6) **"Includes" or "including"**. The words "includes" or "including" shall not limit a provision to the specific example(s) listed, but are intended to extend their meaning to all other instances or circumstances of like kind or character.

(7) **"Such as"**. The phrase "such as" shall not limit a provision to the specific example(s) listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) **Conjunctions**. When used at the end of a series, the word "and" indicates that all listed items apply. When the word "or" is used at the end of a series, it indicates that one or more of the listed items apply.

9.02-09 Computation of time

When a time period is specified in this chapter, the first day of the period shall be the first day after the event that triggered the time clock to start. If the last day of the time period is a Saturday, Sunday, or a legal holiday, that day shall be excluded and the time period shall be extended to the next business day.

9.02-10 Calculations

(a) **Required quantities**. When a calculation is made to determine the minimum number of a required quantity (e.g., landscaping and parking spaces) and results in a fraction, the number shall be rounded up to the next whole number.

(b) **Allowable units**. When a calculation is made to determine the number of dwelling units that may be allowed based on a density factor and results in a fraction, the number shall be rounded down to the next whole number.

ARTICLE 3
DEFINITIONS

Sections

9.03-01 General definitions	
9.03-02 Land use descriptions	

9.03-01 General definitions

(a) **Words and phrases not defined**. Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application. Any word or phrase relating to livestock facilities that is used in this chapter but which is not defined in this article shall have the meaning given in s. ATCP 51.01 (Livestock Facility Siting), Wis. Admin. Code.

(b) **Words and terms defined**. For the purpose of this chapter, certain terms and phrases are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

A

(1) **Accessory building** See building, accessory

(2) **Accessory land use** See land use, accessory

(3) **Adult arcade** An establishment where coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to 5 or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

(4) **Adult bath house** An establishment which provides the services of baths, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities.

(5) **Adult body painting studio** An establishment wherein patrons are afforded an opportunity to paint images on another person's body which is wholly or partially nude. An adult body painting studio shall not be deemed to include a tattoo parlor.

(6) **Adult book/video store** An establishment that as one of its principal business purposes offers for sale, lease, or rental any of the following (1) books, magazines, periodicals, or other printed matter that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; (2) photographs, paintings, or other visual renderings that are distinguished or characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas; (3) films, motion pictures, video cassettes, video reproductions, DVDs, CD-ROMs, or similar media that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; (4) games, whether electronic or non-electronic, that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or (4) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment. This definition excludes films, motion pictures, video cassettes, streaming videos, DVDs, slides or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

(7) **Adult cabaret** An establishment, such as a nightclub, dance hall, bar, restaurant, or similar establishment, that regularly features (1) persons who appear semi-nude; (2) live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (3) film, motion pictures, video cassettes,

streaming videos, DVDs, slides or other photographic reproductions, which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas. This definition excludes films, motion pictures, video cassettes, slides, or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

(8) **Adult massage parlor** An establishment with or without sleeping accommodations that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the state of Wisconsin and which establishment provides for its patrons the opportunity to engage in specified sexual activities.

(9) **Adult modeling studio** An establishment that provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.

(10) **Adult motion picture theater** An establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, streaming videos, DVDs, slides, or similar photographic reproductions, which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. This definition excludes films, motion pictures, videocassettes, streaming videos, DVDs, slides or other similar photographic given an "R" or "NC-17" rating by the Motion Picture Association of America.

Exhibit 3-1. An antenna array mounted on top of a transmission tower

(11) **Agricultural waste** Manure, milking center waste, and other organic waste generated by a livestock facility.[1]

(12) **Agricultural zoning district** A zoning district established by this chapter that has an "A" followed by a number as its abbreviation (e.g., A-1).

(13) **Alley** A vehicular accessway that provides primary vehicular access to the back of the lots that front on a street.

(14) **Alternative tower structure** Manmade towers, water towers, buildings, bell steeples, light poles, electric transmission and distribution structures, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. (Exhibits 3-1 and 3-2)

(15) **Animal unit** A unit of measure used to regulate the number of various types of livestock and other farm animals by type. In Wisconsin, one animal unit is equivalent to one beef cow or steer (600 lbs. or more) or any combination of other animals based on assigned animal unit factors.

Exhibit 3-2. Two antenna arrays on top of silos

[1] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.

(16) **Animal unit equivalent factor** A numeric value assigned to various types of livestock and other farm animals in relation to one beef cow or steer (600 lbs. to market). For the purpose of this chapter, the animal unit factors established by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. NR 43, Wis. Admin. Code, are to be used. Those factors as of January 2006 are listed in Table 3-1.

Table 3-1. Animal Unit Factors

Livestock Type		Animal Unit Factor
Dairy Cattle	Milking and dry cows	1.4
	Heifers (800 lbs. to 1,200 lbs)	1.1
	Heifers (400 lbs. to 800 lbs)	0.6
	Calves (up to 400 lbs.)	0.2
Beef Cattle	Steers or cows (600 lbs. to market)	1.0
	Calves (under 600 lbs.)	0.5
	Bulls (each)	1.4
Swine	Pigs (55 lbs. to market)	0.4
	Pigs (up to 55 lbs.)	0.1
	Sows (each)	0.4
	Boars (each)	0.5
Poultry	Layers (each)	0.01
	Broilers (each)	0.005
	Broilers – continuous overflow watering	0.01
	Layers or broilers – liquid manure system	0.033
	Ducks – wet lot (each)	0.2
	Ducks – dry lot (each)	0.01
	Turkeys (each)	0.018
Sheep (each)		0.1
Goats (each)		0.1

Source: Wisconsin Department of Agriculture, Trade and Consumer Protection

(17) **Appeal** A process initiated by an aggrieved person to review a decision made pursuant to this chapter, or an alleged failure to act as required by this chapter.

(18) **Applicant** A person that submits an application as required by this chapter.

(19) **Arbor** A structure over a walkway or other open area often supporting vines or other plants. (Exhibit 3-3)

(20) **Auto title loan business** Any person licensed pursuant to s. 139.09, Wis. Stats., who makes a loan that is secured by an interest, other than a purchase money security interest, in the borrower's motor vehicle.

(21) **Awning sign** See sign, awning

B

(22) **Base farm tract** All land, whether one parcel or 2 or more contiguous parcels, which is in an A-1 agribusiness zoning district and was part of a single farm on (EFFECTIVE DATE OF ADOPTION) and so designated by the Plan Commission, regardless of any subsequent changes in the size of the farm.[2]

(23) **Base zoning district** See zoning district, base

(24) **Berm** A mound or embankment of earth typically installed to provide screening or for aesthetic effect.

(25) **Blade sign** See sign, blade

(26) **Blasting** The use of an explosive material to loosen, move, or shatter a mass of earth materials.

(27) **Board of Appeals** The body appointed under authority of s. 62.23(7)(e) Wis. Stats., to hear and decide administrative appeals, variances, and other matters as allowed by this chapter and state law.

(28) **Body piercer** An individual who performs body piercing on another upon his or her request.

Exhibit 3-3. An example of an arbor over a sidewalk

[2] Commentary: Base farm tracts are defined only for the purpose of calculating residential densities in connection with conditional use permit applications. They have no other legal or ownership implications, and are not used for any other purpose. A "base farm tract" is a fixed geographical reference area that once determined remains constant over time. A "base farm tract" is not necessarily synonymous with a "farm," except on the date that it is determined.

(29) **Body piercing** The perforating of any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.

(30) **Buffer yard** A linear strip of undeveloped land, along with landscaping or a fence, that is located between two different zoning districts that have potentially incompatible characteristics. Buffer yards are intended to create separation between the incompatible land uses and eliminate or lessen the impacts (e.g., noise, dust, glare of lights, outdoor activities) of the most intrusive land use on the other.

(31) **Building** A structure having a roof supported by walls or columns, or other supports intended for the shelter or enclosure of people, animals, chattels, or property of any kind.

(32) **Building, accessory** A building that is clearly incidental and subordinate to and customarily found with a principal use.

(33) **Building, principal** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

(34) **Building area** The total horizontal projected area of a building.

(35) **Building codes** Those regulations adopted by a municipality or the state that regulate the construction, repair, alteration, and maintenance of buildings.

(36) **Building permit** A permit issued prior to the construction of, or addition to, a structure. (In contrast see zoning permit)

(37) **Building scale** The relationship between the mass of a building and its surroundings; including streets, open spaces, and surrounding buildings. Mass is the three-dimensional bulk of a structure: height, width, and depth.

(38) **Burden of proof** The obligation of a party to establish a fact by evidence.

C

(39) **Caliper** The diameter of a tree, measured at a point 6 inches above the ground line if the resulting measurement is not more than 4 inches. If the resulting measurement is more than 4 inches, the measurement is taken 12 inches above the ground line.[3]

(40) **Campground space** A designated portion of a campground that is rented for the exclusive use of its occupants. A campground space may include a parking spur, fire ring, table, and other amenities.

(41) **CFR** An acronym for Code of Federal Regulations

(42) **Code of ordinances** The compilation of laws as adopted by the Town of Clayton Town Board of Supervisors.

(43) **Co-location** The location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

(44) **Commercial zoning district** A base zoning district established by this chapter that has a “C” followed by a number as its abbreviation (e.g., C-1).

(45) **Common ownership** When used in the context of determining base farm tracts, ownership by the same person or persons. The term includes joint tenancy and tenancy in common. For the purpose of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.[4]

[3] Commentary: The plant nursery trade uses this measurement standard, while the timber industry uses diameter breast height (DBH).
[4] Commentary: Land is deemed to be under “common ownership” if it is all owned by the same individual, married couple, joint tenants, tenants in common, corporation, limited liability company, partnership, estate, or trust.

(46) **Comprehensive plan** The document the Town of Clayton Town Board of Supervisors adopted consistent with s. 66.1001, Wis. Stats.

(47) **Conditional use** See land use, conditional

(48) **Conditional use order** A written decision issued by the Plan Commission authorizing the zoning administrator to issue a conditional use permit provided those conditions imposed by the Plan Commission precedent to the issuance of the permit have been satisfied.

(49) **Conditional use permit** A permit issued by the zoning administrator authorizing establishment of a conditional use consistent with the provisions of this chapter.

(50) **Condominium** A form of ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.

(51) **Contiguous** When used in the context of determining base farm tracts, two parcels are "contiguous" if they adjoin, border, or abut along a common boundary or if they are only separated by a public road right-of-way that is 100 feet in width or less, private road, pipeline, transmission line, railroad right-of-way, state-owned bike trail, creek or river, or privately-owned access, whether improved or unimproved, that is 66 feet in width or less (e.g., stem of a flag lot). Two parcels are not contiguous if they meet only at a single point.

(52) **Corner lot** See lot, corner

(53) **Curb** The barrier used to separate a street and other vehicle use areas from the surrounding environs.

D

(54) **Dawn to dusk** The time period extending from 30 minutes before sunrise to 30 minutes after sunset of any given day. (In contrast see dusk to dawn)

(55) **dBA** An abbreviation for decibels, A-weighted

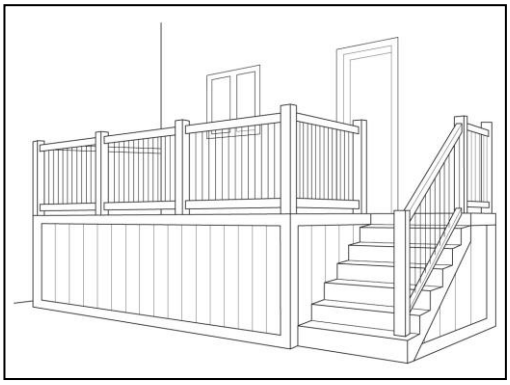
(56) **Decibels, A-weighted** A unit for expressing the relative intensity of sounds in air on a scale from zero for the average least perceptible sound to about 130 for the average level at which sound causes pain to humans. The A-weighting system is typically used to measure environmental noise (e.g., noise from aircraft, railroad lines, and roadways).

(57) **Deck** An above-ground, unroofed platform extending from a building and intended for outdoor living. (Exhibit 3-4)

(58) **Density** As the context would indicate, the number of existing, proposed, or permitted dwelling units in a given area.

(59) **Development** Any activity that must comply with, or is anyway regulated by, this chapter.

Exhibit 3-4. An example of a deck



(60) **Directional sign** See sign, directional

(61) **Disability** A mental or physical impairment that substantially limits one or more life activity.

(62) **Distinguished by** or **characterized by** When used in the context of adult uses, the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas", the films so

described are those who's dominant or principal character and theme are the exhibition or display of specified sexual activities or specified anatomical areas.

(63) **District** See zoning district

(64) **Double frontage lot** See lot, through

(65) **Dusk to dawn** The time period extending from 30 minutes after sunset to 30 minutes before sunrise of any given day. (In contrast see dawn to dusk)

(66) **Dwelling unit** A single building, or portion thereof, that provides complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(67) **Dynamic sign display** See electronic message display

E

(68) **Easement** A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs. A utility easement, for example, would allow any person with a right to use the easement to install and maintain utilities across, over, or under the subject land. A road easement would likewise allow the installation and maintenance of a driveway or roadway along with ancillary utilities.

(69) **Electronic message display** A type of sign display where the message is created with a number of internal lights, such as light emitting diodes (LEDs), and which may be changed at intervals by an electronic process.

(70) **Environmental Protection Agency (EPA)** An independent federal agency established in the executive branch in 1970 that implements major environmental legislation.

(71) **EPA** An acronym for Environmental Protection Agency

(72) **Equalized value** The estimated market value of a property including land and improvements.[5]

(73) **Expanded livestock facility** The entire livestock facility that is created by expansion, after May 1, 2006 regardless of whether those structures are new, existing, or altered.[6] (Also see new livestock facility)

(74) **Expansion** When used in the context of livestock facilities, an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12−month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12−month period.[7]

F

(75) **FAA** An acronym for Federal Aviation Administration

(76) **Family** An individual living alone in a dwelling unit, or 2 or more individuals living together in a dwelling unit who are related by blood, marriage, adoption, or other legal means, or a group of not more than 4 individuals who are not so related who live together as a single housekeeping unit in a dwelling unit.

(77) **Farm** When used in the context of farmland preservation in the A-1 agribusiness zoning district, a parcel of land or a collection of 2 or more contiguous parcels of land in common ownership provided more than 50 percent of the

[5] Commentary: In Wisconsin, the local assessor determines the assessed value for each property in the municipality. These values are then adjusted using an assessment ratio which is set by the Department of Revenue for that municipality. That value is referred to as the "equalized value."
[6] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.
[7] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.

entire land area is assigned for property tax purposes to one or more of the following use classifications as defined by the Wisconsin Department of Revenue pursuant to s. 70.32(2), Wis. Stats., (1) agricultural land – class 4, (2) agricultural forest – class 5m, and productive forest – class 6.[8]

(78) **Farm products** Agricultural, horticultural, and arboricultural crops. Animals considered within the definition of agricultural include livestock, stable animals, bees, poultry, fur-bearing animals, and wildlife or aquatic life.

(79) **Farmland preservation plan** That portion of the county's comprehensive plan adopted consistent with ch. 91, Wis. Stats., that describes the ways the county will encourage preservation of farmland.

(80) **FCC** An acronym for Federal Communications Commission

(81) **Federal Aviation Administration (FAA)** A federal agency within the U.S. Department of Transportation with the authority to regulate air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, and air navigation; and promote the development of a national system of airports.

(82) **Federal Communications Commission (FCC)** A federal agency established by the Communications Act of 1934 to regulate broadcast communications (wire, radio, and television) in the United States.

(83) **Federal Emergency Management Agency (FEMA)** A federal agency created in 1979 with a mission to reduce loss of life and property and protect our nation's critical infrastructure from all types of hazards through a comprehensive, risk-based emergency management program of mitigation, preparedness, response, and recovery.

(84) **FEMA** An acronym for Federal Emergency Management Agency

(85) **Finding** A written conclusion or determination that is considered in reaching a decision.

(86) **Flag lot** See lot, flag

(87) **Floodplain** That land which has been or may be covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.

(88) **Floor area** The total horizontal area contained within the outside perimeter of a building.

(89) **Fugitive dust** The solid airborne particulate matter resulting from any activity conducted on a parcel zoned, or used for industrial or commercial purposes.

G

H

(90) **Hazard** A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.

(91) **Hazardous substance** A material regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 1101-11050, as may be amended.

(92) **Hazardous waste** A waste or combination of wastes that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential

[8] Commentary: This definition is used for zoning purposes only. It does not change or limit a landowner's statutory eligibility for farmland preservation tax credits. A landowner claiming such tax credits must meet various requirements under s. 71.613, Wis. Stats., including gross farm revenue requirements.

hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

(93) **Highway width map** A map adopted by Winnebago County pursuant to s. 66.1031, Wis. Stats.

I

(94) **Impervious surface** The portion of a lot that substantially reduces or prevents the infiltration of stormwater into the ground. It includes areas of compacted soil, buildings, and nonporous surfaces such as sidewalks, parking lots, driveways, and similar features.

(95) **Industrial zoning district** A base zoning district established by this chapter that has an "I" followed by a number as its abbreviation (e.g., I-1).

(96) **Interior lot** See lot, interior

(97) **Interstate highway** A highway at any time officially designated as part of the national system of interstate and defense highways by the Wisconsin Department of Transportation and as approved by the appropriate authority of the federal government.[9]

K

(98) **Kilowatt (kW)** A unit of power equal to 1,000 watts.

L

(99) **Land** The earth, water, and air, above, below, or on the surface.

(100) **Land use** As the context indicates (1) the development that has occurred on the land, (2) development that is proposed for the land, or (3) the use permitted for the land under this chapter.

(101) **Land use, accessory** A land use that is incidental and subordinate to and customarily found with a principal land use.

(102) **Land use, conditional** A land use that would not be appropriate generally or without restriction throughout a specified area, but if controlled as to the number, area, location, or relation to the surrounding properties by the imposition of appropriate conditions, could promote the public health, safety, or general welfare.

(103) **Land use, permitted by right** A land use that is allowed throughout a specified area. Land uses permitted by right may be reviewed through a site review process and shall otherwise be reviewed to ensure that all provisions of local, state, and federal regulations are met.

(104) **Land use, principal** The dominant land use of a parcel of land.

(105) **Land use, temporary** A land use which is on a parcel of land for a limited and specified period of time.

(106) **Landscaping plan** A drawing of a subject property that shows existing and/or proposed landscaping elements and other features as required by this chapter. Depending on the nature of the development project, the content of a landscaping plan can be shown on a site plan. (Also see site plan)

(107) **Livestock** When used in the context of livestock facility siting, "livestock" shall only include cattle, swine, poultry, sheep, and goats.[10] When not used in the context of livestock facility siting, "livestock" shall include bovine

[9] Commentary: This definition is based on the corresponding definition in s. 84.31(2), Wis. Stats.
[10] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.

animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

(108) **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. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate livestock facility.[11]

(109) **Livestock structure** A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. The term includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. The term does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.[12]

(110) **Livestock waste storage structure** An impoundment made by constructing embankments, a pit or dugout, or a structure used to hold agricultural waste. The term does not include equipment used to apply agricultural waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, Wis. Admin. Code, the term does not include a structure used to collect and store agricultural waste under a livestock housing facility or a manure digester consisting of a sealed structure.[13]

(111) **Loading area** An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer, or truck.

(112) **Lot** A parcel of ground with a definable location based on a recorded survey or similar instrument.

(113) **Lot, corner** A lot situated at the junction of and fronting on two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (Exhibit 3-5)

Exhibit 3-5. An example of a corner lot

(114) **Lot, flag** A lot with access provided by a corridor from a street to the bulk of the lot.

(115) **Lot, interior** A lot that abuts only one street.

(116) **Lot, through** A lot having a frontage on two streets that are more or less parallel to one another.

(117) **Lot area** As the context would indicate, lot area can refer to the minimum required area, actual area, or proposed area.[14]

(118) **Lot frontage** The linear distance a lot abuts on a street right-of-way or other similar feature. As the context would indicate, lot frontage can refer to the minimum required distance, actual distance, or proposed distance.[15]

(119) **Lot line** See property boundary line.

(120) **Lot line, front** A property boundary line described for each of the following types of lots (1) interior lot, the property boundary line abutting a street; or, on a corner lot, the shorter property boundary line abutting a street; (2) through lot, the property boundary line abutting the street providing the primary access to the lot; and (3) flag lot, the interior property boundary line most parallel to and nearest the street from which access is obtained.

[11] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.
[12] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.
[13] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.
[14] Commentary: See the applicable section in division 4 of article 8 for a description of how lot area is measured.
[15] Commentary: See the applicable section in division 4 of article 8 for a description of how lot frontage is measured.

(121) **Lot line, rear** A property boundary line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.

(122) **Lot line, side** A property boundary line that is not a front or rear lot line.

(123) **Low-impact stormwater design** A design approach to stormwater management intended to mimic the predevelopment hydrology of a site. Initial site design strategies include minimizing impervious surfaces and the integration of existing wetlands, riparian areas, and other environmentally sensitive natural resources into the overall site design. Manmade features, generally distributed throughout the site, are also used to store, infiltrate, evaporate, and detain stormwater runoff. Examples of such features include bioswales, rain gardens, and pervious surfaces.

M

(124) **Maintenance and repair** See ordinary maintenance and repair

(125) **Manufactured home** A dwelling unit that is constructed in an off-site facility in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, as amended.[16]

(126) **Manure** Excreta from livestock kept at a livestock facility along with any livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with the excreta in normal manure handling operations.[17]

(127) **Megawatt (MW)** A unit of power equal to one million watts.

(128) **Migrant worker** This term shall have the meaning under s. 103.90(5), Wis. Stats.

(129) **Mitigate** To take an action designed to offset or rectify a negative effect.

(130) **Mixed-use zoning district** A zoning district established by this chapter that has an "M" followed by a number as its abbreviation (e.g., M-1).

(131) **Mobile home** A dwelling unit that was originally constructed prior to June 15, 1976, and that is (1) constructed off-site, (2) equipped with the necessary utility service connections, (3) made to be readily movable as a unit or units on its (their) own running gear, and (4) designed to be used with or without a permanent foundation.[18]

(132) **Manufactured home pad** The area of a manufactured home space that has been prepared for the placement of a manufactured home.

(133) **Manufactured home space** A designated area of a manufactured housing community that is designed to accommodate a manufactured home for the exclusive use of the occupants.

(134) **Modular home** A dwelling unit that meets local building codes and which was constructed off site in a factory as separate modules which are joined together and set on a permanent foundation.[19]

(135) **Monument sign** See sign, monument

(136) **Mulch** A nonliving organic or inorganic material customarily used in landscape design to retard erosion, retain soil moisture, maintain even soil temperature, control weeds, and/or enrich the soil. Examples of materials often used include tree bark, wood chips, and decorative stones.

[16] Commentary: A manufactured home bears a red insignia which certifies that it meets all applicable federal construction and safety standards. A manufactured home is one type of factory-built housing.
[17] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.
[18] Commentary: After June 15, 1976 no mobile homes have been constructed. A mobile home is one type of factory-built housing.
[19] Commentary: A modular home is one type of factory-built housing.

N

(137) **Natural Resources Conservation Service (NRCS)** A federal agency created in 1935 within the U.S. Department of Agriculture to work with private land owners and managers to conserve their soil, water, and other natural resources by providing technical and financial assistance. From 1935 to 1994, it was known as the Soil Conservation Service (SCS).

(138) **Navigable waterway** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.[20] The term does not include a farm drainage ditch if (1) such lands are not adjacent to a natural navigable stream or river, (2) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and (3) such lands are maintained in nonstructural agricultural use.

(139) **New livestock facility** A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. The term does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.[21] (Also see expanded livestock facility)

(140) **Nonconforming building** A building that at the time of construction conformed to existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter.

(141) **Nonconforming lot** A lot that at the time of creation conformed to existing regulations including lot size, dimensions, lot configuration, and other dimensional and design standards, but is now inconsistent with this chapter.

(142) **Nonconforming structure** A structure that at the time of construction or placement conformed to existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter.

(143) **Nonconforming use** A use of land that at the time of establishment conformed to existing regulations, but is now inconsistent with this chapter.

(144) **Nonmetallic mineral** A product, commodity, or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc, and topsoil.[22]

(145) **NRCS** An acronym for Natural Resources Conservation Service

O

(146) **Occupancy** The purpose for which a building, or part thereof, is used or intended to be used.

(147) **Operating standards** Regulations governing the ongoing operation of a land use, including related business practices.

(148) **Ordinary high-water mark (OHWM)** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore of any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

[20] Commentary: In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly recurring basis. See *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975) and *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).

[21] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.

[22] Commentary: This definition is based on the corresponding definition in s. NR 135.02, Wis. Admin. Code.

(149) **Ordinary maintenance and repair** Those activities related to the general day-to-day maintenance of a building or other similar structure including interior remodeling; painting, decorating, paneling, plumbing, insulation, the repair of cracks in a foundation wall, the application of waterproof coatings to a foundation wall, and the replacement of windows, doors, electric wiring, siding, roofing materials, and other nonstructural components. (In contrast see structural alteration)

(150) **Overlay zoning district** See zoning district, overlay

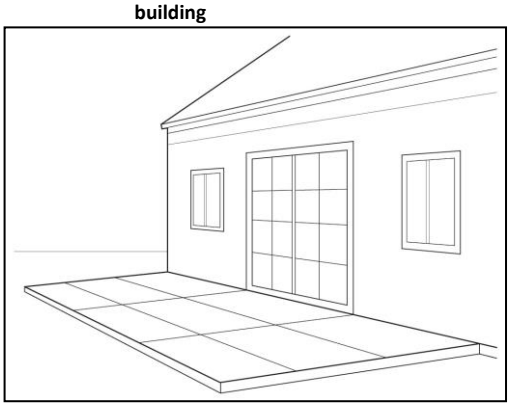
P

(151) **Panelized home** A dwelling unit that meets local building codes and which was constructed off site in a factory as flat panels (e.g., walls, roof, and floor) which are joined together and set on a permanent foundation.[23]

(152) **Parking space** An area permanently reserved and maintained for the parking of one motor vehicle which meets the dimensional standards of this chapter.

(153) **Patio** An at-grade surfaced area intended for outdoor living that may be next to a building or separated from a building. (Exhibit 3-6)

Exhibit 3-6. An example of a patio next to a building



(154) **Payday loan business** Any person licensed pursuant to s. 218.05, Wis. Stats., or a person licensed pursuant to s. 139.09, Wis. Stats., who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.

(155) **Permanent foundation** A continuous foundation wall at the perimeter of a building.

(156) **Permitted use** See land use, permitted by right

(157) **Person** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(158) **Pier** A structure extending into navigable waters from the shore with water on both sides, that is built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally. (Also see wharf)

(159) **Plan of operation** A document describing the operation of a particular enterprise and other related matters as may be required by this chapter. (Also see site plan)

(160) **Playhouse** An accessory building, either at ground level or elevated, or supported by a tree, characteristically used by children for play.

(161) **Polystructure** A structure having a frame of steel or other material that is covered with plastic, polyurethane, vinyl, canvas, or other flexible sheeting material. (Exhibit 3-7)

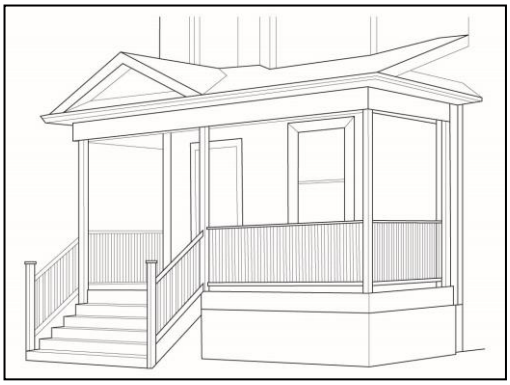
Exhibit 3-7. An example of a polystructure

[23] Commentary: A panelized home is one type of factory-built housing.

(162) **Populate** When used in the context of a livestock operation, to add animal units for which local approval is required.

(163) **Porch** A part of a building with a roof of its own that covers an entrance. (Exhibit 3-8)

Exhibit 3-8. An example of a porch



(164) **Pre-cut home** A dwelling unit that meets local building codes and which was largely constructed off site in a factory and then disassembled and transported to the site where it is reassembled and set on a permanent foundation.[24]

(165) **Premises** When used in the context of sign regulations, the land area, whether consisting of one or more lots, on which a land use may install signs as may be allowed. For example, if a restaurant is situated on two lots, the premises is a singular unit consisting of the two lots.

(166) **Primary highway** A highway, other than an interstate highway, at any time officially designated as part of the federal-aid primary system by the Wisconsin Department of Transportation and as approved by the appropriate authority of the federal government.[25]

(167) **Prime farmland** Land with a class I or class II land capability classification as identified by the Natural Resources Conservation Service or land that is otherwise identified as prime farmland in Winnebago County's certified farmland preservation plan.

(168) **Principal building** See building, principal

(169) **Principal land use** See land use, principal

(170) **Projecting sign** See sign, projecting

(171) **Property boundary line** A line dividing one parcel of land from another.

(172) **Protected farmland** When used in the context of farmland preservation, land (1) located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.; (2) covered by a farmland preservation agreement under ch. 91, Wis. Stats.; (3) covered by an agricultural conservation easement under s. 93.73, Wis. Stats.; or (4) otherwise legally protected from nonagricultural development, as evidenced by documentation provided by the landowner who claims that the land is legally protected from nonagricultural development.[26]

(173) **Public improvement agreement** A contract between an owner or developer of a property and a municipality that describes the obligations of both parties regarding a private development project.

(174) **Public institutional zoning district** A zoning district established by this chapter that has "P-I" as its abbreviation.

(175) **Public notice** The means that a governmental body uses, or is required to use, to formally notify people and other interested entities of a pending governmental hearing or proposed action.

R

(176) **Recreational vehicle** A vehicular type unit primarily designed as a temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

[24] Commentary: A pre-cut home is a type of factory-built housing.
[25] Commentary: This definition is based on the corresponding definition in s. 84.31(2), Wis. Stats.
[26] Commentary: This definition is based on the corresponding definition in s. 91.01, Wis. Stats.

(177) **Regularly features** or **regularly shows** When used in the context of adult uses, a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the adult establishment.

(178) **Related livestock facilities** Livestock facilities that are owned or managed by the same person, and related to each other in that (1) they are located on the same tax parcel or adjacent tax parcels of land; (2) they use one or more of the same livestock structures to collect or store manure, or (3) at least a portion of their manure is applied to the same land-spreading acreage.[27]

(179) **Residential zoning district** A zoning district established by this chapter that has an "R" followed by a number as its abbreviation (e.g., R-1).

(180) **Reviewing authority** As the context would indicate, the zoning administrator, Plan Commission, Board of Appeals, or Town Board of Supervisors.

(181) **Right-of-way** A strip of land dedicated or acquired for public use.

S

(182) **Screen** A feature, such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.

(183) **Semi-nude** or **semi-nude condition** The showing of the human male or female genitals, pubic area, vulva or anus, with not more than a complete opaque covering, or the showing of the female breast with not more than a complete opaque covering of any part of the nipple or areola.

(184) **Separate livestock facility** A livestock facility that (1) has only one type of livestock (i.e., cattle, swine, poultry, sheep, or goats) and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of "related livestock facility"); (2) has no more than 500 animal units; (3) its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related; and (4) meets one of the following criteria:

1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
2. It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.[28]

(185) **Setback** A specified horizontal distance between two actual or imaginary features (e.g., property boundary lines, ordinary high-water mark, structures, wells, and septic systems).

(186) **Sewage sludge** The residue matter resulting from the treatment of sewage.[29]

(187) **Shared parking** One or more parking spaces that partially or entirely meet the parking requirements of two or more land uses.

(188) **Sight triangle** See vision clearance triangle

(189) **Sign** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

[27] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code. A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities.

[28] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code. For purposes of this definition, cattle and poultry are different "types" of livestock, but dairy and beef cattle are livestock of the same "type" ("cattle"). Milking cows, heifers, calves and steers (all "cattle") are livestock of the same "type." Turkeys, ducks, geese and chickens are livestock of the same "type" ("poultry").

[29] Commentary: This definition is based on the corresponding definition in s. 94.64(1)(pm), Wis. Stats.

(190) **Sign, awning** A sign displayed on the surface of an awning.

(191) **Sign, banner** A sign made of a light, pliable material (e.g., fabric, plastic, paper, or vinyl) not enclosed in a rigid frame that is tethered between vertical poles or buildings using string, wire, or rope.

(192) **Sign, blade** A sign affixed to a structure that is taller than it is wide.

(193) **Sign, directional** A permanent off-premise sign that provides information indicating the location (e.g., name, direction, and/or distance) of a business, club, worship facility, or other such organization which is located on a local road (i.e., town road).

(194) **Sign, hanging** A sign suspended above a pedestrian walkway that fronts a multi-tenant building from the underside of an awning, canopy, marquee, or floor overhang.

(195) **Sign, monument** A freestanding sign affixed to a solid, low-profile base structure. (Exhibit 3-9)

(196) **Sign, pole** A sign supported by one or more vertical poles or pylons that are generally exposed to view.

(197) **Sign, projecting** A sign that is attached to the wall of a building and projects more than 12 inches beyond such wall. (Exhibit 3-10)

(198) **Sign, wall** A sign that is painted directly on an exterior wall of a building or is attached to the exterior wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall.

(199) **Sign, window** A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of an exterior door. (Exhibit 3-11)

(200) **Site plan** A drawing of a subject property that shows existing and proposed conditions and other features required by this chapter. (Also see plan of operation and landscaping plan)

(201) **Site-built home** A dwelling unit that meets the Wisconsin Uniform Dwelling Code standards and which was largely constructed on site. Also known as a "conventional home" or "stick-built home.**"**

(202) **Special event of regional significance** An event that is anticipated to draw a large number of short-term visitors to the county and which is so designated by the Plan Commission by resolution.

Exhibit 3-9. An example of a monument sign

Exhibit 3-10. An example of a projecting sign

Exhibit 3-11. An example of a window sign

(203) **Specified anatomical areas** The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or less than completely and opaquely covered human genitals, pubic region, vulva, anus, or the nipple and areola of the human female breast.

(204) **Specified sexual activity** Any of the following (1) showing of human genitals in a state of sexual stimulation or arousal; (2) the fondling or erotic touching of human genitals, pubic region, anus, or female breasts; (3) the act of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, or cunnilingus; or (4) excretory functions as part of, or in connection with, any of the activities set forth above.

(205) **Sport court** A hard-surfaced area located out of doors used exclusively for basketball, tennis, or other similar sports-related activity. This term does not include any portion of a driveway that is also used as a basketball court.

(206) **State** The state of Wisconsin.

(207) **Static message display** A type of sign display where the message does not change by an electronic process.

(208) **Stoop** A raised platform in front of an entrance to a building with one or more steps.

(209) **Stop work order** An order issued by a municipal government requiring the cessation of an activity that violates a building code or zoning code.

(210) **Stormwater** Water from a rainfall event or melting snow or ice.

(211) **Stream** A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

(212) **Street** A public accessway within a public right-of-way or an easement.

(213) **Street terrace** That area between the back of a curb (or the edge of pavement where there is no curb) and the property boundary line.

(214) **Structural alteration** Any change in a supporting member of a structure such as foundation, bearing wall, column, beam or girder, footing, or pile, or any substantial change in the roof structure or in an exterior wall. (In contrast see ordinary maintenance and repair)

(215) **Structure** A manmade object with form, shape, and utility that is either permanently or temporarily placed on or into the ground, a stream bed, or a lake bed or on another structure. Examples include buildings, decks, patios, stoops, play structures, swimming pools, hot tubs, bridges, storage tanks, fences, towers, flag poles, utility poles, pipelines, transmission lines, smokestacks, and signs.

(216) **Substandard lot** A lot, with or without a structure, having a lesser dimension or area, or both, than what is required for the zoning district in which it is located.

T

(217) **Tattoo** To insert pigment under the surface of the skin of an individual by pricking with a needle or other instrument or technique so as to produce an indelible mark or figure through the skin.

(218) **Tattooist** An individual who tattoos another upon his or her request.

(219) **Temporary use** See land use, temporary

(220) **Through lot** See lot, through

(221) **Trellis** A structure consisting of lattice with supporting posts and rails often supporting vines or other plants and used for aesthetic purposes or as a visual screen or barrier, or both.

U

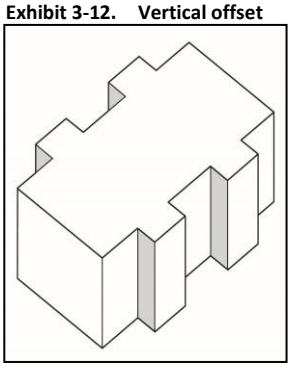
(222) **U.S. Army Corps of Engineers** A federal agency within the U.S. Department of Defense that serves the Armed Forces and the nation by providing vital engineering services and capabilities, as a public service, across the full spectrum of operations, from peace to war, in support of national interests.

V

(223) **Variance** A grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.

(224) **Vertical offset** A jog in an exterior wall of a building so that one of the wall's surfaces is in front of another. (Exhibit 3-12)

Exhibit 3-12. Vertical offset



(225) **Vision clearance triangle** The area in the shape of a triangle located at the intersection of two streets or at the intersection of a street and a driveway within which the type and placement of structures and vegetation are controlled to ensure adequate sight distances for pedestrians and motorists. The configuration and size of this area is based on standards included in this chapter.

W

(226) **Wall sign** See sign, wall

(227) **Watercraft** Any device used and designed for navigation on water.

(228) **Wetland** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(229) **Wharf** A structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed. (Also see pier)

(230) **Window sign** See sign, window

(231) **Winter grazing area** Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. The term does not include (1) an area, other than a pasture, where livestock are kept during the period from May 1 to September 30; (2) an area which at any time has an average of more than 4 livestock animal units per acre; (3) an area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water; or (4) an area in which manure deposited by livestock causes nutrient level to exceed standards in s. ATCP 51.16, Wis. Admin. Code.[30]

(232) **Written or in writing** Any representation of words, letters, drawings, graphics, or pictures.

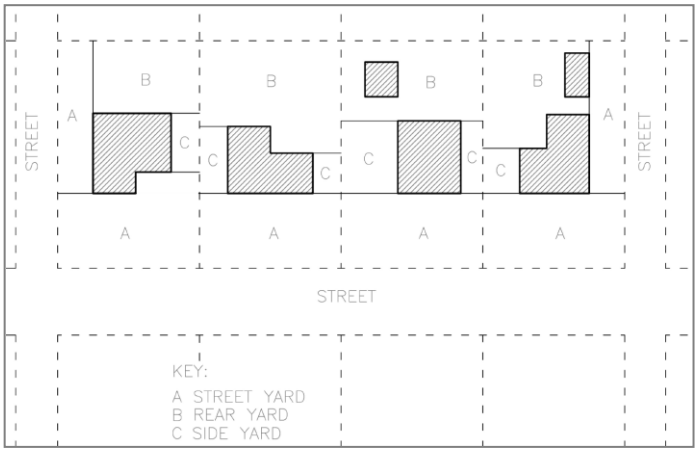
Y

(233) **Yard** The area of a lot that is required to be unoccupied and unobstructed from the ground upward, except by trees, shrubbery, or as otherwise provided in this chapter.

[30] Commentary: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.

(234) **Yard, rear** A yard as described for each of the following types of lots: interior lot, that area that extends across the rear of a lot between the side lot lines from the rear lot line to the rear of the building; and corner lot, that area that extends between the street yard abutting the street right of way and the opposing side lot line from the rear lot line to the rear of the principal building. (Exhibit 3-13)

Exhibit 3-13. Yard types



(235) **Yard, side** A yard as described for each of the following types of lots: interior lot, the area that extends between the front yard and rear yard from the side lot line to the side of the building; corner lot, that area that extends between the front yard and the rear yard from the side lot line to the side of the principal building; and double frontage lot, that area that extends between the street yard from the side lot line to the side of the principal building. (Exhibit 3-13)

(236) **Yard, street** A yard as described for each of the following types of lots: interior lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building; corner lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building and that area that extends between the rear lot line to the front lot line from the side lot line to the side of the building; double frontage lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building. (Exhibit 3-13)

Z

(237) **Zoning administrator** The individual so designated by the Town Board Supervisors to perform those duties as enumerated in this chapter and as authorized by state law.

(238) **Zoning district, base** A type of zoning district that establishes uniform regulations for the use and development of land.

(239) **Zoning district, overlay** A type of zoning district that is superimposed over one or base zoning districts, or portions thereof, and which imposes additional requirements, modifies existing requirements of the underlying base zoning district, or both.

(240) **Zoning permit** A written permit issued for a specified parcel of land prior to the issuance of a building permit to ensure that the proposed use is consistent with the zoning requirements of the zoning district in which it is to be located.

9.03-02 Land use descriptions

For the purpose of this chapter, certain land uses are described below. For organizational purposes, similar land uses are grouped together to form a series. The first 16 series are principal land uses, accessory land uses are found in series 17, and temporary land uses are found in series 18.

Land Use Series

1. Agriculture	8. General Sales	13. Transportation
2. Resource-Based Uses	9. General Services	14. General Storage
3. Residential	10. Recreation and Entertainment	15. Industrial
4. Special Care Facilities	11. Government and Community Services	16. Solid Waste
5. Group Accommodations	12. Telecommunications and Utilities	17. Accessory Uses
6. Food and Beverage Sales		18. Temporary Uses
7. Vehicle Rental, Sales, and Service		

1.0 AGRICULTURE

1.01 **Agriculture-related use** A place primarily involved in (1) providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services; (2) storing, processing, or handling raw agricultural commodities; (3) slaughtering livestock; (4) marketing livestock; and/or (5) processing agricultural byproducts or wastes. Examples include (1) a grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms; (2) a dairy plant that processes or handles milk from farms; (3) a meat slaughter establishment; (4) a food processing plant that processes raw agricultural commodities received from farms; (5) a feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms; (6) a communal manure digester; (7) a pelletizing plant or other facility that processes raw agricultural commodities, by-products, or wastes (received directly from farms) to produce fuel or other products; (8) a sawmill or other facility that processes wood or other forest products received directly from farms; (9) a facility that provides farm inputs such as fertilizer, pesticides, seed, or feed directly to farms; and (10) a facility that is primarily engaged in providing agronomy or veterinary services to farms. The term does not include a sawmill, an ethanol plant, or a bio-diesel plant.

1.02 **Agriculture, crop** A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants typically grown by agricultural operations in the region are grown primarily for commercial purposes.

1.03 **Agriculture, general** A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants are primarily grown for commercial purposes and/or livestock is raised primarily for commercial purposes.. The term does not include commercial stable, farmstand retail outlet, or agricultural product sales.

1.04 **Greenhouse** A place where fruit, vegetables, flowers, and other types of plants are grown within an enclosed building for commercial purposes, whether using sunlight or artificial lighting. For the purpose of this definition, a mushroom farm is considered a greenhouse.

2.0 RESOURCE-BASED USES

2.01 **Dam** An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water along with the impounded water. A dam includes all appurtenant works, such as a dike, canal, or powerhouse.

2.02 **Forestry** The harvesting, thinning, and planting of trees and related forest management activities whether for commercial or noncommercial purposes. The term includes temporary skidding yards necessary to store and sort logs harvested on the premises. The term does not include on-site processing and permanent skidding yards.

2.03 **Hunting preserve** A place where the public or those with a membership can, for a fee or other consideration, hunt game animals not confined within a fenced enclosure. This use may include one or more buildings and other structures directly related to operation of this use, such as an office, structures and enclosures for rearing game animals for hunting purposes, and buildings for housing maintenance equipment, supplies, and related materials. The term does not include lands leased for private, individual use.

2.04 **Sewage sludge disposal** The application of sewage sludge to a land area for final disposal.

2.05 **Wildlife park** A place where the public can, for a fee or other consideration, view free-roaming wildlife from a motor vehicle. This use may include one or more buildings and other structures directly related to operation of this use, such as an office, structures and enclosures for rearing wild animals, and buildings for housing maintenance equipment, supplies, and related materials.

3.0 RESIDENTIAL USES

3.01 **Mixed-use housing** One or more dwelling units located in a building, commonly on the second floor, that also houses a commercial land use, such as a retail use or a professional office.

3.02 **Manufactured housing community** A place where 2 or more spaces may be rented or leased for the placement of a manufactured home.

3.03 **Multifamily building, 3 or more units** A building containing 3 or more dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

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

3.05 **Townhouse** A building containing 3 or more dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance.

3.06 **Twin home** A building containing 2 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance.

3.07 **Two-family building, 2 units** A building containing 2 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

4.0 SPECIAL CARE FACILITIES

4.01 **Adult family home** A place licensed by the state under s. 50.033(1m), Wis. Stats.[31]

4.02 **Community living arrangement** Any one of the following facilities (1) residential care centers for children and youth, as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) group homes for children, as defined in s. 48.02(7), Wis. Stats.; and (3) community-based residential facilities, as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.

4.03 **Foster home and treatment foster home** A place licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity.[32]

4.04 **Group day care center** A place licensed as a day care by the state where care is provided for 9 or more children.[33] This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

4.05 **Hospice care center** A place licensed by the state that provides palliative and supportive care and a place of residence to individuals with terminal illness and provides or arranges for short-term inpatient care as needed.[34]

4.06 **Nursing home** A place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that

[31] Commentary: An adult family home can either be a principal use or an accessory use. If the operator does not live in the residence with the adults, it is considered a principal use.
[32] Commentary: See s. 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.
[33] Commentary: A family day care home (4-8 children) is considered an accessory use and is therefore listed in the 17 series.
[34] Commentary: See s. 50.90(1), Wis. Stats.

provides reception and care or treatment of an individual, (2) a hospice as defined in state law, or (3) a residential care apartment complex as defined in state law.[35]

4.07 **Retirement home** A place where individuals, generally 62 years of age or older, may occupy independent dwelling units. The units may be rented or owned as in a condominium. This use may include limited on-site commercial and medical facilities for the exclusive use of residents.

4.08 **Temporary shelter** A place where abuse victims or homeless individuals are temporary housed and provided with ancillary services.

5.0 GROUP ACCOMMODATIONS [36]

5.01 **Boardinghouse** A place, other than a hotel or restaurant, where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

5.02 **Campground** A place where members of the general public may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes. Accessory uses may include individual cabins, a dwelling unit for the manager of the campground, and one or more buildings to house a laundromat and retail sales for the convenience of campground guests, an office, maintenance equipment, supplies, and related materials.

5.03 **Group recreation camp** A place where members of an association or other similar group, which operates the premises, and their invited guests may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes or stay overnight in a lodge, cabin, or other similar accommodation. Accessory uses may include a dwelling unit for the manager of the camp, sleeping accommodations for resident staff, and one or more buildings to house guest services, administrative offices, recreational facilities, maintenance equipment, supplies, and related materials. The term includes youth camps and church camps.

5.04 **Migrant labor camp** Living quarters under the control and supervision of any person for any migrant worker or any other person who is not related by blood, marriage, or adoption to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state. The term does not include a premises occupied by the employer as a personal residence and by no more than two migrant workers or any accommodation subject to chapter 50 of the Wisconsin Statutes.

5.05 **Overnight lodging** A place where individual guest rooms with private bathrooms are offered to transient guests for rent. This use may also include recreational/fitness rooms and a food service area for the exclusive use of guests and banquet facilities for meetings and other gatherings. The term includes hotels and motels but does not include bed and breakfasts.

5.06 **Resort** A place with lodging facilities and on-site amenities primarily intended for the use of overnight guests. Guest rooms may be located in one or more buildings and may include kitchen facilities. In addition to lodging facilities and recreational amenities, such as golf, horseback riding, or lake/beach access, a resort may also include a lodge or other gathering place for guests, dining facilities, administrative facilities, and maintenance and storage facilities.

6.0 FOOD AND BEVERAGE SALES

6.01 **Brewpub** A place where fermented malt beverages are manufactured and those beverages, along with other beverages and food, are offered for retail sale and on-site consumption.

[35] Commentary: See s. 50.01(3), Wis. Stats.
[36] Commentary: A bed and breakfast is considered an accessory use and is therefore listed in the 17 series.

6.02 **Restaurant** A place where food and beverages are offered for retail sale for on-site or off-site consumption, and where the on-site consumption of fermented malt beverages, wine, or liquor, if any, is clearly secondary and subordinate to the sale of food and nonalcoholic beverages. A restaurant may also prepare food as part of a catering business. The term does not include a grocery store with a food service section.

6.03 **Tavern** A place where fermented malt beverages, wine, or liquor are offered for retail sale for on-site consumption and where food consumption, if any, is clearly secondary and subordinate to the sale of alcoholic beverages. The term includes bars, drinking establishments, sports bar, and lounges.

7.0 VEHICLE RENTAL, SALES, AND SERVICE

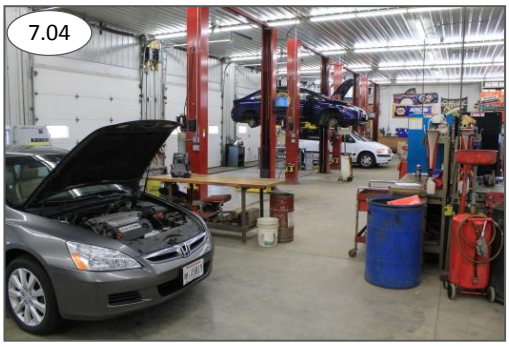
7.01 **Heavy vehicle sales and rental** A place where new and used large vehicles, such as recreational vehicles and campers, personal watercraft, and heavy trucks, are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use.

7.02 **Truck stop** A place where fuels primarily for tractor trucks are offered for retail sale. Ancillary uses are limited to retail sale of motor vehicle fuel for cars, motorcycles, and light trucks; retail sale of food and beverages; a restaurant; sleeping quarters; overnight parking; a truck wash; truck scales; tire repair and sales; light maintenance activities, such as engine tune-ups, lubrication, and minor repairs; and other incidental uses customarily associated with a truck stop.

7.03 **Vehicle fuel station** A place where fuels for cars, motorcycles, and light trucks are offered for retail sale. Ancillary uses are limited to the retail sale of food and beverages and light maintenance activities, such as engine tune-ups, lubrication, and minor repairs.

7.04 **Vehicle repair shop** A place where motor vehicles, such as cars, motorcycles, and light trucks, are typically left overnight for maintenance, service, or repair. Typical services include transmission repair, body work and painting, vehicle upholstery, engine repair and overhauls, and similar activities. The term includes do-it-yourself shops where patrons use the facility, tools, and other equipment for a fee and perform the work themselves.

7.05 **Vehicle sales and rental** A place where new and used cars, light trucks, motorcycles, mopeds, snowmobiles, and all-terrain vehicles (ATVs) are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use.



7.06 **Vehicle service shop** A place where motor vehicles, such as cars, motorcycles, and light trucks, are serviced while the owner waits and typically are not left overnight. Examples include quick lube/oil change facilities, tire stores, car washes, and vehicle detailing.

7.07 **Vehicle storage yard** A place where impounded motor vehicles are temporarily stored or where damaged motor vehicles are temporarily stored before being taken to a repair shop or while waiting for an insurance adjustment to occur. The salvaging of motor vehicle parts or the repair of motor vehicles is not allowed.

7.06

8.0 GENERAL SALES

8.01 **Convenience retail sales** A place where a limited product line of frequently needed personal items is offered for retail sale. The term includes convenience stores and small grocery stores.

8.02

8.02 **General retail sales** A place where a diverse product line is offered for retail sale. The term includes grocery stores, retail outlets, comparison shopping stores, full-line department stores, and dollar stores.

8.03 **General retail sales, large format** (1) A single building that contains more than 20,000 gross square feet on a single parcel where the primary tenant occupies 65 percent or more of the gross floor area, (2) two or more buildings with a total of 20,000 gross square feet on a single parcel where the primary tenant occupies 65 percent or more of the gross floor area, or (3) a group of buildings on adjoining lots with more than 20,000 gross square feet of floor where the primary tenant owns the lots and occupies 65 percent or more of the gross floor area. The term does not include a retail store that is part of an industrial building or warehouse when the floor area of such store is less than 20,000 gross square feet.

8.04 **Outdoor sales** A place where the merchandise offered for sale is primarily displayed outside of a building or other structure. This term does not include those land uses otherwise defined in this section.

9.0 GENERAL SERVICES

9.01 **Administrative services** A place where employees primarily perform administrative functions and where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, and engineering firms.

9.02 **Adult-oriented establishment** A place where no more than one of the following are located: adult arcade, adult bath house, adult body painting studio, adult book/video store, adult cabaret, adult massage parlor, adult modeling studio, or adult motion picture theater.

9.05

9.03 **Body-piercing establishment** A place where a body piercer performs body piercing.

9.04 **Commercial kennel** A place where 4 or more dogs or other similar domesticated animals over 6 months of age are housed for the purpose of boarding, breeding, training, or sale. The term includes boarding kennels, dog motels, and dog training

centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.[37]

9.05 **Commercial stable** A place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides. Nonresidential buildings and other structures, such as barns, stables, riding arenas, and sheds, necessary for the operation are allowed.

9.06 **Equipment rental, large** A place where large equipment that is normally stored out of doors is offered for rent. Typical items include modular buildings, trucks and trailers, vertical lifts, skid loaders, forklifts, backhoes, and other types of heavy equipment.

9.07 **Equipment rental, small** A place where small equipment is offered for rent and related supplies are offered for retail sale or rent. Items for rent or sale are stored indoors and may include hand tools, party equipment, and lawn and yard equipment.

9.08 **Financial services** A place where financial and banking services are offered. The term includes banks, savings and loan institutions, other lending institutions, auto title loan businesses, and payday loan businesses. The term does not include automated teller machines, which are considered an accessory use.

9.09 **Funeral home** A place where the deceased may be prepared for burial or cremation and people may gather for visitation or funeral ceremonies. The indoor display of funeral equipment may also occur. The term includes mortuaries.

9.10 **General repair** A place where consumer goods such as shoes, bicycles, appliances, and business equipment are repaired. The term does not include repair of motor vehicles or industrial equipment.

9.11 **General services** A place where services not otherwise included in any other service type category are offered. The term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, and diaper services.

9.12 **Health care clinic** A place where medical services are offered and patients do not stay overnight. The term includes dental clinics, medical offices, chiropractic offices, acupuncture centers, and sports medicine facilities. The term does not include those uses as classified as a health care center.

9.13 **Health care center** A place where medical treatment or nursing, rehabilitative, or preventative care is offered. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, and rehabilitation facilities.

9.14 **Instructional services** A place where instruction, training, or tutelage is offered in such areas as gymnastics, dance, art, music, and martial arts.

9.15 **Landscape business** A place where a landscape contractor may establish a base of operation, which may include one or more of the following: retail sale of plant and landscape materials; office space; indoor and outdoor storage of materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.

9.16 **Professional services** A place where services involving predominantly professional, clerical, or similar operations are preformed and where customers may or could come on a regular basis. The term includes law offices, real estate offices, insurance offices, and travel agencies.

9.17 **Tattoo establishment** A place where a tattooist applies a tattoo to another individual.

[37] Commentary: Also see “kennel, hobby” and “kennel, private” which are accessory uses to a residential use (Series 17).

9.18 **Veterinary clinic, general** A place where medical services for small and large animals, such as horses and livestock, are offered. This use may include office space, medical labs, appurtenant facilities, and indoor and outdoor enclosures for animals under the immediate medical care of a veterinarian.

9.19 **Veterinary clinic, small animal** A place where medical services for small household animals are offered. This use may include office space, medical labs, appurtenant facilities, and indoor enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, and animal hospitals.

10.0 RECREATION AND ENTERTAINMENT

10.01 **Driving range** A place where golfers practice driving golf balls from a fixed central location. This use may include one or more buildings and other structures directly related to the operation of this use, such as an office, snack bar, and buildings for housing maintenance equipment, supplies, and related materials.

10.02 **Golf course** A place where individuals, for a fee or other consideration, play golf outdoors. This use may include one or more buildings and other structures directly related to the operation of this use, such as an office, game room with snack bar, and buildings for housing maintenance equipment, supplies, and related materials.

10.03 **Indoor entertainment** A place where indoor entertainment is offered. The term includes theaters, movie theaters, dance halls, and theaters for performing arts. The term does not include adult-oriented establishments.

10.04 **Indoor recreation** A place where indoor recreational activities are offered. The term includes bowling alleys, skating rinks, billiard and pool halls, and arcades.

10.05 **Outdoor entertainment** A place where outdoor, spectator-type uses or events are offered. The term includes race tracks, motocross courses, tractor-pulling events, and sports arenas.

10.06 **Outdoor recreation** A place where outdoor recreational activities are offered. The term includes miniature golf, batting cages, water parks, and amusement parks. The term does not include driving ranges and golf courses.

10.07 **Outdoor shooting range** An outdoor area where patrons shoot guns, such as pistols, rifles, and shotguns, and bow and arrows for target practice. The term includes archery ranges, trap and skeet clubs, and target ranges.

11.0 GOVERNMENT AND COMMUNITY SERVICES

11.01 **Administrative government center** A place where government employees perform administrative functions on behalf of the public. The term includes administrative offices, post offices, and courthouses.

11.02 **Animal shelter** A place where stray household pets are temporarily housed.

11.03 **Cemetery** A place where human remains may be buried or interned. Accessory uses may include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

11.04 **Civic use facility** A place where large gatherings of people may assemble for public purposes. The term includes zoos, arenas, stadiums, and fairgrounds.

11.05 **Community center** A place where short-term and intermittent meetings or gatherings of individuals are held for purposes of sharing information, entertainment, social service, or similar activities. The term includes senior centers; neighborhood recreational centers; fraternal, social, or civic clubs; lodges; and union halls.

11.06 **Community cultural facility** A place where people may gather for studying, reading, personal education, or viewing the visual arts. The term includes libraries, museums, art galleries, and observatories. The term does not include performing arts.

11.07 **Community garden** A place where a group of unrelated individuals grow vegetables, fruits, and flowers. A community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

11.08 **Correctional facility** A place where individuals who are serving a comparatively long court-imposed sentence may be housed.

11.09 **Educational facility, pre-K through 12** A place where primary and secondary educational opportunities are offered. The term includes preschools, elementary schools, junior high schools, and high schools.

11.10 **Educational facility, post-secondary** A place where post-secondary educational opportunities are offered. The term includes colleges, universities, community colleges, and vocational schools.

11.11 **Maintenance garage** A place where a municipal government maintains administrative offices, equipment, and supplies necessary for maintaining public roadways, parks, and other types of public facilities.

11.12 **Park** A place where primarily outdoor recreational activities may occur. A park may be operated by a public entity for the benefit of the general public or by a homeowners association for the benefit of its members. A park may be developed with recreational facilities or undeveloped. The term includes dog parks and neighborhood recreation centers.

11.13 **Public safety facility** A place where public safety services are offered. The term includes ambulance services, fire stations, police stations, and jails. The term does not include correctional facilities.

11.14 **Recreation trail** A place where a linear path may be dedicated to a single recreational use or multiple uses. Examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

11.15 **Worship facility** A place where people can regularly assemble for religious worship and associated activities and which is operated by an entity with tax-exempt status. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, and health care facilities.

12.0 TELECOMMUNICATIONS AND UTILITIES

12.01 **Solar energy system** A free-standing solar energy system that constitutes the principal use of the property or that exceeds the limitations established for a free-standing energy system as an accessory use. (In contrast see solar energy system, free-standing – series 17.38)

12.02 **Stormwater management facility** A natural or manmade feature that collects, cleans, conveys, channels, holds, inhibits, or diverts the movement of stormwater.

12.03 **Telecommunication facility, concealed** An antenna that a casual observer would consider a part of the structure to which it is attached or made a part of.

12.04 **Telecommunication facility, unconcealed** An antenna that a casual observer would consider a separate and distinct structure that may be mounted on a tower or mounted on the ground.

12.05 **Utility installation, major** A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, and water towers.

12.06 **Utility installation, minor** A utility installation generally having low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations. The term does not include utility cabinets, which are classified as an accessory use (Series 17).

12.07 **Utility maintenance yard** A place where a public or private entity maintains administrative offices, equipment, and supplies necessary for maintaining the infrastructure it provides.

13.0 TRANSPORTATION FACILITIES

13.01 **Airport** A place where airplanes, ultralights, helicopters, or similar aircraft may land and takeoff. This use may also include facilities for the housing and maintenance of the same and facilities for passenger ticket sales and accessory food service areas primarily intended for pilots and passengers.

13.02 **Bus storage facility** A place where buses are parked when not in use and may include administrative offices and a building for the storage, care, and maintenance of buses in the fleet.

13.03 **Mass transit terminal** A place where passengers can board mass transit. This use may include facilities for ticket sales and accessory food service areas primarily intended for passengers.

13.04 **Off-site parking lot** A place where motor vehicles associated with an offsite use may be parked for a short duration. It may be available to the public or reserved to accommodate parking for a specific purpose.

13.05 **Parking structure** A place where motor vehicles may be parked in a multi-level structure for a short duration. The term does not include underground parking.

13.06 **Park-and-ride lot** A designated place where people can park their motor vehicles for a short duration to board public transportation or to carpool or vanpool.

13.07 **Railroad line** A linear strip of land with rail tracks and auxiliary facilities for track operation such as signal bungalows. The term does not include passenger stations, freight terminals, loading platforms, train sheds, warehouses, car or locomotive maintenance shops, and switchyards. The term further does not include properties owned by a railroad company that are leased for use by others.

13.08 **Street** A surfaced travelway for motor vehicles that is located within an easement or right-of-way.

14.0 GENERAL STORAGE

14.01 **Bulk fuel storage** A place where liquid or compressed fuel products may be stored in bulk.

14.02 **Personal storage facility** A place where individual storage units are offered for rent, lease, sale, or other arrangement. The term includes a tract of land used to store motor vehicles and watercraft.

14.03 **Truck terminal** A place where goods carried by motor transport are received and temporarily stored until transferred to another truck for delivery.

14.04 **Warehouse** A place where goods, merchandise, and other materials are temporarily stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage.

15.0 INDUSTRIAL USES

15.01 **Artisan shop** A place where handmade craft items or works of art are made on a small-scale and offered for retail sale. Examples of such items include paintings, textiles, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.

15.02 **Batching plant associated with a nonmetallic mine** An installation of equipment, including batchers and mixers, used to produce wet concrete and/or asphaltic concrete. The equipment can be stationary or mobile.[38]

15.03 **Biofuels production plant** A facility where alcohol-based fuel products are produced from biomass and other materials. Various types of byproducts may be produced as part of the production process.

15.04 **Construction equipment repair** A place where construction equipment, such as dump trucks, excavators, graders, and scrapers, are typically left overnight for maintenance, service, or repair.

15.05 **Construction equipment sales and rental** A place where new and used construction equipment, such as dump trucks, excavators, graders, and scrappers, are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such equipment.

15.06 **Contractor yard** A place where a contractor or builder may establish a base of operation, which may include one or more of the following: office space; indoor and outdoor storage of construction materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.

15.07 **Industrial, heavy** A place where raw materials are processed or refined. The term includes batching plants, sawmills, foundries, and power plants.[39] The term does not include a biofuels production plant which is listed as a separate land use in this series.

[38] Commentary: A batching plant is also listed as a use under "industrial, heavy."
[39] Commentary: A batching plant when associated with an existing nonmetallic mine is considered a separate land use in this series.

15.08 **Industrial, light** A place where finished products or parts from previously prepared materials are manufactured, including processing, fabrication, assembly, treatment, packaging, incidental storage, and administrative offices. The term includes furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

15.09 **Nonmetallic mine** A place where nonmetallic minerals are removed from the ground by any method for use on-site or off-site. Activities include excavating and transporting nonmetallic minerals, stockpiling of nonmetallic minerals, blending of nonmetallic minerals, blasting, grading, crushing, screening, scalping, and dewatering.[40]

15.10 **Salvage yard** A place where salvage materials, such as scrap metal, rubber tires, and used timber and lumber, may be bought, sold, exchanged, stored, baled, packed, disassembled, or handled. (In contrast see recycling center.)

16.0 SOLID WASTE FACILITIES

16.01 **Composting facility** A place where vegetation (but not food wastes) may be collected and composted. The term includes the storage and manipulation of materials prior to, during, and following composting.

16.02 **Recycling center** A place where recoverable materials, which have been previously removed from the waste stream, may be stored prior to shipment to others who use those materials to manufacture new products. Typical recoverable materials include glass, paper, metal, and plastic. (In contrast see salvage yard.)

16.03 **Solid waste landfill** A place where solid waste from municipal and/or industrial sources may be permanently buried consistent with environmental protection standards. Typically, the solid waste is spread in layers, compacted, and covered with a fresh layer of earth materials each day. The term does not include land application units, surface impoundments, injection wells, or waste piles.

16.04 **Solid waste transfer station** A place where solid waste may be temporary stored prior to transport to a processing plant or to final disposal.

17.0 ACCESSORY USES

17.01 **Adult family home** A private residence licensed by the state under s. 50.032(1m), Wis. Stats.[41]

[40] Commentary: A number of activities that meet the definition of nonmetallic mine are exempted as listed in s. 23.8-144.
[41] Commentary: An adult family home can either be a principal use or an accessory use. If the operator lives in the residence with the adults, it is considered an accessory use.

17.02 **Amateur radio antenna** An antenna and related support structure used by a licensed user to send and receive telecommunications for noncommercial purposes.

17.03 **Automated teller machine** An automated device for conducting financial transactions that is accessed from outside of a building.

17.04 **Backyard chickens** A place where chickens are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of a chicken as part of a 4-H or similar educational project shall not be considered a commercial purpose. (Also see household livestock, which is considered a separate and distinct accessory use.)

17.05 **Bed and breakfast** A single-family residence that offers overnight accommodations for a daily charge and that also serves as a primary residence of the operator or owner.

17.06 **Commercial truck parking** The parking of a commercial type vehicle on a residential lot when such vehicle is owned or leased and operated by a person living in the dwelling unit.

17.07 **Exterior communication device** An antenna used to capture wireless telecommunication signals.

17.08 **Family day care home** A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.[42]

17.09 **Farm building storage** A building once used for agricultural purposes in which motor vehicles, construction equipment and vehicles, recreational vehicles, boats, and other related items may be stored. Minor repair and maintenance of those objects in storage is permitted, provided such activity is for noncommercial purposes.

17.10 **Farm residence** A single family dwelling located on a farm.

17.11 **Farmstead retail outlet** A place where food products are offered for retail that are predominantly produced on the farm on which it is located. The term includes wine tasting rooms.

17.12 **Fence** A linear structure constructed for aesthetics, as a visual barrier, and/or to control entry or exit into an area. Typical materials include wood, concrete, metal, wire, masonry, stacked rocks, or logs.

17.13 **Foster home and treatment foster home** A facility licensed by the state for the care of foster children and which is operated by a foster parent who lives with the children.[43]

17.14 **Garage, nonresidential** A building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises.

17.15 **Garage, residential** A building intended to house motor vehicles, yard equipment, and household items belonging to the people occupying the principal residence on the lot. A residential garage may be detached or attached to a building with a residential use. A carport shall be considered to be a residential garage.

[42] Commentary: See s. 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed as a special care facility (Series 4.0).

[43] Commentary: See s. 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.

17.16 **Garden** A plot of tilled soil where flowers and food-producing plants are grown out-of-doors.

17.17 **Greenhouse** A building that is accessory to the principal structure, intended for the propagation of delicate or out-of-season plants, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated.

17.18 **Helipad** A designated place where helicopters can land and take off, and which has no related support services or facilities.

17.19 **Home occupation, major** An occupation, profession, enterprise, or similar commercial activity that is conducted within a dwelling unit and/or an accessory building and that is compatible in size and scope in a residential setting. The term does not include hobbies or similar noncommercial activities.

17.20 **Home occupation, minor** An occupation, profession, enterprise, or similar commercial activity that is conducted entirely within a dwelling unit and that is compatible in size and scope in a residential setting. The term does not include hobbies or similar noncommercial activities.

17.21 **Hot tub** An outdoor warm water reservoir usually with hydromassage jets. A hot tub may be built in or portable.

17.22 **Household livestock** A place where livestock are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of an animal as part of a 4-H or similar educational project shall not be considered a commercial purpose. (Also see backyard chickens, which is considered a separate and distinct accessory use.)

17.23 **Indoor sales incidental to light industrial use** A place where items manufactured on site are offered as a subordinate use to the manufacturing operation.

17.24 **Kennel, hobby** In the A-1 agribusiness or A-2 general agriculture zoning districts, a place where 6 or more dogs or other domesticated animals over 6 months of age are housed. In all other zoning districts, a place where 4 or more dogs or other domesticated animals over 6 months of age are housed.

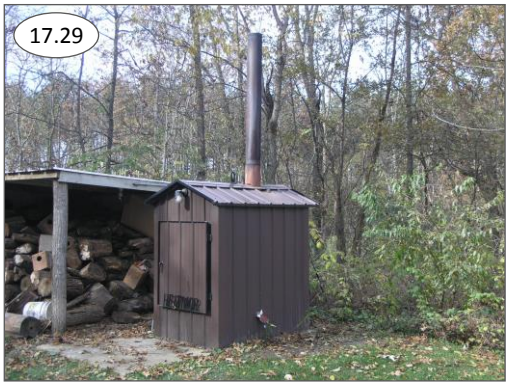
17.25 **Kennel**, **private** In the A-1 agribusiness or A-2 general agriculture zoning districts, a place where no more than 5 dogs or other domesticated animals over 6 months of age are housed. In all other zoning districts, a place where no more than 3 dogs or other domesticated animals over 6 months of age are housed.

17.26 **Light industrial use incidental to indoor sales** A place where light repairs are made to products that are offered for retail or wholesale sale.

17.27 **Outdoor display incidental to indoor sales** A place where a limited line of merchandise is displayed outside of a retail sales business over an extended period of time. Sales agents are not assigned to assist customers here and sales transactions occur inside the building.

17.28 **Outdoor food and beverage service** An outdoor area with tables and chairs located on the same lot as a brewpub, restaurant, or tavern where customers can consume food and drink.

17.29 **Outdoor furnace** Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outside of a dwelling for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.



17.30 **Parking lot (on-site)** A parking lot located entirely on the parcel it is intended to serve and accessory to the principal use on the parcel.

17.31 **Play structure** A playhouse and recreational equipment, such as swings, slides, basketball hoops, and jungle gyms, normally found in a residential setting.

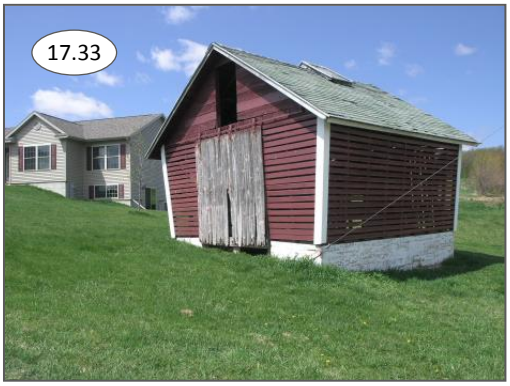
17.32 **Pond** A manmade body of water exceeding 100 square feet in area that is not required for stormwater management purposes.

17.33 **Rural accessory structure** A structure so designated consistent with division 13 of article 7 of this chapter.

17.34 **Service window, drive-up** An opening in a building through which patrons are served while remaining in a motor vehicle.

17.35 **Service window, walk-up** An opening in a building through which patrons are served while standing outside of the building.

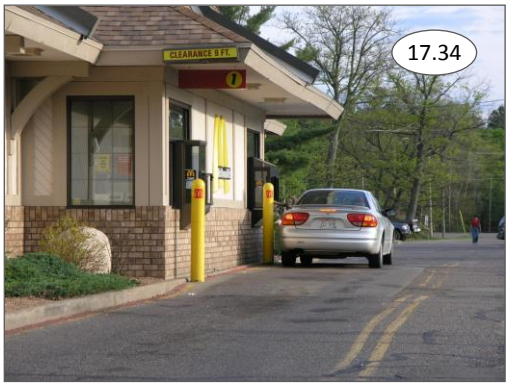
17.36 **Solar energy system, building-mounted** An installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.



17.37 **Solar energy system, free-standing** An installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a building. (In contrast see solar energy system – series 12.01)

17.38 **Storage container** An enclosed metal container exceeding 900 cubic feet typically used to temporarily store merchandise.

17.39 **Swimming pool** A structure placed on the ground surface or below-ground that is filled with water for swimming. The term does not include those pools that are less than 15 feet in diameter and which are taken down and stored in the off-season.



17.40 **Temporary shelter** A place where abuse victims or homeless individuals are temporary housed and provided with ancillary services.

17.41 **Utility cabinet** A ground-mounted pedestal, junction box, cabinet, or similar feature that a service provider uses to provide telephone, electric, natural gas, cable television, cable Internet, or similar public service. A utility cabinet may be located within a public right-of-way or on private property.

17.42 **Yard shed** An accessory building designed to store yard furniture and tools, equipment, and supplies normally associated with lawn and garden care.

18.0 TEMPORARY USES

18.01 **Agricultural product sales, off-site** A place where agricultural products not produced on the premises are offered for sale at retail.

18.02 **Agricultural product sales, on-site** A place where agricultural products produced exclusively on the premises are offered for sale at retail.

18.03 **Earth materials stockpile** A place where an earth material, such as topsoil and gravel, derived from an on-site land development project, is piled and temporarily stored until taken to an off-site location.

18.04 **Farmers market** A place where agricultural producers gather on a regular basis to offer their agricultural products directly to retail consumers.

18.05 **General outdoor sales** An outdoor area where merchandise is displayed for retail sales over a limited duration. The merchandise may be offered by one or more vendors and be displayed out of doors and/or within a nonpermanent structure, such as a trailer or tent. The term includes flea markets and bazaars. The term does not include seasonal product sales, rummage sales, agricultural product sales, or farmer markets.

18.06 **Model home** A residential dwelling in a residential development temporarily used as a sales office for other on-site and off-site residential dwellings and properties.

18.07 **Off-site construction yard** A place where construction materials and equipment may be stored, prepped, or staged for an off-site construction project (e.g., highway reconstruction project or construction of an electric transmission line or pipeline).

18.08 **On-site construction office** A portable building or enclosed trailer temporarily placed on a construction site for use by the contractor as a field office.

18.09 **On-site construction yard** A place where construction materials, equipment, and the like may be stored, prepped, or staged for an on-site construction project.

18.10 **Portable storage container** An enclosed metal container that is used to temporarily store household items and similar goods.

18.11 **Relocatable building** A portable building or enclosed trailer temporarily placed on a parcel that may be used in conjunction with the principal use of the property. For example, relocatable buildings are used to house students during a construction project or accommodate enrollment in excess of the principal building's design capacity. A manufactured home is not considered a relocatable building.

18.12 **Seasonal product sales** An outdoor area where merchandise typically associated with a seasonal holiday or festival is displayed and offered for sale at retail immediately before the

event. Examples of such merchandise include Christmas trees and wreaths for Christmas and pumpkins for Halloween.

18.13 **Snow disposal site** A place where snow that accumulates on another site is stored and allowed to naturally melt.

18.14 **Special event** An event of limited duration which is open to the public and is not otherwise permitted in the zoning district. Examples include auctions, art fairs, festivals, fundraisers, and bike races.

18.15 **Special event camping** A place where camping is allowed when specifically related to a special event of regional significance as designated by the Plan Commission.

18.16 **Special event concessions** A place where concessions are sold when specifically related to a special event of regional significance as designated by the Plan Commission.

18.17 **Special event parking** A place where parking for motor vehicles is allowed when specifically related to a special event of regional significance as designated by the Plan Commission.

18.18 **Wind test tower** A tower on which equipment is attached that measures parameters needed to assess the site's suitability for a wind energy system.

18.19 **Yard sale** A temporary event where used household items are offered for sale.

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ARTICLE 4
ADMINISTRATIVE BODIES

Divisions

1.	Plan Commission	
2.	Zoning Board of Appeals	
3.	Zoning Administrator	

DIVISION 1
PLAN COMMISSION

Sections

9.04-01	Establishment	
9.04-02	Authority	

9.04-01 Establishment

Pursuant to s. 62.23(1) Wis. Stats., a Plan Commission is established to undertake the responsibilities as defined in this chapter and as allowed by state law.

9.04-02 Authority

(a) **Right to enter property**. The Plan Commission, along with its individual members and authorized agents, may enter upon land which is the subject of a pending application it has authority to act on.

(b) **Code amendments – text**. The Plan Commission may recommend changes to the text of this chapter to the Town Board of Supervisors.

(c) **Code amendments – zoning map**. The Plan Commission may recommend changes to the zoning map to the Town Board of Supervisors.

(d) **Conditional uses**. The Plan Commission may recommend conditional uses to the Town Board of Supervisors.

(e) **Planned development overlay districts**. The Plan Commission may recommend the creation of planned development overlay districts to the Town Board of Supervisors.

DIVISION 2
ZONING BOARD OF APPEALS

Sections

9.04-03	Establishment	9.04-08	Meetings
9.04-04	Authority	9.04-09	Meeting minutes
9.04-05	Authority of chairperson	9.04-10	Schedule of meetings
9.04-06	Composition and appointment of members	9.04-11	Voting by alternates
9.04-07	Officers		

9.04-03 Establishment
Pursuant to s. 62.23(7)(e) and s. 61.35, Wis. Stats., a Zoning Board of Appeals is established to undertake the responsibilities as defined in this chapter and as allowed by state law.

9.04-04 Authority
The Zoning Board of Appeals shall have the authority to exercise the powers pursuant to s. 62.23(7)(e)7.

9.04-05 Authority of chairperson
The chairperson of the Zoning Board of Appeals or acting chairperson may administer oaths and compel the attendance of witnesses.

9.04-06 Composition and appointment of members
(a) **Number and appointment**. The Zoning Board of Appeals shall consist of 5 regular members as appointed by the chairperson of the Town Board of Supervisors with the approval of the Town Board of Supervisors.

(b) **Alternates**. The chairperson of the Town Board of Supervisors with the approval of the Town Board of Supervisors board shall appoint 2 alternates to the Zoning Board of Appeals for staggered 3-year terms and annually appoint one of them as the first alternate and the other as the second alternate.

(c) **Terms**. Each regular member and alternate on the Zoning Board of Appeals shall be appointed to hold office for a period of 3 years, except those regular members first appointed as follows: one shall serve for one year, 2 for 2 years, and 2 for 3 years. Terms shall commence and expire on April 16 of the appropriate year. The incumbent members shall continue to serve until their term expires.

(d) **Vacancies**. Vacancies on the Zoning Board of Appeals shall be filled for the unexpired term of any member or alternate whose term becomes vacant.

(e) **Removal**. The chairperson of the Town Board of Supervisors may remove a regular member or an alternate from the Zoning Board of Appeals for cause.

9.04-07 Officers
The chairperson of the Town Board of Supervisors shall designate one of the members of the Zoning Board of Appeals as chairperson.

9.04-08 Meetings
Meetings of the Zoning Board of Appeals shall be open to the public unless conducted in close session as authorized by state law.

9.04-09 Meeting minutes
The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each voting member on each question, or, if absent or failing to vote, indicating such fact. Minutes once approved by the board shall constitute a public record and shall be kept in the office of the Town Clerk.

9.04-10 Schedule of meetings

Meetings shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals may determine.

9.04-11 Voting by alternates

The first alternate may vote only when one of the regular members of the Zoning Board of Appeals is absent or is not able to vote on a pending matter. The second alternate may vote only when the first alternate is absent or is not able to vote or when more than one regular member is absent or is not able to vote.

DIVISION 3
ZONING ADMINISTRATOR

Sections

9.04-14	Establishment	9.04-16	Authority
9.04-15	Appointment	9.04-17	Conflict of interest

9.04-14 Establishment
The position of zoning administrator is established to undertake the responsibilities as defined in this chapter and as allowed by state law.

9.04-15 Appointment
The Town Board of Supervisors shall appoint and supervise the zoning administrator. The Town Board of Supervisors may, by resolution or ordinance, provide that, notwithstanding s. 17.13(1), Wis. Stats., the zoning administrator may not be removed from his or her position except for cause.

9.04-16 Authority
The zoning administrator shall administer, supervise, and enforce the provisions of this chapter and in furtherance of those duties shall have the authority to:

The zoning administrator shall administer, supervise, and enforce the provisions of this chapter and in furtherance of those duties shall have the authority to:

(1) meet with applicants to advise them of the requirements of this chapter;
(2) issue administrative permits;
(3) issue written interpretations relating to this chapter;
(4) revoke or modify any administratively-issued permit or interpretation with reasonable cause;
(5) keep a written record of permits issued, interpretations made, inspections, work approved, enforcement activities, and other similar official actions;
(6) prepare staff reports consistent with this chapter and make recommendations as may be required or deemed appropriate;
(7) prepare meeting agendas for the Plan Commission and Zoning Board of Appeals and submit them to the appropriate chairperson for review and approval;
(8) investigate complaints regarding alleged violations of this chapter;
(9) have access to premises, public or private, during reasonable hours to conduct inspections deemed necessary to ensure compliance with this chapter;
(10) procure a special inspection warrant in accordance with s. 66.0119, Wis. Stats., if a property owner does not give the administrator permission to enter a property to verify compliance with this chapter;
(11) issue violation notices;
(12) issue stop work orders;
(13) initiate legal proceedings to correct violations in consultation with Winnebago County's corporation counsel;
(14) develop, amend, and utilize application forms, checklists, and other forms he or she deems appropriate to administer the development review processes contained in this chapter;
(15) recommend amendments to this chapter and to other chapters of the general code of the Town of Clayton relating to land use and development; and
(16) undertake any other activity not enumerated in this section but necessary to administer and enforce this chapter or any other section of the general code of the Town of Clayton as may be appropriate.

9.04-17 Conflict of interest
The zoning administrator and/or authorized designee of the zoning administrator shall not perform work on a proposed or approved development project in which he or she has a conflict of interest.

ARTICLE 6
GENERAL REVIEW REQUIREMENTS

Divisions

1.	Generally	
2.	Notice requirements	
3.	Public hearings	

DIVISION 1
GENERALLY

Sections

9.06-01	Legislative findings	9.06-10	Charge back of professional service fees
9.06-02	Purpose	9.06-11	Non-confidentiality of submitted information
9.06-03	Authority to file an application	9.06-12	Nature of staff comments
9.06-04	Permission to enter subject property	9.06-13	Withdrawal of application
9.06-05	Burden of proof	9.06-14	Appeals
9.06-06	Effect of an outstanding violation	9.06-15	Application review schedule
9.06-07	Effect of a delinquent payment	9.06-16	Application forms
9.06-08	Concurrent review	9.06-17	Other approvals
9.06-09	Application fees and other charges	9.06-18	Building permit

9.06-01 Legislative findings

The Town Board of Supervisors makes the following legislative findings:

(1) Development review processes should be easily understood and well-structured, and only involve those steps and requirements that are needed to properly review the application. Excessive procedural requirements add unnecessary costs to development projects.

(2) The general public, property owners in the area, and affected agencies have a right to know about certain proposed development projects and have meaningful participation in the review process.

(3) Written findings should accompany adjudicative decisions to serve as a permanent record documenting the reasons for approval or denial and the conditions of approval, if any.

(4) Enforcing the rules and regulations contained in this chapter is an important function of government.

9.06-02 Purpose

The development review requirements and procedures in this chapter are intended to:

(1) provide efficient and timely review of applications and ensure fairness and due process,

(2) ensure that applications are reviewed consistently by establishing criteria in making recommendations and final decisions, and

(3) ensure complete and timely compliance.

9.06-03 Authority to file an application

Unless otherwise specified in this chapter, the owner of the property or a person having the power of attorney for the property owner shall sign the application submitted for review.

9.06-04 Permission to enter subject property

Submission of an application as may be required in this chapter authorizes Town officials and employees, or other designated agents to enter the subject property to verify information in the application and to conduct other site

investigations as may be necessary to review the application. This does not authorize any individual to enter any building on the subject property in the absence of the property owner or his or her authorized agent. Failure to allow access to the subject property is sufficient grounds to deny the application.

9.06-05 Effect of an outstanding violation

If the zoning administrator determines that a parcel is in violation of this chapter, no permit or approval of any kind shall be granted under this chapter that would benefit such parcel, except to correct the violation or as may be required by state law.

9.06-06 Effect of a delinquent payment

No permit or approval of any kind shall be granted under this chapter that would benefit a parcel for which taxes, assessments, special assessments, or other required payments are delinquent and unpaid.

9.06-07 Concurrent review

To the extent possible, a development project requiring multiple reviews should be done concurrently. When one approval is a condition precedent to approval of another application, the approvals shall be issued in the requisite order.

9.06-08 Application fees and other charges

(a) **Assessment of fees**. From time to time, the Town Board of Supervisors may adopt a resolution establishing application fees and other charges it deems necessary in the administration of this chapter.

(b) **Timing for payment**. Application fees shall be paid at the time the application is submitted for review.

(c) **Doubling of application fee**. If an activity which requires prior authorization under this chapter is started before the authorization is granted, the application fee is automatically doubled unless the Town Board of Supervisors specifically establishes a different fee by resolution. Payment of such fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

(d) **Refunds**. Application fees are nonrefundable, except when the application and fee were accepted by the zoning administrator or Town staff in error.

9.06-09 Charge back of professional service fees

(a) **Generally**. The Town Board of Supervisors shall require the owner of the property for which an application is being submitted to be responsible for paying the professional service fees of individuals or private firms the Town elects to hire to assist in the review of the submitted application. Such fees may cover time, materials, and other related expenses of attorneys, planners, engineers, and other specialists, and their support staff. Payment of fees is required whether the application is approved or not.

(b) **Billing procedure**. The zoning administrator shall prepare an itemized statement of the professional service fees to be charged and provide a copy to the applicant. Such statement shall be in writing and shall contain, at a minimum, the following information:

(1) a statement that the applicant has a specified period of time, not less than 30 days, to pay;

(2) a statement that the applicant may appeal one or more of the itemized charges within 15 days of the date of the statement to the Plan Commission; and

(3) a statement that any unpaid charge will be assessed as a delinquent charge against the subject property.

(c) **Appeal of charges**. To appeal one or more charges, the applicant shall submit a written appeal to the zoning administrator within the appeal period stated on the statement. The Plan Commission shall consider the matter at its next regular meeting, provided the date of the meeting is 10 days or more from the date the appeal is received. The Plan Commission shall have the power to approve the charges as assessed or reduce the amount of charges in whole or in part with cause.

(d) **Nonpayment**. If the applicant does not appeal the charges within the time period specified in the statement, the Town treasurer shall automatically charge any unpaid amount as a delinquent tax against the property as provided by state law. In the event the applicant submits an appeal as provided in this section, no charges shall be placed on the tax roll unless and until such time the Plan Commission approves the charges against the tax roll in whole or in part. In the event the statement provided to the applicant or the time given for the applicant to pay or following a hearing if the Plan Commission approves all or part of the charge, it is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

9.06-10 Non-confidentiality of submitted information

All written information that an applicant submits to town staff during a pre-submittal meeting or at any point in the review process is considered part of the public record subject to state and local law.

9.06-11 Nature of staff comments

Statements and recommendations that are made by the zoning administrator, other town staff, and other representatives prior to or during the application review process shall not be binding on the decision-making body responsible for making the final decision.

9.06-12 Withdrawal of application

(a) **Timing of withdrawal**. An applicant may withdraw an application anytime after submittal, but prior to a final decision.

(b) **Effect of withdrawal**. A request to withdraw an application terminates the review process and no decision shall be rendered.

(c) **Retention of application materials**. A withdrawn application and related review documents shall be kept as a permanent public record.

9.06-13 Application review schedule

(a) **Authority**. The zoning administrator shall from time to time prepare a schedule establishing deadlines for submitting the various types of applications.

(b) **Publication of schedule**. The zoning administrator shall make the current review schedule available to the public and may post it on the county's website.

9.06-14 Application forms

The zoning administrator shall prepare application forms and may amend them from time to time.

9.06-15 Other approvals

It is the responsibility of those undertaking development projects within the town to obtain all applicable permits and other approvals as may be required elsewhere by the Town of Clayton, Winnebago County and other local, regional, state, and federal authorities as may be required.

9.06-16 Building permit

A building permit for the construction of a new building or the expansion of an existing building shall not be issued until such time as a zoning permit has been issued or a written determination is made that one is not required.

9.06-17 to 9.06-30 Reserved

DIVISION 2
NOTICE REQUIREMENTS

Sections

9.06-31	Generally	9.06-37	Property owner notice
9.06-32	When notice is required	9.06-38	Agency notice
9.06-33	Content of required notice	9.06-39	Distribution list notice
9.06-34	Cost to provide notice	9.06-40	Meeting agenda
9.06-35	Public notice	9.06-41	Affidavit of mailing
9.06-36	On-site sign		

9.06-31 Generally

The type of notice that is given for each of the various procedures outlined in this article is dictated by the nature of the decision. Administrative decisions, such as a zoning permit, involve very little discretion. Either the proposed development meets the standards in this chapter or it does not. In contrast, there are other decisions that involve more discretion and judgment based on particular circumstances. The review of a conditional use application, for example, involves discretion on the part of those involved in making recommendations and a final determination whether the application should be approved or not. As a general rule, notice for an application is not given for administrative decisions. More notice is given when a proposed action could potentially affect other parties, including nearby property owners, other governmental bodies, and the general public. This division outlines when notice is to be given and the nature of the notice when it is required.

9.06-32 When notice is required

Notice shall be provided as shown in Exhibit 6-1.

Exhibit 6-1. Notice

Division in Article 7	Type of Action	Class 2 Notice	On-site Sign	Property Owner Notice	Agency Notice	Distribution List Notice	Meeting Agenda
1.	Code amendment – map amendment – landowner initiated	X [1]	X	X	X	X	X
1.	Code amendment – map amendment – town initiated	X [1]	-	-	X	X	X
1.	Code amendment – text amendment	X [1]	-	-	X	X	X
2.	Planned development overlay district	X	X	X	X	-	X
4.	Conditional use	X	X	X	X	-	X
5.	Special use permit for specified livestock operation	-	X[2]	-	-	-	X
6.	Determination of unsafe conditions	X	-	X	-	-	X
7.	Termination of approval	X	-	X	-	-	X
9.	Variance	X	X	X	X	-	X
10.	Administrative appeal	X	-	-	X	-	X
11.	Zoning permit	-	-	-	-	-	-
13.	Site plan	-	-	-	-	-	-
13.	Site plan upon appeal	-	-	-	-	-	X
14.	Rural accessory structure determination	-	-	-	-	-	-
14.	Rural accessory structure determination upon appeal	-	-	-	-	-	X
15.	Code interpretation	-	-	-	-	-	-

Key: An "X" means that the indicated notice is required; a dash "-" means that the indicated notice is not required

Notes:

1. If the proposed amendment would have the effect of changing the allowable use of any property, the notice shall include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the county clerk.
2. This type of notice is not required by state law, and as such, the Planning and Zoning Committee may waive this notice when the committee determines that such notice is not necessary given the nature or scope of the action.

9.06-33 Content of required notice

Notices shall include the information as listed in Exhibit 6-2.

Exhibit 6-2. Content of notice

	Public Notice	On-site Sign	Property Owner Notice	Agency Notice	Distribution List Notice
Applicant name	X	-	X	X	X
Subject property address or legal description by which the public can locate the subject property	X	-	X	X	X
Nature of the application	X	-	X	X	X
A description of the proposed project	X	-	X	X	X
Name of body or official who will consider the application	X	-	X	X	X
Date, time and location of the public hearing	X	-	X	X	X
If the action is administrative, the date by which an administrative decision will be made (no sooner than 21 days from the date of the notice)	-	-	X	X	-
If the action is administrative, a statement that interested parties may request the reviewing entity conduct a public hearing to accept public input	-	-	X	-	-
Location where the public can view the application	X	-	X	X	X
The criteria that will be used to evaluate the proposal	-	-	X	X	-
General location map	X	-	X	-	-
Telephone number for further information	-	X	-	-	-

9.06-34 Cost to provide notice

Using proceeds from the application fee, the Town shall pay the costs related to the provision of notice required under this division.

9.06-35 Public notice

When required, the official responsible for processing the application shall place public notice in the official newspaper consistent with the following provisions:

(1) **Time requirements**. A class 2 notice shall be published once each week for 2 consecutive weeks, the last one occurring at least 7 days before the meeting or hearing.

(2) **Content**. The notice shall include the information listed in Exhibit 6-2.

9.06-36 On-site sign

When required, the official responsible for processing the application shall place a sign on the subject property involved in the application consistent with the following provisions:

(1) **Time requirements**. The sign shall be posted at least 5 business days prior to the date of the meeting at which the matter will be considered.

(2) **Content**. The sign shall include the information listed in Exhibit 6-2.

(3) **Placement and removal of sign**. Town staff shall install and remove the sign. Any person that removes a sign without the prior approval of the zoning administrator shall be in violation of this chapter and subject to those penalties provided for in this chapter and the general code of the Town of Clayton.

9.06-37 Property owner notice

(a) **Generally**. When required, the zoning administrator shall mail a notice to each owner of record of property located in the Town of Clayton within 300 feet of the subject property involved in the application consistent with the following provisions:

(1) **Time requirements**. The notice shall be mailed by regular mail at least 10 business days prior to the date of the meeting at which the matter will be considered.

(2) **Content**. The notice shall include the information listed in Exhibit 6-2.

(b) **Source of names and addresses**. The names and addresses of property owners shall be deemed to be those listed on the tax records maintained by Winnebago County.

(c) **Failure to notify owner**. The failure of a person to receive notice as described in this section shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

(d) **Additional notice**. When the applicant also owns the land adjoining the subject property involved in the application, the administrator shall mail a notice to those property owners located in the Town of Clayton within 300 feet of such property.

(e) **Affidavit of mailing**. The zoning administrator shall prepare an affidavit of mailing to certify that a notice was mailed as described in this section.

9.06-38 Agency notice

(a) **Generally**. When required, the zoning administrator shall mail a notice to affected agencies consistent with the following provisions:

(1) **Time requirements**. The notice shall be mailed by regular mail at least 10 business days prior to the date of the meeting at which the matter will be considered.

(2) **Content**. The notice shall include the information listed in Exhibit 6-2.

(b) **Failure to notify owner**. The failure of an agency to receive notice as described in this section shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

(c) **Affidavit of mailing**. The zoning administrator shall prepare an affidavit of mailing to certify that a notice was mailed as described in this section.

9.06-39 Distribution list notice

(a) **Establishment of distribution list**. The Plan Commission shall, per s. 62.23(7)(d)4 Wis. Stats., maintain a list of persons who submit a written request to receive notice of a proposed regulation or amendment that may affect the allowable use of the person's property.

(b) **When notice is required**. The body conducting the public hearing shall send a notice, which contains a copy of the proposed regulation or amendment, to each person on the distribution list whose property, the allowable use of which may be affected by the proposed regulation or amendment.

(c) **Method of distribution of notices**. The notice shall be by mail or in any reasonable form that is agreed to by the person and the Plan Commission.

(d) **Establishment of charges**. The Town Board of Supervisors may from time to time adopt a resolution establishing a processing fee that shall be charged to each person on the list who is sent a notice. The amount of such fee shall not exceed the approximate cost of providing the notice to the person.

(e) **Effect of failure to send notice**. An ordinance or amendment shall take effect if the body conducting the meeting fails to send the notice as required by this section.

(f) **Affidavit**. The zoning administrator shall prepare an affidavit of mailing to certify that notices were provided to those persons listed on the above-mentioned distribution list consistent with the requirements in this section.

9.06-40 Meeting agenda notice

When required, the body responsible for acting on the application shall place the item on its meeting agenda.

9.06-41 Affidavit of mailing

An affidavit of mailing provides documentary evidence that a mailing as required in this chapter was mailed. An affidavit of mailing shall be kept as a public record.

9.06-42 to 9.06-50 Reserved

DIVISION 3
PUBLIC HEARINGS

Sections

9.06-51	Legislative findings	9.06-53	Continuances
9.06-52	General requirements	9.06-54	Public comment

9.06-51 Legislative findings

The Town Board of Supervisors makes the following legislative findings relating to public hearings:

(1) Public hearings should be conducted in an orderly, timely, and efficient manner.

(2) Public input is important and should be encouraged.

9.06-52 General requirements

(a) **Meetings to be public**. All public hearings shall be conducted in the Town Hall or in such other public place as may be selected by the body conducting the hearing.

(b) **Notice of meetings**. Notice of public hearings shall be given as provided for in division 2 of this article.

9.06-53 Continuances

(a) **Prior to start of public hearing**. In the event the applicant or the applicant's agent is not present for the public hearing, the body conducting the public hearing may authorize a continuance.

(b) **During a public hearing**. Prior to the close of the public hearing, the applicant may request a continuance and the body conducting the public hearing may agree to the continuance upon a showing of good cause. Likewise, the body conducting the public hearing may ask the applicant for a continuance, but the applicant is not required to grant such request. If the applicant does not grant a continuance, the body shall act on the information at its disposal.

(c) **Effect**. A continuance stops the time clock for making a decision.

(d) **Notice requirements**. A public hearing may be continued to a later date without again providing public notice, provided the time and date for the continued hearing are announced at the time of the continuance.

9.06-54 Public comment

(a) **Time limitations on public comment**. The presiding officer may impose a time limit on members of the public who wish to address the body conducting the public hearing to assure completion of the agenda in a timely manner.

(b) **Written comment**. Prior to the close of the public hearing, members of the public may submit written comments to the body conducting the public hearing. Such documents shall be retained and made part of the public record for the proceeding.

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ARTICLE 7
SPECIFIC REVIEW PROCEDURES AND REQUIREMENTS

Divisions

1.	Code amendment (text and zoning map)	8.	Reserved
2.	Planned development overlay district	9.	Variance
3.	Reserved	10.	Administrative appeal
4.	Conditional use	11.	Zoning permit
5.	Special use permit for specified livestock operations	12.	Reserved
		13.	Site plan
6.	Determination of unsafe conditions	14.	Rural accessory building determination
7.	Termination of approval	15.	Code interpretation

DIVISION 1
CODE AMENDMENT

Sections

9.07-01	Generally	9.07-06	Notice to DATCP
9.07-02	Initiation	9.07-07	Application content
9.07-03	Application and review procedure	9.07-08	Staff report content
9.07-04	Effective date of adopted ordinance	9.07-09	Appeal
9.07-05	Basis of decisions		

9.07-01 Generally

From time to time, it may be necessary or desirable to amend the text of this chapter and the zoning map as established in division 2 of article 8. This division describes the procedures and requirements to amend this chapter and the zoning map.

9.07-02 Initiation

Any of the following may submit an application to amend the text of this chapter or the zoning map as established in division 2 of article 8:

(1) a property owner in the area to be affected by the proposed amendment,

(2) the Plan Commission, and

(3) any member of the Town Board of Supervisors.

9.07-03 Application and review procedure

The general steps outlined below shall be used to amend the text of this chapter and the zoning map.

(1) **Submittal of application materials**. The applicant shall submit a complete application to the zoning administrator along with the application fee as may be established by the Town Board of Supervisors.

(2) **Staff review**. Within 10 days of submittal, the zoning administrator shall either schedule a date for the public hearing with the Plan Commission if the application is deemed complete or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months after the date of such determination to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Special notice to Outagamie and Winnebago Counties**. **.** If the proposed amendment includes land that is in the Outagamie County Airport Overlay District and/or the Winnebago County Shoreland- Wetland or

Shoreland Overlay Districts, the zoning administrator will make the applicant aware of the fact. The applicant is responsible for contacting the appropriate county.

(4) **General notice by type of application**. If a proposed amendment would revise the text of this chapter, the zoning administrator shall provide for class 2 public notice, agency notice, distribution list notice, and meeting agenda notice consistent with division 2 of article 6. If a proposed amendment would revise the zoning map, the zoning administrator shall provide for class 2 public notice, an on-site sign, property owner notice, agency notice, distribution list notice, and meeting agenda notice consistent with division 2 of article 6.

(5) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission, the Town Board of Supervisors, and the applicant. The zoning administrator shall also provide a copy to interested people upon request.

(6) **Formal public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with division 3 of article 6.

(7) **Plan Commission recommendation**. The Plan Commission shall make a written recommendation to the Town Board of Supervisors to approve or deny the proposed amendment.

(8) **Town Board of Supervisors action**. After reviewing the Plan Commission's recommendation, the Town Board of Supervisors shall either approve or deny the proposed amendment. Action to approve the amendment shall be done by ordinance.

(9) **Required vote with protest of airport**. If a proposed amendment would make any change in an airport affected area, as defined under s. 62.23(6)(am)1.b., Wis. Stats., and the owner or operator of the airport bordered by the airport affected area protests against the proposed amendment, no ordinance which makes such change may be approved except by the affirmative vote of three-fourths of the members of the Town Board of Supervisors voting on the proposed amendment.

(10) **Required vote with a protest by qualified property owners**. If a written protest signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the affirmative vote of three-fourths of the members of the Town Board of Supervisors voting on the proposed amendment.

(11) **Notification of decision**. Within a reasonable time following the Town Board's decision, the zoning administrator shall notify the applicant of its decision.

(12) **Preparation of new zoning map**. If the zoning map is amended, the zoning administrator shall cause a new zoning map to be prepared consistent with division 2 of article 8.

9.07-04 Effective date of adopted ordinance

This ordinance amendment shall take effect and be in full force 24 hours after publication or posting by the Town Clerk.

9.07-05 Basis of decision

(a) **Text amendment**. If a proposed amendment would revise the text of this chapter, the Plan Commission in making its recommendation and the Town Board of Supervisors in making its decision shall consider the following factors:

(1) whether the amendment is consistent with the Town's comprehensive plan;

(2) whether the amendment is consistent with other planning documents adopted by the Town Board of Supervisors;

(3) whether the code with the amendment is internally consistent;

(4) whether the amendment is the least restrictive approach to address issues of public health, safety, and welfare; and

(5) any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Town Board of Supervisors given the particular circumstances.

(b) **Zoning map amendment**. If a proposed zoning map amendment would change the zoning classification of a parcel not classified as A-1 agribusiness, the Plan Commission in making its recommendation and the Town Board of Supervisors in making its decision shall consider the following factors:

(1) whether the amendment is consistent with the Town's comprehensive plan, including any future land use maps or similar maps;

(2) the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and

(3) any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Town Board of Supervisors given the particular circumstances.

If a proposed zoning map amendment would change the zoning classification of land classified as A-1 agribusiness, the Plan Commission shall only recommend approval and the Town Board of Supervisors shall only approve the proposed amendment when all of the following findings can be made:

(1) Such land is better suited for a use not otherwise allowed in the A-1 agribusiness zoning district.

(2) The amendment is consistent with the Town's comprehensive plan.

(3) The amendment is substantially consistent with the Winnebago County Farmland Preservation Plan as certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

(4) The amendment will not substantially impair or limit current or future agricultural use of other protected farmland in the area.

The special requirements stated above relating to the rezoning of land in a A-1 agribusiness zoning district do not apply to a map amendment that (1) is certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats., or (2) makes the zoning map more consistent with the Winnebago County Farmland Preservation Plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the amendment.

9.07-06 Notice to DATCP

By March 1 of each year, the Town will provide to the Department of Agriculture, Trade and Consumer Protection and to Winnebago County a report of the number of acres rezoned out of the A-1 agribusiness zoning district during the previous year along with a map that clearly shows the location of those acres.

9.07-07 Application content

(a) **Map amendment**. An application for a zoning map amendment shall include the following:

(1) an application form as may be provided by the Town,

(2) a project map prepared at an appropriate scale depicting the information listed in appendix A, and

(3) other supporting information the applicant deems appropriate.

(b) **Other amendments**. For all other types of amendments, the application shall include the following:

(1) an application form as may be provide by the Town, and

(2) other supporting information the applicant deems appropriate.

9.07-08 Staff report content

The staff report shall contain the following:

(1) a summary of the comments received from the interdepartmental/agency review;

(2) preliminary findings based upon the decision criteria listed in this division;

(3) a recommendation to approve the proposed amendment, approve the proposed amendment with conditions, or deny the proposed amendment;

(4) a preliminary list of revisions, if appropriate, regardless of whether the staff recommendation is for approval or denial; and

(5) other information deemed necessary by the staff.

9.07-09 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

9.07-10 to 9.07-30 Reserved

DIVISION 2
PLANNED DEVELOPMENT OVERLAY DISTRICT

Sections

9.07-31	Generally	9.07-41	Staff report content
9.07-32	Initiation	9.07-42	Effect of approval
9.07-33	Where allowed	9.07-43	Effect of approved planned development overlay district on land division standards
9.07-34	Ownership	9.07-44	Review of actual development within an approved planned development district
9.07-35	Minimum project size	9.07-45	Amendment of an approved planned development overlay district
9.07-36	Public improvement agreement	9.07-46	Expiration of approval
9.07-37	Application and review procedure	9.07-47	Appeal
9.07-38	Basis of decision		
9.07-39	Imposition of conditions		
9.07-40	Application form and content		

9.07-31 Generally
A planned development overlay district is a special zoning district that allows for more flexibility in the development of land while ensuring substantial compliance with the basic intent of this chapter and the Town's comprehensive plan.

9.07-32 Initiation
The owner of the subject property may submit an application for the establishment of a planned development overlay district.

9.07-33 Where allowed
A planned development overlay district shall only be established in the following zoning districts: R-1, R-2, R-3, R-4, R-8, B-1, B-2, B-3, and M-1.

9.07-34 Ownership
At the time of establishment, all land within a planned development overlay district shall be under single ownership or control.

9.07-35 Minimum project size
A planned development overlay district shall include at least 10 contiguous acres of land.

9.07-36 Public improvement agreement
Unless waived by the Town, the owner of the property proposed to be in a planned development overlay district and the Town shall enter into a public improvement agreement that specifies the duties and obligations of both parties with respect to development in the district.

9.07-37 Application and review procedure
The general steps outlined below shall be used in the review of an application for the establishment of a planned development overlay district.

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (1) applicable regulations and procedures, (2) applicable sections of the Town's comprehensive plan, and (3) the proposal. The zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary.

(2) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Town Board of Supervisors.

(3) **Staff review**. Within 10 days of submittal, the zoning administrator shall either schedule a date for the public hearing with the Plan Commission if the application is deemed complete or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months after the date of such determination to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(4) **General notice.** Consistent with division 2 of article 6, the zoning administrator shall provide for class 2 public notice, an on-site sign, property owner notice, agency notice, and meeting agenda notice.

(5) **Staff report preparation and distribution**. The administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission, the Town Board of Supervisors, and the applicant. The administrator shall also provide a copy to interested people upon request.

(6) **Public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing to review the application consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with division 3 of article 6.

(7) **Plan Commission recommendation.** The Plan Commission shall make a written recommendation to the Town Board of Supervisors to approve or deny the proposed amendment.

(8) **Town Board of Supervisors action.** After reviewing the Plan Commission's recommendation, the Town Board of Supervisors shall make a decision based on the decision criteria contained in this division to (1) approve the creation of the district, (2) approve the creation of the district with conditions, or (3) deny the creation of the district. Action to approve the planned development district shall be done by ordinance.

(9) **Required vote with a protest by qualified property owners**. If a written protest signed and acknowledged by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the affirmative vote of three-fourths of the members of the Town Board of Supervisors voting on the proposed amendment.

(10) **Notification of decision**. Within a reasonable time following the Town Board of Supervisor's decision, the zoning administrator shall mail the decision notice to the applicant by regular mail.

(11) **Acceptance by property owner required**. If an approval includes one or more condition of approval, the property owner shall sign the decision notice to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator. Failure to sign and return the decision notice within 45 days of the Town Board of Supervisors' decision shall void the approval. The decision notice shall become effective upon the property owner's signature.

(12) **Preparation of new zoning map**. If the district is approved, the zoning administrator shall within 60 days of the date of adoption cause a new zoning map to be prepared consistent with division 2 of article 8.

(13) **Public records**. If the district is approved, the administrator shall keep a duplicate copy of the approved project plan and development agreement, if any, as a permanent record.

9.07-38 Basis of decision

The Plan Commission in making its recommendation and the Town Board of Supervisors in making its decision shall consider the following factors:

(1) whether development in the proposed district is in keeping with the spirit and intent of this chapter;

(2) whether development in the proposed district is consistent with the Town's comprehensive plan;

(3) the effects of development in the proposed district on traffic safety and efficiency and pedestrian circulation, both within and outside of the district;

(4) whether the proposed plan for development in the district is properly planned and is properly coordinated with the existing and anticipated land uses on properties in the immediate and surrounding area;

(5) the effects of development within the proposed district on the natural environment;

(6) whether development in the proposed district complies with provisions of this chapter and other chapters of the Town of Clayton Code of Ordinances that may apply;

(7) the effects of development in the proposed district on public services and facilities;

(8) whether adequate water and sanitary sewer facilities can be provided to development in the proposed district;

(9) the proposed means of maintaining the undeveloped area of the district for the purpose for which it was set aside;

(10) whether the plan for development in the proposed district is clearly superior to development that is permitted based on the design and development standards of the underlying zoning district; and

(11) any other factor that relates to the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply.

9.07-39 Imposition of conditions

(a) **Generally**. The Plan Commission and/or the Town Board of Supervisors may impose conditions as may be necessary to grant approval. Such conditions may relate to any of the factors it considered in reaching its decision. In addition, the Plan Commission and/or the Town Board of Supervisors may require the provision of off-site exactions that may be necessary to approve the establishment of the planned development overlay district.

(b) **Effect on contracts with another party.** The Town Board of Supervisors shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract with a third party under which the third party is engaging in a lawful use of the property.[1]

9.07-40 Application form and content

The application submittal shall include the following:

(1) an application form as may be used by the Town,

(2) a master development plan prepared at an appropriate scale depicting the information listed in appendix A,

(3) a preliminary draft of covenants if any are to be imposed, and

(4) a development schedule, if the project is to be constructed in phases, which includes the anticipated beginning date and ending date of each phase and a description of those project-related elements to be completed in each phase.

9.07-41 Staff report content

The staff report shall contain the following:

(1) a summary of the comments received from the interdepartmental/agency review;

(2) preliminary findings based upon the decision criteria listed in this division;

(3) a recommendation to approve the application, approve the application with conditions, or deny the application;

[1] Commentary: See s. 62.23(7)(gm), Wis. Stats. The Town, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

(4) a preliminary list of conditions of approval regardless of whether the staff recommendation is for approval or denial; and

(5) other information deemed necessary by the staff.

9.07-42 Effect of approval

If the planned development overlay district is established, the approval shall run with the land and be binding on all subsequent property owners.

9.07-43 Effect of approved planned development overlay district on land division standards

Development in a planned development overlay district shall be subject to the land division regulations in chapter 7.7 of the Town of Clayton Code of Ordinances to the extent applicable, except that the Town Board of Supervisors may waive a development standard in the land division regulations as provided therein.

9.07-44 Review of actual development within an approved planned development overlay district

Once a planned development overlay district is established, proposed development in the district shall be reviewed consistent with the requirements of this article as may apply.

9.07-45 Amendment of an approved planned development overlay district

Following establishment of a planned unit development overlay district, the Plan Commission shall review all proposed changes to the project plan that were approved at the time of approval of the district. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change at a regular or special meeting of the Plan Commission. If the proposed change constitutes a major alteration, the application and review procedure in this division shall be followed.

9.07-46 Expiration of approval

If any area of a planned development overlay district that can be developed remains substantially undeveloped 3 years after the creation of the district, the Town Board of Supervisors shall have the authority to unilaterally rezone such area to a suitable classification. Upon written petition and with good cause, the Town Board of Supervisors may grant a one-time extension not to exceed 3 years.

9.07-47 Appeal

(a) **Appeal relating to procedural requirements**. An aggrieved person who claims the required procedural requirements were not followed, in whole or in part, may file a written appeal with the Zoning Board of Appeals prior to issuance of a final decision or within 30 days of issuance of a final decision. If an appeal is filed with the Zoning Board of Appeals prior to issuance of a final decision, the zoning administrator at his or her discretion, with concurrence of the applicant, if not the appellant, may suspend the review process until such time as the deficiency is remedied. The Zoning Board of Appeals shall only consider the procedural requirements and may not alter the decision of the Plan Commission. If the Zoning Board of Appeals determines that a procedure, in whole or in part, was not followed as required, the review process shall not progress until such time as the deficiency has been remedied or the decision shall be stayed until such time as the deficiency and subsequent steps have been completed.

(b) **Appeal relating to Zoning Board of Appeals decision or relating to the substantive decision**. An aggrieved person may appeal the final decision of the Zoning Board of Appeals to a court of competent jurisdiction within 30 days of the final decision or the final decision of the Plan Commission to a court of competent jurisdiction within 30 days of the final decision.

9.07-48 to 9.07-50 Reserved

DIVISION 3
RESERVED

DIVISION 4
CONDITIONAL USE

Sections

9.07-51	Generally	9.07-57	Staff report content
9.07-52	Initiation	9.07-58	Content of decision notice
9.07-53	Application and review procedure	9.07-59	Effect of approval
9.07-54	Basis of decision	9.07-60	Amendment of an approved conditional use
9.07-55	Imposition of conditions	9.07-61	Violation of a condition of approval
9.07-56	Application form and content	9.07-62	Appeal

9.07-51 Generally

Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as “conditional uses” and are listed in division 3 of article 8. This division describes the requirements and procedures for reviewing a conditional use, including an amendment of an approved conditional use.

9.07-52 Initiation

The owner of the subject property may submit an application for the establishment of a conditional use.

9.07-53 Application and review procedure

The general steps outlined below shall be used in the review of an application for a conditional use.

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (1) applicable regulations and procedures, (2) applicable sections of the Town’s comprehensive plan, and (3) the proposal. The zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary.

(2) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Town Board of Supervisors.

(3) **Staff review**. Within 10 days of submittal, the zoning administrator shall either schedule a date for the public hearing with the Plan Commission allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months after the date of such determination to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(4) **General notice**. Consistent with division 2 of article 6, the zoning administrator shall provide for a class 2 public notice, an on-site sign, property owner notice, agency notice, and meeting agenda notice.

(5) **Staff report preparation and distribution**. The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission, the Town Board of Supervisors, and the applicant. The zoning administrator shall also provide a copy to interested people upon request.

(6) **Public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with division 3 of article 6.

(7) **Plan Commission recommendation.** The Plan Commission shall make a written recommendation to the Town Board of Supervisors to approve or deny the proposed conditional use.

(8) **Town Board of Supervisors action.** After reviewing the Plan Commission’s recommendation, the Town Board of Supervisors shall make a decision based on the decision criteria contained in this division to (1)

approve the conditional use, (2) approve the conditional use with conditions, or (3) deny the conditional use.

(9) **Notification of decision**. Within a reasonable time following the Town Board of Supervisor's decision, the zoning administrator shall mail the decision notice to the applicant by regular mail.

(10) **Acceptance by property owner required**. If an approval includes one or more condition of approval, the property owner shall sign the decision notice to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator. Failure to sign and return the decision notice within 45 days of the Town Board of Supervisor's decision shall void the approval. The decision notice shall become effective upon the property owner's signature.

(11) **Public record copy**. A duplicate copy of the decision notice shall be retained as a public record.

9.07-54 Basis of decision

The Plan Commission and the Town Board of Supervisors, in making its decision, shall consider the following factors:

(1) the size of the parcel on which the proposed use will occur;

(2) the presence of and compatibility with other uses on the subject property;

(3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);

(4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;

(5) the suitability of the subject property for the proposed use;

(6) effects of the proposed use on the natural environment;

(7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;

(8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and

(9) any other factor that relates to the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply.

In the event the conditional use being proposed is an adult-oriented establishment, the above-named decision-making bodies shall not consider the nature of expressive conduct protected by the U.S. Constitution with regard to any of the above-mentioned criteria.

9.07-55 Imposition of conditions

(a) **Generally**. The Town Board of Supervisors may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare. Conditions which are imposed shall be achievable.

(b) **Limitation on imposing conditions**. A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Effect on contracts with another party.** The Town Board of Supervisors shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract with a third party under which the third party is engaging in a lawful use of the property.

(d) **Special condition for business as property owner**. As a condition of approval of a conditional use, the property owner if it is a business entity, such as a limited liability company or a corporation, shall for the life of the conditional use continuously maintain a registered office in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions.

9.07-56 Application form and content

The application submittal shall include an application form as may be used by the county and a project map prepared at an appropriate scale depicting the information listed in appendix A. In addition, the applicant shall also provide a building, site plan, and plan of operation along with the application materials.

9.07-57 Staff report content

The staff report shall contain the following:

(1) a summary of the comments received from the interdepartmental/agency review;

(2) preliminary findings based upon the decision criteria listed in this division;

(3) a recommendation to approve the application, approve the application with conditions, or deny the application;

(4) a preliminary list of conditions regardless of whether the staff recommendation is for approval or denial; and

(5) other information deemed necessary by the staff.

9.07-58 Content of decision notice

(a) **Approval**. If an application for a conditional use is approved, the decision notice shall include the following:

(1) a statement that the application is approved;

(2) a description of the conditional use;

(3) a description of where the conditional use will occur on the property;

(4) findings based upon the decision criteria listed in this division;

(5) a list of conditions of approval imposed by the Town (which may include a date by which time the conditional use must be established) that must be satisfied prior to the establishment of the conditional use or complied with during the life of the conditional use, or both;

(6) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision notice and return it to the zoning administrator within 45 days of such decision to acknowledge acceptance of the same;

(7) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(8) a statement that an aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant’s risk;

(9) other information the Town Board of Supervisors or zoning administrator deems appropriate;

(10) the signature of the zoning administrator on behalf of the Town Board of Supervisors; and

(11) the date of the decision.

(b) **Denial**. If an application for a conditional use is denied, the decision notice shall include the following:

(1) a statement that the application is denied,

(2) a description of the project, including acreage and proposed use characteristics,

(3) findings based upon the decision criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Town Board of Supervisors or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Town Board of Supervisors, and

(8) the date of the decision.

9.07-59 Effect of approval

The approval of a conditional use shall run with the land and be binding on all subsequent property owners.

9.07-60 Amendment of an approved conditional use

Following approval of a conditional use, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the application and review procedure in this division. If the proposed change constitutes a major alteration, the application and review procedure in effect at the time of submittal shall be followed.

9.07-61 Violation of a condition of approval

If a property owner does not comply with one or more condition of approval, such action shall be deemed a violation of this chapter and cause for termination of the approval consistent with division 7 of this article.

9.07-62 Appeal

(a) **Appeal relating to procedural requirements**. An aggrieved person who claims the required procedural requirements were not followed, in whole or in part, may file a written appeal with the Zoning Board of Appeals prior to issuance of a final decision or within 30 days of issuance of a final decision. If an appeal is filed with the Zoning Board of Appeals prior to issuance of a final decision, the zoning administrator at his or her discretion may suspend the review process until such time as the deficiency is remedied. The Zoning Board of Appeals shall only consider the procedural requirements and may not alter the decision of the Town Board of Supervisors. If the Zoning Board of Appeals determines that a procedure, in whole or in part, was not followed as required, the review process shall not progress until such time as the deficiency has been remedied or the decision shall be stayed until such time as the deficiency and subsequent steps have been completed. An aggrieved person may appeal the final decision of the Zoning Board of Appeals to a court of competent jurisdiction within 30 days of the Zoning Board of Appeal's decision.

(b) **Appeal relating to the Zoning Board of Appeal's decision or relating to the substantive decision**. An aggrieved person may appeal the final decision of the Zoning Board of Appeals to a court of competent jurisdiction within 30 days of the final decision.

9.07-63 to 9.07-70 Reserved

DIVISION 5
SPECIAL USE PERMIT FOR SPECIFIED LIVESTOCK OPERATIONS

Sections

9.07-71	Generally	9.07-78	Content of decision notice
9.07-72	Initiation	9.07-79	Effect of approval
9.07-73	Application and review procedure	9.07-80	Expiration of approval
9.07-74	Basis of decision	9.07-81	Amendment of an approval
9.07-75	Imposition of conditions	9.07-82	Record of decision-making
9.07-76	Application form and content	9.07-83	Violation of a condition of approval
9.07-77	Staff report content	9.07-84	Appeal

9.07-71 Generally
This division describes the procedural requirements relating to the review of new or expanded livestock operations that will have 500 or more animal units.

9.07-72 Initiation
The owner of the subject property may submit an application for the establishment of a livestock operation.

9.07-73 Application and review procedure
The general steps outlined below shall be used in the review of an application for a special use permit for a new or expanded livestock operation.

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to review applicable regulations and procedures and the proposed livestock operation.

(2) **Submittal of application materials**. The applicant shall submit 4 copies of the completed application form and worksheets prescribed by s. ATCP 51.30, Wis. Admin Code, to the zoning administrator along with the application fee as may be established by the Board of County Supervisors.

(3) **Determination of completeness.** Within 45 days of submittal, the zoning administrator shall determine whether the application is complete or incomplete. If the zoning administrator determines that the application is incomplete, he or she shall send the applicant a written notice that describes the reason or reasons why the application is incomplete. If the zoning administrator determines that the application is complete, he or she shall send a written notice to the applicant within 14 days of such determination.

(4) **Staff report preparation and distribution**. The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission, the Town Board of Supervisors, and the applicant. The zoning administrator shall also provide a copy to interested people upon request.

(5) **Notice to property owners**. Within 14 days of a determination of completeness, the zoning administrator shall mail a completed notice as in ch. ATCP 51, Wis. Admin. Code (Appendix C) to the recorded owner of each parcel of land that is within 300 feet of the parcel of land on which the proposed livestock facility is sited. Such notices shall be mailed by first class mail. Failure to comply with the notice requirement under this subsection does not invalidate the approval of a proposed livestock facility, or create a cause of action by a property owner against the Town of Clayton.

(6) **General notice**. Consistent with division 2 of article 6, the zoning administrator shall provide for meeting agenda notice in addition to the special notice sent to the adjoining property owners in the previous step.

(7) **Public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with division 3 of article 6.

(8) **Plan Commission recommendation.** The Plan Commission shall make a written recommendation to the Town Board of Supervisors to (1) approve the application, (2) approve the application with conditions, or (3) deny the application based on the decision criteria contained in this division. approve or deny the proposed conditional use.

(9) **Town Board of Supervisors action.** After reviewing the Plan Commission's recommendation, the Town Board of Supervisors shall (1) approve the application, (2) approve the application with conditions, or (3) deny the application based on the decision criteria contained in this division. The Town Board of Supervisors may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 90 days after the zoning administrator determines the application is complete unless the applicant agrees to an extension of a specified duration. The Town Board of Supervisors may, with or without the consent of the applicant, extend the review period with good cause, including a determination that (1) it needs more time to obtain additional information needed to act on the application, (2) the applicant materially modified the application following a determination of completeness, or (3) the applicant requested an extension. If the review period is extended, the zoning administrator shall provide the applicant with a written notice of such decision that contains a date by which the Town Board of Supervisors will act on the application.

(10) **Preparation of decision notice**. Based on the action of the Town Board of Supervisors, the zoning administrator shall within 15 days of such decision prepare a decision notice consistent with this division and give a copy to the applicant.

(11) **Recordation of approval**. If the application is approved, the applicant may record such decision in the office of the register of deeds.

(12) **DATCP notification of decision**. The zoning administrator shall send a copy of the decision notice, within 30 days of such decision, to the Wisconsin Department of Agriculture, Trade and Consumer Protection by mail or fax as follows:

Mail: Wisconsin Department of Agriculture, Trade and Consumer Protection
Agricultural Resource Management Division
Bureau of Land and Water Resources
PO Box 8911
Madison, WI 53708−8911
Fax: (608) 224−4615

Failure to comply with this notice requirement shall not invalidate such decision.

(13) **Compilation of public record**. The zoning administrator shall compile all of the materials specified in s. 9.07-73.23.

9.07-74 Basis of decision

The Town Board of Supervisors in making its decision shall consider whether the application complies with the standards in s. 9.08-233 and other provisions of this chapter as may be applicable.

9.07-75 Imposition of conditions

The Town Board of Supervisors may impose one or more conditions of approval provided they are limited to those actions required to comply with the standards related to livestock operations.

9.07-76 Application form and content

The application submittal shall include the application shown in Appendix A of ch. ATCP 51, Wis. Admin. Code, along with any related worksheets, maps, or other material.

9.07-77 Staff report content

The staff report shall contain the following:

(1) preliminary findings based upon the decision criteria listed in this division;

(2) a recommendation to approve the application, approve the application with conditions, or deny the application; and

(3) other information deemed necessary by the staff.

9.07-78 Content of decision notice

(c) **Approval**. If an application for a livestock operation is approved, the decision notice shall include the following:

(1) a statement that the application is approved;

(2) conditions of approval as described in this division, if any;

(3) written findings of fact supported by evidence in the record that the approval is warranted;[2]

(4) a statement that an aggrieved person may appeal the decision to the Board of Appeals or the Wisconsin Livestock Facility Siting Review Board and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(5) other information the Town Board of Supervisors or zoning administrator deems appropriate;

(6) the signature of the zoning administrator on behalf of the Town Board of Supervisors;

(7) the date of the decision; and

(8) a duplicate copy of the approved application, including all worksheets, maps, and other documents (other than engineering specifications) included in the application, marked "approved."

(d) **Denial**. If an application for a livestock operation is denied, the decision notice shall include the following:

(1) a statement that the application is denied,

(2) written findings of fact supported by evidence in the record that the denial is warranted;[3]

(3) findings based upon the decision criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Town Board of Supervisors or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Town Board of Supervisors, and

(8) the date of the decision.

9.07-79 Effect of approval

An approval granted under this division shall run with the land and be binding on all subsequent property owners.

(a) **Notification required for termination of approval**. If an approval is terminated under this section, the zoning administrator shall send a copy of the notice, within 30 days of such decision, to the Wisconsin Department of Agriculture, Trade and Consumer Protection by mail or fax as follows:

Mail: Wisconsin Department of Agriculture, Trade and Consumer Protection
Agricultural Resource Management Division
Bureau of Land and Water Resources
PO Box 8911
Madison, WI 53708−8911

[2] Commentary: Pursuant to s. ATCP 51.34(3)(a), Wis. Admin. Code, the findings may be based on presumptions created by ch. ATCP 51, Wis. Admin. Code.

[3] Commentary: Pursuant to s. ATCP 51.34(3)(a), Wis. Admin. Code, the findings may be based on presumptions created in ch. ATCP 51, Wis. Admin. Code.

Fax: (608) 224–4615

Failure to comply with this requirement shall not invalidate such decision.[4]

9.07-80 Expiration of approval

If the zoning administrator determines that the livestock operator has not begun to populate the approved livestock facility within 2 years of approval and the operator has not begun construction on every new or expanded livestock housing structure and every new or expanded waste storage structure proposed in the application within 2 years of approval, he or she shall initiate the process to terminate the approval pursuant to division 9 of this article.[5] Termination of an approval does not prevent a livestock operator from submitting a new application for review.[6] If an aggrieved person appeals an approval, the date of approval shall be the date the appeal is concluded if the court does not overturn the approval.

9.07-81 Amendment of an approval

(a) **Generally**. At anytime following approval of a livestock operation, the livestock operator may submit a written request to the zoning administrator proposing an amendment to the approval. So long as the proposed amendment complies with the required standards, the Plan Commission may allow the amendment without following the review procedures in this division.[7] If the Plan Commission approves the proposed amendment, such decision shall be documented in writing and contain the signature of the chairperson of the Plan Commission or the zoning administrator. Each approved amendment shall be sequentially identified (i.e., First Amendment, etc).

(b) **Recordation of approval**. If the amendment is approved, the livestock operator may record the decision document in the office of the register of deeds for Winnebago County.

9.07-82 Record of decision-making

The zoning administrator shall compile the following materials and retain them for at least 7 years after the date the Town Board of Supervisors makes a decision to approve or deny an application:

(1) The application and all subsequent additions or amendments to the application which were made by the applicant prior to the Town Board of Supervisor's final decision.

(2) A copy of the notice sent to the applicant stating that the application was deemed incomplete or complete.

(3) Copies of any other notices or correspondence that the zoning administrator, the Plan Commission and/or Town Board of Supervisors issued in relation to the application.

(4) A record of any public hearing related to the application. The record may be in the form of an electronic recording, a transcript prepared from an electronic recording, or a direct transcript prepared by a court reporter or stenographer. The record shall also include any documents or evidence submitted by hearing participants.

(5) Copies of any correspondence or evidentiary material that the Plan Commission and/or Town Board of Supervisors considered in relation to the application.

(6) Minutes of all Plan Commission and/or Town Board of Supervisors meetings when the application was considered.

(7) The written decision as required under this division.

[4] Commentary: See s. ATCP 51.34(5), Wis. Admin. Code

[5] Commentary: See s. ATCP 51.08(2), Wis. Admin. Code. So long as the livestock operator begins the establishment of the authorized use, the approval remains in effect even if the expansion occurs over a period of time chosen by the operator or if the operator does not expand to the full amount of livestock units as authorized by the approval.

[6] Commentary: See s. ATCP 51.08(3), Wis. Admin. Code

[7] Commentary: See s. ATCP 51.34(4)(b)(2), Wis. Admin. Code

(8) Other documents that the Plan Commission and/or Town Board of Supervisors prepared to document its decision or decision-making process.

(9) A copy of any local ordinance cited in the Town Board of Supervisors decision.[8]

9.07-83 Violation of a condition of approval

(a) **Generally**. If a property owner does not comply with the terms of the approval, such action shall be deemed a violation of this chapter and cause for termination of the approval consistent with division 7 of this article.

(b) **Considerations in pursuing enforcement**. The zoning administrator and the Town Board of Supervisors should exercise sound judgment in deciding whether to take compliance action under this section. The following factors should be considered: whether adverse weather conditions may have affected an operator's ability to comply, the nature and seriousness of the violation, whether the violation was intentional or accidental, the operator's compliance history, consistency of enforcement, and whether the problem can be resolved without formal enforcement. Before taking compliance action, a political subdivision should give the operator notice and a reasonable opportunity to demonstrate compliance. [9]

9.07-84 Appeal

(a) **Appeal to Board of Appeals**. Because the decision of the Town Board of Supervisors to approve or deny an application is considered an administrative matter, an aggrieved person, as defined in this section, may appeal the final decision of the Plan Commission to the Board of Appeals within 30 days of such decision.

(b) **Appeals to Livestock Facility Siting Review Board**. As provided under the Wisconsin Livestock Siting Law, an aggrieved person may appeal the decision of the Town Board of Supervisors to approve or deny an application to the Wisconsin Livestock Facility Siting Review Board within 30 days of such decision. An aggrieved person may appeal the decision of the Board of Appeals to the Wisconsin Livestock Facility Siting Review Board within 30 days of such decision.[10]

(c) **Definition of aggrieved person**. For the purpose of this division, an “aggrieved person” includes the applicant and any person who resides or owns land within 2 miles of the proposed livestock facility.

9.07-85 to 9.07-90 Reserved

[8] Commentary: See s. ATCP 51.36, Wis. Admin. Code

[9] Commentary: See s. ATCP 51.34(4), Wis. Admin. Code

[10] Commentary: The Wisconsin Livestock Facility Siting Review Board has the authority to overturn the decision of the Town Board of Supervisors and the Board of Appeals. The Town, however, has the right to appeal such decision to a court of competent jurisdiction within the time period specified by state law.

DIVISION 6
DETERMINATION OF UNSAFE CONDITIONS

Sections

9.07-91	Generally	9.07-96	Content of decision notice
9.07-92	Initiation	9.07-97	Compliance with requirements of zoning district
9.07-93	Application and review procedure		
9.07-94	Basis of decision	9.07-98	Appeal
9.07-95	Staff report content	9.07-99	Other remedies

9.07-91 Generally

There may be instances where a land use has become unsafe through neglect or lack of maintenance and has become a threat to the public health, safety, or welfare. This division describes the requirements and procedures for terminating an unsafe situation.

9.07-92 Initiation

Any of the following may submit an application for a determination of unsafe conditions:

(1) the zoning administrator;

(2) the corporation counsel for the Town of Clayton;

(3) the Plan Commission, or any member thereof; or

(4) the Town Board of Supervisors, or any member thereof.

9.07-93 Application and review procedure

The general steps outlined below shall be used in the review of an application to terminate an unsafe land use authorized under this chapter.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator.

(2) **Staff review**. Within 10 days of submittal, the zoning administrator shall either schedule a date for the public hearing allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Special notice to property owner**. The zoning administrator shall mail a written notice to the property owner by certified mail at least 30 days prior to the date of the public hearing. Such notice shall state the reason for the public hearing; the reasons why the applicant believes the conditions are unsafe; the date and time of the public hearing; contact information for the zoning administrator, including telephone number; and other information deemed appropriate by the zoning administrator.

(4) **General public notice**. Consistent with division 2 of article 6, the zoning administrator shall provide for a class 2 public notice, property owner notice, and meeting agenda notice.

(5) **Public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with division 3 of article 6.

(6) **Plan Commission recommendation.** The Plan Commission shall make a written recommendation to the Town Board of Supervisors to approve or deny the application.

(7) **Town Board of Supervisors action.** After reviewing the Plan Commission's recommendation, the Town Board of Supervisors shall make a decision based on the decision criteria contained in this division to approve or deny the application.

(8) **Notification of decision**. Within a reasonable time following the Town Board of Supervisor's decision, the zoning administrator shall mail the decision notice to the applicant by regular mail.

(9) **Public record copy**. A duplicate copy of the decision notice shall be retained as a public record.

(10) **Administrative steps**. If the application is approved, the zoning administrator shall within 60 days of such decision update any Town records to indicate that the use as specified in the application has been terminated because of unsafe conditions.

9.07-94 Basis of decision

The Plan Commission in making its recommendation and the Town Board of Supervisors in making its decision shall consider the following factors:

(1) the type and nature of unsafe conditions;

(2) potential remedies to correct unsafe conditions; and

(3) any other factor that relates to the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply.

9.07-95 Staff report content

The staff report shall contain the following information:

(1) the type and nature of the unsafe conditions;

(2) potential remedies to correct the unsafe conditions; and

(3) other information deemed necessary by the staff.

9.07-96 Content of decision notice

If a permit or other approval is revoked or suspended, the decision notice shall include the following:

(1) a statement that the permit or other approval is revoked or suspended,

(2) reasons for the revocation or suspension,

(3) conditions that must be satisfied to reinstate the approval if the permit or other approval is suspended,

(4) requirements for the removal of the feature that is determined to be unsafe,

(5) a statement that the decision may be appealed as provided for in this division,

(6) the signature of the zoning administrator on behalf of the Town Board of Supervisors,

(7) other information the Town Board of Supervisors or zoning administrator deems appropriate, and

(8) the date of the decision.

9.07-97 Compliance with requirements of zoning district

If the Town Board of Supervisors revokes a permit or other approval under this division, the property owner shall remove the feature determined to be unsafe. The Town Board of Supervisors shall establish a timeframe it determines appropriate to comply with this requirement. In making such determination, the Town Board of Supervisors should consider the type of actions the property owner will need to take to remove the feature, and weather conditions. In no event, shall the compliance period be less than 30 days or more than 9 months.

9.07-98 Appeal

The person having a development interest in the original development order may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

9.07-99 Other remedies

In addition to the revocation or modification of the development order, the Town Board of Supervisors may seek other remedies allowed by law.

9.07-100 to 9.07-110 Reserved

DIVISION 7
TERMINATION OF APPROVAL

Sections

9.07-111	Generally	9.07-116	Content of decision notice
9.07-112	Initiation	9.07-117	Compliance with requirements of zoning district
9.07-113	Application and review procedure		
9.07-114	Basis of decision	9.07-118	Appeal
9.07-115	Application form and content		

9.07-111 Generally

There are certain situations when the approval for a land use may be terminated. These are as follows:

(1) when the property owner desires to terminate a previously issued conditional use approval for his or her property,

(2) when the zoning administrator determines that the land use authorized by a conditional use approval has ceased to operate for more than 12 months,

(3) when the zoning administrator determines the property owner is in violation of one or more conditions of approval for a conditional use, and

(4) when the zoning administrator determines that a land use must be removed as specified in division 8, 9, or 10 of article 8 because the use has ceased to operate for the time period specified for such use (e.g., the use or structure has become obsolete as in the potential case of a telecommunication tower).

This division describes the requirements and procedures for terminating an approved use.

9.07-112 Initiation

(a) **Termination of a conditional use approval by property owner**. The property owner, and no other, is authorized to submit an application to terminate a conditional use approval for his or her property, except as authorized in this section.

(b) **Termination of a conditional use approval due to cessation.** The zoning administrator, and no other, is authorized to submit an application to terminate a conditional use approval when he or she determines the land use authorized by such approval has ceased to operate for more than 12 months.

(c) **Termination of a conditional use approval due to violation**. The zoning administrator, and no other, is authorized to submit an application to terminate a conditional use approval when he or she determines that the property owner has violated one or more conditions of approval and action has not been taken to correct the violation.

(d) **Termination of a specified land use due to cessation**. The zoning administrator, and no other, is authorized to submit an application to terminate an approved land use when he or she determines that such use is no longer in use for the time period specified for such use as specified in division 8, 9, or 10 of article 8.

9.07-113 Application and review procedure

The general steps outlined below shall be used in the review of an application to terminate the approval of a land use authorized under this chapter.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Town Board of Supervisors.

(2) **Staff review**. Within 10 days of submittal, the zoning administrator shall either schedule a date for the public hearing allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months after the date of such determination to resubmit the application or forfeit the application fee.

The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Special notice to property owner**. If the zoning administrator is the applicant, he or she shall mail a written notice to the property owner by certified mail at least 30 days prior to the date of the public hearing. Such notice shall state the reasons why the zoning administrator has submitted an application to terminate the specified use; the date and time of the public hearing; contact information for the zoning administrator, including telephone number; and other information deemed appropriate by the zoning administrator. If the action is intended to terminate a conditional use for a violation, the notice shall state the alleged violation along with supporting evidence. If the action is intended to terminate an inactive land use, the notice shall state the time period when the land use was not in use along with supporting evidence.

(4) **General public notice**. Consistent with division 2 of article 6, the zoning administrator shall provide for a class 2 public notice, property owner notice, and meeting agenda notice.

(5) **Public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with division 3 of article 6.

(6) **Plan Commission recommendation.** The Plan Commission shall make a written recommendation to the Town Board of Supervisors to approve or deny the application.

(7) **Town Board of Supervisors action.** After reviewing the Plan Commission's recommendation, the Town Board of Supervisors shall make a decision based on the decision criteria contained in this division to approve or deny the application.

(8) **Notification of decision**. Within a reasonable time following the Town Board of Supervisor's decision, the zoning administrator shall mail the decision notice to the applicant by regular mail.

(9) **Public record copy**. A duplicate copy of the decision notice shall be retained as a public record.

(10) **Administrative steps**. If the application is approved, the zoning administrator shall update any town records to indicate that the use as specified in the application has been terminated.

9.07-114 Basis of decision

The Plan Commission in making its recommendation and the Town Board of Supervisors in making its decision shall consider the following factors:

(1) the nature of those buildings or other structures, if any, on the subject property that relate to the use and the extent to which they are or are not otherwise permitted in the district in which the subject property is located;

(2) effects of the existing use on surrounding properties, including detriment to the full and complete use of such properties and potential for concerns related to possible nuisances;

(3) effects of the existing use on the normal and orderly development and improvement of the surrounding property for those uses permitted in the zoning district in which they are located; and

(4) any other factor that relates to the purposes of this chapter as set forth in s. 23.1-5 and other sections as may apply.

9.07-115 Application form and content

The application submittal shall include an application form as may be used by the Town. The application form shall request the following information:

(1) the subject property location;

(2) a description of the original approval, including conditions of approval, if any;

(3) verification that the property owner is voluntarily seeking termination of a conditional use approval or evidence supporting the assertion that the use may be involuntarily terminated consistent with this division;

(4) a description of those buildings or other structures, if any, on the subject property that relate to the use and the extent to which they are or are not otherwise permitted in the district in which the subject property is located; and

(5) other information deemed necessary.

9.07-116 Content of decision notice

(a) **Approval**. If an application to terminate an approval is approved, the decision notice shall include the following:

(1) a statement that the specified use is terminated,

(2) a description of the land use being terminated,

(3) findings based upon the decision criteria listed in this division,

(4) requirements for the removal of any building or other structure, if any, on the subject property that are related to the terminated use and that are not otherwise permitted in the zoning district in which the subject property is located,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Town Board of Supervisors or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Town Board of Supervisors, and

(8) the date of the decision.

(b) **Denial**. If an application to terminate an approval is denied, the decision notice shall include the following:

(1) a statement that the specified use continues to be an approved use,

(2) a description of the land use,

(3) findings based upon the decision criteria listed in this division,

(4) a statement that the decision may be appealed as provided for in this division,

(5) other information the Town Board of Supervisors or zoning administrator deems appropriate,

(6) the signature of the zoning administrator on behalf of the Town Board of Supervisors, and

(7) the date of the decision.

9.07-117 Compliance with requirements of zoning district

If the Town Board of Supervisors terminates an approval under this division, the property owner shall bring the subject property into conformity with the permitted use regulations of the zoning district in which the property is located. The Town Board of Supervisors shall establish a timeframe it determines appropriate to bring the property into compliance. In making such determination, the Town Board of Supervisors should consider the type of actions the property owner will need to take to bring the property into compliance, and weather conditions. In no event, shall the compliance period be less than 30 days or more than 9 months.

9.07-118 Appeal

The property owner or other person having a development interest in the terminated use may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

9.07-119 to 9.07-130 Reserved

DIVISION 8
RESERVED

DIVISION 9
VARIANCE

Sections

9.07-131	Generally	9.07-138	Staff report content
9.07-132	Initiation	9.07-139	Content of decision notice
9.07-133	Application and review procedure	9.07-140	Effect of approval
9.07-134	Basis of decision	9.07-141	Revocation or modification of an approval
9.07-135	Limitations on issuing a variance	9.07-142	Effect of denial
9.07-136	Imposition of conditions	9.07-143	Expiration of approval
9.07-137	Application form and content	9.07-144	Appeal

9.07-131 Generally

Recognizing that there may be situations where the enforcement of a zoning regulation could cause unnecessary hardship to individual landowners, the state legislature established a mechanism to allow a county to issue a variance in those instances where a minor deviation would be appropriate to alleviate such hardship without circumventing or undermining the intent of the Town's zoning regulations. This division describes the requirements and procedures for reviewing variance applications.

9.07-132 Initiation

The owner of the subject property may submit an application for a variance.

9.07-133 Application and review procedure

The general steps outlined below shall be used in the review of a variance application.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Town Board of Supervisors.

(2) **Staff review**. Within 30 days of submittal, the zoning administrator shall either schedule a date for the public hearing with the Zoning Board of Appeals allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months after the date of such determination to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **General notice.** Consistent with division 2 of article 6, the zoning administrator shall provide for class 2 public notice, an on-site sign, property owner notification, agency notification, and meeting agenda notice.

(4) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy to each member of the Zoning Board of Appeals and the applicant. The zoning administrator shall also provide a copy to interested people upon request.

(5) **Public hearing**. Allowing for proper notice, the Zoning Board of Appeals shall hold a public hearing consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant or the Zoning Board of Appeals may request a continuance consistent with division 3 of article 6.

(6) **Decision**. After the public hearing has been closed, the Zoning Board of Appeals, after considering the comments received at the public hearing and the staff report, shall make a decision based on the decision criteria contained in this division to (1) approve the variance, (2) approve the variance with conditions, or (3) deny the variance. The Zoning Board of Appeals may render its decision at the same meeting the public hearing is conducted or at a subsequent meeting, but no later than 40 days after the public hearing.

(7) **Preparation of decision notice**. Based on the action of the Zoning Board of Appeals, the zoning administrator shall within 15 days of such decision prepare a decision notice consistent with this division.

(8) **Applicant notification**. Within a reasonable time following the Zoning Board of Appeals' decision, the zoning administrator shall mail the decision notice to the applicant by regular mail.

(9) **Acceptance by property owner required**. If the Zoning Board of Appeals grants the variance with one or more condition of approval, the property owner shall sign the decision notice to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator. Failure to sign and return the decision notice within 45 days of the Zoning Board of Appeals' decision shall void the approval. The decision notice shall become effective upon the property owner's signature.

(10) **Public record copy**. A duplicate copy of the decision notice shall be retained as a public record.

(11) **Additional procedural steps**. If the Zoning Board of Appeals grants the variance, the applicant shall then follow other review procedures as may be required.

9.07-134 Basis of decision

When making its decision, the Zoning Board of Appeals shall consider each of the following standards:

(1) The requirement in question would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with such requirement unnecessarily burdensome and such circumstances were not self-created.

(2) The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.

(3) The granting of the variance will not be contrary to or harm the public interest given the general purposes of the zoning regulations and the specific purposes of the requirement in question.

The Zoning Board of Appeals shall grant a variance only if the Board can make an affirmative finding for all of the criteria listed in this section.

9.07-135 Limitations on issuing a variance

(a) **Dimensional variance**. The following actions shall not be allowed by a dimensional variance:

(1) expansion of a nonconforming use (e.g., expansion of area, increase in operational characteristics, etc.), or

(2) modification to lot size density requirements so as to increase the permitted density or intensity of use.

(b) **Use variance**. The Zoning Board of Appeals may not issue a use variance.

9.07-136 Imposition of conditions

In approving a variance, the Zoning Board of Appeals may impose such conditions and restriction as may be necessary to grant approval.

9.07-137 Application form and content

The application submittal shall include an application form as may be used by the county and a project map prepared at an appropriate scale depicting the information listed in appendix A.

9.07-138 Staff report content

The staff report shall contain the following:

(1) preliminary findings based upon the decision criteria listed in this division;

(2) a recommendation to approve the application, approve the application with conditions, or deny the application;

(3) a preliminary list of conditions regardless of whether the staff recommendation is for approval or denial; and

(4) other information deemed necessary by the staff.

9.07-139 Content of decision notice

(a) **Approval**. If an application for a variance is approved, the decision notice shall include the following:

(1) a statement that the variance is approved;

(2) a description of the variance;

(3) findings based upon the decision criteria listed in this division;

(4) conditions of approval, if any;

(5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision notice and return it to the zoning administrator within 45 days of such decision to acknowledge acceptance of the same;

(6) a statement that the approval will automatically expire 12 months after the date of approval unless substantial work as authorized by the approval has commenced and continues in good faith to completion and that the Zoning Board of Appeals may with cause grant a one-time extension not to exceed 6 months;

(7) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(8) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(9) other information the Zoning Board of Appeals or zoning administrator deems appropriate;

(10) the signature of the Zoning Board of Appeals chairperson; and

(11) the date of the decision.

(b) **Denial**. If an application for a variance is denied, the decision shall include the following:

(1) a statement that the variance request is denied,

(2) a description of the proposed variance,

(3) findings based upon the decision criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration provided there is a substantial change in the circumstances relating to the application,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Zoning Board of Appeals or zoning administrator deems appropriate,

(7) the signature of the Zoning Board of Appeals chairperson, and

(8) the date of the decision.

9.07-140 Effect of approval

An approved variance merely sets aside the rule or regulation from which relief is sought. All other rules and regulations not part of the variance decision must be followed. The variance runs with the land.

9.07-141 Effect of denial

If the Zoning Board of Appeals denies a variance application, the board may not rehear the same, or essentially the same, application unless there has been substantial change in the circumstances relating to the application.

9.07-142 Expiration of approval

If the zoning administrator determines that substantial work as authorized by a variance did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to division 9 of this article. Upon written petition and with cause, the Zoning Board of Appeals may grant a one-time extension not to exceed 6 months.

9.07-143 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

9.07-144 to 9.07-150 Reserved

DIVISION 10
ADMINISTRATIVE APPEAL

Sections

9.07-151	Generally	9.07-154	Basis of decision
9.07-152	Initiation	9.07-155	Effect of appeal
9.07-153	Application and review procedure	9.07-156	Appeal

9.07-151 Generally

Recognizing that there may be situations where a property owner or another party believes that the zoning administrator made an error in administering a zoning code, the state legislature established a mechanism to allow a review of the alleged error by the Zoning Board of Appeals. This division describes the requirements and procedures for reviewing an alleged administrative error.

9.07-152 Initiation

Any person aggrieved by a final decision of the zoning administrator may file an appeal with the Zoning Board of Appeals consistent with this division.

9.07-153 Application and review procedure

The general steps outlined below shall be used in the review of an administrative appeal.

(1) **Submittal of appeal**. The applicant shall submit a written appeal to the Town Clerk within 30 days of the date of the administrative decision being appealed, except that an appeal of an interpretation issued under the authority of this chapter may be appealed at any time without limitation.

(2) **Notification of appeal**. The Town Clerk shall provide a duplicate copy of the appeal to the Zoning Board of Appeals and the zoning administrator.

(3) **Compilation and submittal of record**. The zoning administrator shall compile a complete and accurate record relating to the action being appealed and transmit it to the Zoning Board of Appeals in a timely manner, but no more than 60 days from the date a written appeal is submitted to the Town Clerk.

(4) **Special notice**. The chairperson of the Zoning Board of Appeals shall give notice for the public hearing to the parties in interest, including the applicant and the zoning administrator.

(5) **General notice.** The chairperson of the Zoning Board of Appeals shall provide a class 2 public notice and meeting agenda notice consistent with division 2 of article 6.

(6) **Public hearing**. Allowing for proper notice, but no more than 45 days from the date of submittal of the record by zoning administrator, the Zoning Board of Appeals shall conduct a public hearing consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant or the Zoning Board of Appeals may request a continuance consistent with division 3 of article 6.

(7) **Decision**. After the public hearing has been closed, the Zoning Board of Appeals shall make a decision to (1) affirm the zoning administrator's decision, (2) set aside the decision, or (3) modify the decision. The board may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(8) **Notification of decision**. Within a reasonable time following the Zoning Board of Appeals' decision, the zoning administrator shall mail the decision notice to the applicant by regular mail.

(9) **Public record copy**. A duplicate copy of the decision notice shall be retained as a public record.

9.07-154 Basis of decision

(a) **Generally**. The Zoning Board of Appeals shall determine if the zoning administrator made an error in judgment as applied to the instance being appealed.

(b) **Historic property**. In an action involving a historic property, as defined in s. 44.31(3), Wis. Stats., the Zoning Board of Appeals shall consider any suggested alternatives or recommendations submitted by the landmarks commission, if one has been established, or the Plan Commission.

9.07-155 Effect of appeal

An appeal shall stay all legal proceedings in furtherance of the action from which the appeal is made, unless the zoning administrator certifies in writing to the Zoning Board of Appeals that a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application, with notice to the zoning administrator from whom appeal is made.

9.07-156 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

9.07-157 to 9.07-160 Reserved

DIVISION 11
ZONING PERMIT

Sections

9.07-161	Permit required	9.07-165	Posting of permit
9.07-162	Initiation	9.07-166	Expiration of approval
9.07-163	Application and review procedure	9.07-167	Appeal
9.07-164	Basis of decision		

9.07-161 Permit required

(a) **New development**. No land use listed in the land use matrix under s. 9.08-21 may be established or expanded without a zoning permit, except those that are specifically exempted in that section.

(b) **Change in use**. No existing non-residential building or structure may be occupied by a different use without a zoning permit.

9.07-162 Initiation

The owner of the subject property may submit an application for a zoning permit.

9.07-163 Application and review procedure

The general steps outlined below shall be used in the review of an application for a zoning permit.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Town Board of Supervisors.

(2) **Staff review**. Within 10 days of submittal, the zoning administrator shall either determine that the application is incomplete and notify the applicant, in writing, of any deficiencies or make a decision based on the decision criteria contained in this division to (1) approve the application, (2) approve the application with conditions, or (3) deny the application. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Applicant notification**. Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator shall mail the decision notice to the applicant by regular mail.

(4) **Public record copy**. A duplicate copy of the decision notice shall be retained as a public record.

9.07-164 Basis of decision

In determining whether to issue a zoning permit or deny the permit, the zoning administrator shall determine whether the proposed use is consistent with this chapter and other parts of the general code of the Town of Clayton.

9.07-165 Posting of permit

If a zoning permit authorizes construction of any character, such permit shall be posted continuously at the construction site during the period of construction. The permit shall be posted in a conspicuous manner, unobstructed from public view, and not more than 10 feet above the grade.

9.07-166 Expiration of approval

(a) **New development**. For new development, a zoning permit shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months provided (1) the permit holder requests the extension prior to the expiration of the permit, (2) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.

(b) **Change in use**. For a change in use, the zoning permit shall automatically expire 6 months after the date of issuance if the applicant does not move into the vacant space.

9.07-167 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Board of Adjustment within 30 days of the final decision.

9.07-168 to 93.07-170 Reserved

DIVISION 12
RESERVED

DIVISION 13
SITE PLAN

Sections

9.07-171	Generally	9.07-179	Effect of approval
9.07-172	Additional local regulations	9.07-180	Revocation or modification of an approval
9.07-173	Initiation	9.07-181	Expiration of approval
9.07-174	Application form and content	9.07-182	Amendment of an approved site plan
9.07-175	Application and review procedure	9.07-183	Appeal
9.07-176	Basis of decision		
9.07-177	Imposition of conditions		
9.07-178	Content of decision notice		

9.07-171 Generally

Because certain land uses have the potential to negatively affect properties in the area they must be reviewed with regard to the layout of such use, design of buildings, and operational characteristics of such use. This division describes the procedural requirements and applicable requirements.

9.07-172 Initiation

The owner of the subject property may submit a site plan application.

9.07-173 Application form and content

The application submittal shall include a completed application form as used by the Town and a site plan prepared at a scale of 1” = 20’ or other appropriate scale depicting the information listed in appendix A.

9.07-174 Application and review procedure

(a) **Initial review**. The general steps outlined below shall be used in the review of a site plan application.

(1) **Concept plan and pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to present a concept plan and to review applicable regulations and procedures and the proposal.

(2) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Town Board of Supervisors.

(3) **Staff review**. Within 10 days of submittal, the zoning administrator shall determine whether the application is complete or incomplete. If incomplete, the zoning administrator shall notify the applicant, in writing, of any deficiencies. The applicant has 30 days after the date of the notification that the application was incomplete to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(4) **Preparation of staff report**. The zoning administrator shall, after receiving a completed application, prepare a staff report consistent with this division.

(b) **Review by Plan Commission**. The general steps outlined below shall be used in the review of a site plan application by the Plan Commission.

(1) **Submittal of application materials**. The zoning administrator shall forward the application and other required materials the applicant initially submitted to the Plan Commission along with his or her staff report.

(2) **General notice.** Consistent with division 2 of article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(3) **Meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(4) **Recommendation**. The Plan Commission shall recommend to the Town Board of Supervisors that (1) the application be approved, (2) the application be approved with conditions, or (3) the application be denied. The Plan Commission may make its recommendation at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(c) **Review by the Town Board of Supervisors**. The general steps outlined below shall be used in the review of a site plan application by the Town Board of Supervisors.

(1) **Submittal of the Plan Commission's recommendation**. The recommendation of the Plan Commission shall be submitted to the Town Board of Supervisors. The submittal shall include the application and other required materials the applicant initially submitted to the Plan Commission along with the staff report.

(2) **General notice.** Consistent with division 2 of article 6, the zoning administrator shall place the matter on the meeting agenda of the Town Board of Supervisors.

(3) **Meeting**. Allowing for proper notice, the Town Board of Supervisors shall consider the application at a regular or special meeting.

(4) **Decision**. The Town Board of Supervisors shall (1) approve the application, (2) approve the application with conditions, or (3) deny the application. The Town Board of Supervisors may make its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(5) **Preparation of decision notice and applicant notification**. Based on the action of the Town Board of Supervisors, the zoning administrator shall within 5 days of such decision prepare a decision notice consistent with this division and shall mail the decision notice to the applicant by regular mail.

(6) **Public record copy**. A duplicate copy of the decision notice shall be retained as a public record.

9.07-175 Basis of decision

The zoning administrator in writing his/her staff report; Plan Commission in making a recommendation; and the Town Board of Supervisors in making a decision shall consider the following factors:

(1) effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;

(2) effects of the project on the natural environment;

(3) effects of the project on surrounding properties, including operational considerations relating to hours or operation and creation of potential nuisances;

(4) compliance with the site design principles and architectural standards enumerated in division 8 of article 8;

(5) compliance with other applicable requirements contained in this chapter; and

(6) any other factor that relates to the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply.

9.07-176 Imposition of conditions

One or more conditions of approval may be imposed as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, morals, comfort, or general welfare.

9.07-177 Content of decision notice

(a) **Approval**. If an application for a site plan is approved, the decision notice shall include the following:

(1) a statement that the application is approved;

(2) a description of the project, including acreage and proposed use characteristics;

(3) findings based upon the decision criteria listed in this division;

(4) conditions of approval, if any;

(5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision notice and return it to the zoning administrator within 45 days of such decision to acknowledge acceptance of the same;

(6) a statement that the approval will automatically expire 12 months after the date of approval unless substantial work as authorized by the approval has commenced and continues in good faith to completion and that the zoning administrator may with cause grant a one-time extension not to exceed 6 months;

(7) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(8) a statement that an aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction, and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(9) other information the Town deems appropriate;

(10) the signatures of the Town Chairman and the zoning administrator; and

(11) the date of the decision.

(b) **Denial**. If an application for a site plan is denied, the decision notice shall include the following:

(1) a statement that the application is denied;

(2) a description of the project, including acreage and proposed use characteristics;

(3) findings based upon the decision criteria listed in this division;

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration;

(5) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(6) other information the Town deems appropriate;

(7) the signatures of the Town Chairman and the zoning administrator; and

(8) the date of the decision.

9.07-178 Effect of approval

If the Town Board of Supervisors approves the site plan, the approval shall run with the land and be binding on all subsequent property owners.

9.07-179 Expiration of approval

The approval of a site plan shall automatically expire 12 months after the date of issuance unless substantial work as authorized by the approval has commenced and continues in good faith to completion. For purposes of this division, "substantial work" shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing of financial arrangements, issuance of building permits, letting of contracts, grading of property or stockpiling of material on the site shall not constitute substantial work. Upon written petition and with cause, the Plan Commission may recommend to the Town Board of Supervisors, and the Town Board of Supervisors may grant a one-time extension not to exceed 6 months.

9.07-180 Maintenance

Provisions of this ordinance and other ordinances referenced herein become the continued responsibility of the landowner, who is responsible for the maintenance, repair, and replacement of the site, building, and/or operational plan.

9.07-181 Final approved site, building and operational plan

Upon approval one paper copy, one electronic copy, and supporting documents of an approved site, building and/or operational plan shall be submitted to the Town.

9.07-182 Site plan agreement

As a condition of approval, the landowner shall enter into a site, building, and/or operational plan improvement agreement with the Town, containing the following provisions:

(1) identifying the approved site, building, and/or operational plan including the as-built submittal.

(2) identifying the estimated cost of required site improvements for parking, access, landscaping, and other required improvements.

(3) providing the completion date

(4) providing for a financial guarantee in the form of a cash escrow deposit with the Town, or a letter of credit for the benefit of the Town and in the name of the Town in an amount not to exceed the estimated costs of the required improvements, for a term commensurate with te completion date plus three additional months, for the purpose of ensuring that required improvements will be timely completed.

9.07-183 As built review fee

The as built review fee shall be paid to the Town Clerk before the commencement of construction. The fee is to cover the cost of the Town engineer to survey the site for the production of a record drawing (as built) to be supplied to the Town for final approval. The record drawing will include vegetation types, and pictures will be supplied to illustrate the architectural features. The fee will also cover other Town designated staff for their inspection or visitation to the site to ensure the requirements of this ordinance are being met during and for the completion of the building project. The Town Engineer will supply final as built documentation to the Town in the form of one paper copy, one electronic copy, and supportive documentation of the constructed site plans.

9.07-184 Amendment of an approved site plan

Following approval of a building, site, and/or operation plan, the zoning administrator shall review all proposed changes to the approval. If in the opinion of the zoning administrator, the proposed change constitutes a minor alteration, he or she may approve the requested change in writing without following the application and review procedure in this division. If the proposed change constitutes a major alteration, the application and review procedure shall be followed.

9.07-185 Appeal

An aggrieved person may appeal the final decision of the Town Board of Supervisors to a court of competent jurisdiction within 30 days of such decision.

9.07-186 to 9.07-190 Reserved

DIVISION 14
RURAL ACCESSORY BUILDING DETERMINATION

Sections

9.07-191	Generally	9.07-196	Application form and content
9.07-192	Initiation	9.07-197	Content of decision notice
9.07-193	Application and review procedure	9.07-198	Effect of approval
9.07-194	Basis of decision	9.07-199	Revocation or modification of an approval
9.07-195	Imposition of conditions	9.07-200	Appeal

9.07-191 Generally

As more fully described in this division, the zoning administrator is authorized to designate certain qualifying accessory buildings as a "rural accessory building" in those zoning districts listed in Exhibit 8-1. If a building is so designated, it is not counted towards the allowable number of accessory buildings permitted on a lot or towards the allowable building square footage permitted on a lot. This division describes the procedures and requirements for a rural accessory building determination.

9.07-192 Initiation

The owner of the subject property may submit an application for a rural accessory building determination.

9.07-193 Application and review procedure

(a) **Initial application**. The general steps outlined below shall be used in the review of a rural accessory building determination application.

(1) **Pre-submittal meeting**. Before submitting an application for formal consideration, the applicant or the applicant's agent may meet with the zoning administrator to review applicable regulations and procedures and the proposal.

(2) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Town Board of Supervisors.

(3) **Staff review**. Within 10 days of submittal, the zoning administrator shall either determine that the application is incomplete and notify the applicant, in writing, of any deficiencies or make a decision based on the decision criteria contained in this division to (1) approve the application, (2) approve the application with conditions, or (3) deny the application. If the application is deemed incomplete, the applicant has 30 days after the date of such determination to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(4) **Applicant notification**. Within a reasonable time following his or her decision, the zoning administrator shall mail the decision notice to the applicant by regular mail.

(5) **Acceptance by property owner required**. If an approval includes one or more condition of approval, the property owner shall sign the decision notice to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator. Failure to sign and return the decision notice within 45 days of the Plan Commission's decision shall void the approval. The decision notice shall become effective upon the property owner's signature.

(6) **Public record copy**. A duplicate copy of the decision notice shall be retained as a public record.

(b) **Review by Plan Commission upon appeal**. If a final decision of the zoning administrator is appealed as provided for in this division, the general steps outlined below shall be used in the review of a rural accessory building determination application.

(1) **Submittal of application materials**. The zoning administrator shall forward the application the applicant initially submitted to the Plan Commission along with his or her decision notice.

(2) **General notice.** Consistent with division 2 of article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(3) **Meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(4) **Decision**. The Plan Commission shall (1) approve the application, (2) approve the application with conditions, or (3) deny the application. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(5) **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator shall mail the decision notice to the applicant by regular mail.

(6) **Acceptance by property owner required**. If an approval includes one or more condition of approval, the property owner shall sign the decision notice to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator. Failure to sign and return the decision notice within 45 days of the Plan Commission's decision shall void the approval. The decision notice shall become effective upon the property owner's signature.

(7) **Public record copy**. A duplicate copy of the decision notice shall be retained as a public record.

9.07-194 Basis of decision

In making his or her decision, the zoning administrator, and the Plan Commission on appeal, shall initially determine whether the building meets at least one of the following criteria:

(1) The building is set apart from other buildings as being distinct, due to its construction technique, construction materials, age, local historic significance, or design.

(2) The building is characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practice.

(3) The building is associated with a person of historic significance or with important historical events.

(4) The building represents a notable work of a master builder, designer, or architect who influenced their age.

If the zoning administrator (Plan Commission) determines that the building meets one of the above criteria, he or she (the Plan Commission) shall then consider shall, at a minimum, the following factors in making his or her final decision:

(1) effects of the building on the natural environment,

(2) effects of the building on surrounding properties,

(3) the overall appearance of the building, and

(4) any other factor that relates to the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply.

Exhibit 7-1. An example of a rural accessory building

No building shall be designated a rural accessory building if it is not structurally sound to meet minimum safety requirements for the proposed use, as determined by the building inspector, provided that such determination shall not relieve the property owner of any responsibility or liability as to the building and shall not form a basis of liability against the building inspector or any other governmental official or entity.

9.07-195 Imposition of conditions

The zoning administrator may impose one or more conditions of approval as may be necessary to grant approval.

9.07-196 Application form and content

The application submittal shall include an application form as may be used by the county and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in appendix A.

9.07-197 Content of decision notice

(a) **Approval**. If an application for a rural accessory building determination is approved, the decision notice shall include the following:

(1) a statement that the application is approved;

(2) a description of the building or buildings;

(3) findings based upon the decision criteria listed in this division;

(4) conditions of approval, if any;

(5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision notice and return it to the zoning administrator within 45 days of such decision to acknowledge acceptance of the same;

(6) a statement that the applicant may appeal the decision to the Plan Commission if issued by the zoning administrator and to a court of competent jurisdiction if issued by the Plan Commission upon appeal;

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision to the Plan Commission if issued by the zoning administrator and to a court of competent jurisdiction if issued by the Plan Commission upon appeal, and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(8) other information the zoning administrator deems appropriate;

(9) the signature of the zoning administrator; and

(10) the date of the decision.

(b) **Denial**. If an application for a rural accessory building determination is denied, the decision notice shall include the following:

(1) a statement that the application is denied,

(2) a description of the building or buildings,

(3) findings based upon the decision criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the applicant may appeal the decision to the Plan Commission if issued by the zoning administrator and to a court of competent jurisdiction if issued by the Plan Commission upon appeal,

(6) other information the zoning administrator deems appropriate,

(7) the signature of the zoning administrator, and

(8) the date of the decision.

9.07-198 Effect of approval

If the zoning administrator designates a building as a rural accessory building, such designation shall run with the land.

9.07-199 Appeal

An aggrieved person may appeal the decision of the zoning administrator that is made pursuant to this division by filing an appeal with the Plan Commission within 30 days of the final decision. Following the final decision of the Plan Commission, an aggrieved person may file an administrative appeal with the Board of Appeals within 30 days of such decision.

9.07-200 to 9.07-210 Reserved

DIVISION 15
CODE INTERPRETATION

Sections

9.07-211	Generally	9.07-217	Interpretation content
9.07-212	Initiation	9.07-218	Repeal or revision of an interpretation
9.07-213	Responsibility for interpretation	9.07-219	Effect of an interpretation
9.07-214	Limitations on interpretations	9.07-220	Compilation of interpretations
9.07-215	Application and review procedure	9.07-221	Appeal
9.07-216	Basis of decision		

9.07-211 Generally
From time to time, there may be instances where a person may have a question concerning a provision of this chapter or the application of a provision of this chapter. The zoning administrator may, at his or her discretion, choose to issue an oral or written interpretation. This division describes the procedures and requirements to issue a written interpretation.

9.07-212 Initiation
Any person, including the zoning administrator, may submit a question for interpretation.

9.07-213 Responsibility for interpretation
The zoning administrator shall be responsible for rendering a written interpretation.

9.07-214 Limitations on interpretations
The responsibility for interpretation shall not be construed as overriding the responsibilities specifically given to any commission, board, or official named in other parts of this chapter.

9.07-215 Application and review procedure
The general steps outlined below shall be used to render an interpretation.

(1) **Submittal of question**. The individual requesting the interpretation shall submit the question in writing to the zoning administrator and the application fee as may be established by the Town Board of Supervisors.

(2) **Decision**. In consultation with the Town's corporation counsel, the zoning administrator shall make a written decision within 30 business days of receiving the request.

(3) **Notification of decision**. Within a reasonable time following completion of his or her interpretation, the zoning administrator shall mail a duplicate copy of the interpretation by regular mail to the individual requesting the interpretation and provide a copy of the same to the Plan Commission, the corporation counsel for the Town of Clayton, and those Town employees involved in the administration of this chapter, as appropriate.

(4) **Public record copy**. A duplicate copy of the interpretation shall be retained as a public record.

9.07-216 Basis of decision
In consultation with the Town's corporation counsel and others as appropriate, the zoning administrator shall evaluate the section of this chapter in question and those which are related, consider the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply, and consider other applicable interpretations that have previously been made and make a decision consistent with this division giving this chapter its most reasonable application. If the zoning administrator cannot make a reasonable interpretation, he or she shall make such a determination.

9.07-217 Repeal or revision of an interpretation

The zoning administrator or the Plan Commission may rescind or modify an interpretation if such interpretation is deemed to be incorrect in whole or in part.

9.07-218 Interpretation content

An interpretation shall be in writing and contain the following:

(1) the name of the person posing the question,

(2) the section number of this chapter in question,

(3) the question or alleged ambiguity,

(4) the factors that were considered in making the interpretation,

(5) the interpretation,

(6) other information the zoning administrator deems appropriate,

(7) the signature of the zoning administrator, and

(8) the date of decision.

9.07-219 Effect of interpretation

An interpretation once rendered shall have full effect as if set forth in this chapter. Where appropriate, interpretations should be addressed through the amendment process. If the zoning administrator determines that he or she is not able to make a reasonable interpretation, such decision shall not affect the validity of any section of this chapter.

9.07-220 Compilation of interpretations

The zoning administrator shall keep a written record of all interpretations in effect and make them available for public inspection.

9.07-221 Appeal

An aggrieved person may, without time constraint, appeal an interpretation made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals as provided for in this article.

ARTICLE 8
LAND USE

Divisions

1. General provisions	8. Special site design principles and architectural standards
2. Zoning districts and zoning map	9. Special standards for principal land uses
3. Allowable land uses	10. Special standards for accessory land uses
4. Dimensional and related standards	11. Special standards for temporary land uses
5. General standards	
6. Reserved	
7. Reserved	

DIVISION 1
GENERAL PROVISIONS

Sections

9.08-01 Legislative findings	
9.08-02 Purpose	

9.08-01 Legislative findings

The Town Board of Supervisors makes the following legislative findings:

(1) The use of land in the town has a direct bearing on the public health, safety, and welfare.

(2) Standards are needed to ensure that new development is done in a coordinated manner.

(3) The provisions contained in this article are adopted consistent with state statutes.

(4) Each parcel of land in the town is intended to have a zoning designation.

(5) In some instances, state and federal law limit the Town's ability to regulate certain land uses.

9.08-02 Purpose

This article promotes the public health, safety, and welfare and is intended to:

(1) promote a sound development pattern by separating the town into various districts where each has uniformly applicable development standards;

(2) separate incompatible land uses to the greatest extent possible;

(3) encourage the most appropriate use of land throughout the town;

(4) regulate and restrict the erection, construction, reconstruction, alteration, repair, and use of buildings, structures, and land;

(5) provide for a variety of housing options;

(6) allow different, but compatible land uses (i.e., mixed uses) to occur in specified areas of the town;

(7) avoid, or, as a less preferred alternate, minimize congestion; and

(8) avoid, or, as a less preferred alternate, minimize environmental degradation; and

(9) preserve prime agricultural lands and stabilize the economic base of farming in the town as well as to allow for needed urban expansion.

9.08-3 to 9.08-10 Reserved

DIVISION 2
ZONING DISTRICTS AND ZONING MAP

Sections

9.08-11	Generally	9.08-15	Continued effect of this chapter on annexed land
9.08-12	Establishment and purpose of zoning districts	9.08-16	Zoning map
9.08-13	Necessity of zoning district designation		
9.08-14	Effect of boundary line relocation on zoning designation		

9.08-11 Generally

The town is divided into a number of base zoning districts so that each parcel of land is located in a district. For each of these districts, appropriate types of land uses are identified along with development standards when applicable. In addition to these zoning districts, Winnebago County has established overlay district to accomplish specific purposes not generally applicable to the entire base district. Where the requirements of a base district and overlay district conflict, the most restrictive applies. The zoning map depicts the location of the base districts used in this chapter along with some of the overlay districts as may be appropriate.

9.08-12 Establishment and purpose of zoning districts

(a) **Base zoning districts**. Recognizing that different areas of the town serve unique functions, the town is divided into a number of base zoning districts. Even though some of the districts may share similar characteristics, they possess one or more unique qualities that set them apart from the other districts. Although these districts may not now possess each of the attributes in these descriptions, it is intended that as land uses change over time they more closely reflect the intended uses. Uses are allowed in the various districts consistent with the development standards in this article and development limitations as described in s. 9.08-29. The base districts are as follows:

(1) **Agribusiness (A-1) district**. This district is intended to accommodate large-scale agricultural uses and related support services. It includes those areas of the town where productive agricultural lands predominate and can be used for the production of forest products, crops, and livestock, including large livestock operations. Because the primary intent of this district is agricultural production, incompatible urban uses are not permitted. It is designed to meet the requirements of a certified farmland preservation zoning ordinance under ch. 91, Wis. Stats.

(2) **General agriculture (A-2) district**. This district is intended to accommodate both large and small-scale farms and hobby farms. Although scattered residential lots are allowed, agriculture is the predominant land use. This district should be located in those areas suitable for agriculture, but not for large-scale agricultural operations, and adjacent to urbanizing areas.

(3) **Rural residential (R-1) district**. This district is intended to accommodate single-family residences on scattered lots to foster and maintain the rural character and lifestyle of the surrounding area. Lots are generally served by on-site wastewater treatment systems.

(4) **Suburban residential (R-2) district**. This district is intended to accommodate low- and medium-density residential lots in a duly recorded and legally maintained subdivision. This district provides a “suburban" arrangement of amenities, services, and facilities. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

(5) **Two-family residential (R-3) district**. This district is intended to accommodate two-family dwellings, twin homes, and single-family dwellings. This district provides a “suburban" arrangement of amenities, services, and facilities. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, this district is generally adjacent to, but not within, a single-family neighborhood. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

(6) **Multifamily residential (R-4) district**. This district is intended to accommodate multifamily buildings and townhouses at urban densities. This district provides a “suburban” arrangement of amenities, services, and facilities. Lots are connected to a public or private (community) sanitary sewer.

(7) **Manufactured housing community (R-8) district**. This district is for the exclusive use and development of one or more manufactured housing communities. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

(8) **Public institutional (P-I) district.** This district is intended to provide areas where public recreational and administrative land use needs specific to the populace can be met without undue disturbance of natural resources, adjacent land uses and with the intent to eliminate any ambiguity in maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system, if necessary.

(9) **Local service business (B-1) district**. This district is intended to accommodate a single retail or service establishment or a small grouping of such establishments that primarily serve the daily needs of residents in the surrounding area. Because this district characteristically is near or within residential areas, standards are designed to ensure the commercial uses are compatible in appearance and character with the surrounding residential uses. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

(10) **Community business (B-2) district**. This district is intended to accommodate both large- and small-scale pedestrian- and auto-oriented commercial development that primarily serves the needs of the surrounding community, including professional offices, retail stores, service establishments, overnight lodging, entertainment facilities, and mixed-use housing**.** Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

(11) **General business (B-3) district**. This district is intended to accommodate primarily large-scale commercial projects of regional importance that require access to major road corridors. This district is intended to include one or more parcels of land that as a general rule includes 20 acres or more. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

(12) **Mixed-use (M-1) district**. This district is intended to accommodate a wide range of compatible residential and nonresidential uses. Typically, this district is only located in those areas where the existing and planned land uses in the surrounding districts are compatible with those uses permitted in this district. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

(13) **Light industrial (I-1) district**. This district is intended to accommodate those businesses and activities typically associated with manufacturing of finished products, storage, and wholesale operations. Uses permitted in this district characteristically occur inside of a building or other structure. Outdoor storage when allowed is clearly incidental to the primary use. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

(14) **Heavy industrial (I-2) district**. This district is intended to accommodate industrial uses that handle or process raw materials and other large-scale uses often considered offensive or unique by nature. Handling and processing of materials may occur within a building or other structure or out-of-doors. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

(15) **Planned development (PDD) district**. Planned development districts are a special type of zoning district and are initially proposed by a property owner who desires a mix of uses or flexibility in a project's overall design. Each district is unique and therefore has its own set of development standards that are documented in the general development plan, and associated development agreement, if any. PDD districts are numbered sequentially (i.e., PDD-1, PDD-2, etc.).

(b) **Winnebago and Outagamie County overlay zoning districts**. In addition to the base zoning districts enumerated above, the following overlay zoning districts are established to account for unique conditions or requirements:

(1) **Floodplain overlay districts (Winnebago County)**. The floodplain overlay districts include those lands within the 100-year and 500-year floodplain as mapped by the Federal Emergency Management Agency (FEMA). These overlay districts are further divided into the floodfringe and floodway. Each subdistrict has unique development standards based on flooding characteristics. The provisions relating to these overlay

districts are contained in chapter 26 of the general code of Winnebago County. They are crafted to meet the minimum requirements as established by state law.

(2) **Shoreland-wetland overlay district (Winnebago County)**. In general, the shoreland-wetland overlay district includes those wetlands of 5 acres or more and which are shown on the Wisconsin Wetland Inventory maps that have been prepared for Winnebago County. The provisions relating to this district are contained in chapter 27 of the general code of Winnebago County. They are crafted to meet the minimum requirements as established by state law.

(3) **Shoreland zoning overlay district (Winnebago County)**. This district extends from the ordinary high-water mark of navigable streams inland for a distance of 300 feet or to the inland side of the 100-year floodplain, whichever is greater, and from the ordinary high-water mark of navigable lakes, ponds, or flowages inland for a distance of 1,000 feet. The provisions relating to this district are contained in chapter 27 of the general code of Winnebago County. They are crafted to meet the minimum requirements as established by state law.

(4) **Airport zoning overlay district (Outagamie County).** This district is intended to limit the height of structures to protect the approaches to the Outagamie County Regional Airport and control land uses so that they are compatible with noise generated by the airport operation. The provisions relating to these overlay districts are contained in the general code of Outagamie County.

9.08-13 Necessity of zoning district designation

It is the intent of this article that no land shall be without a zoning district designation, unless specifically noted on the zoning map. In the event a parcel of land is for any reason deemed to be without a designation, no land development shall occur until such time as the Town Board of Supervisors has assigned the parcel an appropriate zoning classification.

9.08-14 Effect of a boundary line relocation on zoning designation

Pursuant to ch. 236 Wis. Stats., the property boundary line between adjoining parcels of land may be relocated in certain circumstances, potentially making one parcel larger and the other smaller. In those situations where the affected parcels are in different zoning districts, a boundary line relocation shall not alter the location of the zoning district boundary until such time as the zoning map has been amended to reflect the new property boundary line.

9.08-15 Zoning map

(a) **Title**. The map that depicts the location of the various zoning districts shall be titled "Town of Clayton Zoning Map – Winnebago County, Wisconsin."

(b) **Official zoning map**. The Town Clerk shall maintain one paper copy of the zoning map as the official zoning map which shall be signed by the Town Chairperson and attested by the Town Clerk. If there is a discrepancy between this zoning map and other maps as may be made available, the map maintained by the Town Clerk shall control in all instances.

(c) **Availability**. The zoning map maintained by the Town Clerk shall be available for public inspection upon request. The location of the Town's zoning districts may be included on the Winnebago County online GIS system. If there is a discrepancy between the districts on a map provided by the Town and the districts shown on the County's online GIS system, the Town's map will prevail.

(d) **Preparation of a new official zoning map**. In the event the zoning map maintained by the Town Clerk is damaged, lost, or destroyed or a zoning district is amended, the zoning administrator shall prepare a new zoning map and submit it to the Town Board Chairperson for certification and to the Town Clerk for attestation.

(e) **History of amendment**. The zoning map maintained by the Town Clerk may contain a descriptive history of recent amendments that have been made, indicating the ordinance number and date of action.

(f) **Archive of superseded maps**. The Town Clerk shall maintain a permanent archive of superseded zoning maps that are created after December 17, 2013.

(g) **Amendment**. The procedure and requirements to amend the zoning map are provided in article 7 of this chapter.

9.08-16 to 9.08-20 Reserved

DIVISION 3
ALLOWABLE LAND USES

Sections

9.08-21	Land uses generally allowable within zoning districts	9.08-26	Removal of principal building while retaining an accessory building
9.08-22	Similarity of land uses	9.08-27	Special provisions for community living arrangements
9.08-23	Land uses not listed		
9.08-24	Project classified in more than one land use category	9.08-28	Special provisions for specified foster homes and treatment foster homes
9.08-25	Establishment of an accessory land use prior to establishment of principal use	9.08-29	Site restrictions
		9.08-30	Map of conditional uses

9.08-21 Land uses generally allowed within zoning districts

(a) **General purpose zoning districts**. For the purposes of this chapter, land uses are classified as principal, accessory, or temporary. Exhibit 8-1 lists principal land uses (Series 1 to 16), accessory uses (Series 17), and temporary uses (Series 18). A number in brackets [xx] next to a land use refers to a note that is included at the end of Exhibit 8-1. Each of the land uses are designated as one of the following:

(1) A "P" indicates that the use is permitted in the zoning district by right, provided that all other provisions of this chapter are met. These uses generally do not undergo public review, but are reviewed at the administrative level to ensure compliance.

(2) A "C" indicates that the use is permitted in the zoning district as a conditional use provided that all other provisions of this chapter are met. The general procedures for a conditional use are found in division 4 in article 7. In the A-1 Agribusiness district, conditional uses must meet the requirements of chapter 91 of the Wisconsin State Statutes where noted in addition to the conditional use requirements found in division 4 of article 7.

(3) A “S” indicates that the use is permitted in the A-1 agribusiness zoning district as a special use provided that all other provisions of this chapter are met. The procedures for the special use permit are found in division 5 in article 7

(4) A "-" indicates that the use is not permitted in the zoning district.

(b) **Exceptions to land uses permitted by right.** Any commercial or industrial land use that is shown as permitted by right that emits air contaminants, fugitive dust, or potentially offensive odors or sounds outside of the building; incinerates any substance; or handles radioactive materials, hazardous substances, hazardous waste, or regulated substances is considered a conditional use.

(c) **Planned development districts**. Land uses that are permitted in a planned development district are enumerated in the general development plan for the district, along with development standards, if any.

(d) **Permits needed**. A “ZP” indicates zoning permit and a “SP” indicates site plan.

(e) **Descriptions of land uses**. Descriptions of the land uses are found in section 9.03-02 of article 3 of this ordinance.

(f) **Standards for land uses**. Standards for the development of the land uses in Exhibit 8-1 are found in divisions 4, 5, 8, 9, 10, and 11 of article 8 of this ordinance.

Exhibit 8-1. Land use matrix

		Review	Special Standards	Base Zoning District													
1	**Agriculture**			A-1	A-2	R-1	R-2	R-3	R-4	R-8	P-I	B-1	B-2	B-3	M-1	I-1	I-2
1.01	Agriculture-related use	ZP,SP	9.08-231	C	C	-	-	-	-	-	-	-	-	-	-	P	C
1.02	Agriculture, crop	-	9.08-232	P	P	P	P	P	P	P	P	P	P	P	P	P	P
1.03	Agriculture, general, fewer than 500 animal units	-	9.08-233	P	P	-	-	-	-	-	-	-	-	-	-	-	-
1.04	Agriculture, general, 500 animal units or more	ZP	9.08-233	S	C	-	-	-	-	-	-	-	-	-	-	-	-
1.05	Greenhouse	ZP,SP	9.08-234	P	P	-	-	-	-	-	-	-	C	C	-	C	C
2	**Resource-Based Uses**																
2.01	Dam [1]	ZP,SP	9.08-241	C	C	C	C	C	C	C	C	C	C	C	C	C	C
2.02	Forestry	-	9.08-242	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2.03	Hunting preserve	ZP,SP	9.08-243	-	C	-	-	-	-	-	-	-	-	-	-	C	C
2.04	Sewage sludge disposal	-	9.08-244	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2.05	Wildlife park	ZP,SP	9.08-245	-	C	-	-	-	-	-	-	-	-	-	-	C	C
3	**Residential**																
3.01	Mixed-use housing	ZP,SP	9.08-251	-	-	-	-	-	-	-	-	-	C	P	P	-	-
3.02	Manufactured housing community	ZP,SP	9.08-252	-	-	-	-	-	-	P	-	-	-	-	-	-	-
3.03	Multifamily building, 3–4 units	ZP	9.08-253	-	-	-	-	-	P	-	-	-	-	C	P	-	-
3.03	Multifamily building, 5–8 units	ZP	9.08-253	-	-	-	-	-	P	-	-	-	-	C	C	-	-
3.03	Multifamily building, 9 or more units	ZP	9.08-253	-	-	-	-	-	C	-	-	-	-	-	C	-	-
3.04	Single-family dwelling [2]	ZP	9.08-254	C	P	P	P	P	-	-	-	-	-	-	-	-	-
3.05	Townhouse, 3–4 units	ZP,SP	9.08-255	-	-	-	-	-	P	-	-	-	-	C	P	-	-
3.05	Townhouse, 5–8 units	ZP,SP	9.08-255	-	-	-	-	-	P	-	-	-	-	C	C	-	-
3.05	Townhouse, 9 or more units	ZP,SP	9.08-255	-	-	-	-	-	C	-	-	-	-	-	C	-	-
3.06	Twin home	ZP	9.08-256	-	-	-	-	P	P	-	-	-	-	-	P	-	-
3.07	Two-family building, 2 units	ZP	9.08-257	-	-	-	-	P	P	-	-	-	-	C	P	-	-
4	**Special Care Facilities**																
4.01	Adult family home	ZP	9.08-261	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.02	Community living arrangement, 8 or fewer residents [3]	ZP	9.08-262	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.02	Community living arrangement, 9–15 residents [3]	ZP	9.08-262	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.02	Community living arrangement, 16 or more residents [3]	ZP,SP	9.08-262	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.03	Foster home and treatment foster home [4]	ZP	9.08-263	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.04	Group day care center [5]	ZP,SP	9.08-264	-	-	-	-	C	C	-	-	P	P	P	P	C	C
4.05	Hospice care center	ZP,SP	9.08-265	-	C	C	C	C	P	-	-	C	C	P	C	-	-
4.06	Nursing home	ZP,SP	9.08-266	-	-	C	C	C	P	-	-	-	C	P	C	-	-
4.07	Retirement home	ZP,SP	9.08-267	-	-	C	C	C	P	-	-	-	C	P	C	-	-
4.08	Temporary shelter [6]	ZP,SP	9.08-268	-	-	-	-	-	-	-	-	C	C	C	-	-	-
5	**Group Accommodations** [7]																
5.01	Boardinghouse	ZP,SP	9.08-271	-	-	-	-	-	C	-	-	-	C	P	C	-	-
5.02	Campground	ZP,SP	9.08-272	-	C	-	-	-	-	-	C	-	-	C	-	-	-
5.03	Group recreation camp	ZP,SP	9.08-273	-	C	-	-	-	-	-	C	-	-	C	-	-	-
5.04	Migrant labor camp [8]	ZP,SP	9.08-274	C	C	-	-	-	-	-	-	-	-	-	-	-	-
5.05	Overnight lodging	ZP,SP	9.08-275	-	-	-	-	-	-	-	-	-	C	P	P	-	-
5.06	Resort	ZP,SP	9.08-276	-	C	-	-	-	-	-	-	-	C	P	C	-	-
6	**Food and Beverage Sales**																
6.01	Brewpub	ZP,SP	9.08-281	-	-	-	-	-	-	-	-	-	C	P	P	C	-
6.02	Restaurant	ZP, SP	9.08-282	-	-	-	-	-	-	-	-	C	P	P	P	-	-
6.03	Tavern	ZP, SP	9.08-283	-	-	-	-	-	-	-	-	C	P	P	C	-	-

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Exhibit 8-1. Land use matrix – continued

		Review	Special Standards	Base Zoning District													
7	**Vehicle Rental, Sales, and Service**			A-1	A-2	R-1	R-2	R-3	R-4	R-8	P-I	B-1	B-2	B-3	M-1	I-1	I-2
7.01	Heavy vehicle sales and rental	ZP,SP	9.08-291	-	-	-	-	-	-	-	-	-	-	C	-	P	C
7.02	Truck stop	ZP,SP	9.08-292	-	-	-	-	-	-	-	-	-	-	C	-	C	C
7.03	Vehicle fuel station	ZP,SP	9.08-293	-	-	-	-	-	-	-	-	-	C	P	C	C	C
7.04	Vehicle repair shop	ZP,SP	9.08-294	-	-	-	-	-	-	-	-	-	C	P	-	C	C
7.05	Vehicle sales and rental	ZP,SP	9.08-295	-	-	-	-	-	-	-	-	-	C	P	-	C	-
7.06	Vehicle service shop	ZP,SP	9.08-296	-	-	-	-	-	-	-	-	-	C	P	-	C	C
7.07	Vehicle storage yard	ZP,SP	9.08-297	-	-	-	-	-	-	-	-	-	-	-	-	C	C
8	**General Sales**																
8.01	Convenience retail sales	ZP,SP	9.08-301	-	-	-	-	-	-	-	-	P	P	P	P	-	-
8.02	General retail sales	ZP,SP	9.08-302	-	-	-	-	-	-	-	-	C	P	P	C	-	-
8.03	General retail sales, large format	ZP,SP	9.08-303	-	-	-	-	-	-	-	-	-	-	P	-	-	-
8.04	Outdoor sales	ZP,SP	9.08-304	-	-	-	-	-	-	-	-	C	C	P	-	C	-
9	**General Services**																
9.01	Administrative services	ZP,SP	9.08-311	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.02	Adult-oriented establishment	ZP,SP	9.08-312	-	-	-	-	-	-	-	-	-	-	P	-	-	-
9.03	Body-piercing establishment	ZP,SP	9.08-313	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.04	Commercial kennel	ZP,SP	9.08-314	-	C	-	-	-	-	-	-	-	C	P	P	C	-
9.05	Commercial stable	ZP,SP	9.08-315	-	C	-	-	-	-	-	-	-	-	-	-	C	-
9.06	Equipment rental, large	ZP,SP	9.08-316	-	-	-	-	-	-	-	-	-	-	C	-	P	C
9.07	Equipment rental, small	ZP,SP	9.08-317	-	-	-	-	-	-	-	-	-	C	P	-	-	-
9.08	Financial services	ZP,SP	9.08-318	-	-	-	-	-	-	-	-	P	P	P	P	-	-
9.09	Funeral home	ZP,SP	9.08-319	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.10	General repair	ZP,SP	9.08-320	-	-	-	-	-	-	-	-	C	P	P	P	C	-
9.11	General services	ZP,SP	9.08-321	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.12	Health care clinic	ZP,SP	9.08-322	-	-	-	-	-	-	-	C	C	P	P	P	-	-
9.13	Health care center	ZP,SP	9.08-323	-	-	-	-	-	-	-	C	-	C	P	P	-	-
9.14	Instructional services	ZP,SP	9.08-324	-	-	-	-	-	-	-	-	C	P	P	P	C	-
9.15	Landscape business	ZP,SP	9.08-325	-	C	-	-	-	-	-	-	-	-	C	-	P	-
9.16	Professional services	ZP,SP	9.08-326	-	-	-	-	-	-	-	-	P	P	P	P	-	-
9.17	Tattoo establishment	ZP,SP	9.08-327	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.18	Veterinary clinic, general [9]	ZP,SP	9.08-328	C	C	-	-	-	-	-	-	-	-	C	-	C	-
9.19	Veterinary clinic, small animal [9]	ZP,SP	9.08-329	C	C	-	-	-	-	-	-	C	P	P	P	C	-
10	**Recreation and Entertainment**																
10.01	Driving range	ZP,SP	9.08-341	-	C	-	-	-	-	-	-	-	-	C	-	C	-
10.02	Golf course	ZP,SP	9.08-342	-	C	C	C	C	C	-	C	-	-	-	-	C	-
10.03	Indoor entertainment	ZP,SP	9.08-343	-	-	-	-	-	-	-	-	-	P	P	P	-	-
10.04	Indoor recreation	ZP,SP	9.08-344	-	-	-	-	-	-	-	-	-	P	P	P	-	-
10.05	Outdoor entertainment	ZP,SP	9.08-345	-	-	-	-	-	-	-	-	-	C	P	-	C	-
10.06	Outdoor recreation	ZP,SP,	9.08-346	-	-	-	-	-	-	-	C	-	C	C	-	C	-
10.07	Outdoor shooting range	ZP,SP	9.08-347	-	C	-	-	-	-	-	C	-	-	-	-	C	C
11	**Government and Community Services**																
11.01	Administrative government center	ZP,SP	9.08-351	-	-	-	-	-	-	-	P	-	-	-	-	-	-
11.02	Animal shelter	ZP,SP	9.08-352	-	C	-	-	-		-	P	-	-	-	-	-	-
11.03	Cemetery [10]	ZP,SP	9.08-353	C	C	-	-	-	-	-	P	C	C	C	-	-	-
11.04	Civic use facility	ZP,SP	9.08-354	-	-	-	-	-	-	-	P	-	-	P	-	C	-
11.05	Community center	ZP,SP	9.08-355	-	C	C	C	C	C	-	P	C	P	P	C	-	-
11.06	Community cultural facility	ZP,SP	9.08-356	-	-	-	-	-	-	-	P	C	P	P	P	-	-
11.07	Community garden	ZP,SP	9.08-357	P	P	P	P	P	P	P	P	P	P	P	P	P	-

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Exhibit 8-1. Land use matrix – continued

		Review	Special Standards	Base Zoning District													
11	**Government and Community Services - cont.**			A-1	A-2	R-1	R-2	R-3	R-4	R-8	P-I	B-1	B-2	B-3	M-1	I-1	I-2
11.08	Correctional facility	ZP,SP	9.08-358	-	-	-	-	-	-	-	C	-	-	-	-	-	-
11.09	Educational facility, pre-K through 12	ZP,SP	9.08-359	-	C	C	C	C	C	-	P	C	P	P	P	-	-
11.10	Educational facility, post-secondary	ZP,SP	9.08-360	-	-	-	-	-	-	-	P	C	P	P	P	C	-
11.11	Maintenance garage	ZP,SP	9.08-361	-	-	-	-	-	-	-	P	-	-	-	-	-	-
11.12	Park	ZP,SP	9.08-362	-	-	-	-	-	-	-	P	-	-	-	-	-	-
11.13	Public safety facility	ZP,SP	9.08-363	-	-	-	-	-	-	-	P	-	-	-	-	-	-
11.14	Recreation trail [10]	-	9.08-364	C	P	P	P	P	P	P	P	P	P	P	P	P	P
11.15	Worship facility [10]	ZP,SP	9.08-365	C	C	C	C	P	P	-	P	P	P	P	P	C	-
12	**Telecommunications and Utilities** [11]																
12.01	Solar energy system	ZP,SP	9.08-371	na	na	na	na	na	na	na	na	na	na	na	na	na	na
12.02	Stormwater management facility [1]	ZP,SP	9.08-372	C	P	P	P	P	P	P	P	P	P	P	P	P	P
12.03	Telecommunication facility, concealed [1]	ZP,SP	9.08-373	C	P	P	P	P	P	P	P	P	P	P	P	P	P
12.04	Telecommunication facility, unconcealed [1]	ZP,SP	9.08-374	C	C	-	-	-	-	-	C	C	C	C	-	P	P
12.05	Utility installation, major [1]	ZP,SP	9.08-375	C	C	C	C	C	C	C	C	C	C	C	C	P	P
12.06	Utility installation, minor [1]	ZP,SP	9.08-376	C	P	P	P	P	P	P	P	P	P	P	P	P	P
12.07	Utility maintenance yard	ZP,SP	9.08-377	-	C	-	-	-	-	-	C	-	-	-	-	P	P
13	**Transportation**																
13.01	Airport	ZP,SP	9.08-381	-	C	C	C	-	-	-	C	-	-	-	-	P	P
13.02	Bus storage facility	ZP,SP	9.08-382	-	C	-	-	-	-	-	C	-	C	C	C	P	P
13.03	Mass transit terminal	ZP,SP	9.08-383	-	-	-	-	-	-	-	C	-	P	P	P	C	-
13.04	Off-site parking lot	ZP,SP	9.08-384	-	-	-	-	-	-	-	C	C	P	P	P	C	-
13.05	Parking structure	ZP,SP	9.08-385	-	-	-	-	-	-	-	C	-	-	P	P	C	-
13.06	Park-and-ride lot	ZP,SP	9.08-386	-	C	C	C	C	C	-	C	C	P	P	C	C	C
13.07	Railroad line [1]	-	9.08-387	C	P	P	P	P	P	P	C	P	P	P	P	P	P
13.08	Street [1]	-	9.08-388	C	P	P	P	P	P	P	C	P	P	P	P	P	P
14	**General Storage**																
14.01	Bulk fuel storage	ZP,SP	9.08-401	-	-	-	-	-	-	-	-	-	-	-	-	P	P
14.02	Personal storage facility	ZP,SP	9.08-402	-	C	-	-	-	-	-	-	-	-	C	-	P	C
14.03	Truck terminal	ZP,SP	9.08-403	-	-	-	-	-	-	-	-	-	-	-	-	P	P
14.04	Warehouse	ZP,SP	9.08-404	-	-	-	-	-	-	-	-	-	-	-	-	P	P
15	**Industrial Uses**																
15.01	Artisan shop	ZP,SP	9.08-411	-	C	-	-	-	-	-	-	C	C	P	P	P	C
15.02	Batching plant associated with a nonmetallic mine [12]	ZP,SP	9.08-412	C	C	-	-	-	-	-	-	-	-	-	-	C	C
15.03	Biofuels production plant	ZP,SP	9.08-413	C	C	-	-	-	-	-	-	-	-	-	-	-	C
15.04	Construction equipment repair	ZP,SP	9.08-414	-	-	-	-	-	-	-	-	-	-	C	-	P	P
15.05	Construction equipment sales and service	ZP,SP	9.08-415	-	-	-	-	-	-	-	-	-	-	C	-	P	P
15.06	Contractor yard	ZP,SP	9.08-416	-	-	-	-	-	-	-	-	-	-	-	-	P	C
15.07	Industrial, heavy	ZP,SP	9.08-417	-	-	-	-	-	-	-	-	-	-	-	-	-	P
15.08	Industrial, light	ZP,SP	9.08-418	-	-	-	-	-	-	-	-	-	-	-	-	P	P
15.09	Nonmetallic mine [13]	ZP,SP	9.08-419	C	C	-	-	-	-	-	-	-	-	-	-	C	C
15.10	Salvage yard	ZP,SP	9.08-420	-	-	-	-	-	-	-	-	-	-	-	-	-	C

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Exhibit 8-1. Land use matrix – continued

		Review	Special Standards	Base Zoning District													
16	**Solid Waste**			**A-1**	**A-2**	**R-1**	**R-2**	**R-3**	**R-4**	**R-8**	**P-I**	**B-1**	**B-2**	**B-3**	**M-1**	**I-1**	**I-2**
16.01	Composting facility	ZP,SP	9.08-431	P	P	-	-	-	-	-	P	-	-	-	-	P	P
16.02	Recycling center	ZP,SP	9.08-432	-	-	-	-	-	-	-	P	-	-	-	-	P	P
16.03	Solid waste landfill	ZP,SP	9.08-433	-	C	-	-	-	-	-	C	-	-	-	-	C	C
16.04	Solid waste transfer station	ZP,SP	9.08-434	-	C	-	-	-	-	-	C	-	-	-	-	P	P
17	**Accessory Uses**																
17.01	Adult family home [14]	ZP	9.08-441	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17.02	Amateur radio antenna [14]	-	9.08-442	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17.03	Automated teller machine	ZP	9.08-443	-	-	-	-	-	-	-	-	P	P	P	P	-	-
17.04	Backyard chickens [16]	-	9.08-444	P/C	P	C	C	C	-	C	-	-	-	-	-	P	P
17.05	Bed and breakfast [14, 15]	ZP,SP	9.08-445	C	C	C	C	C	-	-	-	P	P	-	P	-	-
17.06	Commercial truck parking [14]	ZP	9.08-446	P	P	P	P	-	-	-	-	-	-	-	-	-	-
17.07	Exterior communication device [14]	-	9.08-447	P	P	P	P	P	P	P	-	P	P	P	P	P	P
17.08	Family day care home [14, 15]	ZP	9.08-448	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17.09	Farm building storage	ZP	9.08-449	P	C	-	-	-	-	-	-	-	-	-	-	-	-
17.10	Farm residence	ZP	9.08-450	P	P	-	-	-	-	-	-	-	-	-	-	-	-
17.11	Farmstead retail outlet	ZP,SP	9.08-451	C	C	-	-	-	-	-	-	-	-	-	-	-	-
17.12	Fence	ZP	9.08-452	P	P	P	P	P	P	P	-	P	P	P	P	P	P
17.13	Foster home and treatment foster home [17]	ZP	9.08-453	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17.14	Garage, nonresidential [18]	ZP	9.08-454	-	-	-	-	-	-	-	-	P	P	P	P	P	P
17.15	Garage, residential [19]	ZP	9.08-455	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17.16	Garden	-	9.08-456	P	P	P	P	P	P	P	-	P	P	P	P	P	P
17.17	Greenhouse [14,19]	ZP	9.08-457	P	P	P	P	P	P	P	-	-	-	-	-	-	-
17.18	Helipad	ZP,SP	9.08-458	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17.19	Home occupation, major [14]	ZP,SP	9.08-459	-	C	C	C	C	C	-	-	C	C	C	C	-	-
17.20	Home occupation, minor [14, 15]	ZP	9.08-460	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17.21	Hot tub [14]	-	9.08-461	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17.22	Household livestock, 2.5 acres or more but less than 5 acres [14]	ZP	9.08-462	P	C	C	-	-	-	-	-	-	-	-	-	-	-
17.22	Household livestock, 5 acres or more [14]	ZP	9.08-462	P	P	C	-	-	-	-	-	-	-	-	-	-	-
17.23	Indoor sales incidental to light industrial use	ZP	9.08-463	-	-	-	-	-	-	-	-	-	-	-	-	C	-
17.24	Kennel, hobby [14, 15]	ZP,SP	9.08-464	C	C	C	C	C	C	C	-	C	C	C	C	-	-
17.25	Kennel, private [14, 15]	-	9.08-465	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17.26	Light industrial use incidental to indoor sales	ZP,SP	9.08-466	-	-	-	-	-	-	-	-	-	-	-	-	C	-
17.27	Outdoor display incidental to indoor sales	ZP,SP	9.08-467	-	-	-	-	-	-	-	-	-	C	C	C	-	-
17.28	Outdoor food and beverage service	ZP,SP	9.08-468	-	-	-	-	-	-	-	-	C	C	C	C	-	-
17.29	Outdoor furnace	ZP	9.08-469	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.30	Parking lot (on-site)	ZP	9.08-470	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.31	Play structure [14]	-	9.08-471	P	P	P	P	P	P	P	P	P	P	P	P	P	-
17.32	Pond	ZP,SP	9.08-472	P	P	C	C	C	C	C	P	P	P	P	P	P	P
17.33	Rural accessory structure [14]	ZP	9.08-473	P	P	P	P	P	P	P	-	-	-	-	-	-	-
17.34	Service window, drive-up	ZP,SP	9.08-474	-	-	-	-	-	-	-	C	C	C	C	C	-	-
17.35	Service window, walk-up	ZP,SP	9.08-475	-	-	-	-	-	-	-	C	C	C	C	C	-	-
17.36	Solar energy system, building-mounted	ZP	9.08-476	na	na	na	na	na	na	na	na	na	na	na	na	na	na
17.37	Solar energy system, free-standing	ZP	9.08-477	na	na	na	na	na	na	na	na	na	na	na	na	na	na
17.38	Storage container, 1 or 2 units	ZP	9.08-478	-	-	-	-	-	-	-	-	P	P	P	-	P	P
17.38	Storage container, 3 or more units	ZP,SP	9.08-478	-	-	-	-	-	-	-	-	C	C	C	-	C	C
17.39	Swimming pool	ZP	9.08-479	P	P	P	P	P	P	P	-	P	P	P	P	-	-

continued on next page

Exhibit 8-1. Land use matrix – continued

	Review	Special Standards	Base Zoning District													
17 Accessory Uses – continued			A-1	A-2	R-1	R-2	R-3	R-4	R-8	P-I	B-1	B-2	B-3	M-1	I-1	I-2
17.40 Temporary shelter [19]	ZP,SP	9.08-480	-	-	-	-	-	-	-	-	C	C	C	C	-	-
17.41 Utility cabinet	ZP	9.08-481	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.42 Yard shed [20]	ZP	9.08-482	P	P	P	P	P	P	P	P	P	P	P	P	-	-
18 Temporary Uses																
18.01 Agricultural product sales, off-site	ZP	9.08-501	-	P	P	-	-	-	-	-	P	P	P	P	P	P
18.02 Agricultural product sales, on-site	ZP	9.08-502	P	P	P	-	-	-	-	-	-	-	-	-	-	-
18.03 Earth materials stockpile, off-site [21]	ZP,SP	9.08-503	-	C	-	-	-	-	-	C	-	-	-	-	C	C
18.03 Earth materials stockpile, on-site [22]	ZP,SP	9.08-503	-	P	P	P	P	P	P	P	P	P	P	P	P	P
18.04 Farmers market [23]	ZP,SP	9.08-504	P	P	P	-	-	-	-	C	C	P	P	P	C	-
18.05 General outdoor sales	ZP,SP	9.08-505	-	-	-	-	-	-	-	-	-	C	P	-	C	-
18.06 Model home	ZP	9.08-506	-	-	P	P	P	P	-	-	-	-	-	-	-	-
18.07 Off-site construction yard	ZP,SP	9.08-507	-	C	C	C	C	C	C	-	C	C	C	C	C	C
18.08 On-site construction office [24]	ZP	9.08-508	-	-	P	P	P	P	-	-	-	P	P	P	P	P
18.09 On-site construction yard [24]	ZP	9.08-509	-	-	P	P	P	P	-	-	-	P	P	P	P	P
18.10 Portable storage container	-	9.08-510	-	P	P	P	P	P	P	P	P	P	P	P	P	P
18.11 Relocatable building [25]	ZP,SP	9.08-511	-	-	-	-	-	-	-	P	C	C	C	C	-	-
18.12 Seasonal product sales	ZP,SP	9.08-512	C	C	C	-	-	-	-	-	C	P	P	P	C	-
18.13 Snow disposal site	ZP,SP	9.08-513	C	C	-	-	-	-	-	P	C	C	C	C	C	C
18.14 Special event	ZP,SP	9.08-514	-	C	C	C	-	-	-	-	-	-	-	-	-	-
18.15 Special event camping	ZP,SP	9.08-515	-	C	C	C	C	C	-	-	C	C	C	C	C	C
18.16 Special event concessions	ZP,SP	9.08-516	-	C	C	C	C	C	-	-	C	C	C	C	C	C
18.17 Special event parking	ZP,SP	9.08-517	-	C	C	C	C	C	-	-	C	C	C	C	C	C
18.18 Wind test tower	-	9.08-518	P	P	P	P	P	P	P	P	P	P	P	P	P	P
18.19 Yard sale [26]	-	9.08-519	P	P	P	P	P	P	P	P	P	P	P	P	-	-

Notes:

1. Unless it qualifies under s. 91.44(1)(f) Wis. Stats, this use in the A-1 agribusiness zoning district may only be allowed as a conditional use and must be issued a permit in accordance with s. 91.46(4) or (5) Wis. Stats.
2. In the A-1 agribusiness zoning district, a single-family dwelling may be located on a parcel not constituting a farm or on a parcel of land created after (EFFECTIVE DATE OF ADOPTION). Single-family dwelling s in the A-1 agribusiness zoning district are subject to the density standards in Exhibit 8-2 and must comply with s. 91.46(2) Wis. Stats.
3. See s. 9.08-27 for special provisions that may apply.
4. See s. 9.08.-28 for special provisions that may apply.
5. A family day care home (4-8 children) is an accessory use and is therefore listed in Series 17.
6. This use may be an accessory use when associated with a worship facility, community center, and the like.
7. A bed and breakfast is an accessory use and is therefore listed in Series 17.
8. A migrant labor camp in the A-1 agribusiness zoning district must be certified under s. 103.92 Wis. Stats.
9. Veterinary clinics in the A-1 agribusiness zoning district must primarily treat livestock or comply with s. 91.01(1)(d) Wis. Stats.
10. This use in the A-1 agribusiness zoning district must comply with s. 91.46(5) Wis. Stats.
11. An amateur radio station is an accessory use and is therefore listed in Series 17.
12. A batching plant when not associated with an approved nonmetallic mine is classified as heavy industrial (See 15.07). When it is associated with an approved nonmetallic mine in the A-1 agribusiness zoning district it must comply with s. 91.46(6) Wis. Stats.
13. This use in the A-1 agribusiness zoning district must comply with s. 91.46(6) Wis. Stats.
14. This use may only occur with a principal residential use or where the residential dwelling is occupied by the owner.
15. This use in the A-1 agribusiness zoning district must comply with s. 91.01(1)(d) Wis. Stats.
16. Backyard chickens are permitted on any parcel or lot in the A-1 agribusiness zoning district except for a nonfarm residence parcel or lot in which case a conditional use permit is required.
17. This use may only occur with a principal residential use or with a group day care center.
18. In addition to the zoning districts listed, this use may occur with a governmental or institutional use as a conditional use. This use may also be a principal use; see series 1 through 16.
19. In addition to the zoning districts listed, this use may occur with a governmental or institutional use (e.g., school or church) as a permitted use.
20. A zoning permit is not required for this use if less than 8 feet in height and occupies a horizontal area of not more than 100 square feet.
21. Earth materials are obtained in whole or in part from another location.
22. Earth materials are obtained on the parcel as part of the land development process.
23. In addition to the zoning districts listed, this use may occur with a public park as a permitted use or with a governmental or institutional use (e.g., church, library or school) as a conditional use.
24. When this use is in place for more than 365 days, it is considered a conditional use.
25. This use may only occur with a governmental or institutional use (e.g., church, library, or school) as a conditional use.
26. This use may only occur with a principal residential use or with a governmental or institutional use (e.g., church, library, or school).

9.08-22 Similarity of land uses

Because the list of land uses cannot include every conceivable type of activity, those land uses that are listed in Exhibit 8-1 shall be interpreted to include other land uses that are of a similar nature and have similar impacts to the listed use.

9.08-23 Land uses not listed

A land use that is not listed in Exhibit 8-1 and which cannot be interpreted to be similar to any listed land use as provided for above is prohibited. If a person would like to establish a land use that is not listed in Exhibit 8-1, he or she may submit a petition to amend the text of this chapter pursuant to the procedures and requirements contained in division 1 of article 7 of this chapter. Such application will be reviewed using the decision criteria listed in that part.

9.08-24 Project classified in more than one land use category

If a proposed project includes both an allowable land use and a prohibited land use, the prohibited portion of the project shall not occur in the zoning district.

9.08-25 Establishment of an accessory land use prior to establishment of a principal use

(a) **Generally**. Unless specifically permitted in this section or in other sections of this chapter, an accessory use as allowed in the zoning district shall only be established when a principal use is present or is being established on the same lot.

(b) **Exemption for a vacant lot adjoining another lot in same ownership**. Pursuant to the procedures and requirements in article 7 of this chapter, the Plan Commission may allow the establishment of an accessory use on a vacant lot provided the accessory use is allowed in the zoning district and such lot adjoins a lot in the same ownership that supports a principal use. If allowed, the property owner shall record an agreement and deed restriction, as approved by the Plan Commission, with the register of deeds for Winnebago County that describes the authorized use and any conditions of approval. Such conditions of approval may relate to the use of the accessory use and the need to reestablish a principal use on the subject property within a specified time period.

(c) **Exemption for a utility cabinet.** For the purpose of this chapter, a utility cabinet may be established on a vacant lot prior to the establishment of a principal use.

9.08-26 Removal of a principal building while retaining an accessory building

Pursuant to the procedures and requirements in article 7 of this chapter, the Plan Commission may allow the removal of a principal building, while retaining the accessory building, when the Plan Commission determines that the principal building is dilapidated and the accessory building meets current building codes and serves a useful purpose. If allowed, the property owner shall record an agreement and deed restriction, as approved by the Plan Commission, with the register of deeds for Winnebago County that controls the use of the accessory building and incorporates any requirement imposed by the Plan Commission as a condition of approval.

9.08-27 Special provisions for community living arrangements

In addition to the standards in this article, community living arrangements must also comply with s. 62.23(7)(i) Wis. Stats.

9.08-28 Special provisions for specified foster homes and treatment foster homes

Foster homes which are owned, operated, or contracted for by the state of Wisconsin or a county department, are not subject to this article.[1] All other foster homes and treatment foster homes shall comply with this article.

9.08-29 Site restrictions

If the zoning administrator determines that a parcel of land, whether vacant, partially developed, or fully developed, contains one or more development constraints that would preclude the normal use of the parcel for a use that is

[1] Commentary: See 63 Atty. Gen. 34

otherwise permitted in the zoning district in which it is located, he or she shall render a written determination that states the best available facts related to the development constraint and other reasoning as may be appropriate. Examples of development constraints include unfavorable topography, rock formations, shallow depth to bedrock, unstable or otherwise unsuitable soils, wetlands, stormwater runoff, inadequate drainage, and high groundwater. Once such a determination has been made, the zoning administrator, building inspector, or other governmental official or body shall not issue a development order or other approval authorizing the development in the area subject to the development constraint. Because a determination rendered by the zoning administrator pursuant to this section is an administrative decision, the property owner shall have the right to appeal such determination consistent with the procedures and requirements in article 7 of this chapter. The zoning administrator may reconsider his or her determination at any time and render a new determination if new or additional facts become known or if the facts upon which the determination was made are not accurate.

9.08-30 Map of conditional uses

The zoning administrator is authorized to prepare a map showing those properties that have an active conditional use permit and to amend the same from time to time.

9.08-31 to 9.08-60 Reserved

DIVISION 4
DIMENSIONAL AND RELATED STANDARDS

Sections

9.08-61	Generally	9.08-66	Lot width
9.08-62	Lot area	9.08-67	Road frontage
9.08-63	Floor area	9.08-68	Separation requirements for on-site sewage systems and water wells
9.08-64	Building and structure height		
9.08-65	Yard setbacks		

9.08-61 Generally

Lots, buildings, and other structures not located within a planned development district shall conform to the dimensional standards specified in Exhibit 8-2, except as may be otherwise allowed in this division. The standards for lots, buildings, and other structures in a planned development district are enumerated in the general development plan for the zoning district.

9.08-62 Lot area

(a) **Generally**. Except as specified in this section, the size of lots shall comply with the standards specified in Exhibit 8-2.

(b) **Exemptions**. Parcels of land created by a land division under the Town of Clayton's Subdivision Ordinance to dedicate land to the public, for stormwater facilities and other types of development related infrastructure, and for common open space areas including internal walking or recreation trails, and other similar purposes are exempt from the specified lot size requirements.

(c) **Measurement of lot area**. Lot area is measured on the horizontal plane. The lot area for lots created after March 20, 2013 shall not include any of the following:

(1) lakes, streams, manmade ponds, and similar water bodies up to the elevation of the ordinary high-water mark,

(2) public road right-of-way,

(3) the area within the proposed right-of-way of a road so designated on the Winnebago County highway width map, or

(4) if the road on which the lot fronts is not located within a public road right-of-way, the area of the easement designated for public road purposes, or the area extending 33 feet from the center of the road if the road is not located within an easement.

For the purpose of this subsection, the location of the proposed right-of-way line is one half the width of the proposed right-of-way as measured from the center of the existing road.

(d) **Use of a lot not meeting specified dimensional standards.** The use of a nonconforming lot is governed by requirements found in article 13 of this chapter.

(e) **Change in lot**. The location of the property boundary lines of a lot and/or the area of a lot containing a conditional use shall not be modified in any manner without the approval of the Plan Commission. If the Plan Commission determines that the proposed reconfiguration or change in lot area is substantive, the proposed change may only occur if the Plan Commission grants a new approval with the proposed lot consistent with the review procedures and requirements for a conditional use in effect at the time.

9.08-63 Floor area

(a) **Generally**. All buildings and building additions shall comply with the floor area requirements as may be stated in Exhibit 8-2.

(b) **Measurement of floor area**. The floor area of a building is measured from exterior face to exterior face, excluding unenclosed porches, stoops, steps, and similar features. If a floor area requirement is specified on a per unit

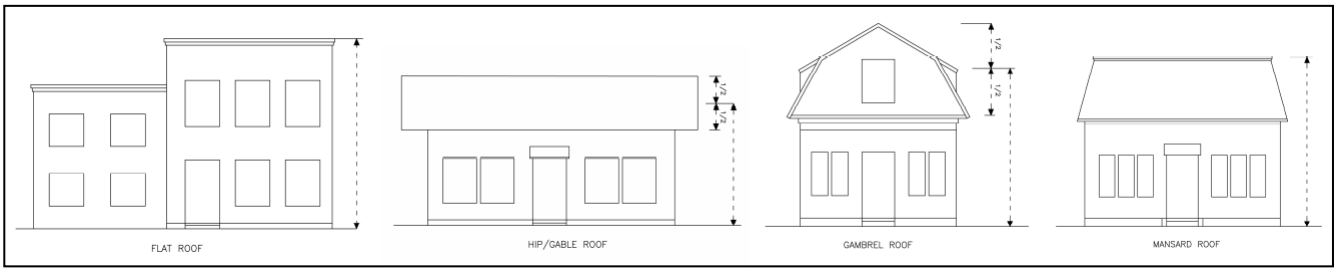
basis and is located in a building with other similar or different uses, the floor area is measured from the center of the wall separating such other uses. If a building does not have an exterior wall, the floor area is the area under the horizontal projection of the roof.

9.08-64 Building and structure height

(a) **Generally**. Except as specified in this section, the height of structures shall comply with the standards specified in Exhibit 8-2.

(b) **Measurement of building height**. The height of a building is measured from the mean elevation of the finished lot grade along the street yard face of the building to the (1) highest point of flat roofs, (2) the mean height level between the eaves and the highest point of a gable, gambrel, hip, and pitch roofs, or (3) the deck line of a mansard roof as generally depicted in Exhibit 8-3.

Exhibit 8-3. Measurement of building height by roof type



(c) **Modifications**. The height standards in Exhibit 8-2 are modified as follows:

(1) Essential services, such as utilities, water towers, transmission towers and lines, are exempt from the height limitation for the zoning district in which they are located.

(2) The height of telecommunication towers are governed by the standards established under division 9 of this article.

(3) The height of buildings and other structures may be further regulated by the regulations adopted by Outagamie County pursuant to s. 114.136, Wis. Stats., relating to the height of buildings in the vicinity of the Outagamie County Regional Airport. The location of this overlay districts may be shown on the face of the zoning map.

(4) Consistent with the procedures and requirements in article 7 of this chapter, the Plan Commission may approve a special exception for spires, steeples, copulas, and chimneys on institutional, commercial, and industrial buildings located in a non-residential zoning district.

9.08-65 Yard setbacks

(a) **Generally**. Except as modified herein, the placement of a structure on a lot shall comply with the setback standards specified in Exhibit 8-2.

(b) **Exceptions**. The following may be located in a front yard, side yard, and rear yard setback area, provided they do not extend into or are not located within a utility easement or a required fire lane and they meet all other requirements of this chapter:

(1) landscaping;

(2) retaining walls;

(3) fences;

(4) freestanding mailboxes and newspaper boxes;

(5) play equipment, except not in a front yard;

(6) yard furniture, but not when located on a patio or deck;

(7) gardens;

(8) compost bins;

(9) clotheslines;

(10) sidewalks, but not closer than 5 feet to a property boundary line of a property in a residential zoning district;

(11) driveways, but not closer than 5 feet to a side property boundary line;

(12) boat docks and boathouses when located in a shore yard, but not closer than 3 feet to a side yard property boundary line;

(13) specified building projections as provided for in Exhibit 8-4;

(14) components of a private on-site sewage system, including holding tanks (if allowed), absorption fields, and septic tanks provided separation requirements in chapter 16 of the general code of Winnebago County are met;

(15) water wells not located in a building or other structure, provided separation requirements in state law are met;

(16) those structures and uses where applicable development standards included in division 9, division 10, and division 11 of this article either exempt or establish alternate setbacks requirements; and

(17) other structures and land uses when exempted by the zoning administrator, provided such exemption is in keeping with the intent of this chapter.

Exhibit 8-4. Allowable building projections into a required yard setback

Feature	Maximum projection
Sills, belt courses, buttresses, cornices, ornamental features, and the like	8 inches into a street, side, or rear yard setback
Chimneys and eaves	24 inches into a street, side, or rear yard setback
Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers	3 feet into a side or rear yard setback
Steps and uncovered porches, provided they are not higher than the ground floor elevation	8 feet into a street yard setback; 3 feet into a side yard setback
Façade-mounted solar energy systems	4 feet

(c) **Reduction**. No lot dimension shall be reduced so as to not meet any dimensional requirement contained in this chapter.

(d) **Setback averaging for street yard setbacks**. The street yard setback as specified in Exhibit 8-2 may be decreased in a residential, mixed-use, or commercial zoning districts to the average of the existing street yards of the abutting principal buildings on each side but in no case shall the setback be less than 15 feet in a residential zoning district or 10 feet in a commercial or mixed-use zoning district. For the purpose of this subsection, the following rules shall apply:

(1) Building projections are not to be included.

(2) Setback reductions allowed by a variance shall not be included.

(3) If the setback of an existing structure is greater than the required setback, the required setback shall be used.

(e) **Measurement of street yard setback**. If the road on which the lot fronts is situated within a public right-of-way, the street yard setback is measured on a horizontal plane perpendicular to the front property boundary line along its entire length or perpendicular to the proposed right-of-way as may be depicted on the highway width map, whichever yields the greatest setback. If the road on which the lot fronts is located within an easement, the street yard setback is

measured on a horizontal plane perpendicular to the easement line along its entire length or perpendicular to the proposed right-of-way as may be depicted on the highway width map, whichever yields the greatest setback. If the road on which the lot fronts is not situated in a public right-of-way or an easement, the street yard setback is measured from the center of such road plus an additional 33 feet or perpendicular to the proposed right-of-way as may be depicted on the highway width map, whichever yields the greatest setback. For the purpose of this section, the location of the proposed right-of-way line is one half the width of the proposed right-of-way as measured from the center of the existing road.

(f) **Measurement of side yard setback**. The side yard setback is measured on a horizontal plane perpendicular to the side property boundary line along its entire length.

(g) **Measurement of rear yard setback**. The rear yard setback is measured on a horizontal plane perpendicular to the rear property boundary line along its entire length.

(h) **Measurement of shore yard setback**. The shoreland setback is measured on a horizontal plane perpendicular to the ordinary high-water mark along its entire length.

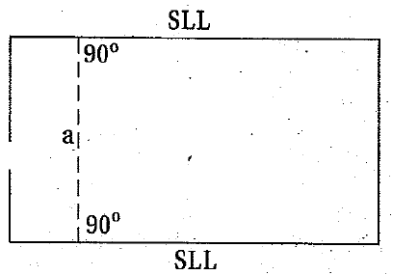
9.08-66 Lot width

(a) **Generally**. A lot shall have a minimum width specified in Exhibit 8-2.

(b) **Measurement**. Lot width is a linear distance measured or calculated as indicated in Exhibit 8-5.

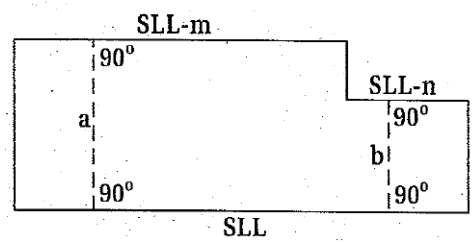
Exhibit 8-5. Average lot width

A. Parallel lot lines



ALW =the distance of line a

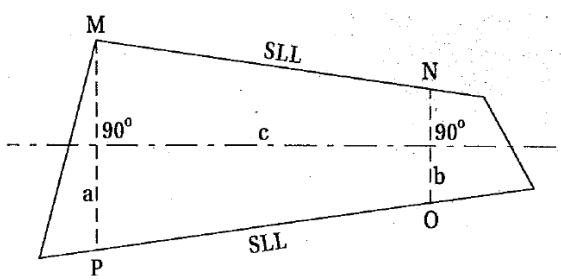
B. Parallel lot lines, alternate



$$ALW = a \times \frac{m}{m+n} + b \times \frac{n}{m+n}$$

Use only that part of length n that, when added to area of m portion of lot, satisfies minimum lot area requirements.

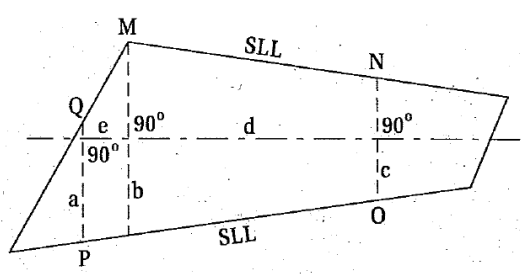
C. Nonparallel lot lines



$$ALW = \frac{a+b}{2}$$

Where the area of MNOP equals minimum lot area and line c bisects angle formed by lines MN and OP extended

D. Nonparallel lot lines, alternate 1



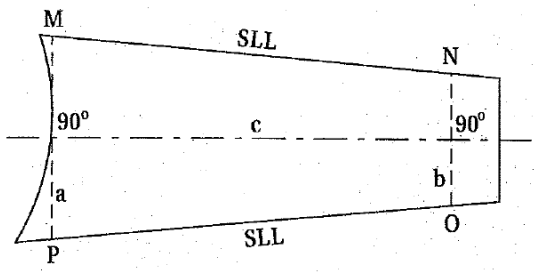
$$ALW = \frac{a+b}{2} \times \frac{e}{e+d} \times \frac{b+c}{2} \times \frac{d}{e+d}$$

Where (1) the area of MNOPQ equals the minimum lot area, (2) and line d bisects angle formed by lines MN and OP extended, (3) line d is the perpendicular distance between lines b and c, and (4) line e is the perpendicular distance between lines a and b.

Continued on next page

Exhibit 8-5. Average lot width – continued

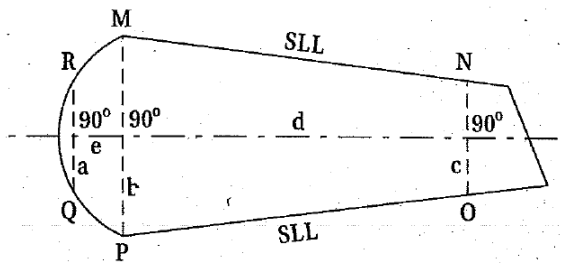
E. Nonparallel lot lines, alternate 2



$$ALW = \frac{a+b}{2}$$

Where (1) the area of MNOP equals the minimum lot area, (2) line c bisects angle formed by lines MN and OP extended, and (3) line c is the perpendicular distance between lines a and b.

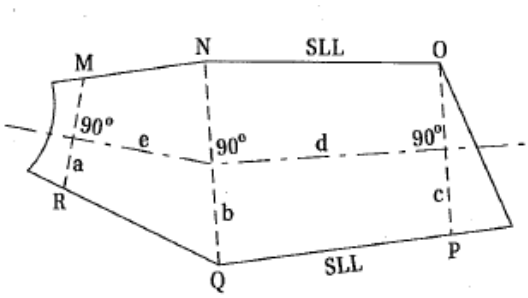
F. Nonparallel lot lines, alternate 3



$$ALW = \frac{a+b}{2} \times \frac{e}{e+d} \times \frac{b+c}{2} \times \frac{d}{e+d}$$

Where (1) the area of MNOPQR equals the minimum lot area, (2) line d bisects angle formed by lines MN and OP extended, (3) line d is the perpendicular distance between lines b and c, and (4) line e is the perpendicular distance between lines a and b.

G. Nonparallel lot lines, alternate 4



$$ALW = \frac{a+b}{2} \times \frac{e}{e+d} \times \frac{b+c}{2} \times \frac{d}{e+d}$$

Where (1) the area of MNOPQR equals the minimum lot area, (2) line e bisects angle formed by lines MN and QR extended, (3) line d bisects angle formed by lines NO and PQ extended, (4) line d is the perpendicular distance between lines b and c, and (5) line e is the perpendicular distance between lines a and b.

9.08-67 Road frontage

(a) **Generally**. A lot shall front on and have access to a public road for the minimum required distance specified in Exhibit 8-2.

(b) **Measurement**. If the road on which the lot fronts is situated within a public right-of-way, the length of road frontage is measured on a horizontal plane along the front property boundary line or along the proposed right-of-way line as may be depicted on the highway width map, whichever yields the longest distance. If the road on which the lot fronts is not situated within a public right-of-way, the length of road frontage is measured on a horizontal plane along a line that is 33 feet perpendicular to the center of such road or along the proposed right-of-way as may be depicted on the highway

width map, whichever yields the longest distance. For the purpose of this subsection, the location of the proposed right-of-way line is one half the width of the proposed right-of-way as measured from the center of the existing road.

9.08-68 Separation requirements for on-site sewage systems and water wells

On-site sewage systems and water wells shall comply all separation requirements as may be established by Winnebago County or the state of Wisconsin.

Exhibit 8-2. Dimensional standards by zoning district

A-1 Agribusiness district

Lot density	The ratio of nonfarm residential acreage to farm acreage in the base farm tract after (EFFECTIVE DATE OF ADOPTION) shall not exceed 1:20, with a maximum of 4 nonfarm dwellings for a base farm tract.		
	Residential	**Farm**	**Nonresidential /Nonfarm**
Lot size, minimum:	43,000 sq. ft.	5.0 acres	43,000 sq. ft.
Lot size, maximum:	none, although a lot created after April 30, 2013 may not contain more than 2.0 acres of land previously used to produce forage or a crop	none	none, although a lot created after April 30, 2013 shall not contain more than 2.0 acres of land previously used to produce forage or a crop
Lot width, minimum:	100 ft.	200 ft.	200 ft.
Road frontage, minimum:	60 ft.	200 ft.	200 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.	10 ft.
Yard setback: [4,5]			
Street yard, minimum:	30 ft.	75 ft.	30 ft.
Side yard, minimum: [3]	20 ft. on each side for a principal building; 15 ft. on each side for a detached accessory building	15 ft.	20 ft. on each side for a principal building; 15 ft. on each side for a detached accessory building
Rear yard minimum:	25 ft. for a principal building; 15 ft. for a detached accessory building	50 ft.	25 ft. for a principal building; 15 ft. for a detached accessory building
Building height:			
Principal building, maximum:	35 ft.	the distance from the structure/building to the closest property boundary line	35 ft.
Accessory building, maximum:	18 ft.	the distance from the structure/building to the closest property boundary line	18 ft.
Floor area ratio, maximum:	no limitation	no limitation	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft.	no limitation	no limitation
Accessory buildings, maximum:	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]; 1 percent of lot area for buildings related to household livestock	no limitation	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]
Number of detached accessory buildings, maximum:	no limitation	no limitation	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

A-2 General agriculture district

	Residential	Farm	Nonresidential / Nonfarm
Lot size, minimum:	5.0 acres	5.0 acres	5.0 acres
Lot size, maximum:	none	none	none
Lot width, minimum:	200 ft.	200 ft.	200 ft.
Road frontage, minimum:	200 ft.	200 ft.	200 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.	10 ft.
Yard setback: [4,5]			
Street yard, minimum:	30 ft.	75 ft.	30 ft.
Side yard, minimum: [3]	7 ft. on one side and 10 ft. on the other for a principal building;3 ft. on each side for a detached accessory building	15 ft.	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. on each side for a detached accessory building
Rear yard minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building	50 ft.	25 ft. for a principal building; 3 ft. for a detached accessory building
Building height:			
Principal building, maximum:	35 ft.	the distance from the structure/building to the closest property boundary line	35 ft.
Accessory building, maximum:	18 ft.	the distance from the structure/building to the closest property boundary line	18 ft.
Floor area ratio, maximum:	no limitation	no limitation	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft.	no limitation	no limitation
Accessory buildings, maximum:	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]; 1 percent of lot area for buildings related to household livestock	no limitation	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]
Number of detached accessory buildings, maximum:	no limitation	no limitation	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

R-1 Rural residential district (nonsubdivided)

	Single-family	Nonresidential
Lot size, minimum [3]:	43,000 sq. ft. for an unsewered lot; 12,000 sq. ft. for a sewered lot	43,000 sq. ft.
Lot size, maximum:	no limitation	no limitation
Lot width, minimum:	200 ft. for an unsewered lot; 85 ft. for a sewered lot	200 ft.
Road frontage, minimum:	33 ft.	200 ft. for an unsewered lot; 33 ft. for a sewered lot
Separation between detached buildings, minimum:	10 ft.	10 ft.
Yard setback: [6,7]		
Street yard, minimum:	30 ft.	30 ft.
Side yard, minimum: [5]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building
Rear yard, minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley
Building height:		
Principal building, maximum:	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.
Floor area ratio, maximum:	no limitation	no limitation
Floor area:		
Principal building, minimum:	1,000 sq. ft.	no limitation
Accessory buildings, maximum:	1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]; 1 percent of lot area for buildings related to household livestock	1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]
Number of detached accessory buildings, maximum:	no limitation	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. For lots that are less than 65 feet wide at the building setback line, the total side yard is 26 percent of the lot width, with no one side yard less than 5 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

R-2 Suburban residential district (subdivided)

	Single-family	Nonresidential
Lot size, minimum [3]:	20,000 sq. ft. for an unsewered lot; 9,000 sq. ft. for a sewered lot and nonshoreland; 10,000 sq. ft. for a sewered lot and shoreland	43,000 sq. ft.
Lot size, maximum:	none	no limitation
Lot width, minimum:	100 ft. for an unsewered lot; 65 ft. for a sewered lot	200 ft.
Road frontage, minimum:	33 ft.	200 ft. for an unsewered lot; 33 ft. for a sewered lot
Separation between detached buildings, minimum:	10 ft.	10 ft.
Yard setback: [6,7]		
Street yard, minimum:	30 ft.	30 ft.
Side yard, minimum: [5]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building
Rear yard, minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building
Building height:		
Principal building, maximum:	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.
Floor area:		
Principal building, minimum:	1,000 sq. ft.	no limitation
Accessory buildings, maximum:	1,200 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]; 1 percent of lot area for buildings related to household livestock	1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]
Number of detached accessory buildings, maximum:	2 [2]	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. For lots that are less than 65 feet wide at the building setback line, the total side yard is 26 percent of the lot width, with no one side yard less than 5 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

R-3 Two-family residential district

	Two-family, 2 units	Twin home	Nonresidential
Lot size, minimum [3]:	43,000 sq. ft. for an unsewered lot; 10,000 sq. ft. for a sewered lot	21,500 sq. ft. per unit for an unsewered lot; 5,000 sq. ft. per unit for a sewered lot	30,000 sq. ft. for an unsewered lot; 15,000 sq. ft. for a sewered lot
Lot size, maximum:	no limitation	no limitation	no limitation
Lot width, minimum:	200 ft. for an unsewered lot; 85 ft. for a sewered lot	100 ft. per lot for an unsewered lot; 43 ft. per lot for a sewered lot	85 ft.
Road frontage, minimum:	33 ft.	17 ft. per lot with 34 contiguous ft. overall	100 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.	10 ft.
Yard setback: [6,7]			
Street yard, minimum:	30 ft.	30 ft.	30 ft.
Side yard, minimum: [5]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building	9 ft. on one side with no setback along the shared property boundary line; 3 ft. for a detached accessory building	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building
Rear yard, minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley
Building height:			
Principal building, maximum:	35 ft.	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.	18 ft.
Floor area ratio, maximum:	no limitation	no limitation	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft.	500 sq. ft. per unit	no limitation
Accessory buildings, maximum:	1,200 sq. ft. per dwelling unit	1,200 sq. ft. per dwelling unit; 1 percent of lot area for buildings related to household livestock	1,200 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]
Number of detached accessory buildings, maximum:	2 [2]	2 [2]	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

R-4 Multi-family residential district – (3 or more dwelling units)

	Multifamily	Nonresidential
Lot size, minimum [3]:	15,000 sq. ft. for a sewered lot	24,000 sq. ft.
Lot size, maximum:	none	none
Lot width, minimum:	120 ft.	85 ft.
Road frontage, minimum:	33 ft.	100 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.
Yard setback: [6,7]		
Street yard, minimum:	40 ft.	40 ft.
Side yard, minimum: [5]	15 ft. on each side for a principal building; 3 ft. for a detached accessory building	15 ft. on each side for a principal building; 3 ft. for a detached accessory building
Rear yard minimum:	40 ft. for a principal building; 3 ft. for a detached accessory building	40 ft. for a principal building; 3 ft. for a detached accessory building
Building height:		
Principal building, maximum:	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.
Floor area ratio, maximum:	50 percent	50 percent
Floor area:		
Principal building, minimum:	500 sq. ft. per unit	no limitation
Accessory buildings, maximum:	500 sq. ft. per dwelling unit	1,200 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]
Number of detached accessory buildings, maximum:	no limitation	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

R-8 Manufactured housing community district

Lot size, minimum: 2.0 acres

Lot size, maximum: no limitation

Lot width, minimum: 220 ft.

Road frontage, minimum: 100 ft.

Separation between detached buildings, minimum: 10 ft.

Yard setback: [1]

- Street yard, minimum: 30 ft.
- Side yard, minimum: 25 ft. on each side
- Rear yard minimum: 25 ft.

Building height:

- Principal building, maximum: 35 ft.
- Accessory building, maximum: 18 ft.

Notes:

1. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

P-I Public Institutional district

Lot size, minimum: 15,000 sq. ft. for a sewered lot; 30,000 sq. ft. for an unsewered lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewered lot; 100 ft. for an unsewered lot

Road frontage, minimum: 75 ft. for a sewered lot; 100 ft. for an unsewered lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [4,5]

- Street yard, minimum: 30 ft. [3]
- Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley
- Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

- Principal building, maximum: 35 ft. [2]
- Accessory building, maximum: 18 ft.

Floor area:

- Principal building, minimum: no limitation
- Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Buildings for uses permitted in this district may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district – continued

B-1 Local services business district

Lot size, minimum: 15,000 sq. ft. for a sewered lot; 30,000 sq. ft. for an unsewered lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewered lot; 100 ft. for an unsewered lot

Road frontage, minimum: 75 ft. for a sewered lot; 100 ft. for an unsewered lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [4,5]

- Street yard, minimum: 30 ft. [3]
- Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley
- Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

- Principal building, maximum: 35 ft. [2]
- Accessory building, maximum: 18 ft.

Floor area:

- Principal building, minimum: no limitation
- Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. When an institutional building, such as a church, governmental office, or school, is permitted in a commercial zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

B-2 Community business district

Lot size, minimum: 15,000 sq. ft. for a sewered lot; 30,000 sq. ft. for an unsewered lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewered lot; 100 ft. for an unsewered lot

Road frontage, minimum: 75 ft. for a sewered lot; 100 ft. for an unsewered lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [2,3]

- Street yard, minimum: 30 ft.
- Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley
- Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

- Principal building, maximum: 35 ft.
- Accessory building, maximum: 18 ft.

Floor area:

- Principal building, minimum: no limitation
- Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
3. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

B-3 General business district

Lot size, minimum: 2.0 acres [1]

Lot size, maximum: none

Lot width, minimum: 300 ft.

Road frontage, minimum: 300 ft.

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [2,3]

- Street yard, minimum: 30 ft.
- Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley
- Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

- Principal building, maximum: 45 ft.
- Accessory building, maximum: 18 ft.

Floor area:

- Principal building, minimum: none
- Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
3. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

M-1 Mixed-use district

Lot size, minimum: 15,000 sq. ft. for a sewered lot; 30,000 sq. ft. for an unsewered lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewered lot; 100 ft. for an unsewered lot

Road frontage, minimum: 75 ft. for a sewered lot; 100 ft. for an unsewered lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [2,3]

- Street yard, minimum: 30 ft.
- Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley
- Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

- Principal building, maximum: 45 ft.
- Accessory building, maximum: 18 ft.

Floor area:

- Principal building, minimum: none
- Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
3. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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Exhibit 8-2. Dimensional standards by zoning district - continued

I-1 Light industrial district

Lot size, minimum: 10,000 sq. ft. for sewered lot; 20,000 sq. ft. for an unsewered lot; [1]

Lot size, maximum: none

Lot width, minimum: 100 ft.

Road frontage, minimum: 33 ft.

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [3,4]

- Street yard, minimum: 30 ft.
- Side yard, minimum: 7 ft. on one side and 10 ft. on the other
- Rear yard minimum: 25 ft.

Building height:

- Principal building, maximum: 45 ft. [2]
- Accessory building, maximum: 30 ft. [2]

Floor area:

- Principal building, minimum: no limitation
- Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. When a commercial, institutional, or industrial building is situated on a parcel that adjoins a side yard of a parcel in a residential zoning district, no portion of such building located within 50 feet of the property boundary line shall exceed 120 percent of the maximum building height established for the residential zoning district.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

continued on next page

Exhibit 8-2. Dimensional standards by zoning district - continued

I-2 Heavy industrial district

Lot size, minimum: 10,000 sq. ft. for sewered lot; 20,000 sq. ft. for an unsewered lot; [1]

Lot size, maximum: none

Lot width, minimum: 100 ft.

Road frontage, minimum: 33 ft.

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [3,4]

- Street yard, minimum: 30 ft.
- Side yard, minimum: 7 ft. on one side and 10 ft. on the other
- Rear yard minimum: 25 ft.

Building height:

- Principal building, maximum: no limitation [2]
- Accessory building, maximum: no limitation [2]

Floor area:

- Principal building, minimum: no limitation
- Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. When a commercial, institutional, or industrial building is situated on a parcel that adjoins a side yard of a parcel in a residential zoning district, no portion of such building located within 50 feet of the property boundary line shall exceed 130 percent of the maximum building height established for the residential zoning district.
3. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
4. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

9.08-69 to 9.08-80 Reserved

DIVISION 5
GENERAL STANDARDS

Sections

9.08-81	Licensing with the county and town	9.08-84	Special provisions for residential land uses
9.08-82	Licensing with state agencies	9.08-85	Compliance with building codes
9.08-83	Number of principal buildings on a parcel of la		

9.08-81 Licensing with the Town of Clayton and Winnebago County

In addition to meeting the requirements contained in this article, all land uses shall also meet any requirements for licensing with the Town of Clayton and Winnebago County, which may now exist or may be adopted.

9.08-82 Licensing with state agencies

If a land use or any related activity requires a license from the state, or its agent, to operate, such license shall be obtained prior to the establishment of such use and maintained for the life of the use or until the state, or its agent, no longer requires such license.

9.08-83 Number of principal buildings on a parcel of land

There shall be no more than one principal building on a parcel of land, except as may be specifically allowed in this chapter. When this chapter allows more than one principal building on a lot, the reviewing authority may (1) require a greater yard setback than what is normally required for the zoning district in which it is located, (2) require additional landscaping, (3) establish a minimum separation between principal buildings, and (4) impose any other condition necessary to address concerns related to public health, safety, and welfare.

9.08-84 Special provisions for residential land uses

(a) **Use of a recreational vehicle for occupancy**. A recreational vehicle shall not be used for occupancy while on a residential premises, except for guests not exceeding 14 days in a calendar month. No more than one recreational vehicle may be occupied as allowed under this section.

(b) **On-site storage of a recreational vehicle in the R-1, R-2, and R-3 districts**. A recreational vehicle located on a residential property shall be owned by the owner of the property and have a current license. No more than 2 recreational vehicles shall be stored on a residential property with a principal building. A recreational vehicle shall not be stored in a street yard or in the setback of a side yard, shore yard, or rear yard, or in the vision clearance triangle as established for the zoning district in which the parcel is located.

(c) **Off-site storage of a recreational vehicle.** A recreational vehicle not located on a residential property shall conform with Exhibit 8-1.

(d) **Exterior building materials of accessory buildings.** The exterior building materials of an accessory building shall be the same as or similar to those used on the principal building.

9.08-85 Compliance with building codes

A building shall comply with all applicable building codes for the intended use.

9.08-86 to 9.08-100 Reserved

DIVISION 6
RESERVED

DIVISION 7
RESERVED

DIVISION 8
SPECIAL SITE DESIGN PRINCIPLES AND ARCHITECTURAL STANDARDS

Sections

9.08-201 Site design principles	

9.08-201 Applicability

Those land uses listed in Exhibit 8-1 shall provide for a site plan for new construction and as follows:

(1) the expansion of a commercial or institutional building when the floor area of such increase exceeds a cumulative total of 500 square feet;

(2) the expansion of an industrial building when the floor area of such increase exceeds a cumulative total of 1,000 square feet; and

(3) the expansion of an outdoor use area related to a commercial, institutional, or industrial use when such increase exceeds a cumulative total of 2,000 square feet.

9.08-202 Site design principles

(a) **Legislative findings**. The Town Board of Supervisors makes the following legislative findings regarding site design requirements:

(1) The design and layout of a site, including principal and accessory buildings, parking areas and access drives, building service areas, docking and loading areas, and other elements, can have a substantial and long-lasting effect on the utility of the subject property and on surrounding properties and the overall character of a community.

(2) The requirements in this section are intended to provide meaningful guidance to applicants, design professionals, and public officials.

(3) The requirements in this section are intended to promote the public health, safety, and welfare and are reasonably related to the public purpose of achieving an attractive, functional, and prosperous community.

9.08-203 Horizontal site design standards

Reference is made to the "Attachment B-Town of Clayton Horizontal Site Design Standards". The horizontal design of a site shall meet the requirements set forth in "Attachment B-Town of Clayton Horizontal Design Site Standards".

9.08-204 Architectural design standards

Reference is made to the "Attachment C-Town of Clayton Architectural Design Standards". The horizontal design of a site shall meet the requirements set forth in the "Attachment C-Town of Clayton Architectural Design Standards".

9.08-205 Architectural zones

Reference is made to the "Attachment D-Town of Clayton Architectural Design Zones". The architectural design of a building and site shall meet the requirements set forth in the "Attachment C-Town of Clayton Architectural Design Standards".

9.08-206 Landscape design standards

Reference is made to the "Attachment E-Town of Clayton Landscape Design Standards". The landscape design of a site shall meet the requirements set forth in the "Attachment E-Town of Clayton Landscape Design Standards".

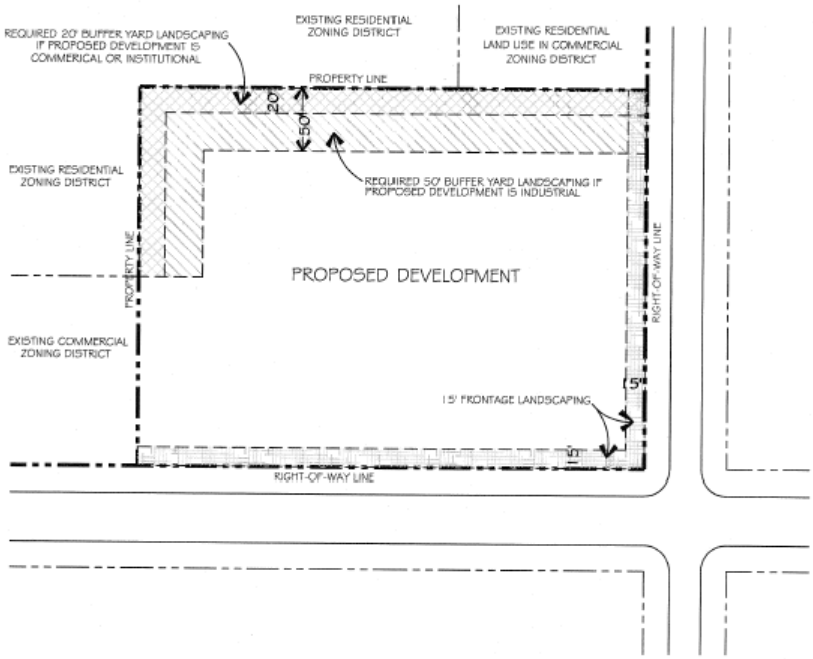
9.08-207 Environmental and energy efficiency (E^3) guidelines

Reference is made to the "Attachment F-Town of Clayton Environmental and Energy Efficiency (E^3) Guidelines". The building and site shall meet the requirements set forth in the "Attachment F-Town of Clayton Environmental and Energy Efficiency (E^3) Guidelines".

9.08-208 Outside storage of equipment, products, and materials

(a) **Location and Arrangement.** Outside storage shall meet the requirements set forth in the Winnebago County Zoning Ordinance and shall meet the landscaping requirements set forth in the "Attachment E-Town of Clayton's Landscape Design Standards". Outside storage shall be clearly separated from any off-street parking areas, driveways, buildings and structures by a distance of not less than 10 feet. Outside storage areas shall be so located and arranged as to not impair the convenience and safety of vehicular or pedestrian travel. No equipment, products or materials shall be piled or stacked to a height exceeding 25 feet unless specific exemption is granted by the Town Board in writing and shall remain on file at the Town of Clayton office. Outside storage shall not be located on the lot side facing U.S.H. "10", S.T.H. "76", C.T.H. "II", C.T.H. "JJ", Breezewood Lane and Oakwood Avenue. Specific exemption can be granted by the Town Board if the specifics of the operation necessitate limited storage and otherwise can not be entirely eliminated. If exemption is granted additional landscaping requirements can be applied to address buffering concerns. Written exemption shall be in writing and shall remain on file at the Town of Clayton office. Landscape Display areas may be displayed on the locations provided above to illustrate their principal product line. Screen fencing should complement the development. Chain Link and barbed wire fencing shall be prohibited in all developments unless significant security issues are illustrated. Screen fencing or walls shall be of a continuous wood surface, face brick, or other materials approved by the Town Board. When a fence has two distinct sides, the one with protruding posts, studs, etc. shall face the development side.

(b) **Surface.** All outside storage areas shall be surfaced with bituminous asphalt, concrete or dustless material and maintained in a smooth, well graded condition.



EXAMPLE OF REQUIRED FRONTAGE AND BUFFER YARDS
NO SCALE

9.08-209 Storage of waste/trash and recyclables

(1) Any outdoor refuse or recyclables storage area shall be located in the side or rear yard and shall be screened from view. Outside Storage of waste/trash or recyclable shall be enclosed by a fence or solid material not less than six (6) feet in height.

(2) Screen Fencing or walls shall be of a continuous wood surface, face brick, or other materials approved by the Town Board. When a fence has two distinct sides, the one with protruding posts, studs, etc. shall face the development side.

(3) A dumpster must have at least one (1) foot of separation from another dumpster. This must be measured from the outside of the pocket where the forks are inserted for dumpster pickup.

(4) The depth of the enclosure shall be at least two (2) feet greater than the size of the dumpster.

(5) A minimum 50-foot direct front access on the approach to the dumpster is needed.

9.08-210 Lighting

A lighting plan shall be submitted as part of the site plan. No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries. All exterior lighting fixtures, either wall mounted or freestanding, shall be identified on the face of the site plan. The exterior lighting shall state the dispersion pattern, intensity of light, and cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties. No undue lighting shall extend beyond the property lines

9.08-211 Signs

Signs shall meet the requirements of Article 12. In addition, no sign shall be located within ten feet of any lot line, and vision corners must be preserved to ensure adequate traffic safety.

9.08-212 Cold storage facilities

Inclusion of unheated storage facilities on a parcel are subject to "Attachment C-Town of Clayton Architectural Design Standards." The horizontal design of such facilities shall meet the requirements set forth in the same attachment.

9.08-213 Personal storage facilities

(a) **Special provisions for certain personal storage facilities**. A personal storage facility when allowed in a commercial zoning district shall meet the following requirements:

(1) **Roof**. The roof shall have a minimum pitch of 4 and 12.

(2) **Door adjacent to a residential district**. No door providing access to a storage cubicle shall be located on the outer perimeter of the building when abutting a residential district or a planned development district with a residential component.

(3) **Placement of doors on a single-loaded building**. When a personal storage facility is single-loaded (i.e., cubicle doors only on one side), the cubicle doors shall not face the outer perimeter of the site.

(4) **Exterior material**. At least 40 percent of the wall surface facing toward the outer perimeter of the site shall be brick, natural or cultured stone, decorative concrete block (e.g., ground face or split face), stucco, or a combination thereof.

9.08-214 to 9.08-230 Reserved

DIVISION 9
SPECIAL STANDARDS FOR PRINCIPAL LAND USES
(Series 1 to 16 in Land Use Matrix)

Sections

Series 1. Agricultural Uses
9.08-231 Agriculture-related uses
9.08-232 Agriculture, crop
9.08-233 Agriculture, general
9.08-234 Greenhouse

Series 2. Resource-Based Uses
9.08-241 Dam
9.08-242 Forestry
9.08-243 Hunting preserve
9.08-244 Sewage sludge disposal
9.08-245 Wildlife park

Series 3. Residential Uses
9.08-251 Mixed-use housing
9.08-252 Manufactured housing community
9.08-253 Multifamily building, 3 or more units
9.08-254 Single-family dwelling
9.08-255 Townhouse
9.08-256 Twin home
9.08-257 Two-family, 2 units

Series 4. Special Care Facilities
9.08-261 Adult family home
9.08-262 Community living arrangement
9.08-263 Foster home and treatment foster home
9.08-264 Group day care center
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9.08-266 Nursing home
9.08-267 Retirement home
9.08-268 Temporary shelter

Series 5. Group Accommodations
9.08-271 Boardinghouse
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9.08-273 Group recreation camp
9.08-274 Migrant labor camp
9.08-275 Overnight lodging
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9.08-282 Restaurant
9.08-283 Tavern

Series 7. Vehicle Rental, Sales and Services
9.08-291 Heavy vehicle sales and rental
9.08-292 Truck stop
9.08-293 Vehicle fuel station
9.08-294 Vehicle repair shop
9.08-295 Vehicle sales and rental
9.08-296 Vehicle service shop
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Series 8. General Sales
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9.08-302 General retail sales
9.08-303 General retail sales, large format
9.08-304 Outdoor sales

Series 9. General Services
9.08-311 Administrative services
9.08-312 Adult-oriented establishment
9.08-313 Body-piercing establishment
9.08-314 Commercial kennel
9.08-315 Commercial stable
9.08-316 Equipment rental, large
9.08-317 Equipment rental, small
9.08-318 Financial services
9.08-319 Funeral home
9.08-320 General repair
9.08-321 General services
9.08-322 Health care clinic
9.08-323 Health care center
9.08-324 Instructional services
9.08-325 Landscape business
9.08-326 Professional services
9.08-327 Tattoo establishment
9.08-328 Veterinary clinic, general
9.08-329 Veterinary clinic, small animal

Series 10. Recreation and Entertainment
9.08-341 Driving range
9.08-342 Golf course
9.08-343 Indoor entertainment
9.08-344 Indoor recreation
9.08-345 Outdoor entertainment
9.08-346 Outdoor recreation
9.08-347 Outdoor shooting range

Sections - continued

Series 11. Government and Community Services	
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9.08-352	Animal shelter
9.08-353	Cemetery
9.08-354	Civic use facility
9.08-355	Community center
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9.08-357	Community garden
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9.08-360	Educational facility, post-secondary
9.08-361	Maintenance garage
9.08-362	Park
9.08-363	Public safety facility
9.08-364	Recreation trail
9.08-365	Worship facility
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9.08-371	Solar energy system
9.08-372	Stormwater management facility
9.08-373	Telecommunication facility, concealed
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Series 13. Transportation Facilities	
9.08-381	Airport
9.08-382	Bus storage facility
9.08-383	Marina
9.08-384	Mass transit terminal
9.08-385	Off-site parking lot
9.08-386	Parking structure
9.08-387	Park-and-ride lot
9.08-388	Railroad line
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9.08-401	Boat yard
9.08-402	Bulk fuel storage
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9.08-405	Warehouse
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9.08-412	Batching plant
9.08-413	Biofuels production plant
9.08-414	Construction equipment repair
9.08-415	Construction equipment sales and rental
9.08-416	Contractor yard
9.08-417	Industrial, heavy
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9.08-419	Nonmetallic mine
9.08-420	Salvage yard
Series 16. Solid Waste Facilities	
9.08-431	Composting facility
9.08-432	Recycling center
9.08-433	Solid waste landfill
9.08-434	Solid waste transfer station

Series 1. Agricultural Uses

9.08-231 Agriculture-related use

(a) **Generally**. An agriculture-related use shall not be located in, or adjacent to, an existing or platted residential subdivision. If such use is established prior to December 17, 2013, the adjoining lands may be platted for residential subdivisions after that date.

(b) **Long-term use**. This use shall be located in an area that is planned to remain commercially viable for agricultural land uses over the long term.

(c) **Setbacks**. All buildings, structures, and outdoor storage areas shall be located at least 100 feet from all side and rear property boundary lines.

9.08-232 Agriculture, crop

(a) **Setbacks**. The raising of crops may occur within the setback of a street yard, side yard, and rear yard.

(b) **Buildings**. Buildings related to the raising of crops are only allowed in an agricultural zoning district.

9.08-233 Agriculture, general

(a) **Legislative findings**. The Town Board of Supervisors makes the following legislative findings regarding this section:

(1) The state legislature adopted s. 93.90, Wis. Stats., (Livestock Facility Siting Law) to govern livestock facilities, which is implemented by administrative rule under ch. ATCP 51, Wis. Admin. Code.

(2) The Livestock Facility Site Law allows local jurisdictions to review livestock facilities with 500 animal units or more as a conditional use.

(b) **Standards for livestock facilities with fewer than 500 animal units**. There are no special standards that apply to general agriculture with fewer than 500 animal units.

(c) **Standards for livestock facilities with 500 animal units or more**. A livestock facility with 500 animal units or more shall comply with the following requirements.

(1) **Minimum lot area**. The facility shall only occur on a parcel of land that is 40 acres or larger. Once this use is established, the parcel shall not be made smaller through a property boundary line relocation or other means, except as may be approved by the Plan Commission as a special exception consistent with the procedures and requirements in article 7 of this chapter.

(2) **Road access requirements**. The primary access to the facility shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

(3) **Location of livestock structures**. A livestock structure approved after December 17, 2013, except for livestock waste storage structures, shall be located at least 150 feet from a public road right-of-way and 200 feet from a property boundary line, other than for a public road right-of-way.

(4) **Location of livestock waste storage structures**. A livestock waste storage structure approved after December 17, 2013, shall be located at least 350 feet from a property boundary. If any portion of an existing structure that is closer than 350 feet from a property boundary line, such structure may be expanded, provided the expansion is not located any closer to the property boundary line than the existing structure. A single new livestock waste storage structure may be constructed closer than 350 feet if such structure (1) is located on the same tax parcel as a livestock waste storage structure in existence before May 1, 2006, (2) is not larger than the existing structure, (3) is no further than 50 feet from the existing structure, and (4) is no closer to the property boundary line than the existing structure. An existing structure that does not meet the setback standards in this subsection may be expanded provided such expansion is not located any closer to the property boundary line than the existing structure.

(5) **Location of livestock structures, except livestock waste storage structures**. Livestock structures, except livestock waste storage structures, associated with an operation with fewer than 1,000 animal units shall be located at least 100 feet from the property boundary line. Livestock structures, except livestock waste storage structures, associated with an operation with 1,000 animal units or more shall be located at least 200 feet from the property boundary line.

(6) **Wells**. All water wells located within a livestock facility shall comply with chs. NR 811 and 812, Wis. Admin. Code.[2] New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, Wis. Admin. Code, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

[2] Commentary: These administrative rules include standards for water well construction and placement.

9.08-234 Greenhouse

No special standards apply to greenhouses.

9.08-235 to 9.08-240 Reserved

Series 2. Resource-Based Uses

9.08-241 Dam

(a) **State and federal compliance**. A dam constructed after December 17, 2013, shall comply with all state and federal rules and regulations.

(b) **Removal**. A dam may be removed, provided the standards and requirements of ch. 31, Wis. Stats., are met.

(c) **Safety**. The owner of the dam shall comply with the safety measures required in s. NR 33.07(3), Wis. Admin. Code.

(d) **Unsafe conditions**. If the zoning administrator determines that a dam is unsafe or otherwise defective, the administrator shall follow the procedure outlined in article 7 of this chapter relating to unsafe conditions.

(e) **Termination of use**. If the zoning administrator determines that a dam has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 7 of this chapter relating to the termination of an approval.

9.08-242 Forestry

(a) **Removal of trees and shrubs within a buffer yard**. Trees and shrubs within a required buffer yard shall not be removed, except as follows:

(1) A dead or dying tree or shrub may be removed when it poses a threat to public health and safety.

(2) An invasive tree or shrub may be removed.

If a tree or shrub is removed and the tree or shrub is counted towards meeting a landscaping requirement contained in this chapter, a new plant shall be planted in the buffer yard to compensate for the loss.

(b) **Removal of a tree or shrub within a defined open space area**. Trees and shrubs within an area set aside as open space shall not be removed except as follows:

(1) A dead or dying tree or shrub may be removed when it poses a threat to public health and safety.

(2) The removal of trees and shrubs is done consistent with a landscape management plan as prepared by a registered landscape architect, an arborist, or a forester and as approved by the zoning administrator.

9.08-243 Hunting preserve

No special standards apply to hunting preserves.

9.08-244 Sewage sludge disposal

The land application of sewage sludge shall comply with s. 283.82, Wis. Stats.; ch. NR 204, Wis. Admin. Code; and other applicable rules and regulations administered by the Wisconsin Department of Natural Resources.[3]

9.08-245 Wildlife park

No special standards apply to wildlife parks.

[3] Commentary: Under s. 283.82, Wis. Stats., a city, village, town, or county may not prohibit the land application of sewage sludge if that application complies with state statute and administrative rules.

9.08-246 to 9.08-250 Reserved

Series 3. Residential Uses

9.08-251 Mixed-use housing

No special standards apply to mixed-use housing.

9.08-252 Manufactured housing community

(a) **Minimum size**. The minimum size of a manufactured housing community established after December 17, 2013, shall be 5 acres.

(b) **Uses**. A recreational vehicle shall not be used for dwelling purposes. The following are permitted uses:

(1) one manufactured home per designated space;

(2) one single-family dwelling for the park operator or caretaker;

(3) one or more community safe rooms;

(4) service buildings, such as administrative offices, laundromats, and recreational buildings, provided that such uses are subordinate to the residential character of the park and are intended for use primarily by park residents;

(5) accessory structures, such as storage sheds, porches, garages, and carports as may be approved by the park operator, provided minimum setback requirements to the perimeter are maintained; and

(6) one or more play areas for children.

(c) **Density**. The maximum density shall be 8 spaces per gross acre.

(d) **Community access**. The entrance to the manufactured housing community shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent roads. Each access to the development shall be off of a road classified as a minor arterial, major collector, or minor collector as depicted on the zoning map or a supplemental map.

(e) **Interior access**. Access to each manufactured home space shall be off of a paved private street internal to the project.

(f) **Walkways**. Pedestrian walkways shall be provided in the area around service buildings, along major streets, and in other locations of anticipated heavy foot traffic. Walkways shall be at least 4 feet wide and hard-surfaced. In addition, each manufactured home stand shall be provided with a walkway from the stand to the street or parking space.

(g) **Manufactured home space**. An individual manufactured home space shall contain at least 3,000 square feet and shall have a minimum width, at the narrowest point, of 45 feet. The limits of each manufactured home space shall be clearly marked on the ground. Considering the orientation of principal windows in mobile homes, manufactured home spaces shall be arranged diagonally to the street (30 degrees from perpendicular).

(h) **Identification of manufactured home spaces**. Each manufactured home shall be clearly identified in a uniform manner with a unique number or other approved designation for fire and police services. Such number or other approved designation shall be filed with the appropriate authorities by the licensee.

(i) **Manufactured home pad**. Within each designated manufactured home space, a manufactured home pad with minimum dimensions of 17 feet by 70 feet shall be provided for the placement of the mobile home. The pad shall be hard surfaced with asphalt, concrete, or similar material and provide adequate drainage and support against settling and frost heave. It shall be equipped with tie downs and anchors to secure the manufactured home against winds.

(j) **Required separation between mobile homes**. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the manufactured home shall, for purposes of separation requirements, be

considered a part of the mobile home. The basic unit shall not occupy in excess of one fourth of the area of the lot and the complete unit including all accessory structures shall not occupy more than one-half of the area of the lot.

(k) **Setback and buffer strips**. Each manufactured home shall be located at least 5 feet from any manufactured home lot line. There shall be a minimum setback of the manufactured home of 20 feet from the front, or main street side of the lot and of at least 10 feet from the rear of the lot. All mobile homes shall be located at least 25 feet from the perimeter of the site. Accessory buildings shall be located at least 10 feet from the perimeter of the site.

(l) **Drainage and landscaping**. The ground surface shall be graded and equipped to drain all surface water in a safe, efficient manner away from the manufactured home pad. Except for the manufactured home pad and other hard-surfaced areas, manufactured home spaces shall be sodded or seeded or otherwise landscaped.

(m) **Skirting**. Each manufactured home shall be skirted within 30 days of placement on the pad.

(n) **Mail delivery**. An off-street area for central mail delivery shall be provided.

(o) **Solid waste collection**. If the solid waste service provider does not provide individual pickup, a dumpster enclosure of sufficient size shall be provided.

(p) **Common storage area for residents**. An open, well-drained, dust-free storage area for the parking of boats, trailers, and outside vehicles owned by those living in the manufactured housing community shall be provided. The minimum size of such area shall be 100 square feet per manufactured home space. The storage area shall be fenced to prevent access from outside the park.

(q) **Recreation area**. A manufactured housing community shall contain a recreation area consisting of one-half acre for each 100 manufactured home spaces. The minimum area in a park shall be 0.2 acres. Such area shall be located in a central area of the manufactured housing community.

(r) **Utilities**. Utilities, including electrical, television, and telephone services, shall be placed underground.

(s) **Lighting**. Street lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night and shall be effectively related to buildings, trees, walks, steps, and ramps.

(t) **Fire hydrants**. Fire hydrants shall be installed as required by the fire department serving the subject property.

(u) **Sanitation**. All appropriate state, county, and county sanitation regulations shall be strictly observed. Manufactured housing communities established after December 17, 2013, shall be served by a public sanitary district. An expansion of a manufactured housing community existing prior to December 17, 2013, may be served by an on-site system.

(v) **Continuing maintenance**. The owner of the manufactured housing community shall maintain the park in a clean and sanitary manner and may adopt and enforce community rules.

(w) **Community safe room.** A new manufactured housing community that contains 20 or more manufactured home spaces and existing manufactured housing communities that expand the number of spaces to 20 or more spaces shall provide and maintain an on-site community safe room for the use of park residents during wind-related storm events. The shelter shall meet applicable building codes and shall comply with the design and construction guidance as contained in *Design and Construction Guidance for Community Safe Rooms* (FEMA 361, second edition), or later edition, as published by the Federal Emergency Management Agency, U.S. Department of Homeland Security.

(x) **Local license**. Prior to the establishment of a manufactured housing community, the operator shall obtain a license from the town and maintain such license for the life of the use or until the town no longer requires such license.

9.08-253 Multifamily building, 3 or more units

(a) **Number of principal buildings per parcel**. More than one multifamily building with 3 or more dwelling units may be located on a parcel of land, provided the overall density is maintained.

(b) **Design and construction**. A multifamily building with 3 or more dwelling units shall meet the design and construction standards for a single-family dwelling under s. 9.08-255(c).

9.08-254 Single-family dwelling

(a) **Number of principal dwellings per parcel**. No more than one principal residential building shall occupy any single parcel of land.

(b) **Occupancy**. A dwelling unit shall be occupied by no more than one family.

(c) **Design and construction**. A single-family dwelling shall meet the following standards:

(1) Suitable roof coverings include clay or ceramic tiles, wood shingles or shakes, metal, or fiberglass or asphalt shingles.

(2) Exterior wall surfaces shall be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer.

(3) An overhang shall extend at least 12 inches beyond the face of the exterior wall.

(4) The building shall be set on and anchored to a continuous permanent foundation that extends around its perimeter.

Consistent with the requirements in article 7 of this chapter, the Plan Commission may approve a special exception authorizing the use of an exterior material not specifically allowed in this subsection.

9.08-255 Townhouse

(a) **Lot area**. No more than 70 percent of the lot area shall be occupied by a building.

(b) **Utility service**. Each dwelling unit shall have independent service connections to all utilities, including water, sewer, and electricity.

(c) **Subsequent divisions**. Individual townhouses shall not be further subdivided.

(d) **Driveways**. When more than one garage is located in the front of a townhouse, a common driveway shall be used whenever possible.

(e) **Vertical off-sets**. When a building includes 5 or more dwelling units, there shall be a vertical offset of at least 2 feet between each adjoining dwelling unit.

(f) **Accessory buildings**. The floor area of accessory buildings, excluding garages and carports, shall not exceed 120 cumulative square feet.

(g) **Front entrances**. The front entrance to each dwelling unit shall be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.

9.08-256 Twin home

(a) **Fire separation**. Each dwelling unit of a twin home shall be separated from the abutting unit by a minimum fire separation complying with s. Comm 21.08, Wis. Admin. Code.

(b) **General layout**. The common wall between dwelling units in a twin home shall be approximately perpendicular to the front lot line.

(c) **Water service**. Dwelling units in a twin home shall have a separate water service with separate curb stops, lines, and meters.

(d) **Gas and electric service**. Dwelling units in a twin home shall have separate gas and electric meters.

(e) **Sanitary sewer service**. Dwelling units in a twin home shall have separate sanitary sewer service laterals and lines, subject to including a provision in a joint access and maintenance agreement that addresses emergency access to, and the responsibility for, sanitary sewer building blockage.

(f) **Written agreement required**. Dwelling units in a twin home shall be subject to a joint cross access and maintenance agreement as approved by the zoning administrator. Such agreement shall be recorded with each lot in the office of the register of deeds for Winnebago County.

9.08-257 Two-family building, 2 units

(a) **Number of principal buildings per parcel**. More than one two-family building with 2 dwelling units may be located on a parcel of land provided the overall density is maintained.

(b) **Design and construction**. A two-family building with 2 dwelling units shall meet the design and construction standards for a single-family dwelling under s. 9.08-255(c).

9.08-258 to 9.08-260 Reserved

Series 4. Special Care Facilities

9.08-261 Adult family home

An adult family home described in s. 50.01(l)(b), Wis. Stats., shall not be established within 2,500 feet of another such facility or any community living arrangement. An agent of a proposed adult family home may apply for an exception to this requirement, and the town board at its discretion may grant the exception.[4] An adult family home certified under s. 50.032(1m)(b), Wis. Stats., is exempt from this provision.[5]

9.08-262 Community living arrangement

A community living arrangement shall not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the town board at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the town board and if both facilities comprise essential components of a single program.[6] A foster home and a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under s. 48.62, Wis. Stats., are exempt from this provision.[7]

9.08-263 Foster home and treatment foster home (operated as a principal use)

(a) **Proximity to other such facility**. A foster home or treatment foster home that is operated by a corporation, a child welfare agency, a religious association, as defined in s. 157.061(15), Wis. Stats., an association, or a public agency, shall not be established within 2,500 feet of another such facility. An agent may apply for an exception to this requirement, and the town board at its discretion may grant the exception.[8]

(b) **State license.** Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75 Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

9.08-264 Group day care center

An outdoor activity area associated with a group day care center shall not be located within 20 feet of an adjoining property in a residential zoning district.

9.08-265 Hospice care center

Prior to the establishment of a hospice care center, the operator shall obtain a license from the state as provided for in s. 50.92 Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

9.08-266 Nursing home

(a) **Required green space**. A minimum of 30 percent of the gross site area shall be green space.

[4] Commentary: See s. 56.69(15)(br)(1), Wis. Stats.
[5] Commentary: See s. 59.69(15)(br)(2), Wis. Stats.
[6] Commentary: See s. 59.69(15)(a), Wis. Stats.
[7] Commentary: See s. 59.69(15)(bm), Wis. Stats.
[8] Commentary: See s. 59.69(15)(bm), Wis. Stats.

(b) **Parking lot screening**. When an off-street parking lot is located within 20 feet of a property in a residential zoning district landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.

(c) **Setbacks**. Principal buildings shall be located at least 35 feet from a property in a residential zoning district.

9.08-267 Retirement home

(a) **Required green space**. A minimum of 30 percent of the gross site area shall be green space.

(b) **Parking lot screening**. When an off-street parking lot is located within 20 feet of a property in a residential zoning district, landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.

(c) **Setbacks**. Principal buildings shall be located at least 35 feet from a property in a residential zoning district.

9.08-268 Temporary shelter

No special standards apply to temporary shelters.

23.8-269 to 23.8-270 Reserved

Series 5. Group Accommodations

9.08-271 Boardinghouse

The property owner or a property manager shall reside on the premises.

9.08-272 Campground

(a) **Generally**. In addition to the other applicable design and improvement requirements contained in this chapter, a campground shall comply with the provisions of this section and applicable state law.

(b) **Minimum lot area**. The minimum lot area for a campground is 5 acres.

(c) **Continuing maintenance**. The owner of the campground shall maintain the campground in a clean and sanitary manner.

(d) **Accessory facilities**. Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the campground but shall be designed, operated, and located to inhibit use by nonoccupants.

(e) **Density**. The density shall not exceed 25 campground spaces per acre (gross).

(f) **Recreation area**. At least 8 percent of the gross site area or 2,500 square feet, whichever is greater, shall be dedicated for on-site recreational purposes and shall be easily accessible from all camping spaces.

(g) **Access**. Campground spaces shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.

(h) **Setbacks from property boundary line**. A campground space shall be no closer than 40 feet to the perimeter property boundary line of the site.

(i) **Solid waste collection**. An off-street area for the collection of solid waste shall be provided within a campground.

(j) **Limitation on addition of features**. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, shall not be permitted within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, shall not be permitted.

(k) **State license.** Prior to the establishment of a campground, the operator shall obtain a license from the Wisconsin Department of Health and Family Services as required by state law and maintain such license for the life of the use or until the state no longer requires such license.[9]

(l) **Local license.** Prior to the establishment of a campground, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.

9.08-273 Group recreation camp

(a) **Generally**. In addition to the other applicable design and improvement requirements contained in this chapter, a group recreation camp shall comply with the provisions of this section and applicable state law.

(b) **Minimum lot area**. The minimum lot area for a group recreation camp is 5 acres.

(c) **Continuing maintenance**. The owner of the group recreation camp shall maintain the group camp in a clean and sanitary manner.

(d) **Accessory facilities**. Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the group recreation camp but they shall be designed, operated, and located to inhibit use by nonoccupants.

(e) **Density**. If campground spaces are provided, the density shall not exceed 25 campground spaces per acre (gross).

(f) **Access**. If campground spaces are provided, they shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.

(g) **Setbacks from property boundary line**. If campground spaces are provided, they shall be no closer than 40 feet to the perimeter property boundary line of the site.

(h) **Solid waste collection**. An off-street area for the collection of solid waste shall be provided within a group recreation camp.

(i) **Limitation on addition of features**. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, shall not be permitted within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, shall not be permitted.

(j) **State license.** Prior to the establishment of a group recreation camp, the operator shall obtain a license from the Wisconsin Department of Health and Family Services as required by state law and maintain such license for the life of the use or until the state no longer requires such license.[10]

(k) **Local license.** Prior to the establishment of a group recreation camp, the operator shall obtain a license from the Winnebago County Health Department if so required and maintain such license for the life of the use or until the department no longer requires such license.

9.08-274 Migrant labor camp

No special standards apply to a migrant labor camp.

9.08-275 Overnight lodging

(a) **Local license.** Prior to the establishment of overnight lodging, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.

(b) **Location of customer entrance**. No customer entrance to the building shall be located within 100 feet of a property in a residential zoning district.

[9] Commentary: See ch. DHS 178, Wis. Admin. Code
[10] Commentary: See ch. DHS 175, Wis. Admin. Code

9.08-276 Resort

(a) **Location.** A resort in the B-2 zoning district must be located on a lake or on one of the following: Fox River, Rat River, or Wolf River.

(b) **Minimum lot area**. The minimum lot area for a resort is 5 acres.

9.08-277 to 9.08-280 Reserved

Series 6. Food and Beverage Sales

9.08-281 Brewpub

(a) **Local license.** Prior to the establishment of a brewpub, the operator shall obtain a license from the county, as may be required, and maintain such license for the life of the use or until the county no longer requires such license.

(b) **State license.** Prior to the establishment of a brewpub, the operator shall obtain a license from the state, as may be required, and maintain such license for the life of the use or until the state no longer requires such license.

(c) **Limitation on floor area devoted to production.** No more than 40 percent of the floor area shall be devoted to the production of fermented malt beverages, including storage of raw materials and finished products.

(d) **Limitation on production**. Not more than 10,000 barrels (310,000 gallons) of fermented malt beverages may be manufactured in a calendar year.

9.08-282 Restaurant

Prior to the establishment of a restaurant, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.

9.08-283 Tavern

(a) **Local license.** Prior to the establishment of a tavern, the operator shall obtain a license from the Town of Clayton and maintain such license for the life of the use or until the license is no longer required.

(b) **Compliance with state requirements**. A tavern shall comply with requirements as may be adopted by the state of Wisconsin.

9.08-284 to 9.08-290 Reserved

Series 7. Vehicle Rental, Sales, and Service

9.08-291 Heavy vehicle sales and rental

Outdoor display areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.

9.08-292 Truck stop

(a) **Minimum lot area and location**. A truck stop established after December 17, 2013, shall be located on a parcel containing at least 10 acres that is located within 2,000 feet of a U.S. highway or a state highway.

(b) **Access**. Each access to the parcel with a truck stop shall be off of a road classified as an arterial or a higher classification as depicted on the zoning map or a supplemental map.

(c) **Restroom facilities**. If a truck stop provides restroom facilities, the door to each restroom shall be accessed from within the interior of the building in which they are located.

(d) **Pump island canopies**. Pump island canopies shall not exceed 22 feet in height.

(e) **Location of parking areas**. Areas designated or used for truck parking and other similar activity areas shall be designed and located so that noise levels at the property boundary line of a property in a residential zoning district do not exceed 60 decibels as measured on a dB(A) scale between the hours of 10:00 p.m. and 7:00 a.m.

9.08-293 Vehicle fuel station

(a) **Restroom facilities**. If a vehicle fuel station provides restroom facilities, the door to each restroom shall be accessed from within the interior of the building in which they are located.

(b) **Pump island canopies**. Pump island canopies shall not exceed 22 feet in height.

(c) **Special setbacks**. The following setbacks shall apply to a vehicle fuel station:

(1) A fuel pump shall be located at least 50 feet from a property in a residential zoning district and at least 30 feet from a property in a nonresidential zoning district.

(2) A pump island canopy shall be located at least 18 feet from all property boundary lines.

9.08-294 Vehicle repair shop

(a) **Work area**. Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, except when located in an industrial zoning district.

(b) **Vehicle storage**. When a vehicle repair shop is located in a commercial zoning district, no more than 10 motor vehicles shall be stored out-of-doors overnight. When located in an industrial zoning district, there is no limitation on the number of motor vehicles that can be stored out-of-doors overnight. Storage of unlicensed vehicles is prohibited.

9.08-295 Vehicle sales and rental

(a) **Show room**. An indoor vehicle display area shall be provided that is at least 12 feet by 20 feet. If only motorcycles are sold, the indoor vehicle display area shall be large enough to display at least 3 motorcycles.[11]

(b) **State license.** Prior to the establishment of this use, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license.

(c) **Setback for display area.** Display areas and other activity areas shall be located at least 30 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district.

9.08-296 Vehicle service shop

No special standards apply to vehicle service shops.

9.08-297 Vehicle storage yard

(a) **Buffer yard**. Buffer yards shall comply with Chapter 7.3 of Town of Clayton Code of Ordinances.

(b) **Setback requirements**. Outdoor storage areas and other activity areas shall be located at least 40 feet from a property in a residential zoning district and 20 feet from a property in a commercial or mixed-use zoning district.

(c) **Fence**. A 6-foot solid fence, subject to approval by the reviewing authority, shall be located around the perimeter of the area used to store the motor vehicles.

(d) **Fence plan**. As part of the site plan review application, the applicant shall submit a fence plan which specifies construction materials and specifications.

9.08-298 to 9.08-300 Reserved

[11] Commentary: See s. TRANS 138.03(a), Wis. Admin. Code

Series 8. General Sales

9.08-301 Convenience retail sales
No special standards apply to convenience retail sales.

9.08-302 General retail sales
No special standards apply to general retail sales.

9.08-303 General retail sales, large format
(a) **Legislative findings.** The Town Board of Supervisors makes the following legislative finding relating to large-format retail sales: Abandoned buildings are a blighting influence on the community and large vacant stores are especially detrimental.

(b) **Purpose**. The provisions of this section are intended to prevent urban blight due to large vacant stores.

(c) **Development agreement**. Prior to issuance of a building permit for a large-format retail store, the property owner shall enter into a development agreement with the Town, to run with the land, that includes all of the following:

(1) a provision that prevents the owner from prohibiting or otherwise limiting, through contract or other legal device, the reuse of the building for retail or other legitimate purpose;

(2) a provision requiring long-term maintenance of the property including landscaping if the building is vacated;

(3) a provision requiring the preparation of an adaptive reuse plan or a demolition plan by the property owner acceptable to the Plan Commission within 12 months of vacation;

(4) a provision stating that the property owner within 24 months of vacation shall either begin demolishing the building and restoring the site consistent with the approved demolition plan and continue in good faith to completion or begin implementing the approved adaptive reuse plan and continue in good faith to completion;

(5) other provisions deemed necessary by the committee to address the particular circumstances related to the project.

(d) **Vacation of existing buildings**. When a large-format store is proposed as a replacement for another retail store already located in the towny, the applicant shall not prohibit or otherwise limit, through contract or other legal device, the reuse of its former building.

9.08-304 Outdoor sales
Items offered for sale shall not be located within the setbacks established for the zoning district in which the use is located.

9.08-305 to 9.08-310 Reserved

Series 9. General Services

9.08-311 Administrative services
No special standards apply to administrative services.

9.08-312 Adult-oriented establishment

(a) **Legislative findings**. The Town Board of Supervisors makes the following legislative findings regarding adult-oriented establishments:

(1) Adult-oriented establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a causal nature, which may have a deleterious effect on the existing and planned commercial and residential uses in the surrounding area and result in a downgrading of property values as well as causing an increase in criminal activity. The serving or presence of alcohol within an adult-oriented establishment is likely to heighten the potential occurrence of such deleterious effects on the surrounding area.

(2) The establishment of adult-oriented establishments within 600 feet of each other can create especially deleterious effects on existing and planned commercial and residential uses in the surrounding area.

(3) The establishment of an adult-oriented establishment within 600 feet of certain land uses, including schools, worship facilities, libraries, parks, and other places where the public and especially children congregate, can conflict with those uses.

(4) Concern over sexually transmitted diseases is a legitimate health concern of Winnebago County, which demands reasonable regulation of adult entertainment businesses in order to protect the health and well-being of the citizens.

(5) The Town of Clayton desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread blight.

(6) It is not the intent of this section to suppress any speech activities protected by the First Amendment of the U.S. Constitution but to enact regulations that address the negative secondary effects of adult-oriented establishments.

(7) It is not the intent of the Town of Clayton to condone or legitimize the distribution of obscene material.

(8) It is in the best interests of the Town of Clayton to minimize and control any adverse secondary effects of adult-oriented establishments within the Town of Clayton while preserving the right of free speech and protecting First Amendment rights to all citizens and recognizing the rights of citizens to patronize and operate adult-oriented establishments.

(9) Although the consumption of alcohol beverages in an adult-oriented establishment would exacerbate the negative secondary effects of such business in the community, a local municipality may, however, be in a position to evaluate the extent of the secondary effects given the unique characteristics of the municipality and the extent to which those effects can be controlled or eliminated in their municipality.

(10) The Plan Commission has read and utilized a study entitled *Everything You Always Wanted to Know About Regulating Sex Businesses*, by Eric Damian Kelly and Connie Cooper (Planning Advisory Service Report Number 495/496) in the development of this section.

(b) **Purpose**. This section is intended to regulate adult-oriented establishments in order to promote the health, safety, and general welfare of citizens of the Town of Clayton, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult-oriented establishments within the town. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the U.S. Constitution, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

(c) **Applicability**. Upon any of the following events, an adult-oriented establishment shall comply with the provisions of this section:

(1) the opening or commencement of an adult-oriented establishment;

(2) the conversion of an existing business, whether or not a adult-oriented establishment, to an adult-oriented establishment;

(3) the addition of an adult-oriented establishment to an adult-oriented establishment;

(4) the relocation of an adult-oriented establishment;

(5) the sale, lease, or sublease of an adult-oriented establishment;

(6) the transfer of securities which constitute a controlling interest in an adult-oriented establishment, whether by sale, exchange, or similar means; or

(7) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of an adult-oriented establishment, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(d) **Exclusions**. This section does not apply to theaters, performing arts centers, civic centers, and dinner theaters where (1) live dance, ballet, music, and dramatic performances of serious artistic merit are offered on a regular basis; (2) the predominant business or attraction is not the offering of entertainment which is intended for sexual interests or titillation of customers; and (3) the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this section seeks only to minimize and prevent the secondary effects of adult entertainment businesses on the community. Negative secondary effects have not been associated with the aforementioned establishments listed in this part.

(e) **Proximity to another establishment of the same kind**. An adult-oriented establishment shall not be located within 600 feet of another adult-oriented establishment.

(f) **Proximity to specified zoning districts**. An adult-oriented establishment shall not be located within 600 feet of a parcel of land in a residential zoning district or a planned development district that allows residential uses.

(g) **Proximity to other specified land uses**. An adult-oriented establishment shall not be located within 600 feet of any of the following:

(1) public library;

(2) public playground or park, including nature trails, pedestrian/bicycle paths, wilderness areas, or other public lands open for recreational activities;

(3) educational facility, including K-12 and post-secondary, but not including facilities used primarily for another purpose and only incidentally at a school;

(4) state licensed family day care home, group day care home, or day care center;

(5) worship facility;

(6) any youth-oriented establishment;

(7) tavern;

(8) any commercial business, other than a tavern, holding a valid liquor license; or

(9) farm dwelling.

If one of these specified uses locates within this area of separation after the adult-oriented establishment has been granted a building permit or occupancy permit, the adult-oriented establishment shall not be required to relocate.

(h) **Measurement of distances**. For the purpose of this section, specified distances are measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure containing the adult-oriented establishment, to the nearest property boundary line of the parcel with the specified use or to the specified zoning district. If an adult-oriented establishment is located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a city, village, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

(i) **Sale of alcohol**. An adult-oriented establishment shall not sell, distribute, or allow consumption of alcoholic beverages on the premises.

(j) **Building standards**. All building openings, entries, and windows shall be located, covered, or screened in such manner so as to prevent the interior of such premise from being viewed from outside the establishment. An entry with a double set of doors may be used to meet this standard. Further, there shall be no display windows.

(k) **Special provisions for adult cabarets**. An adult cabaret shall close no later than the closing time as may be established for taverns by the town in which this use is located.

(l) **Special provisions for adult motion picture theaters**. An adult motion picture theater shall close no later than the closing time as may be established for taverns by the Town of Clayton. The viewing screen shall not be visible from a public park, road, street, highway, or residence. The premises shall be surrounded by a solid fence at least 8 feet in height. All theaters shall be in compliance with s. 134.46, Wis. Stats.

(m) **Prohibitions**. The property owner and the operator of an adult-oriented establishment shall ensure that minors, as defined by state law (s. 990.01(20), Wis. Stats.), are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited on the premises.

(n) **Physical contact with an entertainer**. During a performance, an entertainer shall not have physical contact with another individual. To prevent such physical contact, performances shall occur on a stage or on a table that is elevated at least 18 inches above the immediate floor level and shall not be less than 3 feet from any areas occupied by any patron. Patrons shall not be closer than 5 feet to an entertainer during a performance, including, but not limited to, during the payment of a tip or gratuity. An adult-oriented establishment existing on December 17, 2013, shall not have to reconstruct existing stages and tables to meet this requirement, but shall adhere to the prohibition against physical contact.

(o) **Signage**. Signs advertising an adult-oriented establishment shall conform with article 12 of this chapter with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will not depict specified sexual activities, specified anatomical areas, or both and provided further that there shall be no flashing or traveling lights located outside of the building.

(p) **Special provisions related to review of application**. As part of the review of a conditional use application for an adult-oriented establishment, the zoning administrator shall conduct an inventory of the surrounding area and population along with a study of the proposed development and plans for the area so as to enable the Plan Commission to make appropriate findings relating to the effect of the establishment of an adult-oriented establishment in that area.

9.08-313 Body-piercing establishment

(a) **Locational standards**. A body-piercing establishment shall not be located within 600 feet of another body-piercing establishment or a tattoo establishment. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the body-piercing establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the exterior wall). The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

(b) **Sale of alcohol**. A body-piercing establishment shall not also sell, distribute, or allow consumption of alcoholic beverages on the premises.

(c) **Building standards**. A patron who is being pierced shall not be visible from the exterior of the building through a window or entrance to the building.

(d) **State license.** Prior to the establishment of a body-piercing establishment, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license. In addition, each practitioner shall obtain a license from the state as required by state law and maintain such license while at the establishment or until the state no longer requires such license.

9.08-314 Commercial kennel

No special standards apply to a commercial kennel.

9.08-315 Commercial stable

(a) **Minimum lot area**. The minimum lot area for a commercial stable is 5 acres.

(b) **Review parameters**. As part of the review of the site plan and operation plan, the handling and disposal of animal waste generated by this use shall be addressed along with required setbacks from adjoining properties and the maximum number livestock that may be kept on the premise.

9.08-316 Equipment rental, large

Outdoor display and storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district.

9.08-317 Equipment rental, small

No special standards apply to small equipment rental.

9.08-318 Financial services

A payday loan business or auto title loan business shall not be located within 1,500 feet of another payday loan business or auto title loan business or within 150 feet of a single-family or two-family residential zoning district. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the payday loan business or auto title loan business to the outer wall of the building containing the other specified land use or, as appropriate, to the nearest property boundary line of a parcel in the specified zoning district. The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section. If a payday loan business or auto title loan business is operating on December 17, 2013, and does not comply with the locational standards in this section, such business may continue to operate at that location.[12]

9.08-319 Funeral home

No special standards apply to funeral homes.

9.08-320 General repair

All activities related to this use shall occur within a building, except when the parcel of land is located in an industrial zoning district.

9.08-321 General services

No special standards apply to general services.

9.08-322 Health care clinic

No special standards apply to health care clinics.

9.08-323 Health care center

(a) **Access requirements**. The primary access to a health care center shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

(b) **Transition when allowed as a conditional use**. When a health care center is allowed as a conditional use, an appropriate transition shall be required between this use and an adjoining use.

9.08-324 Instructional services

No special standards apply to instructional services.

[12] Commentary: See s. 59.69(4h), Wis. Stats.

9.08-325 Landscape business

Outdoor work areas, parking areas, and storage of equipment and materials related to a landscape business shall not be located within the setbacks established for the zoning district in which the use is located.

9.08-326 Professional services

No special standards apply to professional services.

9.08-327 Tattoo establishment

(a) **Locational standards**. A tattoo establishment shall not be located within 600 feet of another tattoo establishment or a body-piercing establishment. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the tattoo establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

(b) **Sale of alcohol**. A tattoo establishment shall not also sell, distribute, or allow consumption of alcoholic beverages on the premises.

(c) **Building standards**. A patron who is being tattooed shall not be visible from the exterior of the building through any window or entrance to the building.

(d) **State license.** Prior to the establishment of a tattoo establishment, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license. In addition, each practitioner shall obtain a license from the state as required by state law and maintain such license while at the establishment or until the state no longer requires such license.

(e) **County license**. Prior to the establishment of a tattoo establishment, the operator shall obtain a license from the Winnebago County Health Department and any other county department as may be required and maintain such license for the life of the use or until the county no longer requires such license.

9.08-328 Veterinary clinic, general

The standards applicable to animal shelters apply to general veterinary clinics.

9.08-329 Veterinary clinic, small animal

The standards applicable to animal shelters apply to small animal veterinary clinics.

9.08-330 to 9.08-340 Reserved

Series 10. Recreation and Entertainment

9.08-341 Driving range

No special standards apply to driving ranges.

9.08-342 Golf course

Club houses and maintenance buildings shall be located at least 300 feet from a property in a residential zoning district.

9.08-343 Indoor entertainment

No special standards apply to indoor entertainment.

9.08-344 Indoor recreation

No special standards apply to indoor recreation.

9.08-345 Outdoor entertainment

(a) **Hours of operation**. The reviewing authority may establish hours of operation for this use when the operation may negatively affect surrounding properties.

(b) **Site design considerations**. The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding properties.

9.08-346 Outdoor recreation

(a) **Hours of operation**. The reviewing authority may establish hours of operation for this use when the operation may negatively affect surrounding properties.

(b) **Site design considerations**. The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding properties.

9.08-347 Outdoor shooting range

(a) **Hours of operation**. An existing or new outdoor shooting range shall not operate between the hours of 11:00 p.m. and 6:00 a.m., except that this use restriction shall not apply to (1) a law enforcement officer as defined in s. 165.85(2), Wis. Stats.; (2) a member of the U.S. armed forces; or (3) a private security person as defined in s. 440.26(1m), Wis. Stats., who meets all of the requirements under s. 167.31(4)(a)4, Wis. Stats.[13]

(b) **Incidental sales**. An outdoor shooting range may offer items for sale or rental as listed in this subsection provided the totality of such sales and/or rental activity is clearly incidental to the overall operation of the shooting range. The following may be offered for retail sale:

(1) targets,

(2) ammunition,

(3) devices for hearing and eye protection,

(4) other items directly related to the shooting of firearms on the premises, and

(5) pre-packaged food and drink items.

The following may be offered for rental for use on the premises:

(1) devices for hearing and eye protection,

(2) guns, and

(3) other items directly related to the shooting of firearms on the premises.

9.08-348 to 9.08-350 Reserved

Series 11. Government and Community Services

9.08-351 Administrative government center

No special standards apply to administrative government centers.

[13] Commentary: See s. 895.527(6), Wis. Stats.

9.08-352 Animal shelter

(a) **Confinement of animals**. All animals shall be continuously confined within an enclosed building. In an industrial zoning district or in an agricultural zoning district, this use may also include a fenced exercise area provided:

(1) it is at least 200 feet from a property in a residential zoning district or a mixed-use zoning district, and

(2) no animal shall be allowed in the exercise area from sunset to sunrise.

(b) **Noise control**. The building shall be designed and operated so that noise from the animals at the facility cannot be heard beyond the property boundary line of the parcel of land on which it is located.

9.08-353 Cemetery

(a) **Minimum size**. A cemetery shall be at least 3 acres.

(b) **Location of burial plots**. Burial plots shall not be located within 50 feet of a public street right-of-way, in a designated floodplain, or in a wetland area, nor shall internment occur below the groundwater table.

(c) **Marker required**. A permanent marker stating the name of the deceased and the birth and death dates, if known, shall identify the location of each occupied burial plot, unless the zoning administrator allows an unmarked grave due to exceptional circumstances.

(d) **Casket required**. The deceased shall be enclosed in a casket or other durable container.

(e) **Name required**. The cemetery shall have a formal name, which shall be placed on a permanent sign located by the main entrance to the cemetery.

(f) **Financial guarantee**. Prior to the establishment of this use, the property owner shall submit a financial guarantee to the Town of Clayton, consistent with any requirement the town board may adopt. This financial guarantee shall relate to the long-term upkeep and maintenance of the cemetery.

9.08-354 Civic use facility

The primary access to a civic use facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

9.08-355 Community center

The primary access to a community center with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

9.08-356 Community cultural facility

The primary access to a community cultural facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

9.08-357 Community garden

No special standards apply to community gardens.

9.08-358 Correctional facility

No special standards apply to correctional facilities.

9.08-359 Educational facility, pre-K through 12

No special standards apply to pre-K through 12 educational facilities.

9.08-360 Educational facility, post-secondary

No special standards apply to post-secondary educational facilities. The primary access to a post-secondary educational facility shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

9.08-361 Maintenance garage

Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.

9.08-362 Park

No special standards apply to parks.

9.08-363 Public safety facility

No special standards apply to public safety facilities.

9.08-364 Recreation trail

No special standards apply to recreation trails.

9.08-365 Worship facility

The primary access to a worship facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

9.08-366 to 9.08-370 Reserved

Series 12. Telecommunications and Utilities

9.08-371 Solar energy system

This section is reserved.

9.08-372 Stormwater facility

No special provisions apply to a stormwater facility.

9.08-373 Telecommunication facility, concealed

(a) **Applicability**. The provisions of this section apply to all telecommunication facilities, except for the following:

(1) supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater facilities, pump stations, and similar facilities with heights not exceeding 35 feet;

(2) antennas or towers located on property owned, leased or otherwise controlled by the governing authority, provided a license or lease authorizing such antenna or tower has been approved by the governing authority;

(3) amateur radio antennas and support structures that are less than 70 feet in height;[14]

(4) an antenna or tower that is installed on an existing structure (such as a tower, building, sign, light pole, water tower, electric transmission and distribution structure, or other free-standing nonresidential structure), and provided the antenna or tower adds no more than 20 feet to the height of the structure;

[14] Commentary: Amateur radio antennas that are less than 70 feet in height are regulated in s. 23.8-442.

(5) portable antennas that are used in broadcasting public information coverage of news events of a temporary nature (Exhibit 8-6); and

(6) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers, and similar devices.

(b) **Federal requirements.** A telecommunication facility shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

(c) **Equipment buildings**. The exterior of equipment buildings, shelters, and cabinets exceeding 200 cubic feet shall be covered with building materials typically used on buildings found in the area.

9.08-374 Telecommunication facility, unconcealed

(a) **Purpose**. This section promotes the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities, and is intended to accomplish the following purposes, to the full extent permitted by law:

(1) protect the visual character of the town from the potential adverse effects of telecommunication facilities;

(2) ensure against the creation of visual blight within or along the town's scenic corridors and ridgelines;

(3) retain local responsibility for and control over the use of public right-of-ways to protect citizens and enhance the quality of their lives;

(4) ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided; and

(5) create and preserve telecommunication facilities that will serve as an important and effective part of the Winnebago County emergency response network.

(b) **Applicability**. The provisions of this section apply to all telecommunication facilities, except for the following:

(1) supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater facilities, pump stations, and similar facilities with heights not exceeding 35 feet;

(2) antennas or towers located on property owned, leased or otherwise controlled by the governing authority, provided a license or lease authorizing such antenna or tower has been approved by the governing authority;

(3) amateur radio antennas and support structures that are less than 70 feet in height;[15]

(4) an antenna or tower that is installed on an existing structure (such as a tower, building, sign, light pole, water tower, electric transmission and distribution structure, or other free-standing nonresidential structure), and provided the antenna or tower adds no more than 20 feet to the height of the structure;

(5) portable antennas that are used in broadcasting public information coverage of news events of a temporary nature (Exhibit 8-6);

Exhibit 8-6. An example of a portable antenna

(6) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers, and similar devices; and

(7) temporary antennas that are specifically related to a special event of regional significance.

[15] Commentary: Amateur radio antennas that are less than 70 feet in height are regulated in s. 23.8-442.

(c) **Required agreement**. If the tower operator does not also own the property on which the tower is to be located, the property owner shall submit a copy of a signed agreement between the tower operator and the property owner with the application. Such agreement shall be binding on future property owners and future operators and shall address the requirements for termination of approval as specified in this section.

(d) **Federal requirements.** A telecommunication facility shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

(e) **Location of tower on property.** The tower shall be located on the property so the entire fall zone of the tower is contained on the subject property.

(f) **Yard setbacks**. A tower or antenna and support facilities shall not be located in the yard setback established for the zoning district in which the parcel is located.

(g) **Tower type**. A tower established after December 17, 2013, shall be a monopole. Lattice towers and guy-wire supported towers are specifically prohibited except when used for public safety or for radio towers.

(h) **Security fencing**. A tower and all related structures, such as equipment buildings, shelters, and cabinets, shall be enclosed by a security fence.

(i) **Color and finish**. The exterior surface of a tower and an antenna shall be nonreflective and may be painted blue, white, gray, or other neutral color as approved by the zoning administrator.

(j) **Lighting**. A tower or antenna shall not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration, or another federal authority. Such required lighting shall be the least obtrusive to the surrounding views.

(k) **Equipment buildings**. The exterior of equipment buildings, shelters, and cabinets exceeding 200 cubic feet shall be covered with building materials typically used on buildings found in the area.

(l) **Required signage on towers**. A sign no larger than 18 inches by 24 inches shall be placed in a visible location near the base of the tower that lists the following information:

(1) the name of the tower owner,

(2) the Federal Communications Commission identification number, and

(3) a telephone number to contact in case of an emergency.

Exhibit 8-7 is an example of a sign that provides the necessary information.

Exhibit 8-7. An example of appropriate tower signage placed on the security fence

(m) **Accommodation of other users on new towers (co-location)**. A tower that is approved after December 17, 2013, along with the tower site and all support facilities and appurtenances, shall accommodate at least two additional users, unless the zoning administrator determines that evidence presented by the tower operator demonstrates it is not technically feasible to do so. Further, the tower operator and their successors in interest shall allow other users to use the tower, the tower site, support facilities, and appurtenances at fair market rates as negotiated by those parties. If the Plan Commission determines the tower operator has made access to the tower and tower site unfeasible, the zoning administrator shall notify the tower operator via registered mail of such determination. If the tower operator does not take corrective action within 45 days of such determination, the permit for that tower shall become null and void and the tower shall be removed and the site restored within 90 days of such determination.

(n) **Availability of suitable existing towers or other structures**. No new unconcealed tower shall be permitted after December 17, 2013, unless the property owner demonstrates to the reasonable satisfaction of the reviewing authority that no existing or planned tower or structure can accommodate the applicant's proposed antenna. Such evidence may consist of any of the following:

(1) No existing or planned towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

(2) Existing or planned towers or structures are not of sufficient height to meet applicant's engineering requirements and cannot be made taller.

(3) Existing or planned towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be modified to support the additional load.

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on an existing or planned tower or structure, or the antenna on an existing or planned tower or structure would cause interference with the applicant's proposed antenna.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing or planned tower or structure or to adapt an existing or planned tower or structure for sharing are unreasonable. Costs that exceed the cost of establishing a new tower are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing and planned towers and structures unsuitable.

If such evidence is submitted, the zoning administrator may, at the applicant's expense, hire a qualified expert in the field to review the documentation to provide an independent analysis.

(o) **Financial security for removal of tower**. Prior to the issuance of a building permit authorizing construction of a tower, the property owner shall provide a financial guarantee in a form and in an amount acceptable to the Town of Clayton. Such financial guarantee shall be maintained until the tower is removed and the site restored or at such time that is mutually agreeable to the property owner and the zoning administrator. If the Town exercises its right to use the financial guarantee and the amount of the financial guarantee does not cover the cost of removing the tower and restoring the site, the balance shall constitute a lien against the property as authorized by state law.

(p) **Unsafe conditions**. If the zoning administrator determines that a tower is unsafe or otherwise defective, the administrator shall follow the procedure outlined in article 7 of this chapter relating to unsafe conditions.

(q) **Termination of approval**. If the zoning administrator determines that all of the antennas on a tower have not been operated for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 7 of this chapter relating to termination of the approval.

(r) **Review requirements for antennas**. Antennas placed on a tower as a collocation and related ground facilities may occur with the review and approval of a building plan, site plan, and plan of operation.

(s) **Antenna upgrades**. Antennas on an existing tower may be upgraded without special approval provided the new antennas do not exceed the number or size of the existing antennas and are generally placed where the existing antennas are located.

(t) **Nonconformity**. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute an expansion of a nonconforming use or structure.

9.08-375 Utility installation, major

No special standards apply to major utility installations.

9.08-376 Utility installation, minor

A minor utility installation that also includes a security fence is considered a major utility installation.

9.08-377 Utility maintenance yard

Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district and 50 feet from a property in a commercial or mixed-use zoning district.

9.08-378 to 9.08-380 Reserved

Series 13. Transportation Facilities

9.08-381 Airport
All buildings, outdoor airplane or helicopter storage areas, and other activity areas shall be located at least 100 feet from the perimeter of the airport property.

9.08-382 Bus storage facility
Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.

9.08-383 Mass transit terminal
The primary access to a mass transit terminal shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

9.08-384 Off-site parking lot
(a) **Access requirements**. The primary access to an off-site parking lot shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

(b) **Cut-through traffic**. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

9.08-385 Parking structure
Snow chutes shall be placed in a location causing the least amount of impact on surrounding properties.

9.08-386 Park-and-ride lot
The primary access to a park-and-ride lot shall be located in close proximity to a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

9.08-387 Railroad line
No special standards apply to railroad lines.

9.08-388 Street
No special standards apply to streets.

9.08-390 to 9.08-400 Reserved

Series 14. General Storage

9.08-401 Bulk fuel storage
No special standards apply to bulk fuel storage.

9.08-402 Personal storage facility
(a) **Minimum lot area**. The lot on which a personal storage facility is located shall be at least one acre in size.

(b) **Access**. The access to a cubicle shall not open directly onto a public road right-of-way.

(c) **Surfacing of travelways**. Driveways, interior aisles, and walkways shall be concrete or asphaltic concrete, except as may be allowed in this subsection. Consistent with the procedures and requirements of article 7 of this chapter, the Plan Commission may allow gravel surfaces as a special exception and require, as a condition of approval, additional buffer yard and landscaping requirements deemed necessary to provide adequate screening between this use and adjoining properties.

(d) **Storage of prohibited substances**. No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.

(e) **Uses**. Only uses that are accessory to storage shall occur. No portion of the site shall be used for fabrication, repair, or any similar use or for human habitation.

(f) **Design**. The personal storage facility shall be designed so as to minimize adverse visual impacts on nearby properties. The color, exterior materials, and orientation of proposed buildings and structures shall complement existing and anticipated development in the surrounding area. A personal storage facility in a commercial zoning district shall meet the special architectural requirements in division 8 of this article.

(g) **Fencing of outdoor storage area**. An area used for outdoor storage of operational vehicles, watercraft, and the like shall be enclosed by a security fence.

(h) **Setback of outdoor storage area**. Outdoor storage areas shall comply with the building setback standards for the zoning district in which the use is located.

9.08-403 Truck terminal

(a) **Setback of outdoor storage area**. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.

(b) **Control of fugitive dust**. As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use shall be addressed.

9.08-404 Warehouse

(a) **Setback of outdoor storage area**. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.

(b) **Control of fugitive dust**. As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

9.08-406 to 9.08-410 Reserved

Series 15. Industrial Uses

9.08-411 Artisan shop

When an artisan shop is located in a commercial or mixed-use zoning district, all materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.

9.08-412 Batching plant associated with a nonmetallic mine

(a) **Prerequisite use**. A batching plant in this instance shall only be allowed as an ancillary use to a nonmetallic mine that was previously approved under this chapter.

(b) **Setback requirements**. A batching plant shall be located at least 300 feet from a property in a residential zoning district and 200 feet from a property in a commercial or mixed-use zoning district.

(c) **Termination of approval**. If the zoning administrator determines that the nonmetallic mine with which the batching plant is associated is permanently closed, the administrator shall follow the procedure outlined in article 7 of this chapter relating to termination of the approval.

(d) **Restoration plan**. As part of the review process, the applicant shall prepare and submit a restoration plan and obtain the approval of the same. Such restoration plan shall identify those areas of the property that will be disturbed and how those areas will be restored following the cessation of the batching plant.

(e) **Financial guarantee**. Prior to the establishment of a batching plant, the property owner shall submit a financial guarantee in a form acceptable to the zoning administrator and in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project. If the county exercises its right to use the financial guarantee to restore the property and the amount of the financial guarantee does not cover such costs, the difference between the amount of the guarantee and the actual cost shall constitute a lien against the property as authorized by state law.

9.08-413 Biofuels production plant

(a) **Access**. The primary point of access to the subject property with a biofuels production plant shall be off of a public road classified as an arterial or a higher classification.

(b) **Fugitive dust**. Primary internal roads, as determined by the reviewing authority, shall be paved. Secondary internal roads, as determined by the reviewing authority, shall be treated to minimize the amount of fugitive dust generated on site.

(c) **Fuel storage tanks**. All fuel storage tanks shall be located within an impermeable containment levee system as may be required by state or federal rule or regulation.

9.08-414 Construction equipment repair

Outdoor storage areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district. When allowed in a commercial zoning district, all repair work shall occur within an enclosed building. When allowed in an industrial zoning district, repair work may be conducted out-of-doors.

9.08-415 Construction equipment sales and rental

Display areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district.

9.08-416 Contractor yard

(a) **Lot area requirements**. There are no minimum lot area requirements for a contractor yard.

(b) **Limitations on equipment**. There are no limitations on the number of trucks, trailers, or other heavy equipment.

(c) **Storage of material**. When a contractor yard is located next to a property in a residential, mixed-use, or commercial zoning district, exterior storage of construction materials, wastes, and the like shall be screened with a solid, 6-foot high fence and such materials shall not be placed higher than the height of the fence.

9.08-417 Industrial, heavy

(a) **Distance to specified features**. Outdoor storage areas and other activity areas related to this use shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.

(b) **Material storage**. No materials shall be stacked or otherwise stored so as to be visible over buffer yard screening elements from a property in a residential zoning district.

9.08-418 Industrial, light

(a) **Location of materials and activities.** All materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.

(b) **Material storage**. No materials shall be stacked or otherwise stored so as to be visible over buffer yard screening elements from a property in a residential or mixed-use zoning district.

9.08-419 Nonmetallic mine

(a) **Exemptions.** The following activities shall not be considered a nonmetallic mine:

(1) operations affecting less than 5 acres and for the exclusive on-site use of the property owner;

(2) premining activities, such as site surveying, coring, mapping and other functions necessary solely for proper preparation of the permit application;

(3) excavation in conjunction with a utility installation, which is to be backfilled;

(4) excavation within the limits of a public right-of-way in conjunction with road construction or reconstruction, when construction plans have been approved by the Wisconsin Department of Transportation or other governmental authority;

(5) excavation which by nature is of limited duration, such as graves, septic tanks, and swimming pools;

(6) agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property;

(7) excavation for structures and parking areas;

(8) stripping of up to 1.5 feet of topsoil for the development of subdivisions, following subdivision approval;

(9) regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property;

(10) dredging operations under the jurisdiction of the U.S. Army Corps of Engineers or other governmental authority;

(11) ponds developed for wildlife purposes in conjunction with the Natural Resources Conservation Service or the Winnebago County Land and Water Conservation Department;

(12) excavation related to sod farming;

(13) any mining operation, the reclamation of which is required in a permit obtained under ss. 144.80—144.94, Wis. Stats., pertaining to metallic mining;

(14) activities conducted at a solid or hazardous waste disposal site required to prepare, operate, or close a solid waste disposal facility under ss. 144.435—144.445, Wis. Stats., or a hazardous waste disposal facility under ss. 144.60—144.74, Wis. Stats., for the exception of mineral extraction operations conducted for the purpose of lining, capping, or covering such disposal site; and

(15) any other use determined to be exempt by the Plan Commission.

(b) **Air quality**. The operator of a nonmetallic mine shall comply with ch. NR 415, Wis. Admin. Code, with regard to particulate emissions.

(c) **Blasting**. The operator of a nonmetallic mine shall comply with ch. Comm 7, Wis. Admin. Code, when explosives are used for blasting.

(d) **Reclamation**. The operator of a nonmetallic mine shall comply with chapter 20 of the general code of Winnebago County.

(e) **Minimization of noise, dust, and vibrations**. Roads, machinery, and equipment shall be located, constructed, and used in such a manner as to minimize noise, dust, and vibrations.

(f) **Hours of operation**. A nonmetallic mine shall not be operated on Sunday and may be operated Monday through Saturday during the standard hours of operation specified in Exhibit 8-8 based on the proximity of the site to a residence or commercial establishment open to the public. Upon written request, the Plan Commission may authorize specific activities past the standard hours or operation but no later than the hour specified in Exhibit 8-8 for limited or temporary periods taking into account the proximity and nature of adjoining uses and the extent of noise, dust, and

vibration associated with the activity. Such approval shall be in writing and shall specify the time period the extended hours of operation are in effect, the activities that are permitted, and conditions, if any, the committee may impose to address off-site effects.

Exhibit 8-8. Permissible hours of operation for a nonmetallic mine

Proximity of Site to Specified Uses	Day	Standard Hours of Operation	Extended Hours of Operation With Approval of Plan Commission
Property boundary line of the site is located within 500 feet of a residence or commercial establishment open to the public	Monday through Friday	From 6:00 a.m. to 6:00 p.m.	From 6:00 p.m. to 10:00 p.m.
	Saturday	From 6:00 a.m. to 2:00 p.m.	From 2:00 p.m. to 7:00 p.m.
Property boundary line of the site is not located within 500 feet of a residence or commercial establishment open to the public	Monday through Friday	From 6:00 a.m. to 6:00 p.m.	From 6:00 a.m. to 10:00 p.m.
	Saturday	From 6:00 a.m. to 6:00 p.m.	From 6:00 a.m. to 10:00 p.m.

(g) **Setbacks**. The following setback requirements shall apply to a nonmetallic mine:

(1) No operations or activities, including berm construction, shall be conducted within 200 feet of any right-of-way line or within 200 feet of any exterior boundary of the site where a residence is located within 500 feet of the perimeter of the site.

(2) The Plan Commission may authorize berm construction and related site preparation as a temporary activity, for a specific time period, to within 25 feet of the perimeter of the site for those operations lawfully existing before December 17, 2013. Exemptions may be authorized by the Plan Commission for berms located closer than 25 feet from the perimeter of the site for those operations lawfully existing before December 17, 2013.

(3) The Plan Commission may authorize continued vertical removal of materials to within 50 feet of the perimeter of the site for those operations lawfully existing before December 17, 2013.

(4) In no event shall any operations or activities, except berm construction and related site preparation activities, be conducted within 50 feet of the perimeter of the site. In exercising their authority under this subsection, the Plan Commission may impose reasonable conditions including more stringent hours of operation, landscaping, and fencing.

(5) The Plan Commission may authorize a reduction in the 200-foot or the 50-foot setback requirement where the extraction will not go below either the grade of the adjacent road, or the adjoining property boundary line, and where blasting is not used. In applying the provisions of this section, the committee may reduce the setbacks as deemed appropriate, and may impose other operational requirements necessary to offset any potential effect of the reduced setback.

(6) When a nonmetallic mine adjoins another nonmetallic mine, a setback as provided in this part is not required along the common property boundary line when both operators agree in writing and such agreement is submitted to and approved by the zoning administrator as to form and content.

(h) **Plan of operation**. A nonmetallic mine, including those that existed before December 17, 2013, shall prepare a plan of operation for the site that includes the following:

(1) A statement of ownership of the parcel and control of the operations.

(2) A site plan, drawn to scale, showing the lateral extent of existing and proposed excavations; the location and width of all easements and right of way on or abutting the site; existing water bodies, water courses and drainageways and proposed modifications; estimated direction of flow or groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all existing and proposed storage and stockpiling areas.

(3) Cross sections of the site, drawn to scale, that show the vertical extent of existing and proposed excavations.

(4) The estimated volume of materials to be removed from the site.

(5) A description of the methods and equipment that will be used to extract, process, or otherwise handle earth materials.

(6) The location and operation of proposed processing and storage areas.

(7) The purpose and locations of any on-site ponds.

(8) A phasing plan, if the mine operation and reclamation will be completed in phases.

(i) **Term of permit**. A permit shall be issued for a term of 6 years, renewable for terms of 6 years. Any activity conducted in compliance with a current permit which subsequently becomes noncompliant during the term of the permit by reason of surrounding development may continue for the remainder of the term of the current permit.

(j) **Transfer of permit**. When an operator succeeds to the interest of another in an uncompleted site, the Town of Clayton shall release the present operator of the responsibilities imposed by the permit only if:

(1) both operators are in compliance with the requirements and standards of this section, and

(2) the new operator assumes the responsibility of the former operator's permit requirements.

(k) **Special requirements for nonmetallic mines in "Arsenic Area."** When a nonmetallic mine is entirely or partially located within the area denoted as "Arsenic Area" on the zoning map, or a supplemental map, and mining activities are planned to occur below the water table, the following requirements shall apply:

(1) The mine operator shall submit a written report to the zoning administrator that describes the proposed pumping activities.

(2) The mine operator shall submit a monitoring plan, as prepared by a state-certified hydrogeologist (consultant), to the zoning administrator for review and approval. Such plan shall be designed to establish baseline conditions related to the proposed pumping activities and to monitor the potential negative effects of the activities on groundwater and surface water once pumping commences. At least three monitoring wells shall be used to determine baseline and future conditions, including such parameters as groundwater elevation, direction of flow, levels of arsenic in the groundwater, and other related attributes.

(3) The state-certified hydrogeologist, or another person approved by the zoning administrator, shall collect data from the approved well sites for at least 3 years prior to the proposed pumping activity and submit a written report ("baseline report") containing such data to the zoning administrator.

(4) The state-certified hydrogeologist, or another person approved by the zoning administrator, shall submit quarterly reports to the zoning administrator that are prepared consistent with the approved monitoring plan.

If the zoning administrator determines that data in the baseline report or other documentary evidence, or both indicates that the proposed pumping is likely to have an unacceptable negative effect on groundwater or surface water, the pumping shall not be allowed. If the zoning administrator authorizes the pumping, but later determines that data in one or more of the quarterly reports or other documentary evidence, shows that the pumping is having an unacceptable effect on groundwater or surface water, the zoning administrator shall have the authority to withdraw his or her prior approval and require cessation of the pumping or require the mine operator to make changes in the way the water is pumped, collect additional monitoring data related to the pumping, or both.

(l) **Potential impacts to certain water wells.** If a mine operation adversely impacts an off-site water supply well, the mine operator shall repair or replace the well to provide the same quantity and quality of groundwater obtained from the well prior to the mining operation. This requirement applies to all water wells located within 1,320 feet of the outer extent of the excavation area which were completed prior to the approval of the mine operation or any expansion thereof. If an eligible property owner believes that the operation of the mine is having an adverse impact on his or her water well (hereafter referred to as the "claimant"), the claimant shall provide written notice to the mine operator and the zoning administrator explaining the nature and the extent of the alleged impact. Within 30 days of such notice, the mine operator shall send a written response to the claimant and the zoning administrator that either provides evidence rejecting the claimant's assertion of adverse impact resulting from the mine operation or an amount of financial compensation for repairing or replacing the well to provide the same quantity and quality of groundwater obtained from the well prior to the mining operation. The claimant shall have 7 days to accept or reject the mine operator's response

including the amount of compensation, if an amount was offered. If the claimant rejects the mine operator's response, he or she may submit a written response to the mine operator and the zoning administrator that includes evidence supporting his or her assertion of adverse impact and the amount for repairing or replacing the well to provide the same quantity and quality of groundwater obtained from the well prior to the mining operation. If the claimant provides such response, the Plan Commission shall review the materials submitted by both the mine operator and the claimant at a public meeting within 45 days of receiving the claimant's response, and render a decision within 30 days of such meeting. If the committee determines that the mine operations are having an adverse impact on the claimant's well, it shall establish a cost for repairing or replacing the well to provide the same quantity and quality of groundwater obtained from the well prior to the mining operation. If the mine operator does not provide the specified amount of compensation in a timely manner, the county may utilize the financial guarantee as required under this section for such purposes.

(m) **Financial guarantee**. Prior to the commencement of any on-site work, the mine operator shall provide a financial guarantee to the Town of Clayton in an acceptable form and in an amount equal to $3,200 for each domestic well that is located within 1,320 feet of the area to be mined and the estimated replacement cost for each nondomestic water well that is located within 1,320 feet of the area to be mined. If the Town exercises its right to use the financial guarantee for the work authorized in this section and the amount of the financial guarantee does not cover such costs, the difference between the amount of the guarantee and the actual cost shall constitute a lien against the property as authorized by state law.

(n) **Supplemental application materials**. In addition to the materials typically submitted for site plan review, the following shall be provided as part of the application:

(1) A topographic map of the subject property and the surrounding area, having a contour interval of 4 feet or less.

(2) A map depicting vegetation, soils, and existing conditions including on-site structures.

(3) A map depicting property boundary lines within 1,600 feet of the area to be mined and water supply wells within 1,320 of the area to be mined including the type of well (e.g., domestic, industrial, or agricultural), well depth, static water level if known, and owner name.

(4) One or more cross-sections showing the extent of the nonmetallic deposits to be mined, the proposed depth of removal, and the location of the water table.

9.08-420 Salvage yard

(a) **Proximity to other specified property**. All buildings, structures, and outdoor storage areas and any other activity areas shall be located at least 600 feet from a property in a residential, mixed-use, or commercial zoning district.

(b) **Hazardous materials**. Hazardous materials shall not be stored or handled.

(c) **Buffer yard**. Buffer yards shall comply with Chapter 7.3 of Town of Clayton Code of Ordinances.

(d) **Fence**. A 6-foot solid fence, subject to approval by the reviewing authority, shall be located around the perimeter of the area used to store salvage materials.

(e) **Fence plan**. As part of the site plan review application, the applicant shall submit a fence plan which specifies construction materials and specifications.

(f) **Compliance with state law**. A salvage yard located within 1,000 feet of a right-of-way of an interstate or primary highway shall comply with the requirements of s. 84.31, Wis. Stats., and any administrative rule adopted pursuant to that section.

9.08-421 to 9.08-430 Reserved

Series 16. Solid Waste Facilities

9.08-431 Composting facility

(a) **Licensing**. A composting facility shall comply with all county, state, and federal regulations.

(b) **Distance to specified features**. A composting facility shall not be located within 600 feet of a residential zoning district, a mixed-use zoning district, an educational facility, a worship facility, or any other place where the public congregates.

(c) **Setbacks**. All buildings, structures, and activity areas shall be located at least 100 feet from the perimeter of the site.

9.08-432 Recycling center

When located in an I-1 zoning district, all materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.

9.08-433 Solid waste landfill

(a) **Road access requirements**. The primary access to a solid waste landfill shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

(b) **Compliance with other regulations**. A solid waste landfill shall comply with all applicable state and federal rules and regulations governing this use.

9.08-434 Solid waste transfer station

(a) **Road access requirements**. The primary access to a solid waste transfer station shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

(b) **Location of materials and activities**. All materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.

(c) **Distance to specified features**. A solid waste transfer station shall not be located within 600 feet of a residential zoning district, a mixed-use zoning district, an educational facility, a worship facility, or any other place where the public congregates.

9.08-435 to 9.08-440 Reserved

DIVISION 10
SPECIAL STANDARDS FOR ACCESSORY LAND USES
(Series 17 in Land Use Matrix)

Sections

9.08-441	Adult family home	9.08-462	Household livestock
9.08-442	Amateur radio antenna	9.08-463	Indoor sales incidental to light industrial use
9.08-443	Automated teller machine	9.08-464	Kennel, hobby
9.08-444	Backyard chickens	9.08-465	Kennel, private
9.08-445	Bed and breakfast	9.08-466	Light industrial use incidental to indoor sales
9.08-446	Commercial truck parking	9.08-467	Outdoor display incidental to indoor sales
9.08-447	Exterior communication device	9.08-468	Outdoor food and beverage service
9.08-448	Family day care home	9.08-469	Outdoor furnace
9.08-449	Farm building storage	9.08-470	Parking lot (on-site)
9.08-450	Farm residence	9.08-471	Play structure
9.08-451	Farmstead retail outlet	9.08-472	Pond
9.08-452	Fence	9.08-473	Rural accessory structure
9.08-453	Foster home and treatment foster home	9.08-474	Service window, drive-up
9.08-454	Garage, nonresidential	9.08-475	Service window, walk-up
9.08-455	Garage, residential	9.08-476	Solar energy system, building-mounted
9.08-456	Garden	9.08-477	Solar energy system, free-standing
9.08-457	Greenhouse	9.08-478	Storage container
9.08-458	Helipad	9.08-479	Swimming pool
9.08-459	Home occupation, major	9.08-480	Temporary shelter
9.08-460	Home occupation, minor	9.08-481	Utility cabinet
9.08-461	Hot tub	9.08-482	Yard shed

9.08-441 Adult family home

Prior to the establishment of an adult family home, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license.

9.08-442 Amateur radio antenna

(a) **Legislative findings**. The Town Board of Supervisors makes the following legislative findings regarding amateur radio antennas:

(1) The placement of amateur radio station antennas and support structure of unregulated height and type could have a negative impact on surrounding properties and especially on the smallest of lots allowed in the town.

(2) Pursuant to s. 59.69(4f), Wis. Stats., the regulations in this section constitute the least restrictive measures needed to promote community aesthetics, public health, and safety while allowing amateur radio communications.

(b) **Number**. Antennas shall be placed on no more than one support structure, such as a tower or on top of a building.

(c) **Type of tower**. An antenna may be placed on a monopole or lattice tower.

(d) **Anti-climbing measures required**. If a tower is used to support the antenna, the tower shall have anti-climbing measures to prevent unauthorized climbing.

(e) **Setback**. An antenna shall not be located in a street yard.

(f) **Setback requirements**. The center of the antenna shall be no closer than 110 percent of the total height of the antenna to a property boundary line and overhead electric lines.

9.08-443 Automated teller machine

(a) **Security**. An ATM shall be readily visible so as to maintain a proper level of safety for patrons.

(b) **Lighting**. Proper lighting levels shall be maintained 24 hours a day for security purposes.

(c) **Location**. An ATM shall not be located within a yard setback or buffer yard.

9.08-444 Backyard chickens

(a) **Number**. There is no limit on the number of backyard chickens on farm residences in the A-1 agribusiness zoning district or on any parcel in the A-2 general agricultural zoning district. The number of chickens on a nonfarm residence in the A-1 agribusiness zoning district and in the R-1 rural residential, R-2 suburban residential, R-3 two-family residential, and R-8 manufactured housing community zoning districts will be determined by the Plan Commission during the review of the conditional use permit.

(b) **Roosters**. The keeping of roosters is prohibited when a conditional use permit is required.

(c) **Slaughter of chickens prohibited**. The slaughter of chickens on the premises in the R-1, rural residential, R-2 suburban residential, R-3 two-family residential, and R-8 manufactured housing community zoning districts is prohibited.

(d) **Enclosure requirements**. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times on a nonfarm residence in the A-1 agribusiness zoning district and in the R-1 rural residential, R-2 suburban residential, R-3 two-family residential, and R-8 manufactured housing community zoning districts. No enclosure is required on a farm residence in the A-1 agribusiness zoning district or on any parcel in the A-2 general agriculture zoning district.

(e) **Setback requirements**. The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.

(f) **Registration required**. The owner, operator, or tenant shall register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.

9.08-445 Bed and breakfast

(a) **Local license.** Prior to the establishment of a bed and breakfast, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.

(b) **State license.** Prior to the establishment of a bed and breakfast, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.[16]

(c) **Type of dwelling**. A bed and breakfast shall only occur within a single-family dwelling.

(d) **Number of allowable guest rooms**. No more than 6 guest rooms shall be offered.

(e) **Residency requirement**. The operator of a bed and breakfast shall reside within the single-family dwelling during the time period when rooms are offered.

(f) **Exterior character of the dwelling unit**. The exterior appearance of the building shall not be altered from its single-family appearance.

(g) **Food preparation**. No food preparation or cooking shall be allowed in guest rooms.

(h) **Meals**. Meals shall only be offered to overnight guests.

(i) **Maximum stay**. The maximum stay for any occupants shall be 14 consecutive days.

(j) **Record of guests**. The operator shall keep a listing showing the names of all guests. This list shall be kept on file for a period of one year. Such list shall be available for inspection by county officials at any time upon request.

[16] Commentary: See subch. VII of ch. 254, Wis. Stats., and ch. HFS 197, Wis. Admin. Code

9.08-446 Commercial truck parking

No more than one licensed commercial vehicle, along with one equipment trailer for ancillary equipment (e.g., skid steer, back-hoe), shall be stored out-of-doors on a residential lot. Examples of commercial vehicles include school buses, dump trucks, cargo trucks, and tractor-trailers (cab and trailer). Such vehicles and equipment trailers shall be fully operative and in active commercial use.

9.08-447 Exterior communication device (receive-only antenna)

(a) **Number**. No more than 2 exterior communication devices shall be located on a parcel of land.

(b) **Requirements for satellite dish**. A satellite dish shall not be larger than 36 inches in diameter. If ground mounted, the satellite dish shall not be mounted higher than 6 feet above the ground surface. If a satellite dish is mounted on a building, it shall not extend more than 6 feet above the roof line.

(c) **Requirements for radio/television antenna**. A ground-mounted radio/television antenna shall not exceed a height of 25 feet as measured from the ground surface. A building-mounted radio/television antenna shall not extend more than 15 feet above the roofline.

9.08-448 Family day care home

Prior to the establishment of a family day care home, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.

9.08-449 Farm building storage

(a) **Expansion**. The building housing this use may not be enlarged to increase the storage area.

(b) **Alteration of building**. The building may not be altered to accommodate this use, except as may be specifically permitted by the reviewing authority as part of the conditional use process.

(c) **Exterior storage prohibited**. All storage shall occur within the farm building (i.e., no outside storage).

9.08-450 Farm residence

A farm residence shall comply with the standards for single-family dwellings in s. 9.08-255.

9.08-451 Farmstead retail outlet

No special provisions apply to farmstead retail outlets.

9.08-452 Fence

(a) **Applicability**. The requirements of this section apply to a fence more than 30 inches in height constructed or rebuilt after December 17, 2013, and which are located in a planned development district or on a parcel, wholly or partially, located in one of the following base zoning districts:

(1) R-1, Rural residential

(2) R-2, Suburban residential—low density

(3) R-3, Suburban residential—medium density

(4) R-4, Suburban residential—high density

(5) R-6, Residential lake

(6) R-8, Manufactured housing community

Fences located in the following base zoning districts are subject to the requirements of Chapter7.3 Site Plan Ordinance of the Town of Clayton Code of Ordinances as amended.

(7) P-I, Public institutional

(8) B-1, Neighborhood business

(9) B-2, Community business

(10) B-3, Regional business

(11) M-1, Mixed-use

(12) I-1, Light industrial

(13) I-2, Heavy industrial

(b) **Measurement of fence height**. The height of a fence shall be measured from the adjoining ground surface to the top of the fence material (i.e., not the fence post, pole, or column).

(c) **General construction specifications**. A fence shall meet the following construction specifications:

(1) **Width**. With the exception of vertical supports, the width of a fence shall not exceed 14 inches.

(2) **Height**. The top of a fence shall not exceed the height listed in Exhibit 8-9, provided a fence used to enclose horses shall not exceed a height of 5 feet. Where a fence is located on a slope and is stepped, each section shall not be wider than 10 feet and the height shall be measured in the middle of the stepped section (Exhibit 8-10). Pursuant to the procedures and requirements in article 7 of this chapter, the Plan Commission may approve a special exception to allow a fence in a commercial zoning district that is higher than the height specified in Exhibit 8-9, but no more than 10 feet. The zoning administrator may allow a fence that does not meet the height requirements in this section when placed around a utility installation, telecommunication tower, or similar facility when required for security or related purposes.

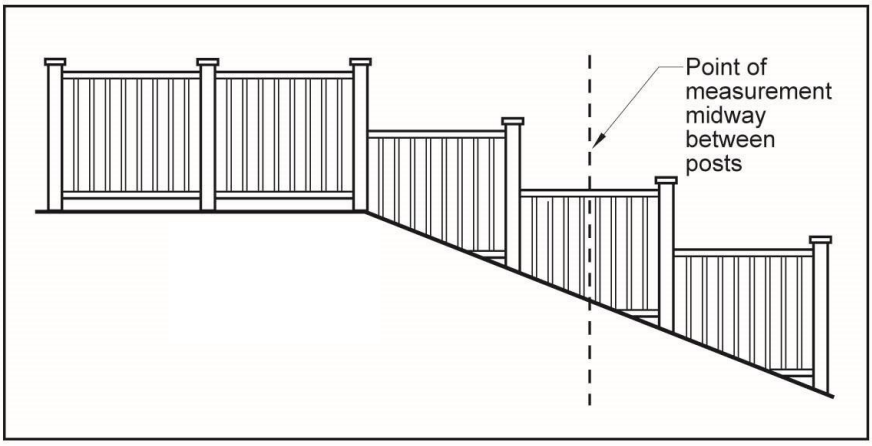
Exhibit 8-9. Maximum fence height

Location	Residential Zoning Districts	Mixed-Use Zoning Districts	Commercial Zoning Districts	Industrial Zoning Districts
Street yard	4 feet [1]	4 feet [1]	4 feet [1]	10 feet [1]
Side yard	6 feet	6 feet	8 feet	10 feet
Rear yard	6 feet	6 feet	8 feet	10 feet

1. 30 feet from front property boundary line; 6 feet high thereafter

(3) **Orientation**. All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located.

Exhibit 8-10. Special standards for a stepped fence



(4) **Materials**. A fence shall be constructed of building materials commonly used for fence construction in the region, except for those specifically prohibited in this section. A fence located in a street yard shall have a maximum opacity of 50 percent. All other fences may be solid from the ground to the maximum height. Snow fences constructed of wood or plastic shall be permitted only as temporary fences.

(5) **Vertical supports**. A vertical support, such as a post or column, shall not exceed 24 inches in width or extend more than 24 inches above the top of the highest point of the adjoining fence.

(6) **Arbors**. An arbor may extend above a pedestrian walkway provided it is not taller than 9 feet, wider than 5 feet, or deeper than 3 feet.

(7) **Trellises**. A trellis may be incorporated into the overall design of a fence provided no part is taller than 8 feet and does not extend for more than 10 percent of the length of the side on which it is located.

(a) **Location specifications**. A fence shall meet the following locational specifications:

(1) A fence shall not be located in a shore yard setback.

(2) A fence may be placed up to a property boundary line, except that a fence shall not be closer than 2 feet to a public road right-of-way or other property boundary line when adjoining a public pedestrian walkway or the like.

(3) A fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority may remove such fence at the property owner's expense, is not liable for any damage to the fence, and is not responsible for the reconstruction of the fence.

(4) A fence shall not be located within a drainage easement. Upon written petition, the zoning administrator may allow a fence in a drainage easement when it can be shown that the fence will not restrict the flow of stormwater and the easement holder does not object.

(b) **Special standards for fencing around a swimming pool**. A fence may be located around a swimming pool provided it meets the standards in the most current edition of ANSI/IAF-8 as promulgated by the American National Standards Institute and Association of Pool and Spa Professionals that relate to barriers and fencing.

(c) **Special standards for fencing around a sport court**. A fence may be located around a sport court, provided it meets the following standards:

(1) The fence shall not exceed 12 feet in height.

(2) The fence shall not be located within a setback line.

(3) Any portion of the fence above 6 feet in height shall be an open woven wire.

(d) **Special standards for temporary fencing**. A temporary fence may be placed around a construction site for the duration of the construction project with a valid building permit.

(e) **Modification of stormwater flow**. A fence shall not impede the natural flow of stormwater.

(f) **Barbed wire fencing**. Barbed wire fencing is prohibited except as follows:

(1) Three or fewer courses of barbed wire may be installed above the top line of a 6-foot high chain link fence when located in an industrial zoning district.

(2) Barbed wire may be used to contain livestock as may be allowed in the zoning district.

(g) **Electric fencing**. An electric fence is prohibited except when used to contain livestock as may be allowed in the zoning district.

(h) **Maintenance**. A fence shall be maintained in a structurally sound manner.

9.08-453 Foster home and treatment foster home (operated as an accessory use)

Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

9.08-454 Garage, nonresidential

(a) **Size**. The footprint of the garage, whether attached or detached, shall not be larger than the gross floor area of the first floor of the building containing the primary use.

(b) **Type of construction**. A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.

(c) **Exterior materials**. Exterior materials shall be the same as, or substantially the same as, those used on the principal building.

9.08-455 Garage, residential

(a) **Location**. A garage may be attached to the residence or detached.

(b) **Type of construction**. A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.

(c) **Exterior materials**. Exterior materials shall be the same as, substantially the same as, or complement those materials used on the building that houses the residential use.

9.08-456 Garden

No special standards apply to gardens.

9.08-457 Greenhouse

A greenhouse may be established subject to limitations generally applicable to accessory buildings.

9.08-458 Helipad

No special standards apply to helipads.

9.08-459 Home occupation, major

(a) **Validity of use**. The individual primarily responsible for operation of the major home occupation shall reside in a dwelling unit on the parcel.

(b) **Location and space limitation**. The major home occupation may occur within the dwelling unit or within an accessory building located on the lot, or both. The space specifically designated for use of the major home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit. A major home occupation may also be located in a residential garage located on the lot, provided at least one bay is reserved for parking a full-size motor vehicle. The establishment of a major home occupation does not authorize the property owner to construct a garage or other accessory building that does not otherwise comply with this chapter.

(c) **Exterior character of building**. The exterior character of the building housing the major home occupation shall not be altered to accommodate such use.

(d) **Storage of materials**. Exterior storage of materials or equipment is allowed, but shall be screened from view from adjoining residentially-zoned properties.

(e) **Limitation on number of on-site workers**. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit and one individual not living in the dwelling unit.

(f) **Retail sales**. Items produced on site may be sold at retail.

(g) **Limitations on business vehicles**. The use shall not involve the use of a commercial vehicle for more than occasional delivery of materials to or from the premises.

(h) **Nuisance**. A major home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.

(i) **Prohibited uses**. The following uses do not qualify as a major home occupation: veterinary services, medical offices, animal boarding or grooming, barber or hair care with 3 or more chairs, restaurant, vehicle repair, motor vehicle body work, or other similar activities.

(j) **Special exception for an operator with a disability**. Consistent with the procedures and requirements of article 7 of this chapter, the Plan Commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the major home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the major home occupation in a reasonable manner.

(k) **Multiple home occupations**. Multiple home occupations may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.

9.08-460 Home occupation, minor

(a) **Validity of use**. The individual primarily responsible for operation of the minor home occupation shall reside in the dwelling unit on the parcel.

(b) **Location and space limitation**. The minor home occupation shall occur entirely within the dwelling unit. The space specifically designated for use of the minor home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit.

(c) **Exterior character of building**. The exterior character of the building housing the minor home occupation shall not be altered to accommodate such use.

(d) **Storage of materials**. Exterior storage of materials or equipment is prohibited.

(e) **Limitation on number of on-site workers**. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit.

(f) **Retail sales**. On-site retail sale of merchandise is prohibited.

(g) **Limitations on business vehicles**. The use shall not involve the use of a commercial vehicle for more than occasional delivery of materials to or from the premises.

(h) **Nuisance**. A minor home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.

(i) **Prohibited uses**. The following uses do not qualify as a minor home occupation: veterinary services, medical offices, animal boarding or grooming, barber or hair care with 3 or more chairs, restaurant, vehicle repair, motor vehicle body work, or other similar activities.

(j) **Special exception for an operator with a disability**. Consistent with the procedures and requirements of article 7 of this chapter, the Plan Commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the minor home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the minor home occupation in a reasonable manner.

(k) **Multiple home occupations**. Multiple home occupations may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.

9.08-461 Hot tub

(a) **Location**. A hot tub shall not be located in a street yard or in a setback of a side yard.

(b) **Decking**. Decking is considered an integral part of a hot tub and shall comply with all setback requirements.

(c) **Draining of water**. Water that is drained out of a hot tub shall not flow onto adjoining property, into a wetland, or into a sewer without the approval of the public works director or equivalent.

(d) **Area**. The area occupied by a swimming pool and hot tub shall not exceed 30 percent of the area of the parcel of land.

(e) **Design specifications**. A hot tub shall meet the most current standards published by the National Spa and Pool Institute (NSPI) and the American National Standards Institute (ANSI) including those for plumbing, electrical service, sanitation, fencing, security, and safety.

9.08-462 Household livestock

(a) **Minimum lot area**. No livestock shall be kept on a lot less than 2.5 acres.

(b) **Number of animals**. The maximum number of animals allowed on any given parcel shall be set by the Winnebago County Land and Water Conservation Department in compliance with chapter 13 of the general code of Winnebago County.

(c) **Building setback requirements**. New barns, stables, and other similar buildings used to house or otherwise confine livestock shall observe the building setback standards established for the zoning district in which it is located plus an additional 10 feet.

(d) **Enclosure required**. Livestock shall be confined within a fence or other suitable enclosure.

9.08-463 Indoor sales incidental to storage or light industrial use

(a) **Maximum floor area**. The total floor area devoted to indoor sales shall not exceed 25 percent of the total floor area of the building.

(b) **Required separation**. The area devoted to retail sales shall be physically separated from those areas used for industrial purposes by an interior wall.

Exhibit 8-11. An example of indoor sales in conjunction with light manufacturing

9.08-464 Kennel, hobby

(a) **Location**. A hobby kennel shall not be located in the setback of a street yard.

(b) **Number of animals allowed**. There is no limitation on the number of dogs that may be kept in a hobby kennel.

9.08-465 Kennel, private

(a) **Location**. A private kennel shall not be located in the setback of a street yard.

(b) **Number of animals allowed**. No more than 3 dogs over the age of 6 months shall be kept in a private kennel.

9.08-466 Light industrial use incidental to indoor sales/service

(a) **Maximum floor area**. The total floor area devoted to the light industrial activity shall not exceed 15 percent of the total floor area of the building, or 5,000 square feet, whichever is less.

(b) **Required separation**. The area devoted to the light industrial activity shall be physically separated by a wall or partition from other activity areas.

9.08-467 Outdoor display incidental to indoor sales

(a) **Maximum size of service area**. The size of the display area shall not be more than 25 percent of the gross floor area of the principal building.

(b) **Location of display area**. The display area shall be located on the same parcel of land as the indoor sales or on an adjoining parcel. The display service area shall not be located in a public right-of-way, a required landscape area, a buffer yard, or the setback of a street yard, side yard, shore yard, or rear yard.

9.08-468 Outdoor food and beverage service

(a) **Maximum size of service area**. The size of the outdoor service area shall not be more than 50 percent of the floor area of the restaurant or tavern.

(b) **Location of service area**. The outdoor service area shall be located on the same parcel of land as the restaurant or tavern or on an adjoining parcel. The outdoor service area shall not be located in a public right-of-way, a required landscape area, a buffer yard, or the setback of a street yard, side yard, shore yard, or rear yard.

(c) **Special restrictions when adjacent to a residentially-zoned parcel**. If the outdoor service area is in close proximity to a property in a residential zoning district, the following restrictions apply:

(1) **Alcoholic beverages**. Alcoholic beverages shall only be served with a meal.

(2) **Hours of use**. No person shall occupy the outdoor service area after 9:30 p.m.

(d) **Consistency with state liquor license**. No alcoholic beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the town, explicitly states that consumption is permitted within the outdoor service area.

(e) **Entrance to service area if alcoholic beverages are served**. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the restaurant or tavern, and a barrier such as a rope or fence shall be erected to prevent entry to the outdoor service area by any other means.

(f) **Restroom requirements**. The restroom facilities in the restaurant or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.

9.08-469 Outdoor furnace

(a) **Placement**. An outdoor furnace shall not be placed closer than 50 feet to the property boundary line of the parcel of land on which it is located or within a yard setback. Furthermore, an outdoor furnace shall not be located in the street yard.

(b) **Minimum standard.** An outdoor furnace installed after December 17, 2013, shall be rated as a Phase I appliance based on criteria established by the U.S. Environmental Protection Agency**.**

(c) **Subsequent change in zoning designation**. If a property owner submits an application to change the zoning designation of a parcel of land with an outdoor furnace to another designation that does not allow an outdoor furnace and the Town Board of Supervisors approves the requested change, the outdoor furnace shall cease to operate upon enactment of the ordinance changing the designation.

9.08-470 Parking lot (on-site)

A parking lot shall comply with all setback requirements as may be established for the zoning district in which it is located and other requirements established in article 11 of this chapter.

9.08-471 Play structure

A play structure shall not be located in a street yard.

9.08-472 Pond

Ponds shall comply with the Town of Clayton's ordinance for artificial ponds.

9.08-473 Rural accessory structure

The property owner shall comply with those requirements in division 14 of article 7 of this chapter and each of the conditions of approval as may be imposed.

9.08-474 Service window, drive-up

(a) **Crosswalks**. A pedestrian crosswalk shall be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance.

(b) **Length of queue lane**. The lane leading up to a drive-up service window shall be of sufficient length so that at the anticipated customer peak, all motor vehicles waiting in queue will be entirely on the premises.

(c) **Curbing**. Menu boards, canopy supports, and the like shall be separated from the vehicle use area by a raised curb.

(d) **Location**. A drive-up service window shall only be located to the side or rear of the building in which it is located and at least 60 feet from a property in a residential zoning district.

9.08-475 Service window, walk-up

A walk-up service window shall not be located within 8 feet of a setback of a street yard, side yard, shore yard, or rear yard.

9.08-476 Solar energy system, building-mounted

This section is reserved.

9.08-477 Solar energy system, free-standing

This section is reserved.

9.08-478 Storage container

(a) **Location**. A storage container on a commercially-zoned parcel of land shall:

(1) not be located in a parking area required by this chapter,

(2) only be located between the back of the building and rear property boundary line,

(3) observe the setback requirements for the zoning district in which it is located, and

(4) not be located in a buffer yard as may be required by this chapter.

(b) Stacking prohibited. Storage containers shall not be stacked one on top of another.

(c) Character. A storage container shall be structurally sound and in good repair.

(d) Signage. A storage container shall not be used for signage.

9.08-479 Swimming pool

(a) **Location**. A swimming pool shall not be located in a street yard or in the side yard, rear yard, or shore yard setback.

(b) **Decking**. Decking is considered an integral part of a swimming pool and shall comply with all setback requirements.

(c) **Draining of water**. Water that is drained out of a swimming pool shall not flow onto adjoining property, into a wetland, or into a sewer without the approval of the public works director or equivalent.

(d) **Area**. The area occupied by a swimming pool and hot tub shall not exceed 30 percent of the area of the parcel of land.

(e) **Design specifications**. A swimming pool shall meet the most current standards published by the National Spa and Pool Institute (NSPI) and the American National Standards Institute (ANSI) including those for plumbing, electrical service, sanitation, fencing, security, and safety.

9.08-480 Temporary shelter

No special standards apply to temporary shelters.

9.08-481 Utility cabinet

(a) **Number limited**. No more than 4 utility cabinets shall be located on a parcel of land. Five or more utility cabinets on a parcel of land shall be considered a minor utility installation. A utility cabinet is considered an accessory use in all situations and may be placed on private property and public property, such as a public right-of-way.

(b) **Setbacks**. A utility cabinet is exempt from yard setback standards as may be established for the zoning district in which this use is located.

(c) **Placement on public property**. Prior to establishing a utility cabinet on public property under the jurisdiction of the Town of Clayton, Winnebago County, or the state of Wisconsin, the operator shall obtain all approvals as may be required by the governmental entity having jurisdiction.

(d) **Placement on private property**. Prior to establishing a utility cabinet on private property, the operator and property owner shall establish a proper lease or easement governing the use of the property for this purpose and submit the same to the zoning administrator for his or her approval.

(e) **Placement in a stormwater easement**. Prior to establishing a utility cabinet within a stormwater management easement under the jurisdiction of a town, the county, or the state, the operator shall obtain all approvals as may be required by the governmental entity having jurisdiction.

9.08-482 Yard shed

No more than one yard shed shall be placed on a parcel of land.

9.08-483 to 9.08-500 Reserved

DIVISION 11
SPECIAL STANDARDS FOR TEMPORARY LAND USES
(Series 18 in Land Use Matrix)

Sections

9.08-501	Agricultural product sales, off-site	9.08-511	Relocatable building
9.08-502	Agricultural product sales, on-site	9.08-512	Seasonal product sales
9.08-503	Earth materials stockpile	9.08-513	Snow disposal site
9.08-504	Farmers market	9.08-514	Special event
9.08-505	General outdoor sales	9.08-515	Special event camping
9.08-506	Model home	9.08-516	Special event concession
9.08-507	Off-site construction yard	9.08-517	Special event parking
9.08-508	On-site construction office	9.08-518	Wind test tower
9.08-509	On-site construction yard	9.08-519	Yard sale
9.08-510	Portable storage container		

9.08-501 Agricultural product sales, off-site

(a) **Size limitation**. If a structure or building is used, the ground area shall not exceed 100 square feet.

(b) **Hours of operation**. The sale of items shall not occur before 9:00 a.m. or after 30 minutes past sunset.

(c) **Number**. No more than one stand is allowed on any one premises.

9.08-502 Agricultural product sales retail, on-site

(a) **Limitation on sales.** Products offered for sale shall be produced on the premises.

(b) **Use of structure**. A structure may be used to store or display products and for sales, provided the following conditions are met:

(1) **Term of use**. The structure is only used from April 1 through November 30 and is removed no later than December 10.

(2) **Floor area**. The floor area of the structure shall not exceed 500 square feet.

(3) **Structure height**. The height of the structure shall not exceed 12 feet.

(4) **Location**. The structure shall be located at least 100 feet from a property in a residential zoning district. The structure may be located within the front yard setback area, but no closer than 15 feet to the front property boundary line.

9.08-503 Earth materials stockpile

(a) **Hours of operation**. When the earth materials stockpile is located in a residential zoning district, equipment used to load, move, or process materials shall only be used between the hours of 7:00 a.m. and 7:00 p.m.

(b) **Term of use**. As part of the building, site, and operation plan review, the reviewing authority may establish the maximum length of time this use may operate.

9.08-504 Farmers market

(a) **Hours of operation**. The display of products and sales shall only occur between the hours of 8:00 a.m. and 30 minutes past sunset.

(b) **Removal and clean up**. Within 24 hours following the close of the farmers market, all features solely associated with the farmers market shall be removed and all trash and debris shall be removed.

9.08-505 General outdoor sales

(a) **Duration of use**. A parcel of land shall be used for general itinerant outdoor sales for no more than 12 days in a calendar year.

(b) **Hours of operation**. The display of products and sales shall only occur between the hours of 9:00 a.m. and 30 minutes past sunset.

(c) **Removal and clean up**. Within 24 hours following the termination of the sale, all features associated with the sale shall be removed and all trash and debris shall be removed.

9.08-506 Model home

(a) **Generally**. A model home may be established when the residential project is developed by a single developer and the project will have more than 25 dwelling units available for sale in the first two phases.

(b) **Appearance**. The building used as a model home shall be of the same type and character as the dwelling units being offered for sale within the development.

(c) **Duration of use**. The model home shall be closed when 80 percent of the dwelling units of the entire development have been sold.

(d) **Limitation on use**. The model home is intended to facilitate the sale of residential housing units in the development in which it occurs and off-site sales activity shall be clearly incidental. The sales staff shall be limited to 2 licensed real estate agents and one support staff. The model home may be furnished but shall not be occupied as a residence.

9.08-507 Off-site construction yard

(a) **Site restoration**. As part of the review process, the applicant shall prepare and submit a restoration plan and obtain the approval of the same. Such restoration plan shall identify those areas of the property that will be disturbed and how those areas will be restored following the cessation of this temporary use.

(b) **Setback requirements**. Outdoor storage areas and other activity areas shall be located at least 40 feet from a property in a residential zoning district and 20 feet from a property in a commercial or mixed-use zoning district.

(c) **Financial guarantee**. Prior to the establishment of an off-site construction yard, the property owner shall submit a financial guarantee in a form acceptable to the Town of Clayton and in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project. If the Town exercises its right to use the financial guarantee to restore the property and the amount of the financial guarantee does not cover such costs, the difference between the amount of the guarantee and the actual cost shall constitute a lien against the property as authorized by state law.

9.08-508 On-site construction office

(a) **Generally**. An on-site construction office may be established for commercial and industrial construction projects and for a multifamily building of 8 or more dwelling units.

(b) **Duration of use**. An on-site construction office shall be removed within 10 days after the date of issuance of the last occupancy permit for the building under construction.

(c) **Location**. An on-site construction office shall be placed in a location with the least impact to adjoining property owners.

(d) **Limitation on use**. The use of an on-site construction office shall be limited to construction management activities associated with the construction activities occurring on the parcel of land on which it is located.

9.08-509 On-site construction yard

(a) **Generally**. An on-site construction yard may be established for commercial and industrial construction projects and for a multifamily building of 8 or more dwelling units.

(b) **Duration of use**. On-site project material storage shall be removed within 10 days after the date of issuance of the last occupancy permit for the building under construction.

(c) **Location**. On-site project material storage shall be placed in a location with the least impact to adjoining property owners.

(d) **Size limitations**. The area dedicated for on-site project material storage shall not exceed 10 percent of the gross area of the parcel.

9.08-510 Portable storage container

(a) **Duration**. A portable storage container shall not be located on a parcel of land for more than 90 days during any 9-month period.

(b) **Location**. A portable storage container shall not be located in the front or side yard setback established for the zoning district in which this use occurs, except when placed in a driveway.

(c) **Maximum floor area**. The cumulative floor area of one or more portable storage containers shall not exceed 250 square feet.[17]

(d) **Limitation on use**. When located in a residential zoning district, a portable storage container shall only be used to store household goods during an on-site construction/remodeling project or when used to move household goods to another location.

9.08-511 Relocatable building

(a) **Location**. A relocatable building shall conform to all setback requirements.

(b) **Building code**. A relocatable building shall conform to all applicable building code requirements.

(c) **Architectural review**. A relocatable building shall not be subject to the architectural standards in division 8 of this chapter.

9.08-512 Seasonal product sales

(a) **Duration of use**. Merchandise shall not be sold any sooner than 30 days prior to the date of the seasonal event. Cleanup and removal of all related items shall be completed within 2 days following the date of the seasonal event.

(b) **Removal and clean up**. Within 24 hours following the termination of the sale, all features associated with the sale and trash and debris of all kinds shall be removed from the site.

9.08-513 Snow disposal site

Snow shall not be stored within 100 feet of a navigable waterbody or within 75 feet of a wetland that is mapped on the county's online mapping system.

9.08-514 Special event

(a) **Sanitation**. The operator shall comply with sanitation requirements as may be established by the Winnebago County Health Department.

(b) **Setbacks.** No portion of the property within the setbacks established for the zoning district shall be used for a special event.

9.08-515 Special event camping

(a) **Applicability**. Special event camping shall only occur with a special event of regional significance as recognized by the Plan Commission.

[17] Commentary: Although portable storage containers come in different sizes, units are generally 10 feet by 10 feet and 10 feet by 15 feet.

(b) **Duration of use**. Special event camping shall be permitted no more than 5 days prior to the official start of the special event of regional significance and no later than 5 days after the official close of the event.

(c) **Sanitation**. The operator shall comply with sanitation requirements as may be established by the Winnebago County Health Department.

(d) **Setbacks.** No portion of the property within the setbacks established for the zoning district shall be used for camping purposes.

(e) **Removal and clean up**. Within 24 hours following the termination of this use, all features associated with this use and trash and debris of all kinds shall be removed from the site.

9.08-516 Special event concessions

(a) **Applicability**. Special event concessions shall only occur with a special event of regional significance as recognized by the Plan Commission.

(b) **Duration of use**. Special event concessions shall be operated no more than 8 hours prior to the official start of the special event of regional significance and no later than 8 hours after the official close of the event.

(c) **Sanitation**. The operator shall comply with sanitation requirements as may be established by the Winnebago County Health Department.

(d) **Setbacks.** No activity related to special event concessions, including food preparation or service, seating areas, and sanitation, shall occur within the setbacks established for the zoning district in which this use is located.

(e) **Removal and clean up**. Within 24 hours following the termination of this use, all features associated with this use and trash and debris of all kinds shall be removed from the site.

9.08-517 Special event parking

(a) **Applicability**. Special event parking shall only occur with a special event of regional significance as recognized by the Plan Commission.

(b) **Duration of use**. Special event parking shall be permitted no more than one day prior to the official start of the special event of regional significance and no later than one day after the official close of the event.

(c) **Setbacks.** No portion of the property within the setbacks established for the zoning district shall be used for parking purposes.

(d) **Removal and clean up**. Within 24 hours following the termination of this use, all features associated with this use and trash and debris of all kinds shall be removed from the site.

9.08-518 Wind test tower

Pursuant to s. 66.0401(3), Wis. Stats., there are no standards or requirements for the establishment of a wind test tower or similar testing facility. If the Town Board of Supervisors determines that the anticipated or actual testing is detrimental to the public health, safety, or welfare, such bodies may, individually or jointly, submit a written petition to the Public Service Commission requesting the imposition of reasonable restrictions on such use.

9.08-519 Yard sale

A yard sale shall not be operated for more than 3 consecutive days. There shall be at least 60 days between the last day of a yard sale and the first day of a subsequent yard sale.

9.08-520 to 9.08-540 Reserved

ARTICLE 11
PARKING

Sections

9.11-01	Legislative findings	9.11-06	Construction and maintenance requirements
9.11-02	Purpose	9.11-07	Design requirements
9.11-03	Applicability	9.11-08	Shared parking
9.11-04	General requirements	9.11-09	Accessible parking and passenger loading
9.11-05	Minimum off-street parking requirements		

9.11-01 Legislative findings

The Town Board of Supervisors makes the following legislative findings:

(1) The design of parking areas is critically important to the economic viability of commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability.

(2) Standards are needed to establish the minimum and maximum number of parking spaces that are needed to serve various land uses.

(3) Excessively large parking lots reduce density, increase the cost of development, create an unhealthy built environment, contribute to the heat island effect associated with urban areas, and decrease the infiltration of storm water into the ground.

(4) Special standards are needed to accommodate the needs of the disabled.

(5) Shared parking can reduce parking facility costs (including aesthetic and environmental impacts), allows greater flexibility in facility location and site design, and encourages more efficient land use.

(6) Parking lots and their access represent a vital connection between the local transportation network and land development.

(7) Incorrectly designed parking lots and site access can have negative impacts on the site itself, the adjacent and nearby public roadways, and the image of the business community.

9.11-02 Purpose

This article promotes the public health, safety, and general welfare and is intended to:

(1) increase the safety and capacity of public streets by requiring off-street parking or off-street loading facilities;

(2) minimize adverse effects of off-street parking and off-street loading facilities on adjacent properties and surrounding neighborhoods through the requirement of design and maintenance standards;

(3) lessen congestion and prevent the overtaxing of public streets by regulating the location and capacity of accessory off-street parking and off-street loading facilities;

(4) maintain and enhance a safe and efficient transportation system;

(5) provide adequate and safe facilities for the storage of bicycles; and

(6) minimize impervious surfaces.

9.11-03 Applicability

(a) **New construction/uses**. For all buildings and structures erected and all land uses established after April 29, 2012, facilities required in this article shall be provided as specified.

(b) **Same use with an increase in intensity of use**. When a building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other unit of measurement specified in this article, facilities required in this article shall be provided for the amount being added.

(c) **Change in use**. When an existing land use is changed to a new use, facilities required in this article shall be provided as required for such new use. However, if the building or structure housing the new use was erected prior to the effective date of this chapter, facilities required in this article shall be provided to account for the difference between the new and old use.

(d) **Restriping**. When a parking area is restriped, accessible parking spaces shall be provided and designated consistent with this article.

9.11-04 General requirements

(a) **Location of parking**. All parking spaces provided pursuant to this article shall be on the same lot or an adjoining lot with the building, except that the zoning administrator may permit the parking spaces to be on a lot within 400 feet of the lot served by the parking lot if he determines that it is impractical to provide parking on the same or adjoining lot.

(b) **Off-site parking agreements**. If required parking is to be provided off-site, the use of such site shall be secured with a long-term agreement acceptable to the Town's corporation counsel and recorded in the office of the Winnebago County register of deeds. The Town shall be named in that agreement as a party having the right of enforcement.

(c) **Change in use**. An area once designated as required parking shall not be changed to any other use unless equal facilities are provided elsewhere consistent with this article.

(d) **Accessibility**. Parking spaces shall be accessible at all times from a street, alley, or driveway intended to serve such parking.

(e) **Use of parking spaces**. The required off-street parking shall be for occupants, employees, visitors, and patrons. The storage of merchandise, supplies, motor vehicles for sale, or the repair of vehicles on such parking area is prohibited. In addition, the use of a parking lot for overnight camping, including recreational vehicle camping, is prohibited.

(f) **Landscaping**. Landscaping for parking area shall be provided consistent with Attachment E of this chapter.

9.11-05 Minimum off-street parking requirements

(a) **Minimum number of spaces**. Off-street parking spaces shall be provided in the number specified in Exhibit 11-1.

(b) **Maximum number of spaces**. For land uses located in a commercial, mixed-use, or industrial zoning district, the number of parking spaces provided in a ground surface parking lot shall not exceed the minimum number of parking spaces by more than 15 percent, except that the Plan Commission may allow more parking spaces above that threshold as a special exception provided the committee determines that additional spaces are needed for that particular use or location. There shall be no limitation on the number of parking spaces when located in a parking garage or similar structure.

(c) **Mixed-use requirements**. For mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various land uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except when considered shared parking as allowed in this article.

Exhibit 11-1. Parking standards

1.0	Agriculture	Minimum Vehicle Spaces
1.01	Agriculture-related use	1 space for each employee on the largest work shift
1.02	Agriculture, crop	1 space for each employee on the largest work shift
1.03	Agriculture, general	1 space for each employee on the largest work shift
1.04	Greenhouse	1 space for each employee on the largest work shift
2.0	**Resource-Based Uses**	
2.01	Dam	1 space for each employee on the largest work shift
2.02	Forestry	On-site parking not required
2.03	Hunting preserve	Determined on a case-by-case basis
2.04	Sewage sludge disposal	On-site parking not required
2.05	Wildlife park	1 space for each employee on the largest work shift
3.0	**Residential**	
3.01	Mixed-use housing	2 spaces for each dwelling unit
3.02	Mobile home park	2 spaces for each designated mobile home/manufactured home space; plus 1 space for visitor parking for each 8 dwelling units
3.03	Multifamily building, 3–4 units	2 spaces for each dwelling unit
3.03	Multifamily building, 5–8 units	2 spaces for each dwelling unit; plus 1 space for visitor parking if the building fronts a street with no on-street parking
3.03	Multifamily building, 9 or more units	2 spaces for each dwelling unit; plus 1 space for visitor parking for each 6 dwelling units if the building fronts a street with no on-street parking
3.04	Single-family residential	2 spaces
3.05	Townhouse, 3–4 units	2 spaces for each dwelling unit
3.05	Townhouse, 5–8 units	2 spaces for each dwelling unit; plus 1 space for visitor parking if the building fronts a street with no on-street parking
3.05	Townhouse, 9 or more units	2 spaces for each dwelling unit; plus 1 space for visitor parking for each 6 dwelling units if the building fronts a street with no on-street parking
3.06	Twin home	2 spaces for each dwelling unit
3.07	Two-family building, 2 units	2 spaces for each dwelling unit
4.0	**Special Care Facilities**	
4.01	Adult family home	1 space for each 2 adults the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift
4.02	Community living arrangement, 8 or fewer residents	3 spaces for each building
4.02	Community living arrangement, 9–15 residents	4 spaces for each building
4.02	Community living arrangement, 16 or more residents	5 spaces for each building
4.03	Foster home and treatment foster home	1 space for each employee on the largest work shift
4.04	Group day care center	1 space for each 2 children the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift
4.05	Hospice care center	1 space for each 2 residents at capacity; plus 1 space for each employee on the largest work shift
4.06	Nursing home	1 space for each 3 beds; plus 1 space for each employee on the largest work shift
4.07	Retirement home	1 space for each unit; plus 1 space for each employee on the largest work shift
4.08	Temporary shelter	1 space for each 500 square feet of gross floor area devoted to patron services; plus 1 space for each employee on the largest work shift
5.0	**Group Accommodations**	
5.01	Boardinghouse	1 space for each 400 square feet in each sleeping room
5.02	Campground	1 space at each camping space; plus 1 space at the office, if one is provided, for each 15 camping spaces
5.03	Group recreation camp	1 space at each camping space; plus 1 space at the office, if one is provided, for each 15 camping spaces
5.04	Migrant labor camp	Determined on a case-by-case basis
5.05	Overnight lodging	1.5 space for each guest room; plus 1 space for each employee on the largest work shift
5.06	Resort	1 space for each guest room; plus 1 space for each employee on the largest work shift

continued on next page

Exhibit 11-1. Parking standards – continued

6.0	Food and Beverage Sales	Minimum Vehicle Spaces
6.01	Brewpub	1 space for each 3 patron seats or 1 space for each 300 square feet of gross floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift
6.02	Restaurant	1 space for each 3 patron seats or 1 space for each 300 square feet of gross floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift
6.03	Tavern	1 space for each 3 patron seats or 1 space for each 300 square feet of gross floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift
7.0	**Vehicle Rental, Sales, and Service**	
7.01	Heavy vehicle sales and rental	1 space for each 300 square feet of gross floor area
7.02	Truck stop	1 space for each 300 square feet of gross floor area
7.03	Vehicle fuel station	1 space for each 300 square feet of gross floor area
7.04	Vehicle repair shop	1 space for each service bay; plus 1 for each employee on the largest work shift
7.05	Vehicle sales and rental	1 space for each 300 square feet of gross floor area
7.06	Vehicle service shop	1 space for each service bay; plus 1 for each employee on the largest work shift
7.07	Vehicle storage yard	1 space for each employee on the largest work shift
8.0	**General Sales**	
8.01	Convenience retail sales	1 space for each 300 square feet of gross floor area
8.02	General retail sales	1 space for each 300 square feet of gross floor area
8.03	General retail sales, large format	1 space for each 300 square feet of gross floor area
8.04	Outdoor sales	1 space for each 5,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift
9.0	**General Services**	
9.01	Administrative services	1 space for each 300 square feet of gross floor area
9.02	Adult-oriented establishment	1 space for each 300 square feet of gross floor area
9.03	Body-piercing establishment	1 space for each 300 square feet of gross floor area
9.04	Commercial kennel	1 space for each 300 square feet of gross floor area
9.05	Commercial stable	1 space for each 4 stable stalls
9.06	Equipment rental, large	1 space for each 8,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift
9.07	Equipment rental, small	1 space for each 600 square feet of gross floor area
9.08	Financial services	1 space for each 300 square feet of gross floor area
9.09	Funeral home	1 space for each 3 patron seats at the maximum capacity; plus 1 space for each employee on the largest work shift
9.10	General repair	1 space for each 450 square feet of gross floor area
9.11	General services	1 space for each 300 square feet of gross floor area
9.12	Health care clinic	1 space for each examination room or equivalent; plus 1 space for each 300 square feet of gross floor area not devoted to examinations
9.13	Health care center	1 space for each 1.5 patient beds; plus 1 space for each employee on the largest work shift; plus 1 space for each doctor on the largest work shift
9.14	Instructional services	1 space for each student during the largest period of attendance; plus 1 space for each employee on the largest work shift
9.15	Landscape business	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
9.16	Professional services	1 space for each 300 square feet of gross floor area
9.17	Tattoo establishment	1 space for each 300 square feet of gross floor area
9.18	Veterinary clinic, general	1 space for each 300 square feet of gross floor area
9.19	Veterinary clinic, small animal	1 space for each 300 square feet of gross floor area
10.0	**Recreation and Entertainment**	
10.01	Driving range	1 space for each driving station
10.02	Golf course	36 spaces for each 9 holes of golf; plus 1 space for each employee on the largest work shift. If a tavern or restaurant Is also part of the golf course facility, the parking requirements of such use shall be 50 percent of the requirement
10.03	Indoor entertainment	1 space for each 3 patron seats; plus 1 for each employee on the largest work shift
10.04	Indoor recreation	1 space for each 3 patron seats; plus 1 for each employee on the largest work shift
10.05	Outdoor entertainment	1 space for each 3 patron seats at maximum capacity; plus 1 for each employee on the largest work shift
10.06	Outdoor recreation	1 space for each 3 patrons at design capacity; plus 1 for each employee on the largest work shift
10.07	Outdoor shooting range	Determined on a case-by-case basis

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Exhibit 11-1. Parking standards – continued

11.0	Government and Community Services	Minimum Vehicle Spaces
11.01	Administrative government center	1 space for each 300 square feet of gross floor area
11.02	Animal shelter	1 space for each 600 square feet of gross floor area; plus 1 space for each employee on the largest work shift
11.03	Cemetery	1 space for each 250 square feet of gross floor area or 1 space for each 4 seats at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
11.04	Civic use facility	1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
11.05	Community center	1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
11.06	Community cultural facility	1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
11.07	Community garden	1 space for each 10,000 square feet of land available for production
11.08	Correctional facility	1 space for each 10 residents for visitation; plus 1 space for each employee on the largest work shift
11.09	Educational facility, pre-K through 12	0.5 spaces for each (K-8) classroom; 1 space for each 8 students (grades 9-12) at design capacity; plus 1 space for each employee on the largest work shift
11.10	Educational facility, post-secondary	0.5 spaces for each student during the largest class attendance period; plus 1 space for each employee on the largest work shift
11.11	Maintenance garage	1 space for each employee on the largest work shift
11.12	Park	1 space for each 3 patrons at the peak use period
11.13	Public safety facility	1 space for each 500 gross square feet of office area; 1 space for each employee on the largest work shift; plus 1 space for each vehicle normally parked on the premises
11.14	Recreation trail	On-site parking not required
11.15	Unspecified public use	Determined on a case-by-case basis
11.16	Worship facility	1 space for each 4 patrons at maximum capacity; plus 1 space for each employee on the largest work shift
12.0	**Telecommunications and Utilities [6]**	
12.01	Solar energy system	1 space for each employee on the largest work shift
12.02	Stormwater management facility	On-site parking not required
12.03	Telecommunication facility, concealed	1 space
12.04	Telecommunication facility, unconcealed	1 space
12.05	Utility installation, major	1 space for each on-site employee on the largest work shift
12.06	Utility installation, minor	1 space, although the zoning administrator may grant a waiver
12.07	Utility maintenance yard	1 space for each employee on the largest work shift
13.0	**Transportation**	
13.01	Airport	Determined on a case-by-case basis
13.02	Bus storage facility	1 space for each employee on the largest work shift
13.03	Marina	1 space for each 2 boat slips
13.04	Mass transit terminal	1 space for each 100 square feet of gross floor area devoted to a passenger waiting area; plus 1 space for each 300 square feet of gross floor area devoted to offices
13.05	Off-site parking lot	On-site parking not required
13.06	Parking structure	On-site parking not required
13.07	Park-and-ride lot	On-site parking not required
13.08	Railroad line	On-site parking not required
13.09	Street	On-site parking not required
14.0	**General Storage**	
14.01	Boat yard	1 space for each employee on the largest work shift
14.02	Bulk fuel storage	1 space for each employee on the largest work shift
14.03	Personal storage facility	1 space for each 50 rental units when an office is provided; plus 1 space for each employee on the largest work shift
14.04	Truck terminal	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
14.05	Warehouse	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

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Exhibit 11-1. Parking standards – continued

15.0	Industrial	Minimum Vehicle Spaces
15.01	Artisan shop	1 space for each 300 square feet of display area; plus 1 space for each employee on the largest work shift
15.02	Batching plant associated with a nonmetallic mine	1 space for each employee on the largest work shift
15.03	Biofuels production plant	1 space for each employee on the largest work shift
15.04	Construction equipment repair	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
15.05	Construction equipment sales and service	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
15.06	Contractor yard	1 space for each employee working on site; plus 1 space for each fleet vehicle parked on site
15.07	Industrial uses, heavy	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
15.08	Industrial uses, light	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
15.09	Nonmetallic mine	1 space for each employee on the largest work shift
15.10	Salvage yard	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
16.0	**Solid Waste**	
16.01	Composting facility	1 space for each employee on the largest work shift
16.02	Recycling center	1 space for each employee on the largest work shift
16.03	Solid waste landfill	1 space for each employee on the largest work shift
16.04	Solid waste transfer station	1 space for each employee on the largest work shift
17.0	**Accessory Uses**	
17.01	Adult family home	On-site parking not required
17.02	Amateur radio antenna	On-site parking not required
17.03	Automated teller machine	On-site parking not required
17.04	Backyard chickens	On-site parking not required
17.05	Bed and breakfast	1 space for each guest room
17.06	Boat dock	On-site parking not required
17.07	Boathouse	On-site parking not required
17.08	Exterior communication device	On-site parking not required
17.09	Family day care home	On-site parking not required
17.10	Farm building storage	On-site parking not required
17.11	Farm residence	2 spaces
17.12	Farmstead retail outlet	1 space for each 300 square feet of floor area
17.13	Fence	On-site parking not required
17.14	Foster home and treatment foster home	On-site parking not required
17.15	Garage, nonresidential	On-site parking not required
17.16	Garage, off-site residential	On-site parking not required
17.17	Garage, residential	On-site parking not required
17.18	Garden	On-site parking not required
17.19	Greenhouse	On-site parking not required
17.20	Helipad	4 space for each landing pad
17.21	Home occupation, major	1 space for a company vehicle, if any; plus 1 for each on-site employee as may be allowed
17.22	Home occupation, minor	1 space for a company vehicle, if any
17.23	Hot tub	On-site parking not required
17.24	Household livestock	On-site parking not required
17.25	Indoor sales incidental to light industrial use	On-site parking not required
17.26	Kennel, hobby	On-site parking not required
17.27	Kennel, private	On-site parking not required
17.28	Light industrial use incidental to indoor sales	On-site parking not required
17.29	Outdoor display incidental to indoor sales	On-site parking not required
17.30	Outdoor food and beverage service	1 space for each 3 patron seats or 1 space for each 300 square feet of area devoted to patron service, whichever is greater

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Exhibit 11-1. Parking standards – continued

17.0	Accessory Uses - continued	Minimum Vehicle Spaces
17.31	Outdoor furnace	On-site parking not required
17.32	Parking lot (on-site)	On-site parking not required
17.33	Play structure	On-site parking not required
17.34	Pond	On-site parking not required
17.35	Rural accessory structure	On-site parking not required
17.36	Service window, drive-up	On-site parking not required
17.37	Service window, walk-up	On-site parking not required
17.38	Solar energy system, building-mounted	On-site parking not required
17.39	Solar energy system, free-standing	On-site parking not required
17.40	Storage container, 1 or 2 units	On-site parking not required
17.40	Storage container, 3 or more units	On-site parking not required
17.41	Swimming pool	On-site parking not required
17.42	Temporary shelter	1 space for each 500 square feet of gross floor area devoted to patron services; plus 1 space for each employee on the largest work shift
17.43	Utility cabinet	Determined on a case-by-case basis
17.44	Yard shed	On-site parking not required
18.0	**Temporary uses**	
18.01	Agricultural product sales, off-site	Determined on a case-by-case basis, but not less than 2 when on street parking is not available
18.02	Agricultural product sales, on-site	Determined on a case-by-case basis, but not less than 2 when on street parking is not available
18.03	Earth materials stockpile	On-site parking not required
18.04	Farmers market	1.5 space for each vendor space when sufficient on street parking is not available
18.05	General outdoor sales	Determined on a case-by-case basis, but not less than 2 when on street parking is not available
18.06	Model home	Determined on a case-by-case basis
18.07	Off-site construction yard	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
18.08	On-site construction office	On-site parking not required
18.09	On-site construction yard	On-site parking not required
18.10	Portable storage container	On-site parking not required
18.11	Relocatable building	Based on the standard for the principal use
18.12	Seasonal product sales	Determined on a case-by-case basis, but not less than 2 when on street parking is not available
18.13	Snow disposal site	On-site parking not required
18.14	Special event	Determined on a case-by-case basis
18.15	Special event camping	1 space at each camping space
18.16	Special event concessions	Determined on a case-by-case basis, but not less than 2
18.17	Special event parking	On-site parking not required
18.18	Wind test tower	On-site parking not required
18.19	Yard sale	On-site parking not required

9.11-06 Construction and maintenance requirements

(a) **Surfacing**. All off-street parking areas shall be surfaced and maintained with concrete, including pervious concrete, asphaltic concrete, or similar product. Parking areas for those land uses listed as agriculture or resource-based in Exhibit 11-1 may be surfaced with gravel.

(b) **Border barricades**. A parking area located adjacent to a property line shall be provided with a suitable curb (asphalt or concrete) so as to protect the adjacent property. Unless otherwise provided in this chapter, such curb shall be placed at least 2 feet from the property line to prevent extension of vehicles beyond the property line.

9.11-07 Design requirements

(a) **Parking space dimensions**. Parking spaces shall conform to the dimensions in Exhibit 11-2.

(b) **Curbs.** All off-street parking spaces shall have curbs so as to prevent vehicles from overhanging into pedestrian ways.

(c) **Drainage**. Parking areas shall meet the drainage requirements set forth in Section 23.15 of the Winnebago County Zoning Ordinance.

(d) **Location and Arrangement**. Subject to required landscaping areas, all required yards in commercial and industrial districts may be used for off street parking. Off-street parking shall be arranged for convenient access and safety of pedestrians and vehicles. Off-street parking shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets. Except for driveways, no part of the right-of way shall be used for vehicle maneuvering or parking.

(e) **Service drive, when required**. Groups of 3 or more parking spaces, except those in conjunction with a single-family or two-family dwelling on a single lot, shall be served by a service drive so that motor vehicles can enter and exit the parking area without backing onto a public right-of-way.

(f) **Service drive standards**. Service drives shall be designated and constructed to facilitate the flow of traffic, provide maximum safety in traffic ingress and egress and maximum safety of pedestrian and vehicular traffic on the site, and meet the dimensional standards in Exhibit 11-2.

Exhibit 11-2. Dimensional standards for parking spaces

Angle	Stall Width	Curb Length	1-Way Aisle Width	2-Way Aisle Width	Stall Depth
0°	9 ft.	22 ft. 6 in. [1]	12 ft.	24 ft.	8 ft. [1]
30°	9 ft.	18 ft. [1]	12 ft.	19 ft.	17 ft. [1]
45°	9 ft.	12 ft. 6 in. [1]	12 ft.	19 ft.	19 ft. [1]
60°	9 ft.	10 ft. 6 in. [1]	16 ft.	20 ft.	20 ft. [1]
90°	9 ft.	9 ft.	24 ft.	24 ft.	18 ft.

9.11-08 Shared parking

(a) **Generally.** There may be instances where two or more land uses could share the same parking facilities as shown in Exhibit 11-3. The zoning administrator may, upon written petition, authorize the joint use of parking facilities required by such uses, provided:

(1) the applicant shows that there is no substantial conflict or overlap in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;

(2) the parking facility for which joint use is proposed shall be located within 400 feet of the building or use required to provide parking;

(3) directional signage is provided where appropriate;

(4) pedestrian links are direct, clear, and safe; and

(5) parking lots are located within the same zoning district as the use they serve.

(b) **Written agreement required**. The parties involved in the joint use of off-street parking facilities shall evidence their agreement for such joint use by a legal instrument approved by the town corporation counsel as to form and content. Such instrument, when approved as conforming to the provisions of this part, shall be recorded in the office of the Winnebago County register of deeds and a copy filed with the zoning administrator.

Exhibit 11-3. Examples of uses that could potentially share a parking area

Land uses with typical weekday peaks	Land uses with typical evening peaks	Land uses with typical weekend peaks
Banks	Auditoriums	Religious institutions
Schools	Bars and dance halls	Parks
Distribution facilities	Meeting halls	Malls (some types, but not all)
Factories	Restaurants (some types, but not all)	
Medical clinics	Movie theaters	
Offices		
Professional services		

9.11-09 Accessible parking and passenger loading

(a) **Generally**. Accessible parking spaces shall be provided subject to this part; the Americans with Disability Act (ADA), as may be amended; and the *ADA Standards for Accessible Design* 28 CFR 36, revised as of July 1, 1994 as may be amended.

(b) **Number required**. If parking spaces are required, then accessible spaces shall be provided in addition to the required number of regular spaces in the quantity as shown in Exhibit 11-4. One of 8 accessible parking spaces, but always at least one, must be van-accessible.

Exhibit 11-4. Minimum number of required accessible parking spaces

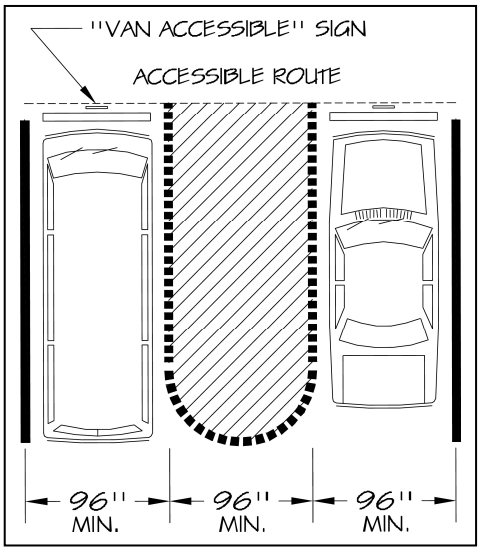
Total number of required parking spaces	Minimum number of additional accessible spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1,001 and over	20; plus 1 for each 100 over 1,000

(c) **Location**. Accessible spaces serving a particular building shall be located on the shortest accessible route of travel between the parking and the accessible entrance. When there are multiple entrances to a building of similar prominence (e.g., shopping mall) with near-by parking, accessible spaces shall be dispersed and provided at each location. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

(d) **Dimensions**. Accessible parking spaces shall be at least 96 inches wide.

(e) **Vertical clearance**. For van-accessible parking spaces, a 98-inch high clearance shall be maintained above the space, access aisle, and on the route to and from the van-accessible space.

Exhibit 11-5. Layout of standard and van accessible parking spaces



(f) **Maximum slope**. Accessible spaces and adjoining access aisles shall have a maximum slope of 1:50 in all directions. When accessible spaces are provided in an existing parking lot, the spaces shall be located on the most level surface close to the accessible building entrance.

(g) **Signage**. Each accessible space shall be so designated with a sign identified by the international symbol of accessibility mounted on a vertical pole. In addition, van-accessible spaces shall be so designated with a sign indicating "Van Accessible." Such signs shall be located so they cannot be obscured by a vehicle parked in the space (at least 6 feet in height).

(h) **Pavement striping and markings**. The boundary of the access aisle must be marked and the end of which may be squared or a semicircle. Additional pavement markings denoting the space are optional.

(i) **Accessible route**. An accessible route must be provided from the accessible parking space to the accessible entrance of the building. It shall be at least 36 inches wide, without steps or curbs. It shall be paved and not

contain any feature that would restrict, inhibit, or unreasonably impeded the movement of a physically disabled individual (Exhibit 11-5).

(j) **Access aisle**. An access aisle for an accessible space shall be the same length as the adjacent parking space it serves and be at least 60 inches wide for car access and 96 inches wide for van-accessibility. Two adjoining accessible parking spaces may share a common access isle (Exhibit 11-5). An access isle for a passenger loading zone shall be 60 inches wide and 20 feet long and adjacent and parallel to the space.

ARTICLE 12
SIGNS

Sections

9.12-01	Legislative findings	9.12-12	Off-premise directional sign
9.12-02	Purpose	9.12-13	General sign standards by type of sign
9.12-03	Applicability	9.12-14	Signage for nonconforming commercial, industrial, or institutional uses
9.12-04	Measurement of sign area	9.12-15	Maintenance
9.12-05	General standards	9.12-16	Removal of signs for a terminated business
9.12-06	General limitations on illumination	9.12-17	Nonconforming signs
9.12-07	Electronic message displays	9.12-18	Removal of certain illegal signs placed on public property
9.12-08	Prohibited signs	9.12-19	Removal of certain signs related to political elections
9.12-09	Signs allowed without a permit		
9.12-10	Signs allowed in a residential zoning district by permit		
9.12-11	Signs allowed in a commercial, mixed-use, or industrial zoning district by permit		

9.12-01 Legislative findings

The Town Board of Supervisors makes the following legislative findings:

(1) In addition to signage allowed by this article, numerous means exist in the town to communicate various types of speech, including print media, broadcast media, direct mailings to households, and dissemination of information on the Internet.

(2) Sign regulations in this article (1) promote the public welfare, health, and safety of people using the public roads and other public travelways; (2) advance the aesthetic goals of the town throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public; and (3) reduce the visual clutter caused by advertising signage which is a significant cause of unsafe traffic and visibility conditions.

(3) Sign regulations in this article are not intended to control the content of a message except as allowed by law or to unduly restrict the appearance of a sign.

(4) The limitations placed on signs by this article are deemed to be the minimum necessary to accomplish the purposes of this article.

9.12-02 Purpose

This article promotes the public health, safety, and general welfare and is intended to:

(1) promote well maintained and attractive signage within the town;

(2) provide for adequate business identification, advertising, and communication;

(3) protect the safety and efficiency of the transportation network in the town by reducing confusion or distractions to motorists and enhancing motorists' ability to see and recognize pedestrians, obstacles, other vehicles and official traffic signs, signals, or devices by minimizing a proliferation of visual messages; and

(4) protect the safety of the public by requiring proper maintenance of signs and establishing minimum design and construction standards.

9.12-03 Applicability

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs enumerated in this section and in s. 9.12-09. To the extent allowed by state and federal law, signs shall comply with the requirements of this article. The following signs are exempt from this article:

(1) A traffic control sign and other similar signage when located on public property along a roadway or other travelway when placed by or authorized by the federal government, the state of Wisconsin, Winnebago County, or the Town of Clayton.

(2) A sign inside of a building that does not meet the definition of a window sign.

(3) A work of art (e.g., mural) that does not identify or represent a product or service.

(4) A legal notice posted on private property as may be required or authorized by municipal, state, or federal law.

9.12-04 Measurement of sign area

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

9.12-05 General standards

A sign allowed by this article shall comply with the following general requirements:

(1) A sign shall not resemble, imitate, or approximate the shape, size, form, or color of a railroad or traffic sign, signal, or device.

(2) A sign shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.

(3) A sign shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, driveway, or fire escape.

(4) A sign shall not be attached to a standpipe or fire escape.

(5) A sign shall not be placed within the clear vision triangle except as allowed.

(6) A sign shall not oscillate or rotate, or move in any other manner.

(7) A sign shall not emit an audible sound, odor, or any visible matter.

(8) A sign shall not be placed on a telecommunication tower, except as required or permitted under article 8.

(9) A sign shall be constructed and mounted so as to comply with state and local building codes as applicable.

(10) A sign containing electrical wiring shall be constructed, installed, and operated so as to comply with state and local electrical codes as applicable.

(11) A sign shall not be painted on or similarly affixed to a natural object, such as a tree or rock.

(12) When a sign is authorized to contain electrical power or when a sign is illuminated by one or more external light fixtures, the electric wire providing the electric power to the sign or the light fixture shall be placed underground from the service disconnect.

9.12-06 General limitations on illumination

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

(1) Internal or external illumination shall not flash or change color.

(2) Lighting for an externally illuminated sign shall be shaded, shielded, and directed away from surrounding properties and vehicular traffic.

(3) Neon lighting or lighting having the same appearance of neon lighting may be used.

(4) For a sign with internal illumination, the background of the sign face shall be made of an opaque material to allow internal light to project only through the lettering and/or logos.

(5) Lighting shall not oscillate or move or give the appearance of movement.

9.12-07 Electronic message displays

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

(1) Except for time and temperature displays, the message shall remain static at least 2 minutes before the next message appears.

(2) No part of the message shall give the appearance of movement.

(3) There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading).

(4) Lighting levels at the sign face shall not exceed 5,000 NITs from dawn to dusk (i.e., daytime hours) and 500 NITs from dusk to dawn (i.e., nighttime hours).

9.12-08 Prohibited signs

(a) **Vehicle signage**. Vehicles, including automobiles, trucks, trailers, semi-trailers, campers, and buses that contain a sign for which the apparent purpose is to advertise a product or direct people to a business or an activity shall not be parked on a public right-of-way or on private property so as to be seen from a public right-of-way, except that such a vehicle is used in the daily operation of a business for service calls, deliveries, and the like.

(b) **Inflatable signage**. Inflatable signage is prohibited.

(c) **Roof signage**. Signage affixed to a roof of a building in any manner, whether directly or indirectly, is prohibited.

An example of an inflatable sign

An example of a vehicle sign

9.12-09 Signs allowed without a permit

A sign enumerated in Table 12-1 is allowed for the specified purpose without a permit provided all requirements are satisfied.

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Table 12-1. Signs allowed without a sign permit

Sign Type	Description	Zoning District	Placement / Type	Time Limitation	Number Permitted	Maximum Sign Area	Type of Illumination Permitted	Type of Display Permitted
1. Address sign	A permanent sign containing information related to the physical address or location of the property on which it is located	Allowed in all zoning districts	No limitation	None	One per premise	2 sq. ft.	External or internal	Static display
2. Adult family home	A permanent sign that identifies a building as an adult family home as may be authorized by this chapter	In those zoning districts that allow this use	Either a wall or window sign or a free-standing sign located at the vehicular entrance of the property when the wall or window sign would not be readily visible from the roadway providing primary access to the parcel	None	One per premise	Wall or window sign 6 sq. ft.; free-standing 6 sq. ft. when single sided; 6 sq. ft. per side when double sided	External	
3. Bed and breakfast sign	A permanent on-premise sign that advertises a permitted bed and breakfast as may be authorized by this chapter	In those zoning districts that allow this use	Either a wall or window sign or a free-standing sign located at the vehicular entrance of the property when the wall or window sign would not be readily visible from the roadway providing primary access to the parcel	None	One per premise	Wall or window sign 6 sq. ft.; free-standing 6 sq. ft. when single sided; 6 sq. ft. per side when double sided	External	Static display
4. Building marker sign	A permanent sign with the name of the building or date of construction or both	Allowed in all zoning districts	Must be cut into any a masonry surface or made of metal and affixed flat against the wall of the building	None	No limitation except by total sign area	6 sq. ft. cumulative	None	Static display
5. Business event sign	A temporary on-premise sign used to announce a commercial sales event, including grand openings, seasonal sales, liquidations, going-out-of-business sales, fire sales, and special promotions	Allowed in those zoning districts that allow industrial and commercial businesses	Banner, pendant, sandwich boards; consistent with s. 23.12-8, inflatable signs are not permitted	No more than 4 times in any 12 month period of time for no more than 21 days of each occurrence	One per premise	32 sq. ft.	None	Static display
6. Community information sign	A municipally-owned sign that displays information of interest to the general community regarding public places, events, functions, or activities	Allowed in all zoning districts	No limitation	None	One per parcel	12 sq. ft. cumulative	None in a residential district; external in a non-residential district	Static display in a residential zoning district; Static display and/or electronic message display in a non-residential district
7. Construction sign for a commercial, institutional, or industrial project or a residential project with 8 or more dwelling units	A temporary sign that identifies the architects, engineers, contractors and other individuals or firms involved with construction taking place on the premises	Allowed in all zoning districts where this type of project is permitted	No limitation	No later than 21 days after the end of construction	One per premise	64 sq. ft. when single sided; 64 sq. ft. per side when double sided	None	Static display
8. Construction sign for a residential project with 7 or fewer dwelling units	A temporary sign that identifies the architects, engineers, contractors and other individuals or firms involved with construction taking place on the premises	Allowed in all zoning districts where this type of project is permitted	No limitation	No later than 21 days after the end of construction	No limitation except by total sign area	32 sq. ft. cumulative	None	Static display
9. Crop sign	A temporary sign that identifies the name or brand of seeds, fertilizer, herbicide, or pesticide used at that specific location	In those zoning districts that allow this use, except in residential districts	Within 50 feet of the crop	Permitted while the crop is growing and for no more than 30 days after harvest	One for every 8 lineal feet	3 sq. ft. per sign	None	Static display
10. Farm building storage sign	A permanent on-premise sign that identifies a farm building storage facility as may be authorized by this chapter	In those zoning districts that allow this use	Within 25 feet of the building or a the primary vehicular entrance to the property	None	One per premise	16 sq. ft. when single sided; 16 sq. ft. per side when double sided	None	Static display
11. Farm sign	A permanent on-premise sign identifying a farm by its name or by the operator's name	In those zoning districts that allow this use	No limitation	None	One per farm	32 sq. ft. when single sided; 32 sq. ft. per side when double sided	External	Static display
12. Farmers market	A temporary sign that identifies a site as a farmers market as may be authorized in this chapter	In those zoning districts that allow this use	No limitation	No more than 21 days before the first event of the season and no more than 7 days following the last event of the season	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage	32 sq. ft. when single sided; 32 sq. ft. per side when double sided	None	Static display
13. Future project sign	A temporary sign that announces a future development project on the parcel it is located or an	Allowed in all zoning districts	No limitation	No later than 21 days following occupancy of the	One per premise	32 sq. ft. when single sided; 32 sq. ft. per side when double	External	Static display

Table 12-1. Signs allowed without a sign permit

Sign Type	Description	Zoning District	Placement / Type	Time Limitation	Number Permitted	Maximum Sign Area	Type of Illumination Permitted	Type of Display Permitted
	active construction or demolition project			building		sided		
14. Historic marker	A permanent on-premise sign marking an historic building, site, landmark, or similar designation by the federal government, the state of Wisconsin, Winnebago County, a local government, or a non-profit organization recognized by one of the forgoing entities as an entity having a legitimate interest in promoting historic preservation	Allowed in all zoning districts	No limitation	None	One per premise	8 sq. ft.	None in a residential district; external in a non-residential district	Static display
15. Home occupation sign (Major only)	A permanent on-premise sign that advertises a major home occupation as may be authorized by this chapter	In those zoning districts that allow this use	Either a wall or window sign or free-standing sign located at the vehicular entrance of the property when the wall or window sign would not be readily visible from the roadway providing primary access to the parcel	None	One per premise	Wall or window sign 6 sq. ft.; free-standing 6 sq. ft. when single sided; 6 sq. ft. per side when double sided	External	Static display
16. Menu board	A permanent on-premise sign located along the side of a drive-thru lane that displays the menu of a restaurant or similar establishment along with prices and other related information	In those zoning districts that allow this use	Within 10 feet of the lane for the drive thru	None	One per drive thru lane but not exceeding 2	32 sq. ft. per sign	External or internal	Static display and/or electronic message display
17. Model home sign	A temporary sign that identifies a particular dwelling unit as a model home as may be authorized by this chapter	In those zoning districts that allow this use	Free-standing sign	No more than 7 days before the first authorized day of such use and no more than 7 days following the last authorize day of such use	One per premise	16 sq. ft. when single sided; 16 sq. ft. per side when double sided	None	Static display
18. Off-site construction yard	A temporary sign that identifies a site as a off-site construction yard as may be authorized by this chapter	In those zoning districts that allow this use	A ground-mounted sign such as a pole sign or a monument sign	No more than 7 days before the first authorized day of such use and no more than 7 days following the last authorize day of such use	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage	12 sq. ft. when single sided; 12 sq. ft. per side when double sided	None	Static display
19. Parking lot sign	A permanent sign that facilitates the use of the parking area, such as directional information and designation of parking spaces for special uses (e.g., handicap parking and visitor parking), commercial logos and other similar content is not allowed	Allowed in all zoning districts where a parking lot is permitted	No limitation	None	No limitation	No limitation	"Exit" and "Enter" signs may be internally illuminated; for all other signage illumination is not permitted	Static display
20. Personal greeting and congratulatory sign	A temporary sign that contains a message related to a homecoming of a person or group of people or a personal event or accomplishment	Allowed in all zoning districts	No limitation	Not more than 14 days	One per premise	16 sq. ft.	None	Static display in a residential zoning district; Static display and/or electronic message display in a non-residential district
21. Political sign	A sign that contains a message relating to a political party, a candidate for public office, or a political issue	Allowed in all zoning districts	No limitation	None	No limitation except by total sign area limitation	32 sq. ft. cumulative in a non-residential zoning district; 12 sq. ft. cumulative in a residential district	None in a residential zoning district; internal or external in a non-residential district	Static display in a residential zoning district; Static display and/or electronic message display in a non-residential district
22. Private property protection sign	A temporary or permanent sign containing wording indicating an intent to deny entry to the general public (e.g., "no trespassing", "no hunting", "no entry", "private property")	Allowed in all zoning districts	At least 200 feet between signs on the same side of a road	Temporary or permanent	No limitation except by separation requirements	2 sq. ft.	None	Static display
23. Real estate sign	A temporary on-premise sign that provides identification of a particular property that is for lease, rent, or sale	Allowed in all zoning districts	No limitation	No later than 14 days following occupancy of the building or portion thereof	One on each road frontage	Residential district: 16 sq. ft. when single sided; 16 sq. ft. per side when double sided Non-residential district: 20 sq. ft.	None	Static display

Table 12-1. Signs allowed without a sign permit

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

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9.12-10 Signs allowed in a residential zoning district by permit

(a) **Generally**. Signage for the specified uses as may be allowed in a residential district is allowed consistent with the requirements contained in Table 12-2.

(b) **Landscaping requirement for monument signs**. When a monument sign is allowed in a residential zoning district, landscaping shall be provided around the base of the sign for a minimum distance of 6 feet. Such landscaping may consist of turf, shrubs, or ground cover.

Table 12-2. On-premise signage in a residential district

Land Use / Sign Type		Number of Signs	Maximum Sign Area	Maximum Sign Height	Illumination	Type of Display Permitted
Identification sign for a residential complex	A. Wall sign	1 per frontage	32 sq. ft. or 10 percent of the wall area, whichever is less	8 ft.	External	Static display
	B. Free-standing sign – monument sign only	1 per frontage	32 sq. ft. when single sided; 32 sq. ft. per side when double-sided	6 ft.	External	Static display
Identification sign for a mobile home park	Free-standing sign – monument sign only	1 per frontage	32 sq. ft. when single sided; 32 sq. ft. per side when double-sided	6 ft.	External	Static display
Identification sign for a subdivision	Free-standing sign – monument sign only	1 per vehicular access point	32 sq. ft. when single sided; 32 sq. ft. per side when double-sided	6 ft.	External	Static display
Identification sign for an institutional use (e.g., park, school, church, and nursing home)	A. Wall sign	1 per frontage	32 sq. ft. or 10 percent of the wall area, whichever is less	10 ft.	External or internal	Static display
	B. Free-standing sign – monument only	1 per frontage	32 sq. ft. when single sided; 32 sq. ft. per side when double-sided	6 ft.	External	Static display
	C. Parking lot entrance sign	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage or closer than 100 feet to another free-standing sign	12 sq. ft. when single sided; 12 sq. ft. per side when double-sided	5 ft.	External	Static display

9.12-11 Signs allowed in a commercial, mixed-use, or industrial zoning district by permit

(a) **Generally**. Signs meeting the requirements of this section are allowed in a commercial, mixed-use, or industrial zoning district with a sign permit.

(b) **Sign standards**. Signs shall comply with the requirements in table 12-3 through 12-5 as applicable.

Table 12-3. On-premise signage in the P-I Public Institutional District, B-1 Local Service Business District and B-2 Community Business District

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

Table 12-4. On-premise signage in the B-3 General Business District and M-1 Mixed Use District

Sign Type	Number of Signs	Max. Sign Area by Type of Sign	Maximum Sign Height	Illumination	Type of Display Permitted
Wall sign	1 per frontage	10 percent of wall area per frontage	No more than 20 percent of the sign area shall extend above the wall on which it is attached	External or internal	Static display or electronic display
Free-standing sign – pole or monument	1 per frontage	100 sq. ft. when single sided; 100 sq. ft. per side when double-sided	Monument: 8 ft. Pole: 25 ft. [1]	External or internal	Static display or electronic display
Projecting sign in lieu of a wall sign or a free-standing sign on the same frontage	1 per frontage	32 sq. ft. per side	-	External or internal	Static display or electronic display
Parking lot entrance sign – monument only	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage or closer than 100 feet to another free-standing sign	12 sq. ft. when single sided; 12 sq. ft. per side when double-sided	5 ft.	External or internal	Static display

Notes:

1. If the sign is located on a parcel that adjoins a road classified as an arterial and the top of the sign is not 15 feet above the elevation of such road, the Planning and Zoning Committee may allow a greater height as a special exception consistent with the procedures and requirements of article 7 of this chapter. If a premises is allowed to have two pole signs, the sign closest to such road may only qualify for the special exception.

Table 12-5. On-premise signage in the I-1 Light Industrial District and I-2 Heavy Industrial District

Sign Type	Number of Signs	Max. Sign Area by Type of Sign	Maximum Sign Height	Illumination	Type of Display Permitted
Wall sign	1 per frontage	10 percent of wall area per frontage	No more than 20 percent of the sign area shall extend above the wall on which it is attached	External or internal	Static display or electronic display
Free-standing sign – pole or monument	1 per frontage	50 sq. ft. when single sided; 50 sq. ft. per side when double-sided	Monument: 8 ft. Pole: 25 ft. [1]	External or internal	Static display or electronic display
Projecting sign in lieu of a wall sign or a free-standing sign on the same frontage	1 per frontage	32 sq. ft. per side	-	External or internal	Static display or electronic display
Parking lot entrance sign – pole or monument	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage or closer than 100 feet to another free-standing sign	12 sq. ft. when single sided; 12 sq. ft. per side when double-sided	5 ft.	External or internal	Static display

Notes:
1. If the sign is located on a parcel that adjoins a road classified as an arterial and the top of the sign is not 15 feet above the elevation of such road, the Plan Commission may allow a greater height consistent with the procedures and requirements of article 7 of this chapter. If a parcel is allowed to have two pole signs, the sign closest to such road may only qualify for the alowance.

9.12-12 Off-premise directional signs

An off-premise directional sign is permitted in all zoning districts provided the property of the business or organization being identified only has access off of a town road as designated on the official zoning map and complies with each of the following requirements:

(1) Placement: The sign is located on a parcel fronting on a road not classified as a town road and the sign is no more than 2,500 feet from the town road on which the business or organization is located

(2) Type of sign: monument or pole

(3) Maximum number: 4 for any single business or organization, but no more than 2 on any single road or street

(4) Maximum sign area: 32 sq. ft. when single sided; 32 sq. ft. per side when double-sided

(5) Maximum height: 25 feet above existing grade of existing structure at the time of permit approval – need to verify

(6) Minimum setback from front property boundary line: 3 feet

(7) Minimum setback from side property boundary line: 3 feet

(8) A directional sign shall not face a residential zoning district when located within 50 feet of such district boundary.

9.12-13 General sign standards by type of sign

(a) **Projecting sign**. A projecting sign shall comply with each of the following:

(1) The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.

(2) The sign shall not extend more than 10 feet from the building on which it is attached.

(3) When located above a walkway, the bottom edge of the sign shall be at least 10 feet above the surface of such walkway beneath the sign.

(4) The sign when located above a driveway or an alley shall not be less than 15 feet above the surface of such driveway or alley.

(5) The top of the sign shall not be higher than the building on which it is located.

(b) **Free-standing sign**. A free-standing sign shall comply with each of the following:

(1) A sign when located above a walkway shall not be less than 10 feet above the surface of such walkway.

(2) A sign when located above a driveway or an alley shall not be less than 15 feet above the surface of such driveway or alley.

(3) No part of a sign may be closer than 10 feet to the front property boundary line or within the side yard or rear yard setback established for the zoning district in which the sign is located.

(c) **Hanging sign**. A hanging sign shall comply with each of the following:

(1) The sign shall be constructed of rigid material.

(2) The sign may be externally illuminated; internal lighting is strictly prohibited.

(3) The bottom edge of the sign shall be at least 8 feet above the sidewalk beneath the sign.

(4) The sign shall not have more than two faces.

(d) **Wall sign**. A wall sign shall comply with each of the following:

(1) A sign shall not project from the wall on which it is attached by more than 12 inches.

(2) Sign copy may be placed on an awning, but only on the vertical flap.

9.12-14 Signage for nonconforming commercial, industrial, or institutional uses

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

9.12-15 Maintenance

The person owning the property on which a sign is located shall maintain such sign in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning, and other acts required for proper maintenance. A dangerous sign shall be made to conform or removed within 5 days of receipt of a written notice from the zoning administrator, unless a shorter compliance period as specified in the notice is required to protect public safety.

9.12-16 Removal of signs for a terminated business

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

9.12-17 Nonconforming signs

A sign that existed at the time of adoption of the ordinance from which this article is derived that does not conform shall be subject to the provisions of article 13 of this chapter relating to nonconformities. Two or more signs located closer than the distance standards indicated in this ordinance shall become nonconforming for the purposes of this section, regardless of which sign was erected first and regardless of whether the nearest sign measured from is located within or outside of county zoning jurisdiction.

9.12-18 Removal of certain illegal signs placed on public property

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

9.12-19 Removal of certain signs related to political elections

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

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ARTICLE 13
NONCONFORMITIES

Sections

9.13-01	Legislative findings	9.13-05	Special provisions for nonconforming signs
9.13-02	Nonconforming lots	9.13-06	Special provisions for nonconforming mobile homes and manufactured homes
9.13-03	Nonconforming structures		
9.13-04	Nonconforming uses		

9.13-01 Legislative findings

The Town Board of Supervisors makes the following legislative findings:

(1) There may exist lots, structures, and uses in the town that were lawfully established but that do not now comply with one or more provisions of the district in which they are located.

(2) It is reasonable to generally allow, but not encourage, nonconforming uses to continue until such time as they are removed or discontinued.

(3) A nonconformity that is removed, discontinued, changed, extended, or enlarged shall be made to conform with the regulations that apply to the district in which it is located.

(4) State law permits the reconstruction of nonconforming structures under certain circumstances.

(5) There is a substantial public benefit of reducing the number of existing off-premise billboards that exceed the size limitations established in this chapter.

9.13-02 Nonconforming lots

(a) **Generally**. A nonconforming lot may be used for an allowable use, provided such use complies with all other development standards of the zoning district in which the lot is located.

(b) **Alteration of property boundary lines**. The location of a property boundary line of a nonconforming lot shall not be moved, except when the adjoining lot being made smaller and development on such lot comply with all dimensional requirements of the district in which it is located and the new property boundary line location will make the nonconforming lot to be conforming or lessen the nonconformity.

9.13-03 Nonconforming structures

(a) **Reconstruction.** A nonconforming structure containing a conforming use may be rebuilt, in whole or in part, if the reconstructed structure is not located on more than one parcel and is identical in all respects to its size, shape, height, and footprint at the time of reconstruction. Prior to the issuance of a zoning permit, the applicant shall provide a survey, conducted by a licensed land surveyor, verifying all setbacks of the existing non-conforming structure, as well as the structure's footprint and square footage.

(b) **Enlargement**. A nonconforming structure shall not be enlarged or altered, except as permitted in this subsection. In those instances where a nonconforming structure is used for residential purposes, the structure may be enlarged provided the portion of the structure being added complies with all applicable dimensional standards, including setback and building height standards.

(c) **Reconstruction following damage**. A nonconforming structure that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (size, location, and use) prior to the damage, except the structure may be larger when necessary to comply with state or federal requirements.[1]

(d) **Unsafe conditions, ordinary maintenance, and remodeling**. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof, ordinary repair and maintenance, or remodeling provided that the work conforms to the provisions in this chapter.

[1] Commentary: See s. 62.23(7)(hc)., Wis. Stats.

9.13-04 Nonconforming uses

(a) **Generally**. A nonconforming use may continue to exist so long as it remains otherwise lawful, subject to the provisions in this section.

(b) **Cessation of use**. If a nonconforming use ceases for any reason, whether intentional or otherwise, for more than 12 continuous months, such use shall not be reestablished.[2] A business of a seasonal nature shall not be deemed discontinued during periods which it is normally inactive (i.e., marinas, ski hills, campgrounds). If the zoning administrator determines that a nonconforming use has ceased to operate for more than the aforementioned time period, he or she shall initiate the process established under division 7 of article 7.

(c) **Change in extent**. Except as may be provided in this article or in state law, a nonconforming use shall not be enlarged, increased, or expanded and shall not occupy a greater area than what existed on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(d) **Limitation on structural alterations.** Structural alterations to a structure housing a nonconforming use shall not exceed, on an accumulative percentage basis, 50 percent of the equalized value of such structure. For example, if a property owner makes structural alterations, the cost of which equals 40 percent of the current equalized value of the structure, additional structural alterations are limited to 10 percent of the equalized value at the time of the work.

(e) **Damage to structure housing nonconforming use**. If a structure housing a nonconforming use is damaged beyond 50 percent of its present equalized value, such use shall not be reestablished.

(f) **Change of location**. A nonconforming use shall not be moved in whole or in part to any other portion of the lot or to another structure than what was occupied on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(g) **Casual, occasional, accessory, or incidental use**. Casual, occasional, accessory, or incidental use after the primary nonconforming use has terminated, shall not be deemed to perpetuate a nonconforming use.[3]

(h) **Change of production**. A change in the method or quantity of production and the incorporation of new technology into a nonconforming use is permitted provided the original character of the use remains the same.[4]

(i) **Nonconforming use as a public nuisance**. A nonconforming use, regardless of its duration, may be prohibited or restricted if it constitutes a public nuisance or is harmful to the public health, safety, or welfare.[5]

(j) **Unsafe conditions**. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof, provided that such work conforms to the provisions in this chapter.

(k) **Licensing**. The operator of a nonconforming use shall obtain such licenses as may be required by the state of Wisconsin, or its designated agent; Winnebago County; or the town in which the use is located, and maintain such licenses for the life of the use or until the entity no longer requires such license.

9.13-05 Special provisions for nonconforming signs

(a) **Changes to copy**. The copy of a nonconforming sign may be changed.

(b) **Off-premise sign**. A nonconforming off-premise sign that exceeds the maximum sign area allowed in this chapter and that has a static message display shall not be converted, in whole or in part, to an electronic message display, unless the sign owner agrees to remove 5 existing nonconforming off-premise signs that exceed the maximum sign area provided (1) the sign area of the sign to be removed is at least 80 percent of the area of the sign to be converted, (2) the sign to be removed is located within 3 miles of the sign to be converted, (3) the sign to be removed is completely removed before work commences on the sign to be converted, and (4) the site of the removed sign is restored to the satisfaction of the zoning administrator.

[2] Commentary: See s. 62.23(7)(h), Wis. Stats.
[3] Commentary: See *Village of Menominee Falls* v. *Veirstahler,* 183 Wis. 2d 96, 515 N.W.2d 290 (Ct. App. 1994)
[4] Commentary: See *Racine County* v. *Cape,* 2002 WI App 19, 250 Wis. 2d 44, 639 N.W.2d 782, 01-0740
[5] Commentary: See *Town of Delafield* v. *Sharpley,* 212 Wis. 2d 332, 568 N.W.2d 779 (Ct. App. 1997, 96-2458)

9.13-06 Special provisions for nonconforming mobile homes and manufactured homes

Any mobile home on a lot of record that is not located in the R-8 zoning district may be replaced with a manufactured home. Any manufactured home on a lot of record that is not located in the R-8 zoning district may be replaced with a manufactured home.

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ARTICLE 14
ENFORCEMENT

Sections

9.14-01	Legislative findings	9.14-05	Notice of violation
9.14-02	Authority for enforcement	9.14-06	Stop work order
9.14-03	Actions constituting violation	9.14-07	Other remedies
9.14-04	Enforcement procedure	9.14-08	Penalties

9.14-01 Legislative findings

The Town Board of Supervisors makes the following legislative findings:

(1) State law gives the Town the authority to ensure compliance with this chapter.

(2) The Town reserves all rights and remedies provided by state and federal law to ensure compliance.

9.14-02 Authority for enforcement

Pursuant to s. 62.23(7), Wis. Stats., the Town has the authority to enforce the provisions of this chapter.

9.14-03 Actions constituting a violation

Each separate action that is not in full compliance with this chapter or with a condition or requirement of a permit or an order issued pursuant to this chapter shall constitute a separate and distinct violation.

9.14-04 Enforcement procedure

(a) **Investigation**. After observing or receiving a complaint of an alleged violation, the zoning administrator shall investigate to determine if in fact a violation does exist. If the property owner does not allow the zoning administrator or any authorized agent of the Town the right to enter the subject property for the purpose of determining whether a violation exists or not, he or she may proceed to obtain a special inspection warrant from the court pursuant to s. 66.0119, Wis. Stats.

(b) **Notification of compliance**. If the zoning administrator determines that a violation does not exist, he or she shall notify the complainant explaining his or her finding.

(c) **Notification of violation**. If the zoning administrator determines that a violation does exist, he or she, in consultation with the Town's corporation counsel, shall send a written notice as described herein to the property owner.

(d) **Issuance of stop work order**. If the violation involves construction or any land development activity the zoning administrator shall:

(1) send a stop work order, as described in this part, by certified mail to the property owner or deliver it in person to the property owner, contractor, builder, or any other person engaged in work covered by the order; and

(2) post a stop work order in a prominent location on the site.

(e) **Lifting of stop work order**. Upon substantial evidence that the violation has been removed or otherwise corrected, the zoning administrator shall lift the stop work order.

(f) **Initiation of court action**. If work does not immediately cease on the premises, except to ensure compliance, or if the violation is not remedied within 30 days of the written notice, the zoning administrator shall work with the Town's corporation counsel to initiate court action as provided by in this part and as allowed by state law.

9.14-05 Notice of violation

(a) **Content**. The notice of violation shall include the following:

(1) a description of the violation,

(2) the section(s) of this chapter being violated,

(3) a statement describing the measures that would remedy the violation,

(4) the date by which the violation must be remedied and when a stop work order shall be issued if the violation is not remedied, and

(5) information concerning penalties for continued non-compliance.

(b) **Effect of violation notice**. Once a violation notice has been issued pursuant to this article:

(1) all construction or any land development activity directly related to the violation, except that which is done to ensure compliance, shall cease. All other work that is in compliance may continue, and

(2) the Town shall not issue any other permits or approvals for any development on the premises that is directly related to the violation.

9.14-06 Stop work order

(a) **Content**. A stop work order shall state the section of the Town code being violated, the name of an individual who should be contacted along with his or her work telephone number, a statement that all work on the premises must cease immediately until the zoning administrator rescinds the stop work order, and that removal of the stop work order constitutes a violation of this chapter.

(b) **Effect of stop work order**. Once a stop work order has been issued pursuant to this division:

(1) all work on the premises shall cease until such time as it is lifted, and

(2) the Town shall not issue any other permits or approvals for any development on the premises until such time as the order has been lifted.

(c) **Unauthorized removal of stop work order**. No person, other than a Town official or employee who is authorized to do so, shall remove a stop work order from the location it was posted. The removal of a stop work order by a person without authority to do so constitutes a violation of this chapter.

9.14-07 Other remedies

The county or any aggrieved person may apply to a court of competent jurisdiction for temporary or permanent injunctive relief to enjoin and restrain any person violating a provision of this chapter and exercise all other rights and remedies provided by law or in equity.

9.14-08 Penalties

(a) **Forfeiture**. Any person who violates this chapter shall be subject to a forfeiture as provided for in this section per violation along with the costs of prosecution. Any such person in default of payment of such forfeiture shall be imprisoned in the Winnebago County jail for not more than 6 months. Payment of a forfeiture does not relieve the person from complying with this chapter. Each and every day the violation continues shall constitute a separate offense. In addition, the Town of Clayton adopts the citation system of enforcement of this chapter pursuant to s. 66.0113, Wis. Stats.

(b) **Amount of forfeiture**. The Town of Clayton Town Board of Supervisors adopts by resolution a schedule showing the amount of the forfeiture for the following violations:

(1) Failure to obtain a permit or other approval as required

(2) All other violations of this chapter

(3) Cost pursuant to non-citation initiated civil complaint

Appendix A

Map Requirements

The following information should be provided for each type of application to the extent applicable to the project.

			Project Maps		
Type of Information	**Site Plan**	**Master Development Plan**	**Conditional Use**	**Zoning Map Amendment**	**Variance**
Background Project Information					
Project name	X	X	X	X	X
Applicant name	X	X	X	X	X
Preparation date	X	X	X	X	X
Name of preparer	-	X	-	-	-
Survey Information					
North arrow and graphic scale	X	X	X	X	X
Address of subject property or legal description	X	X	X	X	X
Property boundaries	X	X	X	X	X
Acreage of subject property	X	X	X	X	X
Project Development Information					
Land use summary table by density/intensity and acreage	-	X	-	-	-
Easements/rights-of-ways (location, width, purpose, ownership)	X	X	X	-	X
Common areas/conservancy areas (location, purpose, ownership)	X	X	X	-	-
Land to be dedicated to the public (boundaries, area, purpose)	-	X	-	-	-
Setting					
Property boundaries within __ feet of the subject property	X (50')	X (150')	X (150')	X (150')	X (50')
Land uses within __ feet of the subject property	X (50')	X (150')	X (150')	X (150')	X (50')
Zoning district boundaries within __ feet of the subject property	X (50')	X (150')	X (150')	X (150')	X (50')
Municipal boundaries within __ feet of the subject property	X (50')	X (150')	X (150')	X (150')	X (50')
Site Features (existing and proposed)					
Ground contours when any slope exceeds 10 percent	X	X	X	-	X
Wetlands	X	X	X	-	X
Woodlands	X	X	X	-	X
Wildlife habitat, including critical wildlife habitat	X	X	X	-	X
Environmentally sensitive features	X	X	X	-	X
Water resources (rivers, ponds, etc.)	X	X	X	-	X
Floodplain boundaries	X	X	X	-	X
Environmental and manmade development constraints and hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, and high-pressure natural gas lines	X	X	X	-	X
Buildings and Outdoor Storage/Activity Areas					
Existing and proposed	X	X	X	X	X
Existing within __ feet of subject property	X (50')	X (150')	X (150')	X (150')	X (50')
Required Setbacks					
Yard setbacks (front, side, rear and shore)	X	-	X	-	X
On-site septic systems	X	-	X	-	X
On-site wells and off-site wells within 10 feet of the perimeter of the subject property	X	-	X	-	X

Continued on next page

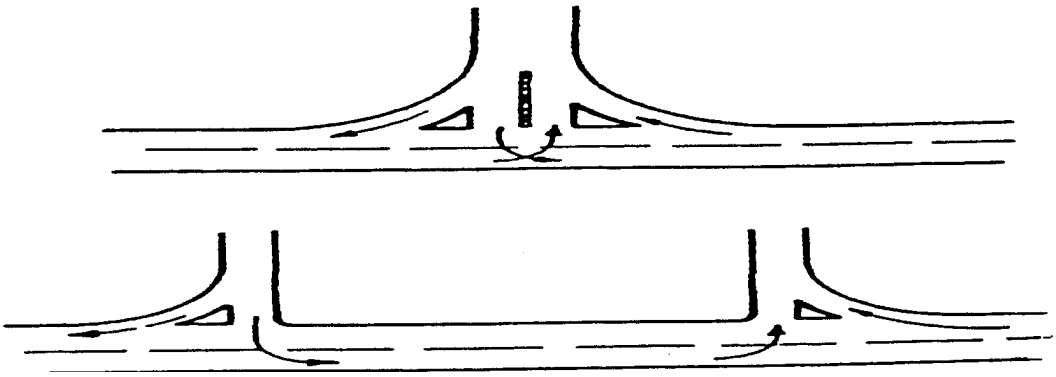
			Project Maps		
Type of Information	**Site Plan**	**Master Development Plan**	**Conditional Use**	**Zoning Map Amendment**	**Variance**
Landscaping Features (existing and proposed)					
Fences, buffers, and berms	X	-	X	-	-
Pervious and impervious surfaces by type	X	-	-	-	-
Site amenities (benches, fountains, etc.)	X	-	-	-	-
Existing trees and other prominent vegetation	X	-	-	-	-
Trees / shrubs to be planted, including a plant list and specs.	X	-	-	-	-
Trees / shrubs to be retained	X	-	-	-	-
Outdoor Lighting (existing and proposed)					
Location	X	X	-	-	-
Fixture specifications	X	X	-	-	-
Stormwater Facilities (existing and proposed)					
Location	X	X	-	-	-
Specifications for each facility	X	X	-	-	-
Utilities (existing and proposed)					
Location	X	X	-	-	X
Type (sewer, telephone, etc) (buried or overhead, if applicable)	X	X	-	-	X
Size/capacity, if applicable	-	X	-	-	-
Transportation Facilities (existing and proposed)					
Streets	X	X	X	-	X
Driveways and road access onto public and private roads	X	X	X	-	X
Parking areas and access aisles	X	-	-	-	X
Sidewalks and trails	X	X	X	-	X
Fire lanes (i.e., fire apparatus access)	X	-	-	-	X
Clear visibility triangles (location and dimensions)	X	X	-	-	X
On-Site Parking (existing and proposed)					
Drive isles and parking stalls by size	X	-	-	-	-
Location of accessible parking stalls	X	-	-	-	-
Location and specifications/dimensions for accessibility ramps	X	-	-	-	-
Type and location of on-site parking signs and traffic control signs	X	-	-	-	-
Surface materials for parking lot (e.g., concrete, bituminous concrete, pavers)	X	-	-	-	-
Snow storage areas	X	-	-	-	-
Areas designated for queuing of vehicles for drive-through facilities (e.g., car washes, drive-up service windows, etc.)	X	-	-	-	-
Pedestrian walks between the parking lot and the building	X	-	-	-	-
Designated areas of a parking area for pedestrian walks	X	-	-	-	-
Loading lanes and loading docks	X	-	-	-	-
Stormwater drainage	X	-	-	-	-
Distance between parking areas and adjoining properties if less than 20 feet	X	-	-	-	-
Areas designated for bicycle parking	X	-	-	-	-
Signs (existing and proposed)					
Location	X	optional	-	-	-
Specifications for each sign including type, height, dimensions, lighting, and other factors considered during the review process	X	optional	-	-	-

Attachment B
TOWN OF CLAYTON
HORIZONTAL SITE DESIGN STANDARDS FOR
COMMERCIAL, OFFICE, INDUSTRIAL, MULTI-FAMILY AND INSTITUTIONAL DEVELOPMENT

A. Horizontal Site Design Standards

(1) Driveways

(a) **Configuration**. Driveways shall ordinarily intersect with public streets as nearly as possible at right angles provided, however, that for high intensity uses and/or parcels with access to streets with posted speeds of 45 miles per hour or greater, a channelized "T" intersection as depicted below, may be required. For high intensity uses, acceleration and deceleration lanes may also be required. Appropriate accommodation of traffic volume may be addressed by requiring additional stacking room and at no time shall stacking interfere with internal and external traffic flow.



(b) **Multiple Frontage.** Where a parcel abuts two streets, access may be limited to the street with the lowest functional classification, i.e., arterial, collector and local.

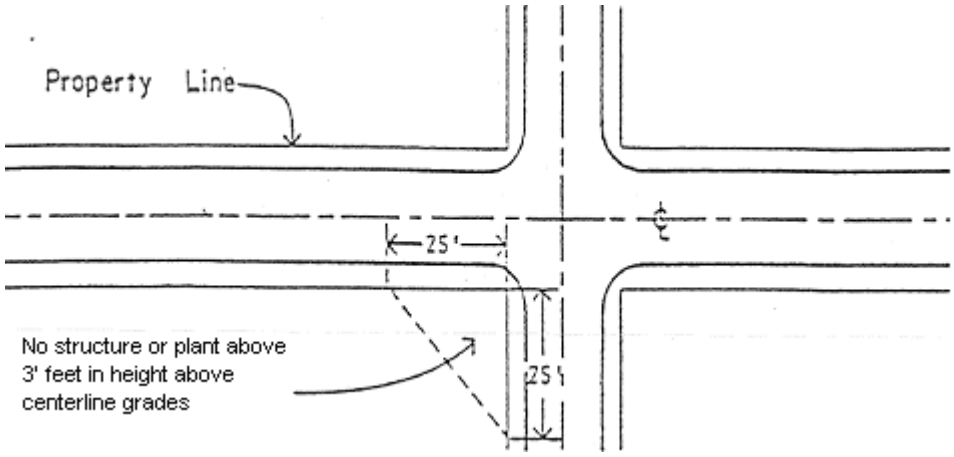
(c) **Number and Spacing** No parcel fronting on a public street for less than 100 feet shall ordinarily have more than one driveway access to that street. No parcel fronting on a public street for between 100 feet and 250 feet shall ordinarily have more than two driveway accesses to that street provided, however, that the centerline of the two driveways should not be closer than 50 feet for local or collector streets or closer than 75 feet for arterial streets. One additional access may be approved for each additional 250 feet subject to the centerline separation of 50 feet for local or collector streets and 75 feet for arterial streets. These provisions do not apply to parcels abutting State or County highways.

(d) **Corner and Lot Line Clearance.** No driveway shall be constructed with its centerline closer than 50 feet to a local street intersection; closer than 75 feet to a collector street intersection; or closer than 100 feet to an arterial street intersection. No driveway shall be constructed with its centerline closer than 25 feet to a property line except when the driveway is jointly used by the adjoining property.

(e) **Width**. Minimum driveway widths of 24' feet are required. Driveways shall not exceed a maximum width of 36 feet at their juncture with the street pavement or 30 feet in width at the property line.

(f) **Coordination With Opposite Side Driveways, Roadways, and Buildings.** Driveways shall be located to minimize potential interference and conflicts with the use of buildings, roadways and driveways located on the opposite side of the street.

(g) **Vision Corner.** Driveways shall list vision corners at all intersections with the public right-of-way. These shall be indicated to provide 25' from the intersection into the property and 25' along the property with a connecting line between their furthest point.



(2) Storm Water and Erosion Control.

(b) **Storm Water & Erosion Control Requirements.** Any parcel developed or redeveloped shall require submittal of drainage calculations, appropriate drainage improvements for surface water conveyance and associated treatment. Drainage calculations shall utilize the methodology set forth in TR-55 "Urban Hydrology for Small Watersheds." Drainage shall meet the requirements set forth in 23.15 of the Winnebago County Ordinance. An Erosion & Sediment Control Plan shall be required and shall meet the requirements set forth in 23.15 of the Winnebago County Ordinance.

(c) **Existing Drainage.** To the maximum extent practicable, existing watercourses and drainage patterns shall be maintained. Modifications of existing watercourses or drainage patterns shall not unduly impair or impede drainage from other parcels in the watershed. All drain tile shall not be terminated or discontinued without provision to accommodate tile flows. There shall be no hard-piping of storm water directly off-site. Storm water piping within a parcel is permitted.

(d) **Storm Water Design Considerations.** The designer shall strive to achieve an environmentally sensitive approach to storm water management during the site layout process. Low impact development shall be a priority, with a goal of maintaining and enhancing pre-development hydrologic conditions.

Recommendations to achieve this goal are contained in Attachment F of the Site Plan Ordinance, "Environmental and Energy Efficiency (E3) Guidelines.

(e) **Wetlands.** Before any parcel is developed or redeveloped, documentation shall be submitted verifying that Wisconsin DNR Wetlands Maps and NRSC Soils Surveys Map have been reviewed to determine if there are mapped wetlands or soils that may indicate the potential for wetlands. If it is determined that there are, a "Wetland Delineation Report" is required.

(3) On-Site Wastewater Treatment

(a) **Department of Safety and Professional Services.** Private on-site wastewater treatment systems shall meet all requirements of Chapter SPS 383. Soil and site evaluations shall be in accordance with Chapter SPS 385. Horizontal setback parameters included in Chapter SPS 383 shall be met.

(b) **Department of Natural Resources.** On-site wastewater treatment systems meeting the Wisconsin Department of Natural Resources definition of a "Large" system will be required to submit additional information as required for a joint Wisconsin Department of Safety and Professional Services and Wisconsin Department of Natural Resources review.

(c) **Location and Size.** The Site Plan shall show the areas designated for construction of the on-site wastewater treatment soil absorption unit and the proposed septic tank. The size of these areas shall be based on a preliminary on-site wastewater treatment system design, which shall be provided to the entity reviewing the site plan upon request**.** The Site Plan shall show an additional area designated for a future soil absorption unit to be used if failure of the system requires construction of a new drain field system.

(d) **Suitability.** The site designated for the proposed and future soil absorption systems shall be areas with un-compacted soil. The Site Plan shall indicate that these areas designated for the soil absorption system, plus 15 feet on the down slope side of any mound system, shall remain un-compacted and free of vehicular traffic of any kind during construction and for the life of the system.

(4) Private Well Construction

(a) **Department of Natural Resources.** Wells and appurtenances shall be constructed in accordance with Wisconsin Department of Natural Resources Administrative Codes.

(b) **Location and Size.** The Site Plan shall show the proposed location of the well. Placement of the well shall meet the minimum separation distances required in Chapter NR 812.

(5) Stockpiling

Stockpiling of spoils and top soil shall be utilized on site and off site trucking shall be limited. Temporary stockpiles shall be indicated on the site plan and conform to provisions of Article 15 of the Winnebago County Zoning Ordinance, DNR seeding for construction site erosion control (1059) and silt fence (1056) requirements. Applicant shall submit a plan for the utilization of disposal of any stockpiles and can be modified as a condition of site plan approval.

(6) Utilities

All utilities shall be shown on the site plan along with any existing or proposed public and private easements for utility, drainage, sewer and other purposes, and all easements on surrounding properties benefiting the subject property. If existing utilities are to be abandoned, clearly state the method of abandonment. All utilities must be below grade and conform to proper engineering standards.

Attachment C
TOWN OF CLAYTON
ARCHITECTURAL DESIGN STANDARDS FOR COMMERCIAL, OFFICE, INDUSTRIAL, MULTI-FAMILY AND INSTITUTIONAL DEVELOPMENT

A. Architectural Design Standards

(1) General Design Criteria.

(a) **Architectural Design Zones.** Architectural design zones have been applied to the Town of Clayton to encourage appropriate development standards for regional, and community uses. Each of these zones encourages compatibility with adjacent properties that result in a positive impact on the community. Refer to Architectural Zone map for Zone A and Zone B locations. Business Fringe Zone are those properties that are identified on the Town's comprehensive land-use map as commercial, office, industrial, multi-family and institutional use, but are not located in Zone A or Zone B.

(b) **Architectural Design Intent.** One dominant material and theme shall be selected based upon its own natural integrity.

- Additional materials shall maintain the building theme and accentuate the dominant material.
- Materials shall convey permanence, substance, durability, timelessness and restraint, with low maintenance.
- Sustainable design principles and conservation of natural raw materials by utilizing renewable and or recycled materials.
- Building size and massing will be compatible with other structures on adjoining properties.
- Proposed building materials and colors shall be compatible with materials and colors of adjoining properties.
- Mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways shall be softened by screening or covered in a manner that forms an integral part of the building design.
- Architectural design features shall be a part of the design that may include distinctive main building entrance features as well as reduction of apparent size of long facades by introduction of offsets, roof lines, cornice lines, or change of materials.

(c) **Acceptable Roofing Materials.** For roof construction provide any of the following roofing systems or materials consistent with the design theme of the building:

- Asphalt, fiber-cement, slate or wood shingles on sloped roofs.
- Architectural metal roof panels on sloped roofs or fascia.
- Roof materials shall have a Solar Reflective Index (SRI) of 29 or higher on roof slopes of greater than 2:12, or an SRI index of 78 or higher on roof slopes less than or equal to 2:12.
- Vegetated roofs that meet all applicable codes are also permitted.

(d) **Acceptable Exterior Building Materials.** It is the intent to create a high level of aesthetic development and to promote a positive community and regional influence. A primary (dominant) material shall be used with up to two additional secondary (accent) materials to

present a consistent design theme. Proposed building materials and colors shall be compatible with materials and colors of adjoining properties. All exterior walls may be constructed with any of the following materials in the minimum amounts stated under the architectural design zone for the building:

- Clay or masonry brick
- Natural or manufactured stone
- Decorative concrete masonry (sealed) with color consistent with design theme.
- Poured-in-place, tilt-up or precast architectural concrete (shall have stone, texture or coating appearance consistent with design theme)
- Glass curtain walls
- Other materials as approved

(e) Temporary Exterior Wall Exception. For buildings where a future addition is planned, it is not the intention of this section to limit growth within the community by requiring temporary exterior walls to be constructed of higher (acceptable) quality materials. Temporary exemption shall not exceed 10 years after original occupancy. For other than the primary street façade(s), the following materials may be considered as exceptions for temporary exterior walls:

- Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
- Non-flat metal panels.
- Stucco system.
- Other material as approved.

(2) Zone "A".

(a) Exterior Materials. Acceptable Exterior Building Materials shall cover 75 percent or more of all wall surfaces. In those areas deemed to be of limited exposure to the general public, percentages may be lowered so long as the intent of this provision is maintained.

For those uses that require the location of exposed overhead or coiling doors, and not allow for the aggregate percentages to be achieved, acceptable building materials may be lowered to accommodate their necessity. The Town Board has the authority to approve additional landscaping, acceptable material in other areas, screening, environmental and energy efficiency provisions, a reduction in the number of doors and building location within the parcel to maintain the ascetic value of the area.

(b) Roofing Materials. For roof slopes greater than ½ to 12, provide any of the listed acceptable roofing materials as defined in this section.

(c) Height. Heights of new structures may be no more than three (3) stories directly adjacent to residentially zoned property in addition to requirements of the zoning district and State of Wisconsin Department of Safety and Professional Services. *Exception: Public and semi-public hospitals, institutions, schools or public utilities*.

(3) Zone "B".

(a) Exterior Materials. Acceptable Exterior Building Materials shall cover 50 percent or more of wall surfaces facing a front-yard setback, public street or highway; 33 percent or more of wall surfaces facing a side-yard setback; and 20 percent of more of wall surfaces facing a rear-yard

setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained.

For those uses that require the location of exposed overhead or coiling doors, and not allow for the aggregate percentages to be achieved, acceptable building materials may be lowered to accommodate their necessity. The Town Board has the authority to approve additional landscaping, acceptable material in other areas, screening, environmental and energy efficiency provisions, a reduction in the number of doors and building location within the parcel to maintain the ascetic value of the area.

(b) **Roofing Materials.** For roof slopes greater than ½ to 12, provide any of the listed acceptable roofing materials as defined in this section.

(c) **Height.** Heights of new structures may be no more than three (3) stories directly adjacent to residentially zoned property in addition to requirements of the zoning district and State of Wisconsin Department of Safety and Professional Services. *Exception: Public and semi-public hospitals, institutions, schools or public utilities*.

(4) Business Fringe.

(a) **Exterior Materials.** Acceptable Exterior Building Materials shall cover 33 percent or more of wall surfaces facing a front-yard setback, 25 percent or more of wall surfaces facing a side-yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained. Additional limitation to public view may be achieved by building location, orientation, additional landscaping or additional screening.

For those uses that require the location of exposed overhead or coiling doors, and not allow for the aggregate percentages to be achieved, acceptable building materials may be lowered to accommodate their necessity. The Town Board has the authority to approve additional landscaping, acceptable material in other areas, screening, environmental and energy efficiency provisions, a reduction in the number of doors and building location within the parcel to maintain the ascetic value of the area.

(b) **Roofing Materials.** For roof slopes greater than ½ to 12, provide any of the listed acceptable roofing materials as defined in this section.

(c) **Height.** Heights of new structures may be no more than three (3) stories directly adjacent to residentially zoned property in addition to requirements of the zoning district and State of Wisconsin Department of Safety and Professional Services. *Exception: Public and semi-public hospitals, institutions, schools or public utilities*.

(5) Existing Structures. It is the intent to improve the architectural design of existing development governed by these standards.

- Principal buildings or structures that have been erected or constructed prior to the effective date of adoption of these provisions are allowed to make minor improvements to these structures. These improvements must make significant efforts to conform to the intent of the architectural design standards. Any additional square footage added to these structures must be in full compliance to the architectural design standards.

(6) Infill Development. It is the intent to preserve the existing architectural image of the community.

For that purpose, developments that will "infill" between adjoining properties shall be compatible in massing, scale, use of exterior materials and general aesthetic design in such a manner to enhance the overall appearance of the entire grouping of properties.

(7) Accessory Buildings. Accessory buildings shall be located on the site per requirements of the zoning district. Accessory buildings shall maintain the same theme and material selections as the principal building.

(a) The Town Board has the authority to direct additional landscaping, screening, and building location within the parcel to maintain the ascetic value of the zoning area. Any unheated storage structure, attached or unattached to the primary building, that later is occupied for any other use but cold storage, shall be upgraded to meet the standards required for that business district.

(8) Architectural Screening Requirements. It is the intent of this section to provide screening of flat roof structures under a 3/12 pitch and roof or ground mounted mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways. View towards equipment shall be screening to 75% opacity or covered in a manner that forms an integral part of the building design. Screening shall be permanent and complementary to the design intent of the building. Screening may be in the form of fencing, screen walls or parapets, or landscaping and shall be constructed of one of the following materials:

- Wood or masonry fencing.
- Metal solid or louvered screen wall.
- Parapet using same material as building.
- Evergreen landscaping materials with height at maturity at least 6 inches above top of highest point of equipment.

(9) Loading Docks. Adequate loading dock space shall be provided to address the needs of a building function. Loading docks should not be located facing a front-yard setback. A landscape buffer yard shall be constructed, according to "Landscaping and Screening Requirements", between loading docks and any single or two-family properties. Loading docks shall be located on the site such that they fully accommodate the length and maneuvering clearances required without extending into required front yard setbacks or landscape buffer yards. Maneuvering of vehicles to enter or exit from the docks shall not encroach upon any public road or highway.

Loading docks should be located in the side or rear setback to minimize exposure to the general public. Should the building orientation or parcel not provide a suitable accommodation or present an undue hardship the Town Board may allow the loading dock in the front yard setback if a practical alternative does not exist.

(10) Awnings, Canopies and Projections. The use of awnings, canopies and projections in the architectural design is encouraged to divide the massing of a building into "pedestrian-friendly" areas. Awnings, canopies and projections shall be consistent with the architectural design intent of the building and compatible with adjoining properties. Awnings, Canopies and projections shall be of size, proportion, material and color to compliment or enhance the features of the building. These elements must also meet other zoning regulations regarding setbacks and size in addition to the requirements of this section.

(11) Sustainable Design. It is the intent of the Town of Clayton to encourage sustainable development and design. Sustainable design reduces dependency upon energy and reduces impact on the environment while meeting development needs of the community. *While certification to a specific environmental standard (e.g., LEED, Green Globe, Energy Star) is not*

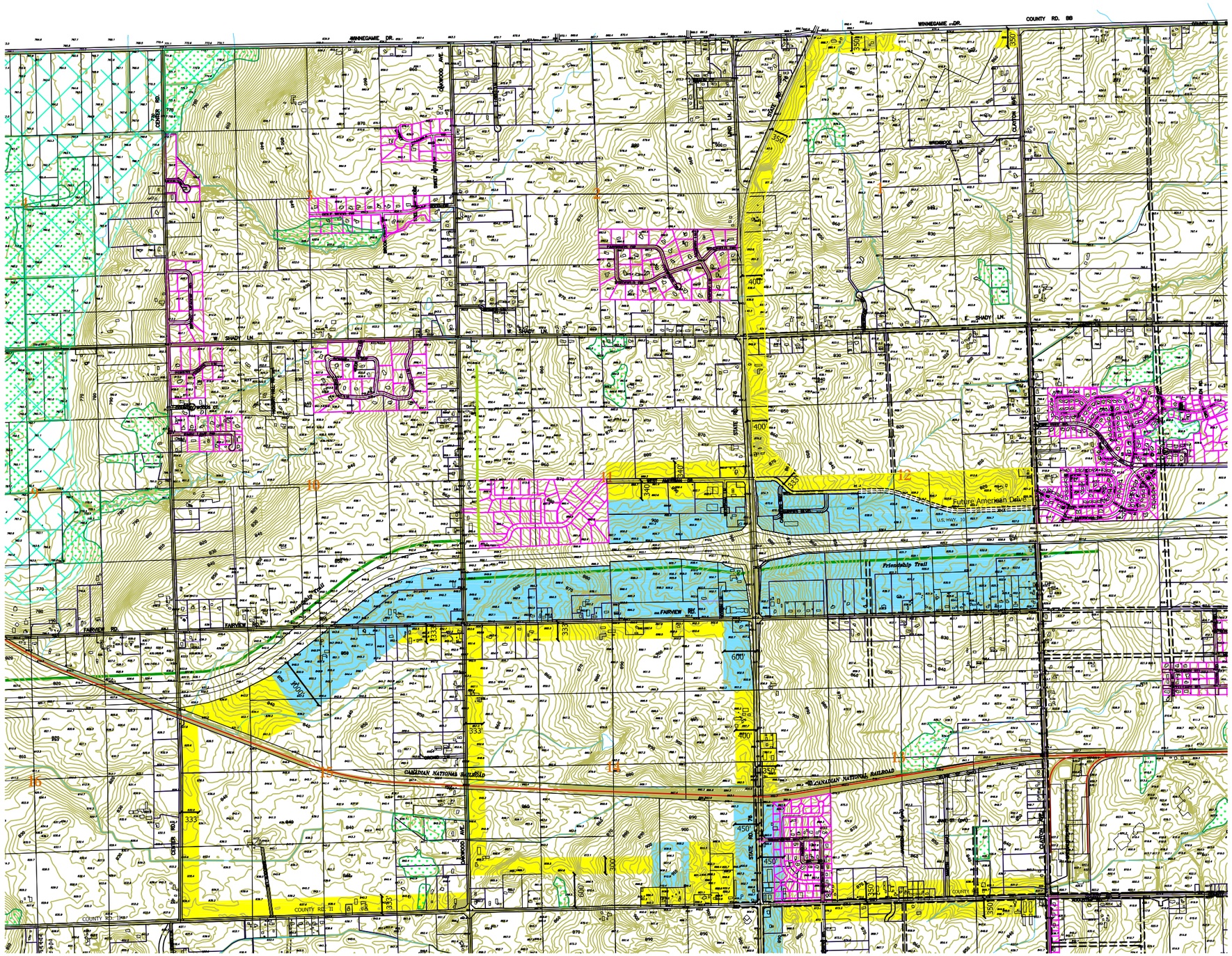
required, the site plan review process will include a project's adherence to the Town's Green Technology (E3) guidelines. Projects that aim to meet an established, specific environmental standard such as those named above are encouraged.

(12) Building Orientation. The building orientation can be adjusted to meet specific site concerns of a parcel to include aesthetic considerations of adjoining properties.

(13) Internal Building Layout. Floor plans shall be submitted that indicate general uses and provide adequate accommodation for the public where appropriate. Common areas such as entrances shall provide the necessary square footage to prevent overcrowding. All internal uses that could limit external pedestrian or vehicular traffic shall be avoided.

(14) Exceptions. Should a particular parcel present an undue hardship or needs arise to mitigate adjoining land use impacts, provisions of these regulations can be modified so long as the intent is protected and not be utilized in significant fashion as to warrant revision.

NORTHEAST 1/4 : TOWN OF CLAYTON



Legend

- Approximate Floodplain
- WDNR Wetlands
- Existing Trails
- Proposed Trails
- Zone A
- Zone B

Note: Dimensions from center line of road unless otherwise noted.

N

1" = 1000'

0 1000 2000

SCALE IN FEET

Martenson & Eisele, Inc.
Planning - Surveying - Engineering - Architecture
1377 Midway Road, Menasha, WI 54952
Phone (920) 731-0381 Fax (920) 733-8578
www.martenson-eisele.com
info@martenson-eisele.com

DRAWN BY	CHECKED	APPROVED

NO.	DATE	REVISION
1	05/02/07	Architectural Zoning

Architectural Zone

Northeast 1/4 Town of Clayton Winnebago County, Wisconsin

SCALE	DATE
1"=1000'	10/23/06

COMPUTER FILE
267537bm.dwg

DRAWING NO.
267-537 NE 1/4

Attachment E
TOWN of CLAYTON
LANDSCAPE DESIGN STANDARDS

A. Required information

(1) All landscape plans submitted for approval shall contain or have attached the following information:

(a) The location of all lot lines and all existing and proposed easements and rights-of-way; location and dimensions of all existing and proposed structures, building entrances, parking lots and drives, loading areas, sidewalks, bicycle paths, ground mounted signs, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, recreational facilities and other freestanding structural features.

(b) The location of all existing specimen trees over four (4) inches in diameter, and/or the outline and description of masses of existing trees, shrubs, and/or ground covers. Other smaller trees/bushes greater than (1 ½) inches in diameter shall be indicated as a group indicating overall quantities and general specimen.

(c) The location and size of existing structures and plant materials on adjacent property within fifty feet of the common property line.

(d) An indication of whether existing plant material shall remain or be removed, and the method and location of protection of plants that will remain from construction and earthwork activities.

(e) A Plant List that identifies, for each proposed plant, the common and botanical names, proposed quantity, transplant size and root condition and spacing in groups.

(f) Existing and proposed grading of the site, including proposed berming (indicating contours at one (1) foot intervals), spot elevations for high and low points, the flow line of drainage swales and grading features such as retaining walls, etc.

(g) Specification of the type and boundaries of all proposed ground cover.

(h) Elevations, including dimensions and materials, of all fences proposed for construction on the site.

(i) All plant quantity calculations shall be listed on the plan.

F. General Design Criteria

(1) Landscape plans shall be prepared, evaluated and approved based on design criteria as identified below:

(a) Development sites shall have no more than 70 percent impervious surface.

(b) Landscaping, at a minimum, shall reflect the character of the property and of adjacent properties.

(c) Any landscaping located within the front setback, in a required vision corner or within fifteen (15) feet of a private driveway shall be no greater than (3) feet in height.

(d) Side yard screening located within fifteen (15) feet of the street right-of-way or private driveway must not exceed three (3) feet in height.

(e) The mature spread and overhang of plantings shall not obstruct pedestrian use of walkways or vehicular use of drives or parking stalls. Parking shall be installed if appropriate clearance for vehicle overhang is not provided in the location of the plant material.

(f) The minimum size of plant materials that shall satisfy the requirements of this section are as follows:

1) Shade tree, 2 1/2-inch caliper

2) Ornamental flowering tree, 1 1/2-inch caliper

3) Evergreen tree, six foot (6') height

4) Upright evergreen shrub, four foot (4') height

5) Shrub, 18 to 24 inch height or spread

(g) Trees and plant materials used in landscaping and screening shall conform to the current edition of "American Standard for Nursery Stock" as published by the American Nursery and Landscape Association, and shall have passed any inspection required under state regulations.

(h) Detention/retention basins and ponds shall be landscaped with appropriate plant material that controls sedimentation and erosion.

(i) Trees to be maintained on and adjacent to the property shall be protected during construction by placing a barrier beyond the dripline of the tree canopy.

(j) New plantings shall not be allowed to shade an existing solar panel receptor on an adjacent property.

(k) The scale and nature of landscaping materials shall be appropriate to the size of buildings and structures in the project, and complement the surrounding neighborhood.

(l) Plant material shall be selected for its form, texture, color, and maintenance, and with consideration for its ultimate size at maturity and its adaptability to site conditions.

(m) At maturity, trees shall be maintained so there is a seven (7) foot underclearance in the parking areas and a ten (10) foot underclearance when over a public right-of-way. Trees shall be planted as far from a public sidewalk as possible.

(n) Existing plant material shall, wherever practical, be incorporated into the landscape treatment of a site. Instances where trees, shrubs or natural outcropping existed within (1) year

prior to the submission of a site plan have been destroyed an added requirement of 10% more trees and shrubs is required above the basic standards as outlined herein.

(o) Where utilities are to be installed within an existing root zone area, augering under the roots rather than trenching shall be used. Augering at a depth of four (4) feet is recommended.

(p) Planting beds shall be mulched with bark, shredded mulch, wood chips, stone, or other similar natural quality landscaping materials.

G. Design Standards

(1) Landscaping required shall be of six types as specified below: frontage landscaping, buffer yard landscaping, parking lot landscaping, screening requirements, building and grounds landscaping, and ground sign landscaping.

(a) Buffer Yard Landscaping

1) Any commercial, institutional, or industrial use that shares a common side or rear yard lot line with a property that is either zoned or used for residential purposes shall provide a landscaped buffer yard along the full length of the common lot line to afford protection to the residential uses from the glare of lights, from visual encroachment, and from the transmission of noise. The required buffer yard shall be a green space where no portion of a building, parking, driving, loading, or storage area may be located. Required buffer yards shall be landscaped as described below. Combinations of trees, shrubs, berms and fences shall create a 100 percent screening of visual sight from the normal finished ground elevation to six feet (6') above the ground elevation.

a) Buffer yards required for **commercial and institutional developments** shall be a minimum of twenty feet (20') wide and shall be:

1. Planted with three (3) shade trees, three (3) ornamental flowering trees, twelve (12) upright evergreens (minimum height at maturity twelve feet (12'), minimum width at maturity eight feet (8'), and twenty-five (25) deciduous or evergreen shrubs (minimum height at maturity four feet (4'), minimum width at maturity six feet (6'), per 100 linear feet; OR,

2. A six-foot high opaque fence may be constructed with all required plantings located on the outside of the fence. The remainder of the required buffer yard planted with a minimum of three (3) shade trees, six (6) upright evergreen shrubs and eight (8) deciduous or evergreen shrubs per 100 linear feet.

b) Buffer yards required for **industrial developments** shall be a minimum fifty feet (50') wide and shall be:

1. Planted with three (3) evergreen trees, three (3) shade trees, three (3) ornamental trees, twelve (12) upright evergreen shrubs and ten (10) deciduous or evergreen shrubs per 100 linear feet; OR.

2. An eight-foot high opaque fence may be constructed with all required plantings located on the outside of the fence. The remainder of the required buffer yard planted with a minimum of two (2) shade trees and three (3) evergreen trees per 100 linear feet.

(b) Parking Lot Landscaping

1) Any off-street parking area in excess of 5,000 square feet shall have landscaped areas equaling not less than 15 percent of the parking area intermittently placed throughout the parking area. Planting requirements shall be consistent with the Town of Clayton Landscaping and Screening Requirements and are factored into their provisions where applicable. Curbed planting islands or peninsulas shall be provided as described below.

- Parking spaces must be separated by a planting island or peninsula at the rate of one (1) island/peninsula for each row of twelve (12) consecutive parking spaces for single row configurations, or for each twenty-four (24) consecutive parking spaces in double row configurations.

- Each island or peninsula shall be at least 270 square feet in area for single row configurations, and 540 square feet in area for double row configurations.

- Where practicable, islands and peninsulas shall be placed at the ends of parking rows or along designated pedestrian circulation areas. Planted boulevards within off-street parking areas may be considered as an alternative to islands and peninsulas.

The islands must be underlain by soil and shall be protected by curbing unless a modified curb is used for drainage.

2) *Parking Lot Screening*. All parking lots shall be screened from view from off the site to block the view of masses of vehicles and to contain the light from headlamps.

a) Screening can be earthen berms, walls, fences, or plantings.

b) Screening must be 100 percent (100%) opaque year-round for a height of four feet (4') from the normal finished ground elevation, and sixty percent (60%) opaque in the growing season from four feet (4') to twelve feet (12') above the normal finished ground level.

c) Earthen berms should, if at all possible, have varying heights and horizontal alignment. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

d) Walls or fences used to fulfill screening requirements shall be detailed on the required plan and complement the development. They are to be constructed of weatherproof materials. This includes pressure treated lumber, redwood or cedar, and using aluminum or galvanized hardware. Chain Link and barbed wire

fencing shall be prohibited in all developments unless significant security issues are illustrated. Screen fencing or walls shall be of a continuous wood surface, face brick, or other materials approved by the Town Board. When a fence has two distinct sides, the one with protruding posts, studs, etc. shall face the development side.

e) Plantings used for screening must achieve the above levels of year-round opaqueness within three years of the time of planting.

f) If earthen berms, walls or fences are used for screening, trees shall be planted at a minimum of one (1) shade tree per thirty (30) lineal feet of parking lot perimeter.

4) *Interior Parking Lot Landscaping*. In addition to its value as a visual screen as per the above requirements, landscaping within and around parking lots shall be used to shade the asphalt and absorb pollutants in the air.

a) *Parking Lot Interior Landscaping*. One shade tree shall be planted in each planting island.

b) *Parking Lot Perimeter Landscaping*. Two shade trees shall be equally spaced between planting islands around the perimeter of the parking lot.

(c) Screening Requirements

1) The intent of these requirements is to provide a visual screen around service, storage, and trash collection areas contained within commercial, institutional and industrial properties. Service structures shall include, but not be limited to, loading docks, propane tanks, trash containers, electrical transformers, utility vaults which extend above the ground, ground mounted utility equipment, transformer boxes, and other equipment or elements providing service to a building or a site.

a) The screening height shall be based upon the tallest point of the structure(s) being buffered.

b) A continuous staggered planting of evergreens, an alternating board-on-board fence, or a chain link fence with tubular privacy slats shall enclose any service structure on all sides, unless such structure must be frequently moved or accessed, in which case screening material shall be established to allow access to the structure.

c) If plants are used for screening, 70 percent of the view of the service structure shall be screened at the time of planting, with the intent that 100 percent of the view is screened within three years of planting.

d) Whenever screening material is placed around any trash containers or waste collection unit that is emptied or removed mechanically on a regular basis, the plant material shall be a sufficient distance from the enclosure to prevent possible damage to the screening when the container is moved or emptied.

(d) Building Landscaping

1) Buildings shall be landscaped to achieve energy conservation by shading the sun and blocking winter winds.

2) Buildings shall be landscaped to enhance the appearance of the building. Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to achieve a softening effect of hard building lines. The character of the landscaping shall complement the surrounding properties.

3) Grounds shall be landscaped to enhance on-site stormwater management, provide wildlife habitat, and create visual interest.

4) Earthen berms and existing topography shall be incorporated into the landscape treatment of a site. Berms shall conform to the following standards:

   a) The maximum side slope of any berm shall be three horizontal to one vertical (4:1) and the design shall be reviewed by the Town Administrator to ensure that proper drainage, erosion prevention and control practices have been utilized.

   b) Berms and earth mounds shall be designed with physical variations in height and alignment throughout their length.

   c) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

(e) Building and Grounds Landscaping

The intent of this section is to provide minimum standards regarding number and placement of plant materials in and around developed areas. The placement of plantings shall provide an overall landscape improvement to the property. The following requirements are in addition to those already stated.

1) Grounds Landscaping

(a) Plant Material Required-Industrial Building Construction

1. One (1) shade tree, conifer or ornamental tree for every 4,500 square feet of developed area. Ornamental trees shall not make up more than twenty-five (25) percent of the total number of trees with conifers being at least fifteen percent of the total number of trees.
2. One (1) understory shrub for every one thousand (1,000) square feet of developed area.

(b) Plant Material Required- Commercial Building Construction

1. One (1) shade tree, conifer or ornamental tree for every 4,500 square feet of developed area. Ornamental trees may comprise up to fifty (50) percent of the total number of trees with conifers being at least fifteen percent of the total number of trees.
2. One (1) understory shrub for every one thousand (1,000) square feet of developed area.

2) Building Landscaping

(a) Plant Material Required – Zone A

1. 75% of all building sides must be landscaped with a variety of appropriate plant materials in a mulched bed a minimum of 6' wide measured from building façade.

(b) Plant Material Required- Zone B

1. 100% of the building façade facing all public streets must be landscaped with a variety of appropriate plant materials in a mulched bed a minimum of 6' wide measured from building façade and continuing around the corner of adjacent sides for a minimum distance equal to 25% of the length of the entire side wall.

(c) Plant Material Required- Business Fringe

1. 100% of the building façade facing all public streets must be landscaped with a variety of appropriate plant materials in a mulched bed a minimum of 6' wide measured from building façade.

3) Grounds shall be landscaped to enhance on-site stormwater management, provide wildlife habitat, and create visual interest.

4) Earthen berms and existing topography shall be incorporated into the landscape treatment of a site. Berms shall conform to the following standards:

a) The maximum side slope of any berm shall be three horizontal to one vertical (4:1) and the design shall be reviewed by the Town Administrator to ensure that proper drainage, erosion prevention and control practices have been utilized.

b) Berms and earth mounds shall be designed with physical variations in height and alignment throughout their length.

c) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

(f) Grounds Sign Landscaping

1) Plantings around the base of ground signs is required. A minimum area equal to the total sign face area of one (1) side of a sign shall be landscaped at the base of the sign.

H. Substitutions and Modifications

(1) To meet unique site design conditions or to overcome obstructions, conflicts or other factors, the Town Administrator may approve planting substitutions as described below:

(a) Two ornamental trees may be substituted in place of one shade tree.

(b) Two evergreen trees may be substituted in place of one shade tree.

(c) One evergreen tree may be substituted in place of five shrubs.

(d) One shade tree may be substituted in place of ten shrubs.

(2) While plant materials should generally be distributed proportionately on the lot in accordance with the standards of this section, the Town Administrator can require alterations and variations in the planting pattern, on a case-by-case basis, to maximize the effectiveness of the installed landscaping.

I. Maintenance

(1) Responsibility. The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers, including refuse disposal areas, as may be required by the provisions of this chapter. The owner or developer must provide a maintenance plan which indicates how the established buffer and landscaped areas will be maintained.

(2) Landscaping materials. All landscaping materials shall be installed and maintained to accepted nursery practices. All plant material shall be maintained in good condition and shall be kept free of refuse and debris so as to present a healthy, neat and orderly appearance. All unhealthy or dead plant material shall be replaced at the next planting period.

(3) Fences and walls. Fences, privacy slats, walls and other barriers shall be maintained in good repair.

(4) No disturbance. Once a buffer has been approved by the Town Board and established by the owner, it may not be used, disturbed or altered for any purpose without review and approval of a new landscape plan submitted by the applicant.

J. Alternative Compliance Landscape Plan

(1) An alternative compliance landscape plan may be approved by the Town Board, upon request, if an applicant demonstrates that the intent of this section can be more effectively met, in whole or in part, through alternative means. If approved, an alternative compliance landscape plan shall be substituted, in whole or in part, for a landscape plan meeting the express terms of this section. Alternative compliance is not a departure, variance or a waiver. The proposed solution must meet or exceed otherwise applicable landscaping and screening requirements as established in this section.

(a) Procedure. Alternative compliance landscape plans shall be prepared and submitted in accordance with the landscape plan procedures as identified in this section. The plan shall be clearly labeled as an "Alternative Compliance Landscape Plan," and it shall clearly identify the modifications and alternatives proposed.

(b) Review criteria. In reviewing proposed alternative compliance landscape plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards and plans that demonstrate innovative design and use of plant materials. Alternative compliance landscape plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:

1) Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this article;

2) Innovative landscaping or architectural design is employed on the proposed development site to achieve a screening effect that is equivalent to the screening standards of this section;

3) The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site; or

4) The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.

5) The alternative landscaping plan would achieve a better way to help achieve the containment of stormwater or enhance the overall quality of stormwater.

K. Modifications of Standards

(1) The Town Board shall have the authority to waive or modify the requirements and standards of this section for good cause shown by the applicant. In lieu of any modification a substitution of higher standards can be made to offset any corresponding reduction. Documentation of any modification shall be on file at the Town of Clayton and available for public review.

L. Installation

(1) All landscaping requirements shall be installed within six (6) months of occupancy. Should extension be needed specific approval by the Town Board is required and shall be set to a date certain.

Attachment F
TOWN OF CLAYTON
ENVIRONMENTAL AND ENERGY EFFICIENCY (E^3) GUIDELINES FOR COMMERCIAL, OFFICE, INDUSTRIAL, MULTI-FAMILY AND INSTITUTIONAL DEVELOPMENT

A. Purpose and Intent

To promote the public health, safety and general welfare of the citizens of the Town of Clayton, the following guidelines, Energy Efficiency and Environmental Construction (E^3), are intended to:

- Show environmental leadership.
- Reduce the needs for present day and future municipal maintenance and infrastructure.
- Promote healthy and environmentally friendly interior and exterior work environments and design standards.
- Reduce the negative environmental impacts associated with commercial development.
- Reduce long-term capital costs associated with storm water requirements.
- Promote green, sustainable, high performance and high efficient building in a flexible manner that complements development.
- Focus on items that bring return on investment.

B. Applicability

1. The E^3 standard is strongly recommended, but not required, for all commercial development, including the expansion of existing buildings, structures and parking lots, except construction of detached single-family and two-family dwellings and their accessory structures.

C. Implementation

1. The E^3 List of Recommendations included in this attachment is included as part of the application packet.
2. When plans come up for preliminary review, Town Officials will review the E^3 List for elements included in the site plan design. The Plan Commission and Town Board may require additional elements from the E^3 List be added to the site plan prior to approval, based on environmental and engineering factors.

Area	√ Component	E^3 Components That Are: Already in Ordinance	Strongly Recommend	Brief Notes/Explanation
All	National standard		X	LEED, Green Globe, Green Tier, etc
Bldg	Roof Heat Island	X		Light colored roofing materials (SRI Rating)
Bldg	Vegetated Roof		X	Significant area of roof space
Ext	Increase # plants		X	
Ext	Parking Lot Heat Island		X	Light colored, shading, interrupted w/ green space
Ext	Native plantings		X	Significant areas w/ native plantings, not mowed
Ext	Storm Sewer Piping	X		No hard pipe of water directly off site, internal ok
Ext	Natural Feature Preservation	X	X	Mature trees, wood lots, native vegetation
Ext	Riparian Buffers		X	Min 20' wide along all major ditchlines
Ext	Rain Garden/Bioretention		X	All storm water - roof, paved
Ext	Non potable irrigation		X	
Ext	Design for energy conservation		X	Trees, orientation,colors, daylighting, etc
Ext	Existing site		X	Redevelop ex commercial site
Ext	Minimize sprawl		X	Develop w/in 1/8 mi of current comm development
Ext	Light pollution		X	Further reduced beyond current ordinance
Ext	Porous Pavement		X	Helps reduce % developed requirement
Ext	Rain Barrels		X	Must include plan for using captured water
Ext	Fitness Trail		X	Min 1/4 mile long
Ext	Outdoor employee area		X	Seating, dining, shaded, usable
Ext	Larger plantings than required		X	Must be at least 50% of plant list
Ext	Sustainable materials for landscape		X	Fences, benches, pots, etc
Ext	Reduced flow leaving site		X	Infiltration, retention devices
Ext	Planned no mow zones		X	
Ext	Ponds		X	Real ponds instead of just detention/stormwater
Ext	Minimize impervious areas	X		70% maximize impervious surface on site
Ext	Maximize storm water infiltration		X	
Mech	Grey water		X	Recyling grey water, rain water, etc
Mech	Alternative energy		X	Wind, solar, corn, hydropower, geothermal
Mech	ASHRAE 189		X	Include downspouts, sumps, etc
Mech	Water Sense		X	
Mech	Energy Star		X	
Mech	Design Sense		X	

State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

November 20, 2013

Richard Johnston
Town of Clayton
8348 County Road T
Larsen, WI 54947

Dear Richard:

Re: **Certification of the Town of Clayton's Farmland Preservation Zoning Ordinance**

Attached is a department order certifying the Town of Clayton's Farmland Preservation Zoning Ordinance under s. 91.16, Wis. Stats. Please send a letter confirming Town Board adoption of the amendment.

We look forward to working with you in the future on farmland preservation in the Town of Clayton. If you have any questions, feel free to contact me.

Sincerely,

Keith Foye

Keith Foye, Chief
Land Management Section
608-224-4603

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

TOWN OF CLAYTON (WINNEBAGO COUNTY) FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP)	DOCKET NO. 13-F-47-70-OTM DARM DOCKET NO. 139-15150-O-13 F-1113 ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2018

INTRODUCTION

The Town of Clayton in Winnebago County has asked the Department of Agriculture, Trade and Consumer Protection ("DATCP") to certify a proposed farmland preservation ordinance, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

(1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin's farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28 ("new law").

(2) The Town of Clayton is a town in Winnebago County, Wisconsin. The Town of Clayton is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.

(3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.

(4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the *county's* certified farmland preservation *plan*.

(5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision's application, but DATCP may conduct its own review and verification as it deems appropriate.

(6) DATCP may make its certification contingent upon the political subdivision's adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county's certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

(7) The Town of Clayton has a certified farmland preservation zoning ordinance. The ordinance expires December 31, 2013.

(8) Winnebago County has a certified farmland preservation plan. The plan is currently certified through December 31, 2017.

(9) On July 26, 2013, DATCP received an application from the Town of Clayton, in which the town asked DATCP to certify revisions to the town's currently-certified farmland preservation ordinance. The Town of Clayton submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(9) On August 2, 2013, DATCP confirmed by letter that the Town of Clayton's certification application was complete, and that DATCP would proceed to review the complete application.

(10) In subsequent email and telephone communications, the Town of Clayton agreed to make certain technical changes to the proposed ordinance. This certification decision applies to the proposed ordinance text dated November 1, 2013, and map dated September 17, 2013.

(11) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an *amendment* to a certified ordinance must normally expire on the same date that the *existing ordinance certification* expires, except that DATCP may elect to certify a *comprehensive* ordinance amendment for a longer period of up to 10 years. See s. 91.36(2)(b), Wis. Stats.

(12) The proposed ordinance revisions may or may not qualify as a *comprehensive ordinance amendment*, within the meaning of ss. 59.69(5)(d) and 91.36(2)(b), Wis. Stats., for which certification could be extended for up to 10 years. Regardless of whether the proposed amendment qualifies as a *comprehensive ordinance amendment*, DATCP elects to certify the ordinance through December 31, 2018, to coordinate with the expiration of the certified Winnebago County farmland preservation *plan*, which is scheduled to expire at the end of the day on December 31, 2017.

CONCLUSIONS OF LAW

(1) Based on the representations made by the Town of Clayton in its application for certification of a revised farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed Town of Clayton farmland preservation ordinance, consisting of a proposed ordinance text dated November 1, 2013, and map dated September 17, 2013, meets certification requirements under s. 91.38, Wis. Stats.

(b) DATCP may certify the proposed ordinance text and map pursuant to s. 91.36, Wis. Stats.

(2) According to s. 91.36(2)(a), Wis. Stats., DATCP may certify the proposed ordinance text and map through December 31, 2018.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Town of Clayton adopting the ordinance, in the form certified, before December 31, 2013.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Town of Clayton farmland preservation ordinance, consisting of the proposed ordinance text dated November 1, 2013, and map dated September 17, 2013, is hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning district for the Town of Clayton is the A-1 Agribusiness District.

(3) This certification is contingent upon the Town of Clayton adopting the certified ordinance, in the form certified, before December 31, 2013.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2018.

Dated this 19th day of Nov, 2013.

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

Town of Clayton

Copies to:

Richard Johnston, Town Administrator
Town of Clayton
8348 County Road T
Larsen, WI 54947

CARRIED BY VOICE VOTE

R E S O L U T I O N

DATE: December 17, 2013

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 2

WHEREAS, it is desirable to amend the Zoning Ordinance of the TOWN OF CLAYTON in accordance with the petition of the Town Board.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the revised & recodified Zoning Ordinance of the TOWN OF CLAYTON ordinance, is hereby adopted.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby [ADOPTED] OR [DENIED].

A complete text is on file with the County Clerk.

County Board Supervisor
(Town of CLAYTON)

County Board Supervisor
(Town of CLAYTON)

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS 3rd DAY OF January 2013~~3~~4

Mark L. Harris

Mark Harris

County Board Supervisory district 30 & 36

CARY A. ROWE
Zoning Administrator

112 OTTER AVE., PO BOX 2808
OSHKOSH, WISCONSIN 54903-2808

OSHKOSH (920) 232-3344
FOX CITIES (920) 727-2880
FAX (920) 232-3347

zoningdepartment@co.winnebago.wi.us

Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z PLANNING AGENDA OF NOVEMBER 8, 2013

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Review of Town of Clayton Zoning Ordinance Amendments

1. Review of Zoning Ordinance Amendments – Town of Clayton

   The zoning office received a copy of the Town of Clayton's adopted zoning ordinance amendments accompanied with a copy of a signed resolution adopting the ordinance amendments. Most of the amendments were a result of DATCAP's review of the town's ordinance with regard to the A-1 (Agribusiness) zoning district for compliance with chapter 91. The adopted zoning ordinance amendments for the Town of Clayton must be approved by the County Board. There does not appear to be any conflicts with county zoning jurisdiction or regulatory authority.

   RECOMMENDATION: Forward adopted zoning ordinance amendments to County Board for action.

Forward to County Board for approval 4-0-1 (Gabert)

TOWN OF CLAYTON
RESOLUTION #2013-007

A RESOLUTION ADOPTING A WISCONSIN DEPARTMENT OF AGRICULTURE TRADE AND CONSUMER PROTECTION CERTIFIED FARMLAND PRESERVATION ZONING CODE OF ORDINANCES AND ZONING MAP FOR THE TOWN OF CLAYTON, COUNTY OF WINNEBAGO, STATE OF WISCONSIN

Whereas: The Town of Clayton Plan Commission has, in accordance with the authority granted by Sections 60.61, 60.62, 61.35, 62.23, 91, and 295.14 of the Wisconsin Statutes and for the purpose listed in Section 62.23 (7)(c) of the Wisconsin Statutes, prepared Attachment A of this Resolution consisting of a Zoning Code of Ordinances for the Town of Clayton, County of Winnebago, State of Wisconsin*; and

Whereas: The Wisconsin Department of Agriculture and Consumer Protection has reviewed and certified that the Town's Zoning Code of Ordinances is compliant with the requirements of the State's Farmland Preservation Statutes; and

Whereas: Statutorily, the Town of Clayton, having been granted Village Powers by its Electors, has the authority, based on the County's comprehensive re-write of its Zoning Code of Ordinances, to elect to create a Town Zoning Code of Ordinances; and

Whereas: The Town Board of the Town of Clayton, County of Winnebago, has been granted authority by its Electors to enact a Zoning Code of Ordinances; and

Whereas: The Town of Clayton Plan Commission has recommended that the Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin proceed with the adoption of Attachment A of this Resolution consisting of a Zoning Code of Ordinances for the Town of Clayton, County of Winnebago, State of Wisconsin; and

Whereas: The Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin held the required Public Hearing on the adoption of a Zoning Code of Ordinances for the Town of Clayton, County of Winnebago, State of Wisconsin as part of the regularly scheduled Town Board Meeting held at 7:00 P.M. on Wednesday, November 6th, 2013; and

NOW, THEREFORE BE IT ORDAINED, that the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin does hereby adopt Attachment A of this Resolution consisting of a Zoning Code of Ordinances for the Town of Clayton, County of Winnebago, State of Wisconsin.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin does hereby adopt assign to the Town Administrator the responsibility of Zoning Administrator until such time as the Town Board holds its next re-organizational meeting.

Adopted this 6th, day of November, 2013

Vote: Yes 5 No __

Mark E. Luebke, Town Chair

Attest: _____

Richard Johnston, Town Administrator/Clerk

* Can be viewed in the Town Clerk's Office.

Affidavit of publication and posting for a Town Zoning Code of Ordinances Amendment

TOWN OF CLAYTON
COUNTY OF WINNEBAGO
STATE OF WISCONSIN

I Richard Johnston, Administrator/Clerk of the Town of Clayton, County of Winnebago, State of Wisconsin, do hereby attest that the following Town Zoning Code of Ordinances Amendment notice was properly scheduled, noticed and published pursuant to Wisconsin Statutes.

ACTION:
The Town Board scheduled, noticed, and held the requisite Public Hearings for the following Town Zoning Code Amendment on:

PUBLIC HEARING

THE TOWN OF CLAYTON WILL HOLD A PUBLIC HEARING ON THE ADOPTION OF CERTAIN AMENDMENTS TO THE TOWN'S ZONING CODE OF ORDINANCES AND A ZONING MAP

AT 7:00 P.M. ON WEDNESDAY, NOVEMBER 6TH, 2013

The Clayton Town Board will hold a Public Hearing on the adoption of a Certain Amendments to the Town's Zoning Code of Ordinances and a Zoning Map at 7:00 P.M. on Wednesday, November 6th, 2013. The Public Hearing will be held at the New, Town Office Board Room, 8348 County Road T, Larsen, WI 54947.

Copies of the draft Amendments to the Town's Zoning Code of Ordinances and Zoning Map are available at the Town Hall, on the Town's web site (www.claytonwi.govoffice3.com), or by contacting the Town Clerk at (920) 836-2007. If you can not attend the Public Hearing, you may submit written comments to the Town Clerk before the date of the Public Hearing.

Richard Johnston
Town Administrator/Clerk

Post:
Wednesday, October 23rd, 2013

Publish:
Wednesday, October 23rd, 2013
Wednesday, October 30th, 2013

Additionally, the above-noted actions were posted as required in the following 3 places in the Town of Clayton, County of Winnebago, and State of Wisconsin:
1) The Town Office
2) The Clayton School

3) The Corner of Breezewood & CTH JJ

That I filed this affidavit in the records of the Town Clerk for the Town of Clayton on Wednesday October 23rd, 2013.

Town staff

Dated: Wednesday, October23rd, 2013

ATTESTATION:
The above named individual, known to me as the person who executed and acknowledged the foregoing instrument personally came before me on Wednesday, October 23rd, 2013.
Tori Bowen, Town Treasurer of the Town of Clayton, Winnebago County.

Town staff

TORI L. BOWEN
NOTARY PUBLIC
SEAL
STATE OF WISCONSIN