

Title 16 – Chapter 3

| | |
|-----------|--|
| 16-3-1 | Residential Districts Interpretation |
| 16-3-2 | Residential Conditional Uses |
| 16-3-3 | Residential Accessory Uses |
| 16-3-4 | R-1 Residential District (Nonsubdivided) |
| 16-3-5 | R-2 Suburban Residential District (Subdivided) |
| 16-3-6 | R-3 Two Family Residential District |
| 16-3-7 | R-4 Multiple Family Residential District (Sewered) |
| 16-3-8 | R-5 Planned Residential District (Sewered) |
| 16-3-9 | MH-1 Mobile Home District (Subdivided Sewered) |
| 16-3-10 | G1 Garage Lot District Floating |
| 16-3-11 | Business Districts Interpretation |
| 16-3-12 | Business Conditional Uses |
| 16-3-13 | Business Accessory Uses |
| 16-3-14 | B1 Local Service District |
| 16-3-15 | B2 Community Business District |
| 16-3-16 | B3 General Business District |
| 16-3-16-A | Adult Oriented Establishment |
| 16-3-16-B | Body Piercing Establishment |
| 16-3-16-C | B4 Business Park District (Sewered Only) |
| 16-3-17 | P-1 Institutional & Recreational Park District |
| 16-3-18 | Agricultural Conditional Uses |
| 16-3-19 | Agricultural Accessory Uses |
| 16-3-20 | A-1 Agri-Business District |
| 16-3-21 | A-2 General Farming |
| 16-2-21-A | Agricultural Development Overlay District (ADO) |
| 16-3-22 | Industrial Conditional Uses |
| 16-3-23 | Industrial Accessory Uses |
| 16-3-24 | M-1 Light Industrial District |
| 16-3-25 | M-2 Heavy Industrial District |
| 16-3-26 | M-3 Extraction or Landfill District |
| 16-3-27 | Wireless Communications Facilities Ordinance |
| 16-3-28 | Wind Turbines |
| 16-3-29 | Shoreland District-Overlay District |

ZONING DISTRICTS

16-3-1 RESIDENTIAL DISTRICTS INTERPRETATION.

- (a) The residential zoning standards of this Ordinance are divided into those for home-sites with public sewer and those for home-sites dependent upon on-site private sewage disposal systems.

- (b) Home-sites developed on a scattered basis, disassociated from any recorded subdivision or approved planned unit development shall conform to the lot size and associated standards of the appropriate residential district designated "non-subdivided".
- (c) The smaller lot size and associated standards which accompany residential districts designated as "subdivided" shall be utilized in determining optimum land use in the process of establishing a duly recorded subdivision. "Subdivided" lot sizes and standards shall not be applied to any unplatted lands or assessor's plats, and when applied to existing plats shall not allow a change in recorded lot size without a certified survey map and replat of the affected subdivision, approved by the Town of Oshkosh Town Board prior to approval of the County.

16-3-2 RESIDENTIAL CONDITIONAL USES.

Residential conditional uses and their accessory uses are considered as special uses which require review, public hearing, and all in accordance with Chapter 4.0 of this Ordinance.

In addition to those stated under Chapter 2.9, the following shall be conditional uses in all residential districts of this Ordinance.

- (a) Public, private and parochial elementary and secondary schools and all churches.
- (b) Clubs, fraternities, lodges, and meeting places of a non-commercial nature.
- (c) Home occupations and professional offices which require on site customer access.
- (d) Model homes and accessory sign according to Chapter 2.9.
- (e) Bed and Breakfasts.
- (f) Community living arrangements greater than 8 (eight) persons as defined in Sec. 59.97(15), Wisconsin Statutes.

16-3-3 RESIDENTIAL ACCESSORY USES.

In addition to those accessory uses specified under Chapter 2.9, or under a special district, the following accessory standards shall apply in all residential districts:

(a) Fences.

- (1) Fences will be permitted on or within the property line. On or within the side and rear yard the height shall not exceed six (6) feet. In the street yard, the fence shall be an open type (50% or less opaque) and shall not exceed four (4) feet in height; and shall be no closer than two (2) feet to a

road R.O.W. In those cases where the rear yard is a shore yard, fences located between the shore yard setback line and half the distance to the high water mark shall adhere to the rear yard standard, and shall comply with the street yard standards.

- (2) Fences on the property line of a through lot abutting an access restricted right-of-way shall be allowed at the rear yard height and opacity standards.
- (b) **Outdoor Lighting.** Outdoor lighting installations shall be permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (c) **Parking.** According to Chapter 5.0.
- (d) **Signs.** According to Chapter 7.0.
- (e) **Accessory Buildings.** Accessory buildings including garages (attached and detached), storage structures, pole buildings and other similar structures in all residential districts or on a lot where the principal use is residential, shall conform to the following:
 - (1) No detached accessory structure or garage shall exceed a height of eighteen (18) feet, measured from floor to apex.
 - (2) Allowed floor area:
 - (a) Total floor area for accessory structures in R-1 Residential District with a lot size of less than one acre (43,000 sq.ft.) shall not exceed 1500 sq. ft.
 - (b) Total floor area for accessory structures in a R-1 Residential District or A-2 Agriculture District with R-1 use with a lot size of one acre (43,000 sq. ft.) or larger shall not exceed 1500 sq. ft. plus 3% of the lot area in excess of the 43,000 sq. ft.
 - (c) Total floor area for accessory structures in an R-2 Residential subdivided or MH-1 Mobile Home District shall not exceed 1200 sq. ft., except where the lot size exceeds 10,000 sq. ft., the total accessory square footage may increase by 1% of the lot area in excess of the 10,000 sq. ft.
 - (d) Total floor area for an accessory structure with an R-3 Two Family Residential use shall not exceed 900 sq. ft. for a single accessory structure nor shall any combined total exceed 1200 sq. ft

- (e) Total floor area for R-4 Multi Family District and R-5 Planned Residential District shall not exceed:
 - i. Three units, 1200 (twelve hundred) sq. ft.
 - ii. Each additional unit, 265 (two hundred and sixty-five) sq. ft.
 - iii. Increased floor area may be granted by conditional use permit.
- (3) No more than three (3) detached accessory structures shall be permitted on a lot.
- (4) Accessory structure setbacks shall comply as follows in all above districts.
 - (a) Three (3) feet from side lot line
 - (b) Three (3) feet from rear lot line
 - (c) Ten (10) feet minimum from principal structure and abutting structures
 - (d) Thirty (30) feet street yard *
 - (e) Seventy-five (75) feet shore yard
- (f) **Boathouses.** Boathouses shall be located within a shore yard but shall be no closer than five (5) feet to the average annual high-water elevation of the stream, lake, pond or wetland. In no case, however, shall boathouses be located below a high-water elevation, nor shall boathouses be used for human habitation. Furthermore, boathouses shall not exceed one (1) boathouse for each shoreland lot; shall not exceed a height of fifteen (15) feet (to peak) above the natural grade: shall not exceed five hundred (500) square feet in horizontal area covered and shall not be closer than three (3) feet to any side lot line. Boathouses shall not reduce the floor area or number of accessory structures allowed per lot.

16-3-4 R-1 RURAL RESIDENTIAL DISTRICT (NON-SUBDIVIDED).

- (a) **Statement of Intent.** The intent of this district is to provide a lot size and associated-standards for home-sites developed on a scattered basis. The criteria of this district are designed to provide reliable, single-family home-sites in those areas where "neighborhood" and "community" facilities and services are of secondary significance to the location of the home-site itself.
- (b) **Principal Use.**
 - (1) One-family dwellings and Community Living Arrangements defined in 59.97(15), Wisconsin Statutes.
 - (2) Incidental agricultural activities when the site is used as a farm home-site.

- (3) Dwellings shall measure a minimum of 20 ft. across from exterior edges of walls and are a minimum of 900 sq. ft.

- (c) **Basic District Standards.** The basic lot standards in this district after the effective date of this ordinance shall be as follows:

| | | | |
|------------------|--------|---------|--------------------------|
| Lot (un-sewered) | Area | Minimum | 43,000 sq. ft. |
| Lot (sewered) | Area | Minimum | 12,000 sq. ft. |
| Building | Height | Maximum | 35 Ft. |
| Yards | Street | Minimum | 30 Ft. * |
| | Rear | Minimum | 25 Ft. |
| | Side | Minimum | 7 Ft. and 10 Ft. sides * |
| | Shore | Minimum | 75 Ft. |

- (d) **Conditional Uses.** (According to Chapter 4.0) Permitted conditional uses in this district shall be as follows:

- (1) All uses specified under Chapter 2.9.
- (2) All uses specified under Chapter 3.2.
- (3) The following uses provided that they shall be of a non-commercial nature and exceed the standards set in Chapter 3.4 (5):
 - (a) Raising and keeping of stable animals and all other domestic livestock. Shall require a minimum parcel of 5 (five) acres.
 - (b) Raising and keeping of dogs in excess of animal restriction under Chapter 2.9 (6) not to include breeding or boarding.
 - (c) Raising and keeping of domestic fowl including gallinaceous birds.
 - (d) Smaller "hobby"-type animals not to include those animals of such size or character as to normally be considered to be big game, e.g. lions, tigers, bears, etc. and not to include fur bearing animals, e.g. mink, chinchilla, etc., except rabbits.
 - (e) Domestic Rabbits or Hares exceeding a total of 6 (six).

Furthermore,

- (4) Where the application is for raising and keeping of stable animals, or domestic livestock on a minimum of 5 acres, the applicant must reserve sufficient area for the relocation of the residential structure's drainfield. Such reserved area must be verified as suitable by a Certified Soil Tester, or by detailed soil maps. Furthermore, the reserved area must be safe-guarded from heavy traffic and shall be located so as to comply with the setback standards of ILHR 83 of the Wisconsin Administrative Code and the Winnebago County Sanitary Ordinance - both for existing and future structures.
- (5) The number of animals to be kept shall be established in the conditional use approval. (See standard of animal/equivalency/acre Chapter 3.4 (5).
- (6) The conditional use shall address disposal and/ or removal of animal waste and run off.

(e) **Non-Farming Animal Allowance.** Permitted animal uses on 5 acres or greater shall include raising and keeping of domestic stable animal and other domestic livestock, the raising and keeping of domestic fowl, including gallinaceous birds, which shall be of a non-commercial nature.

- (1) One (1) acre shall be dedicated to residence/building use and shall be excluded from the formula.
- (2) A formula of one animal unit/equivalence/acre shall be used to determine the total number of allowable animals/fowl.

| <u>Description</u> | <u>One Animal unit/equivalence/acre</u> |
|------------------------|---|
| Horse per animal | 1 |
| Cattle per animal | 1 |
| Llama per animal | 1 |
| Sheep, goat per animal | 2 |
| Chicken, Duck, Turkey | 5 |

- (3) Animals or fowl not listed in this section shall fall under Chapter 3.4 (c) under conditional uses.

(f) **Accessory Structures for Animal Uses.**

- (1) Permitted accessory structures in this district shall include stables, sheds and similar structures as accessory structures to conditional uses in Chapter 3.4 (4) or allowed use in Chapter 3.4 (5). Accessory structure standards for this district shall meet the standards for floor area set in Chapter 3.3(5) and shall meet the following:

| | | | |
|-----------------|--------|---------|--|
| <u>Yards</u> | Street | Minimum | 100 Ft. or as specified in the Conditional Use Approval |
| | Side | Minimum | 50 Ft. |
| | Rear | | 50 Ft. |
| <u>Building</u> | Height | Maximum | 18 Ft. |

- (2) **Confinement.** The permanent confinement of animals; the placement of pens, and location of structures for same shall be a minimum of seventy five (75) Ft. from any adjoining residence. (Said adjoining residence shall have the right to expand, remodel or reconstruct without regard for this minimum distance.)
- (g) **Accessory Uses By Permit Only.** Swimming pools (in-ground) shall be surrounded by suitable fencing. Fencing shall be a minimum of forty-eight (48) inches above finish grade level, construction material shall be of a chain link or wood or similar strength material. Fencing shall be constructed to prohibit passage of a six (6) inch sphere between fence members, and the bottom of said fence shall be no more than two (2) inches above the existing ground elevation. Any gates installed shall be constructed so as to be capable of being locked, shall be self-closing, and shall be closed and secured so as to prevent unlatching by persons outside the pool area when the pool is not in use. All electrical installations shall be in compliance with the National Electrical Code. All new and existing pools are required to comply with fencing standards.

16-3-5 R-2 SUBURBAN RESIDENTIAL DISTRICT (SUBDIVIDED).

- (a) **Statement of Intent.** The intent of this District is to provide a lot size and associated standards for home-sites in a duly recorded and legally maintained subdivision. The criteria of this district have been designed to provide reliable single-family home-sites which offer a "suburban arrangement of amenities, services, facilities, etc.
- (b) **Principal Uses:**
- (1) Principal uses shall include one-family dwellings on lots which have been developed and recorded according to Chapter 236 of the Wisconsin Statutes, Town of Oshkosh Subdivision Ordinance, and Chapter ILHR83 or the Wisconsin Administrative Code for lots not served by public sanitary sewer.

- (2) Dwellings shall measure a minimum of 20 ft. across from exterior edges of walls and a minimum of 900 sq. ft.

(c) **Basic District Standards (Sewered and Un-sewered):**

| | | | |
|------------------|--------|---------|---|
| Lot (un-sewered) | Area | Minimum | 20,000 sq. ft. |
| Lot (sewered) | Area | Minimum | 9,000 sq. ft. 10,000 sq. ft. Shoreland |
| Building | Height | Maximum | 35 ft. |
| Yards | Street | Minimum | 30 Ft. |
| | Rear | Minimum | 25 ft. |
| | Side | Minimum | 10 and 7 ft |
| | Shore | Minimum | 75 ft. |

- (d) **Conditional Uses.** (According to Chapter 4.0) Permitted conditional uses in this district shall be as follows:

- (1) All uses specified under Chapter. 2.9.
- (2) All uses specified under Chapter. 3.2.

16-3-6 R-3 TWO FAMILY RESIDENTIAL DISTRICT.

- (a) **Statement of Intent.** The intent of this district is to provide a lot size and associated standards for a home-site which will accommodate the use of a "duplex" housing type. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, duplex zoning - when desired - should be applied on a district basis, adjacent to, but not within the character of the single-family neighborhood in which it is to be located.

- (b) **Principal Uses.** Two-family and single-family dwellings and incidental agricultural activities when such a site is utilized as a farm home-site in an A-1, or A-2 district.

- (1) Two-family dwellings shall contain a minimum length/width of 20 feet, both units included and measured from the narrowest part of the structure, and a minimum area of 500 sq. ft. for each dwelling unit.
- (2) Dwelling shall measure a minimum of 20 ft. across from exterior edges of walls and a minimum of 1000 sq. ft.

(c) **Basic District Standards:**

| | | | |
|------------------|--------|---------|------------------|
| Lot (un-sewered) | Area | Minimum | 43,000 Sq. Ft. |
| Lot (sewered) | Area | Minimum | 10,000 Sq. Ft. |
| Building | Height | Maximum | 35 ft. |
| Yards | Street | Minimum | 30 ft |
| | Rear | Minimum | 25 ft. |
| | Side | Minimum | 10 ft. and 7 ft. |
| | Shore | Minimum | 75 ft. |

(d) **Conditional Uses.** (According to Chapter 4.0) Permitted conditional uses in this district shall be as follows:

- (1) All uses specified under Chapter 2.9.
- (2) All uses specified under Chapter. 3.2.
- (3) Rest homes, nursing homes, homes for the aged, day care centers, children's nurseries and medical clinics.

16-3-7 R-4 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (SEWERED).

(a) **Statement of Intent.** The intent of this district is to provide residential development of "walk-up" type apartment buildings which provide rental housing to be built within the economies of scale, while retaining a relatively low density pattern. The use of this district should be applied to those locations in the "neighborhood" in which it will be compatible with surrounding uses; where the increased density would not create a service problem; and where the use will accommodate both the existing or anticipated character of the surrounding area and the needs of the future of the multiple-family development itself.

(b) **Principal Uses.**

- (1) Multiple-family dwellings, on lots served by public sanitary sewers.
- (2) All dwelling units shall contain a minimum area of 500 Sq. Ft.

(c) **Basic District Standards.** The basic lot standards in this district shall be as follows:

| | | | |
|----------|--------|---------|----------------|
| Lot | Area | Minimum | 15,000 Sq. Ft. |
| Building | Height | Maximum | 35 ft. |
| Yards | Street | Minimum | 40 ft. |
| | Rear | Minimum | 40 ft. |
| | Side | Minimum | 15 ft. each |
| | Shore | Minimum | 75 ft |

- (d) **Conditional Uses.** (According to Section 4.0) Permitted conditional uses in this district shall be as follows:
- (1) All uses specified under Chapter 2.9.
 - (2) All uses specified under Chapter 3.2.
 - (3) All conditional uses specified under R-3 Two Family Residential.

16-3-8 R-5 PLANNED RESIDENTIAL DISTRICT (SEWERED).

- (a) **Statement of Intent.** The intent of this district is to produce a total residential development area with standards designed to encourage creativity in the arrangement and placement of residential dwellings. To this end, the district allows a diversity of dwelling types, open spaces, and uses conceived and planned as comprehensive and cohesive projects.
- (b) **Unified Control.**
- (1) All land included for development as a PRD shall be under the legal control of the applicant, whether that applicant be an individual, partnership, a corporation or group of individual. Applicants requesting approval of a PRD shall present firm evidence of unified control of the entire area within the proposed PRD, together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provision of these regulations.
 - (2) The applicant shall state agreement to:
 - (a) Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be required.
 - (b) Provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans.

- (c) Bind their successors in title to any commitments made in the approval process.

- (c) **Basic District Standards.** The basic lot standards in this district shall be as follows:

| | | | |
|-------------|--------|---------|---|
| Development | Area | Minimum | 10 acres in one ownership (recommended) |
| | Width | Minimum | None |
| Open Space | Area | Minimum | 20% of the development area |
| Lot | Area | Minimum | 43,560 (1 acre) per dwelling unit |
| | Width | Minimum | 120 ft. (all lot areas to be designated by broken lines on plot plan when condominium ownership) |
| Building | Height | Maximum | 35 ft. |
| Yards | Street | Minimum | None |
| | Rear | Minimum | None |
| | Side | Minimum | 15 ft. between single and two-family buildings |
| | Other | Minimum | 30 ft. from public street rights-of-way; from exterior property lines of the development and according to Conditional Use Permit. |
| | Shore | Minimum | 75 ft. |

- (d) **Approval.**

- (1) **Application.** In addition to the requirements of Chapter 4.0 there shall be a preliminary plan provided with each application. The data on this plan shall conform to the standards of Chapter 5.0 of the Town of Oshkosh Zoning Ordinance and all provisions of the Town of Oshkosh Subdivision Ordinance and shall also show:

- (a) The overall plan for development; including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open spaces;

- (b) Total development area (square feet);
 - (c) Total proposed number of living units;
 - (d) Total proposed building area at ground level including garages, carports, and other community facilities;
 - (e) Total open space area (square feet);
 - (f) Total number of parking spaces;
 - (g) In the event the Town of Oshkosh Planning and Zoning Committee and the Town of Oshkosh Town Board approves the preliminary plan, or tentatively approves it with condition, the applicant shall submit a final plan for final approval within six (6) months. (After six (6) months the applicant must resubmit an original application in order to be eligible for further consideration.)
- (2) Permit. Issuance of a Conditional Use Permit shall be based upon the following evaluation of the final plan by the Planning and Zoning Committee with approval by the Town Board:
- (a) That the final plan conforms to the conditions for approval of the preliminary plan;
 - (b) That all Basic District Standards are satisfied;
 - (c) That the overall density of the project is in compliance with a comprehensive plan, or where no such plan has been duly adopted, is, in the Town of Oshkosh Planning and Zoning Committee's judgment, compatible with the surrounding area and/or within the capacity of the community's public services;
 - (d) That public sewer and adequate water is present;
 - (e) That landscaping and grading will be done to assure compliance with Chapter 2.6;
 - (f) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snow plows, garbage and fire trucks, the loading and unloading of furniture, and other pickups and deliveries without blocking traffic;

- (g) That there will be a minimum number of conflicts between pedestrian and vehicular traffic;
 - (h) That adequate lighting will be provided;
 - (i) That the final plans include the planting of adequate trees and shrubs where not already present;
 - (j) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood;
 - (k) That adequate surety bonds and/or scheduling dates are provided to guarantee the improvements shown on the plans;
 - (l) That deed restrictions are included, to assure the proper preservation, care, and maintenance, by the original and all subsequent owners of the exterior design and layout of the development and of all common structures, facilities, utilities, accesses, open spaces and park lands;
 - (m) That the final plan shall be platted and duly recorded according to the standards and procedures of the Town of Oshkosh Subdivision Ordinance and Chapter 236 of the Wisconsin State Statutes.
- (e) **Conditional Uses.** (According to Chapter 4.0 and Approval above).
- (1) Location, site, and operational plans for all structures and improvements which serve the principal use.
 - (2) All principal, conditional, and Chapter 4.4 approval uses of the B-1 and B-2 Business Districts and any other business uses which will complement the density and setting of the residential development.
 - (3) Elevator apartments in excess of thirty-five (35) feet in height when distance between subject building and other structures and/or from property lines is increased at a rate of two (2) feet for each additional five (5) feet of height of the building over the first thirty-five (35) feet of height.
 - (4) All uses specified under Chapter 2.9.
 - (5) All uses specified under Chapter 3.2.
 - (6) All conditional uses specified under R-3 two Family Residential.
 - (7) Patio, or zero side yard houses.

- (8) Single and two family residences with on-site sewage disposal systems; providing the overall density of the development does not exceed two (2) dwelling units/acre.
- (9) Private roads.

16-3-9 MH-1 MOBILE HOME DISTRICT (SUBDIVIDED, SEWERED).

- (a) **Statement of intent.** The intent of this district is to provide a lot size and associated standards for mobile homes in a duly recorded and legally maintained subdivision. The criteria of this district have been designed to provide reliable home-sites in those developing areas which have public sanitary sewer, and which offer a "suburban" arrangement of amenities, services, facilities, etc. It is the intent of the Town of Oshkosh not to create or provide a Mobile Home District.
- (b) **Principal uses.** Shall include mobile home dwellings on lots which have been developed and recorded according to Chapter 236 of the State of Wisconsin Statutes, the Town of Oshkosh Subdivision Ordinance.
- (c) **Basic District Standards.** The basic lot standards in this district shall be according to R-2 "Suburban Residential District".
- (d) **Conditional Uses.** (According to Chapter 4.0). Permitted Conditional uses in this district shall be as follows:
 - (1) All uses specified under Chapter 2.9.
 - (2) All uses specified under Chapter 3.2.
 - (3) Mobile home parks according to the procedures for application and Permit provided under the R-5 "Planned Residential District" providing:
 - (a) Each mobile home shall be located on a lot of not less than forty-three thousand five hundred and sixty (43,560) square feet (one acre).
 - (b) Each mobile home lot shall contain a parking space upon which the mobile home shall be situated which parking space shall be paved with concrete or bituminous material.
 - (c) There shall be a system of roadways with a minimum of thirty-six (36) feet widths, surfaced as required by item 2) above, providing access from each and every trailer and automobile parking space within such mobile home park to the public street or highway; provided that there

shall not be more than two (2) entrances from or exits to such street or highway from any one such park.

- (d) Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces, or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs, or trees, which shall not be less than Fifteen (15) feet wide, except that there need not be more than a five (5) foot setback from an access driveway; provided, however, that such five (5) foot setback shall apply to the longest trailer to be accommodated within such park.
- (e) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than fifteen (15) feet wide.
- (f) Each mobile home park shall have an office constructed as a safe storm shelter to accommodate the residents and staff of the mobile home park and shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to town officials for inspection.

16-3-10 G-1 GARAGE LOT DISTRICT. (FLOATING)

- (a) **Statement of Intent.** The intent of this district is to allow the establishment of "Garage" lots in conjunction with residential lots in existence on the effective date of this ordinance which do not have sufficient area, width, or depth to allow construction of a garage.
- (b) **Principal Uses.** Shall include One (1) detached garage as a garage. This district will allow the establishment of such a garage lot in direct proximity to an existing residential lot. (According to Chapter 2.9).
- (c) **Basic District Standards.** The basic lot standards in this district shall be as follows:

| | | | |
|-----------|------------|---------|---|
| Lot | Width | | As required to align directly with an existing residential lot, but shall not be less than 40 ft. |
| | Area | Minimum | As required to meet yard minimum requirements |
| Structure | Height | Maximum | 18 Ft. |
| | Floor Area | Maximum | 1200 sq. ft. |

| | | | |
|-------|--------|---------|------------------------|
| Yards | Street | Minimum | 30 ft. |
| | Rear | Minimum | 3 ft. |
| | Side | Minimum | 6 ft. total both sides |
| | Shore | Minimum | 75 ft. |

In addition, prior to the issuance of a zoning permit, the garage lot and existing related residential lot shall be deed restricted so as to require use and all transfers of ownership of the two lots as one (1) parcel.

- (d) **Approval of Building Site And Operational Plans.** (According to Chapter 4.4, and Boathouse, according to Chapter 3.3 (6)).

16-3-11 BUSINESS DISTRICTS INTERPRETATION.

The uses within each of these districts have been grouped according to the expected intensity of the commercial activity. Also, lot sizes have been adjusted according to service by public sewer or on-site sanitary system.

16-3-12 BUSINESS CONDITIONAL USES.

Business conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval - if there is approval - all in accordance with Chapter 4.0 of this Ordinance. In addition to those stated under Chapter 2.9, the following shall be conditional uses in all business districts of this Ordinance:

- (a) Residential apartments may be permitted as a conditional use provided that the quarters are an integral part of the design of the commercial activities not exceeding sixty (60) percent of the floor area of the structure.
- (b) Public passenger transportation terminals, such as heliports, bus and rail depots - except airports, airstrips, and landing fields - provided all principal structures and uses are not less than Three Hundred (300) feet from any residential district boundary.
- (c) Planned Business District with minimum of four (4) acres in one ownership and with a minimum frontage of 200 feet subject to the Approval procedures for Permit provided under the R-5 "Planned Residential District."

16-3-13 BUSINESS ACCESSORY USES.

In addition to those accessory uses and standards specified under Chapter 2.9 the following accessory standards shall apply in Business Districts:

- (7) Caterers
- (8) Churches
- (9) Discount Centers
- (10) Dry Goods Stores
- (11) Financial Institutions
- (12) Florist & Gift Shops
- (13) Furniture Stores & Upholstery Shops
- (14) Garden Supplies
- (15) Hardware/Sporting Goods Stores
- (16) Heating Supplies
- (17) Junior Department Stores except Discount Department Stores and
 - 1. Leather Goods & Luggage Stores
- (18) Medical Appliances
- (19) Office Supplies
- (20) Pet Shops for Indoor Sales Only
- (21) Photographic Supplies
- (22) Plumbing and Heating Supplies
- (23) Radio & TV Repair & Service Shops
- (24) Taxidermists
- (25) Trade and Variety Stores
- (26) Travel Bureaus

(c) **Basic District Standards.** The basic lot standards in this district shall be as follows:

| | | | |
|----------|--------|---------|------------------------------|
| Building | Height | Maximum | 35 ft. |
| Yards | Street | Minimum | 30 ft. |
| | Rear | Minimum | 25 ft. |
| | Side | Minimum | 7 ft on side: 10 Ft one side |
| | Shore | Minimum | 75 ft. |

(d) **Conditional Uses.** (According to Chapter 4.0) Permitted conditional uses in this district shall be as follows:

- (1) All uses specified under Chapter 3.12.
- (2) Supermarkets
 - Places of Entertainment
 - Small Engine Repair
 - Laundry/Dry Cleaning Establishments employing not over four (4) persons
 - Liquor Stores
 - Music Stores with no outdoor speakers or amplification
 - Night Clubs
 - Personal Service Establishments

(e) **Approval of Building, Site and Operational Plans.** (According to Chapter 4.4)

(1) Commercial recreational facilities, e.g.:

- Arcades
- Bowling Alleys
- Clubs
- Dance Halls
- Driving Ranges
- Gymnasiums
- Lodges
- Miniature Golf
- Physical Culture
- Pool & Billiard Halls
- Skating Rinks
- Theaters
- Turkish Baths

(2) Funeral Homes.

(3) Water-oriented commercial uses when on lakes and streams, e.g., bait shops, bath houses, bathing and fishing areas, boat and marine sales, boat launching areas, boat liveries, boat storage, repair and service marinas, sales, service and repair, dance halls, fishing equipment sales, hotels, resorts, restaurants, and campgrounds.

16-3-16 B-3 GENERAL BUSINESS DISTRICT.

(a) **Statement of Intent.** The primary intent of this district is to provide for the special development needs of those wholesale and retail stores, shops and services and those professional offices, which by their nature, are dependent upon a county-wide trade area and/or employee base. The secondary intent of this district is to provide for certain commercial activities which are uniquely oriented towards the service of highway traffic. Therefore, whether for use as a county-wide retail district, or for use by highway businesses, this district should be utilized to produce a safe and orderly placement of facilities and activities along and/or with access to major traffic routes. Additionally, when applied as a county-wide business district, its size and location should be in relationship to the needs and economy of the entire county.

(1) Recommended District Size:

- (a) 12-20 acres (unsewered).
- (b) 6-11 acres (sewered).

(a) **Principal Uses.** All principal uses permitted in the B-1 "Local Service District" and in the B-2 "Community Business District." Also the following uses and similar wholesale and retail stores, shops and services. Outside storage in conjunction with the principal use shall be allowed provided that the storage area is maintained in a neat and orderly manner, and where deemed appropriate at the time of permit application by virtue of proximity to a residential area or other potentially conflicting land use, required to fence or otherwise screen the storage area.

- (1) Auction Galleries
- (2) Automotive Part & Supply Stores.
- (3) Auto, Truck & Heavy Equipment Sales, Service & Mechanical Repair.
- (4) Automotive Upholstery Shops.
- (5) Boat Sales, Rental & Repair.
- (6) Building Material & Product Sales.
- (7) Department Stores except Discount Department Stores & Discount Centers.
- (8) Exterminating Shops.
- (9) Feed & Seed Stores.
- (10) Food Lockers.
- (11) Monument Sales.
- (12) Motorcycle & Recreational Vehicle Sales, Repair & Service.
- (13) Newspaper Offices & Press Rooms.
- (14) Pawn Shops.
- (15) Physical Culture & Health Studios.
- (16) Printing, Advertising, & Publishing Shops.
- (17) Private Clubs, Lodges & Indoor Court Facilities.
- (18) Radio Broadcasting Studios.
- (19) Recording Studios.
- (20) Secondhand Shops.
- (21) Trade & Contractors Offices.
- (22) Vending Machine Sales, Service & Repair.
- (23) Wholesale Establishments, except Vehicle Wholesale & Auction.
- (24) Drive-in establishments serving food or beverages for consumption outside the structure.

(b) **Basic District Standards.**

- (1) Building.
Height--Maximum--35 ft.
- (2) Yards.
Street--Minimum--30 ft.
Rear--Minimum--25 ft.
Side--Minimum--7 ft. one side; 10 ft. other side
Shore--Minimum--75 ft.

- (3) Accessory Building requirements: see Chapter 3.3 (5).
- (c) **Conditional Uses.** (According to Chapter 4.)
 - (1) All uses specified under Chapter 3.
 - (2) All conditional uses specified under the B-2. "Community Business District."
 - (3) Vehicle Body Shops when accessory to sales, but not including the storage.
 - (4) of junked or wrecked vehicles and parts.
 - (5) Drive-in Theaters.
 - (6) Commercial stables with a minimum of five (5) acres.
 - (7) Model homes and garages.
 - (8) Animal hospitals, kennels, and boarding with outdoor pens, providing all principal structures and uses--including pens--are at least eight hundred eighty (880) yards from any residence.
- (e) **Approval of Building Site and Operation Plans.** (According to Chapter 4.)
 - (1) All uses requiring Chapter 4 review under the B-2 "Community Business District."
 - (2) Outdoor Display Areas when accessory to a principal use.
 - (3) Landscape business.
 - (4) All uses listed as Highway Business Uses
- (f) **Highway Business District (HB) -overlay:**
 - (1) Basic Overlay District Standards:
 - (a) Building Height: - Maximum – 35 ft.
 - (b) Yards.
 - I. Street – minimum – 75 ft.
 - II. Rear – minimum – 25 ft.
 - III. Side – minimum 20 ft. each side

IV. Shore – minimum – 75 ft.

(2) Principal Uses.

- (a) Motels; mini-warehouses
- (b) Tourist's homes provided such district is located on a State Trunk or US Numbered highway
- (c) Highway-oriented recreation, e.g. driving ranges, miniature golf
- (d) Discount department stores and discount centers
- (e) Home building centers, including lumber yards
- (f) Outdoor sales, e.g. garden centers, nurseries, and greenhouses
- (g) Any B-3 Principal Use to be developed in an area mapped as B-3(HB)
- (h) Uses allowed within the Adult Entertainment District only following Conditional Use approval as required by that Section.

16-3-16-A ADULT-ORIENTED ESTABLISHMENT.

- (a) **Legislative findings.** The Town of Oshkosh Town Board 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 Town of Oshkosh, reasonable regulation of adult entertainment businesses in order to protect the health and well-being of the citizens.
- (5) The Town of Oshkosh 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 Oshkosh to condone or legitimize the distribution of obscene material.
- (8) It is in the best interests of the Town of Oshkosh to minimize and control any adverse secondary effects of adult-oriented establishments within the Town of Oshkosh 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.

(b) **Definitions.**

- (1) 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.
- (2) 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.
- (3) 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.

- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.

- (9) 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.
 - (10) 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.
- (c) **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 Oshkosh and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult-oriented establishments within the township. 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.
- (d) **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.
- (e) **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.
- (f) **Proximity to another establishment of the same kind.** An adult-oriented establishment shall not be located within 600 feet of another adult-oriented establishment.
- (g) **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.
- (h) **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.
 - (10) 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.
-
- (i) **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.
 - (j) **Sale of alcohol.** An adult-oriented establishment shall not sell, distribute, or allow consumption of alcoholic beverages on the premises, unless the town in which it is located has passed a resolution allowing alcohol in such establishments and has sent a certified copy of the same to the zoning administrator.
 - (k) **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.
 - (l) **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.
 - (m) **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 in which this use is located. 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.
 - (n) **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.

- (o) **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 April 29, 2012, shall not have to reconstruct existing stages and tables to meet this requirement, but shall adhere to the prohibition against physical contact.
- (p) **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.
- (q) **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 Planning and Zoning Committee to make appropriate findings relating to the effect of the establishment of an adult-oriented establishment in that area.

16-3-16-B 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.

16-3-16-C B-4 BUSINESS PARK DISTRICT (SEWERED ONLY).

- (a) **Statement of Intent.** The intent of this district is to provide for the development of a mixed grouping of both office /and/or light industrial uses and activities in a park-like setting. This district is further intended to promote the provision of appropriate off-street parking and loading areas, on-site open space, landscape plantings, and planting screens in areas adjacent to non-business or other incompatible land uses/zoning districts.
- (b) **Principal Uses.** The following and similar uses shall be permitted subject to the same process of application, except that a public hearing shall not be necessary. Upon written request by the Town of Oshkosh Town Board all site development plan review, approval, and enforcement within the B-4 district shall be done by the Town. When such review, approval and enforcement authority has been transferred to a Town, such authority shall remain with the Town for a period of not less than 12 months, after which time the Town may request the County take over this responsibility. When a Town has assumed the review, approval and

enforcement authority, the plan review fee, if any, shall be as set forth by the Town.

- (1) All principal uses as set forth in Chapter 3.16 (2) and Chapter 3.24;
 - (2) Research and development;
 - (3) Printing and publication;
 - (4) Professional offices and services including, but not limited to, accounting, architectural, chiropractic, dental, medical, engineering and legal services;
 - (5) Business offices and services including, but not necessarily limited to, advertising agency, management consulting, manufacturing representatives, public relations, stenographic, travel agency and duplicating services;
 - (6) Financial, insurance and real estate offices and services including, but not necessarily limited to, financial institutions, security brokers, holding and investments, insurance agency, insurance carriers, governmental and public services.
 - (7) Health clubs, barber shops, beauty salons, florists (not including greenhouses) and studios for photography, painting, music, dance and other recognized fine arts where such uses are situated in the building of an approved principal use
 - (8) Commercial child day care facilities.
 - (9) Restaurants (not including drive-in or drive-thru facilities), when located in the building of an approved principal use.
 - (10) One residential living quarter when located within the building of an approved principal use and provided occupancy thereof is restricted to an owner, manager, caretaker or employee of the principal business. Such living quarter shall not exceed 1000 square feet in floor space, or 1% of the total building floor space, whichever is less.
 - (11) Outside storage yards accessory to an approved principal use, provided such storage is adequately screened from the surrounding view.
- (c) **Accessory Uses.** Chapter 3.16 (3)(a)(f) shall not apply in the B-4 zoning district. The following accessory uses shall be permitted:
- (1) Fences. Security fences are permitted on the side and rear property lines but no closer to the street yard property line than the principal structure. Security fences shall be of an open type (not more than 50% opacity) and shall not exceed 8 feet in height. Decorative and privacy fences (i.e. wooden, wrought iron, etc. vs chain link) not more than six (6) feet in height shall be permitted on the side and rear lot lines but no closer to the street yard property line than the principal structure. Decorative fences four (4) feet in height or less shall be permitted with a ten (10) foot street yard setback.
 - (2) Outdoor Lighting. Outdoor lighting installation shall be regulated as follows:
 - (a) No light fixture shall exceed twenty-five (25) feet in height.

- (b) All outdoor lighting fixtures shall be of a cut-off design (i.e. shall not emit light at an angle greater than 90 degrees from vertical).
 - (c) All outdoor lighting fixtures shall be adequately shielded or directed so as to confine the area of light dispersion to the property and/or building area on which such fixture is located.
 - (d) Use of wooden poles for outdoor lighting shall be prohibited.
 - (e) The following types of lighting shall be prohibited except as otherwise approved by the Town Board:
 - i. Festoon lighting, "string" lighting or any light source erected in such a manner as to be subject to noticeable periodic movement as a result of wind pressure or atmospheric conditions.
 - ii. Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather condition
 - iii. Display of intermittent lights or flashing, blinking, moving, beacon or search lights except as follows:
 - (1) Where such lights are required by State or Federal law.
 - (2) Where such lighting is of a temporary nature including but not limited to holiday displays and grand opening events.
 - (f) Exceptions to the aforesaid language may be granted by the Town Board for decorative lighting fixtures.
- (3) Signs. Signs shall be permitted in accordance with Chapter 7 and the sign regulations of the Township within which the business park development is to be located with the following exceptions for free standing signs.
- (a) Setback and clearance.
 - i. Within 15 feet of street. A freestanding sign, any part which is closer than fifteen (15) feet to the right-of-way, shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three (3) feet in height above the grade at the right-of-way line.

- ii. Intersections/ driveways. Any freestanding sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of the ten (10) feet or shall be not more than three (3) feet in height above grade.
- (4) Off-premises signs. Off-premises signs shall be allowed under the following conditions:
 - (a) Parcels shall be contiguous or as a part of a joint development which is located on collection of parcels that are contiguous or adjacent.
 - (b) One off-premises sign shall be allowed advertising the uses of the contiguous parcels or joint development.
 - (c) Total area of this off-premises sign shall not exceed the total allowed area for each parcel combined but not to exceed in any circumstance 400 square feet.
 - (d) The area of the off-premises sign shall subtracted from the area allowed for the freestanding signs for each parcel.
 - (e) A comprehensive sign proposal shall be submitted addressing the plan for an off-premises sign and all other freestanding signs for contiguous parcels or joint development.
- (5) Parking. Parking requirements shall be in accordance with Chapter 5 except as follows:
 - (a) No driveway or parking area shall be located closer than ten (10) feet to a side or rear lot line or twenty-five (25) feet to a street yard lot line. That portion of driveway required for roadway access shall not be subject to the aforesaid street yard setback requirement.
 - (b) All parking and driveway areas shall be hard-surfaced (i.e. blacktop, concrete, etc...) within twelve months of receiving approval to occupy the principal structure.
 - (c) Alternative parking requirements may be approved as deemed appropriate by the approving authority.
- (6) Garages and Storage Buildings. Detached garages and storage buildings for storage of vehicles, supplies, equipment used in conjunction with the operation of the premises or for use by the resident occupant of the premises subject to the following conditions:

- (a) No detached garage or storage building shall exceed 20 feet in height.
 - (b) No detached garage or storage building shall be situated closer than 10 feet to a side or rear lot line nor shall a detached garage or storage building be situated closer to the street yard lot line than the principal structure.
- (7) Radio and Television Antennas. Radio and television antennas not attached to the principal structure may be permitted to the sides and rear of the principal structure provided they are setback from the die and rear property lines a distance equal to or greater than the height of the antenna. No radio or television antenna shall be situated closer to the street yard lot line than the principal structure.
- (8) Satellite Dishes. Satellite dishes shall be permitted subject to the following conditions:
- (a) Not more than one satellite earth station may be allowed per lot.
 - (b) Satellite earth stations shall be allowed in rear and side yards, however, satellite stations may not be any closer to the streetline than the established setback of the principal building or structure.
 - (c) Side and rear yard setbacks shall be equal to or greater than the required side and rear yard setbacks for the principal structure, but not less than the total vertical height of the satellite earth station.
 - (d) Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be permitted subject to engineering calculations being prepared by a registered professional engineer certifying that the proposed satellite earth station is structurally sound. A building mounted satellite earth station where visible from the front lot line will be permitted only when reception would not be possible from a less conspicuous location as verified by appropriate test data.
 - (e) The owner who proposes a building-mounted satellite earth station must also submit a plan for screening the satellite earth station from surrounding properties in a manner that is appropriate to the architecture of the building. Building mounted satellite earth stations shall not exceed the maximum height regulation of the zoning district in which they are located.
 - (f) Ground mounted satellite earth stations located where visible to adjacent streets or roadways or neighboring properties shall be of a

dark color and effectively screened by the use of appropriate landscaping or a structure (i.e. 100% opaque screening).

- (g) All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All installations shall meet a minimum wind load design velocity of 80 m.p.h.
- (h) No form of advertising or identification is allowed on the dish or framework other than the customary manufacturer's identification plates.
- (i) Portable or trailer mounted satellite earth stations are not allowed. Exception: Temporary installations for on-site testing and demonstration purposes may be allowed for periods not to exceed 48 hours with prior approval from the Town Building Inspector or his/her designee.
- (j) Electrical installations in connection with earth satellite receiving stations including grounding of the systems shall be in accordance with National Electrical Code Standards.
- (k) All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground.
- (l) Satellite earth stations that cause any interference with radio and/or television broadcasting or reception on nearby properties shall be governed in accordance with Federal Communications Commission Standards.
- (m) No satellite earth station shall be erected without first obtaining a building and zoning permit.

(d) **General Regulations.**

- (1) No use which is offensive by reason of odor, smoke, fumes, dust, noise, vibrations, radioactive emissions, pollution, or which presents excessive danger for fire or explosion shall be permitted.
- (2) Site access shall be oriented toward internal circulation drives with limited access points to existing roads.
- (3) All business park developments shall be serviced by underground utilities and infrastructure.

- (4) No transformer, electric, gas or other meter of any type shall be visible from the surrounding roadways or neighboring properties.
- (5) Curb, gutter and storm sewer shall be required in all business park developments or alternative methods may be approved as deemed appropriate by the approving authority.
- (6) All business, servicing, processing, or storage except for off-street loading and parking areas, shall be conducted within completely enclosed buildings unless otherwise permitted herein or specifically approved by the Planning and Zoning Committee or Town Board of Supervisors.
- (7) To alleviate any potential off-site impacts due to increased storm water run-off attributable to the business park development, one or more storm water retention/detention areas may be required. If such retention/detention areas are required, it shall be the responsibility of the property owner or, if applicable, the Property Owners Association, to provide maintenance and upkeep thereof.

(e) **Basic District Standards.**

- (1) Lot Coverage/Open Space. Not more than 70 percent of the lot shall be covered by an impervious surface (i.e. buildings, structures, pavement, etc.). The open space configuration shall be an important element in the site plan review process.
- (2) Building Size/Floor Area Ratio. The building(s) floor area ratio shall not exceed 70 percent. The floor area ratio shall be calculated as the gross floor area of all buildings on a site divided by the gross site area.
- (3) Building Height.
 - (a) Principal structures. Principal structures shall not exceed 50 feet in height.
 - (b) Yards.
 - I. Street. All structures shall be setback a minimum of 30 feet from any public, private, or officially mapped street/right-of-way.
 - II. Rear. All structures shall be setback a minimum of 25 feet from the rear property line except as otherwise specified in this section.
 - III. Side. All structures shall be setback a minimum of 10 feet from the side property line except as otherwise specified in this section.

IV. Shore. All structures shall be setback a minimum of 75 feet.

*The above yards shall apply except where any portion of the development is adjacent to a residentially zoned property, in which case the Planning and Zoning Committee and Town Board of Supervisors may require an increased setback of up to 50 feet if deemed necessary to prevent an adverse impact of the residential site.

- (4) Loading Docks. Loading docks shall generally not face a dedicated or reserved public street. Sufficient on-site space shall be provided for each principal use as will enable the maneuvering of trucks to and from the loading docks without using public streets.
- (5) Roof-Mounted Equipment. All roof-mounted equipment shall be located, screened and/or painted using colors and architectural materials compatible with the principal building in order to minimize its visibility from streets and neighboring properties.
- (6) Outside Storage.
 - (a) All required setback yard areas shall be landscaped and kept clean and free from the accumulation of debris and/or refuse and shall not be used for the storage or display of any equipment, materials, products, vehicles or supplies.
 - (b) All development sites shall provide a refuse storage area adequate in size to serve the business uses situated thereon. Refuse storage receptacles shall be entirely screened from the view of surrounding properties and streets and the screening shall be of a height not less than the height of the refuse receptacle.
 - (c) Refuse storage areas shall be permitted only to the rear of the principal structure. In no case shall a refuse storage area be situated closer than 20 feet to a side or rear property line.
 - (d) Refuse storage areas shall be fully screened from view with a solid wood fence or masonry enclosure.
- (7) Landscaping. Within one year of receiving approval for building occupancy, all yard areas shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials. Landscaping shall relate to the paved and building areas of the site relative to massing, size, shape and color. At the time of planting, vegetation shall be of sufficient size as to noticeably enhance the site (i.e. whips are inappropriate

as primary landscaping elements). Plant material shall be of hardy quality, preferably native to Wisconsin.

(8) Architectural Control.

(a) All exterior building walls shall be of the same color scheme and shall utilize the same architectural materials.

(b) The exterior building walls lower one-third or lower seven feet (whichever is less) shall be of masonry, stone, glass or architectural pre-cast concrete panels.

(c) Plain concrete blocks are prohibited on any exterior surface of a building.

(9) Sanitation. In the interest of maintaining compact development patterns which in turn promotes efficiency in the delivery of public services such as police and fire safety, transportation, etc. B-4 (Business Park) developments shall be required to utilize municipal sewage disposal systems. Private on-site sewage systems such as septic, mound and holding tanks are expressly prohibited in the B-4 district.

(f) **Basis for Approval.**

(1) To implement the intent of the B-4 district as set forth in Chapter 16C site development plan review shall take into consideration, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, drainage, sewerage and water systems, and proposed operation. The Planning and Zoning Committee or Town Board of Supervisors will approve said site plans only after determining that:

(a) The proposed use(s) conform(s) to the uses permitted in that zoning district.

(b) The dimensional arrangement of building and structures conform to the required area, yard, setback, and height restrictions of this section.

(c) The proposed use conforms to all use and design provisions and requirements (if any) as found in this section for the specified uses.

(d) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the projects in order to assure the safety and convenience of pedestrian and vehicular traffic.

- (e) The proposed on-site buildings, structures, and entryways are situated and designated to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion control, grading, lighting, and parking, as specified by this section and any other codes or laws.
- (f) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
- (g) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this section.
- (h) Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped.
- (i) The site plan is consistent with the intent and purpose of this section, which is to promote the public health, safety and general welfare, to encourage the use of lands, in accordance with their character and adaptability, to avoid overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, and to facilitate existing community development plans.

16-3-17 P-1 INSTITUTIONAL & RECREATIONAL PARK DISTRICT.

- (a) **Statement of Intent.** The intent of this district is to provide an area for public and private institutional and recreational uses. The area utilized for such a district should be such that it is compatible with and is an asset to the surrounding land uses.
- (b) **Principal Uses.** Public and private institutional uses, e.g.:
 - (1) Arboretums
 - (2) Botanical Garden
 - (3) Cemeteries
 - (4) Colleges & University
 - (5) Conservatories
 - (6) Funeral Homes

- (7) Gymnasiums
- (8) Hospitals
- (9) Parks, Playgrounds, etc.
- (10) Religious & Charitable Institutions
- (11) Sanitariums
- (12) Schools
- (13) Public and private landfills licensed by the State of Wisconsin

(c) **Basic District Standards.**

- (1) Building.
 - (a) Height--Maximum--50 ft.
- (2) Yards.
 - (a) Street--Minimum--75 ft.
 - (b) Government Buildings--Minimum--30 ft.
 - (c) Rear--Minimum--50 ft.
 - (d) Side--Minimum--15 ft. ea.
 - (e) Shore--Minimum--75 ft.

(d) **Conditional Uses.** (According to Chapter 4.)

- (1) Airports, airstrips, and landing fields with a minimum area of 20 acres.
- (2) Public and quasi-public cultural recreational facilities, e.g.:
 - (a) Golf Courses.
 - (b) Campground.
 - (c) Driving Ranges.
 - (d) Race Tracks.
 - (e) Exposition & Fairgrounds.
 - (f) Riding Academies & Stables.
 - (g) Sport Fields.
 - (h) Zoological and Botanical Gardens.
 - (i) Archery and Firearm Ranges (outdoor).

- (3) Penal Institutions.
- (4) All Conditional Uses listed under Chapter 4.

(e) **Accessory Uses.**

- (1) All accessory uses listed under Chapter 3.13.

- (2) Clubs, taverns, nightclubs, restaurants, and convenience goods and services, etc. when supportive of the Principal Use.
- (3) All equipment and improvements used in conjunction with the Principal Use.

16-3-18 AGRICULTURAL CONDITIONAL USES.

Agricultural conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval - if there is approval - all in accordance with Section 4.0 of this Ordinance. In addition to those stated under Sec. 2.9, and unless otherwise specified, the following shall be conditional uses in all Agricultural districts of this Ordinance:

- (a) Airports, Airstrips and Landing Fields - agricultural and nonagricultural related, with a minimum of 20 acres and compliance with all FAA Regulations
- (b) Cemeteries and Colleges and religious and charitable institutions, Crematories, Universities
- (c) Condenseries, Creameries, Commercial butchering of animals, Commercial boarding of stable animals, Migratory Laborer Housing, Animal Hospitals
- (d) Sludge Disposal (Disposal must be in accordance with NR 113 of The Wisconsin Administrative Code.)
- (e) Storage and maintenance of construction equipment and vehicles is permitted as a conditional use if the storage area for all such equipment and vehicles is at least six hundred (600) feet from Residential, and Public and Semi-Public Districts. Except not allowed in A-1 "Agri-Business District".
- (f) Mobile home(s) which shall be occupied as an accessory use to the farm operation, except in the A-1 Agri-Business District, the occupant must earn a substantial part of his/her livelihood from farm operations on the parcel, providing:
 - (1) The Zoning Administrator verifies - in writing - said use of the proposed mobile home(s).
 - (2) The farm operator agrees - in writing - that discontinuance of the Mobile home occupancy as the specified accessory use will necessitate removal of the mobile home.
 - (3) The conditional use shall be renewed every two (2) years.

- (g) Farming operations, e.g. duck, turkey, mink farms, which involve potential nuisance conditions requiring special waste disposal and treatment facilities, e.g. lagoons and/or overhead irrigation disposal systems.
- (h) Nurseries and Orchards for commercial use.

16-3-19 AGRICULTURAL ACCESSORY USES.

In addition to those accessory use specified under Sec. 2.9 (2) and 3.3, the following accessory standards shall apply in all Agricultural Districts:

- (a) Security fences are permitted on the property line, but shall not exceed ten (10) feet in height and shall be of an open type or similar to woven wire or chain link fencing.
- (b) Signs are permitted according to Sec. 7.0.
- (c) One (1) roadside stand on any one (1) farm shall be permitted, providing it will be used only for the sale of the farm products raised on said farm.
- (d) Outbuildings.

16-3-20 A-1 AGRI-BUSINESS DISTRICT.

(a) **Statement of Intent.** The intent of this district is to identify and to establish those areas of the Town suited to the economics of large-scale agricultural uses. In turn, the value of this land is to be maintained by protecting these areas from the intrusion of urban uses. The location of this district should encompass sufficient acreage where soil characteristics and/or existing operations will facilitate extensive production of crops; forest products; livestock, poultry and their products; and dairy products. Identification of such districts should be by the use of detailed soil maps and by production records of the State of Wisconsin, Department of Agriculture.

(b) **Principal Uses.**

- (1) Agricultural.
- (2) Beekeeping.
- (3) Dairying.
- (4) Fish Farms.
- (5) Floriculture.
- (6) Forestry.
- (7) Fur Farms.
- (8) Grazing.
- (9) Greenhouse.

- (10) Hay.
- (11) Livestock Raising.
- (12) Orchards.
- (13) Paddocks.
- (14) Pasturage.
- (15) Plant Nurseries.
- (16) Poultry Raising.
- (17) Stables.
- (18) Sod Farming.
- (19) Truck Farming.
- (20) Viticulture.
- (21) Wild Crop Harvesting.
- (22) Raising of:

- (a) Cash Crops.
- (b) Mint.
- (c) Grass.
- (d) Seed Crops.
- (e) Silage.
- (f) Nuts and Berries.
- (g) Vegetables.

- (23) Barns, Silos, etc.

- (c) **Special Argi-Business Provisions.** Establishment of a lot(s) for existing dwellings not accessory to any farm operation and farm dwellings remaining after consolidation of neighboring farms, and for new lot creations for farm dwellings as permitted in Chapter 3.20(c) and (6)(b), are permitted, providing the lot shall comply with all the provisions of the applicable residential district. Dwellings on lots established under this section shall be considered conforming dwellings.

New dwellings on any parcel less than 35 acres in size shall not be allowed unless the dwelling is intended to be occupied by the farm owner, operator, or parent or son or daughter of the owner or operator.

- (d) **Basic District Standards.**

- (1) Structure.
 - (a) Height--Maximum--None.
- (2) Yards.
 - (a) Street--Minimum--75 ft.
 - (b) Rear--Minimum--50 ft.
 - (c) Side--Minimum--15 ft. ea.
 - (d) Shore--Minimum--75 ft.

(e) **Conditional Uses.** (According to Chapter 3.18)

- (1) All uses specified under Chapter 3.18
- (2) Town halls, town offices and town fire stations.
- (3) Farm dwellings which are for those resident laborers including family of operator or laborers, who earn any part of their livelihood from farm operations on the parcel, provided the Town Board verifies--in writing--said use of proposed residential unit. (Yard standards according to the applicable residential district).
- (4) All uses listed as conditional uses in Chapter 3.21 General Farming District.

(f) **Accessory Uses.**

- (1) All uses listed under Chapter 3.19.
- (2) Farm dwellings, (one- and two-family) for those resident owners and parents or children of the farm operator who earn any part of their livelihood from farm operations on the parcel. (Yard standards according to the applicable residential district).

16-3-21 A-2 GENERAL FARMING DISTRICT.

- (a) **Statement of Intent.** The intent of this district is to allow the development of small-scale farming activities characterized by the mixed crop of the traditional "family farm" along with residential growth as characterized by "hobby farms" and scattered residential development. This district can be located in those areas where the occurrence of scattered urban uses are likely to occur. However, the agricultural district is to be recognized as the dominant activity of the area. While the basic zoning district may remain A-2, the actual use of the property may be as a "farm", "hobby farm", or "residential agricultural".
- (b) **Determination of Intent.** Allowable uses within the A-2 District shall be based upon the type of agricultural use existing and proposed for the property. This determination shall be based among other things, ON ONE OR MORE OF THE FOLLOWING: occupation(s) of the owner; gross farm income of the owner based upon such things as land rental, sale of crops or commodities, or sale of livestock where documentation of said income can be provided on an official signed statement by the owner clarifying that at least part of their gross income is from a filed Federal Schedule "F"; property size; past history of the use of the property; and intent of the owner.

- (c) **Principal Uses - Farm.** All uses permitted in the A-1 "Agri-Business District" plus a one-family dwelling. Dwelling size according to R-1 District standards.
- (d) **Principal Uses - Hobby Farm.**
 - (1) All uses permitted in the A-1 "Agri-Business District", except barns, silos, and other accessory buildings shall not be permitted until the dwelling is either present or under construction, or a conditional use has been granted.
 - (2) Single family dwellings with a minimum width of 20 ft., measured from the narrowest part of the structure and containing a minimum area of 900 square feet.
- (e) **Principal Uses - Residential Agricultural.** Single family dwellings with a minimum width of 20 ft., measured from the narrowest part of the structure and containing a minimum area of 900 square feet.
- (f) **Basic District Standards - Farm.**
 - (1) Non-residential farm buildings.
 - (a) Height--Maximum--None.
 - (b) Yards.
 - Street--minimum--75 ft. from right-of-way
 - Rear--minimum--50 ft.
 - Side--minimum--15 ft. each side yard
 - Shore--minimum--75 ft.
 - (2) Residential Dwellings. Height and all setbacks according to the R-1 District standards.
- (g) **Basic District Standards - Hobby Farm.**
 - (1) Non-residential farm buildings.
 - (a) Height - same as farm.
 - (b) Yards - same as farm.
 - (2) Residential dwelling. Height and all setbacks according to R-1 district.
- (h) **Basic District Standards – Residential Agricultural.**

(1) Non-residential buildings. Height, area & all setbacks according to R-1 district only where principal structure is present or under construction otherwise prohibited.

(2) Residential dwelling. Height and all setbacks according to R-1 district.

(i) **Garage Standards.**

(1) Garages shall be allowed as an accessory use where the residential dwelling is present or under construction. Garage size, height, and location shall be determined by either the R-1 (single family) or R-3 (duplex) accessory standards as may be applicable.

(j) **Conditional Uses.**

(1) Farm.

(a) All uses specified under Chapter 3.18

(b) All uses specified under the applicable Residential use (R-1 or R-3).

(c) Kennels (commercial) animal hospitals, commercial activities related to the farm operation which are characterized by an admission fee or sales operation normally falling within a retail commercial district as in Chapter 2.9(7).

(d) Duplexes

(e) All uses specified under Chapter 3.20.

(2) Hobby Farm.

(a) All conditional uses specified under 3.21.

(b) All uses specified under 3.20

(c) Non-residential farm buildings where no house is present.

(3) Residential Agricultural. All conditional uses specified under Chapter 3.4 "Rural Residential District".

(4) Passive Recreation.

(k) **Accessory Uses.**

- (1) Farm. All uses specified in Chapter 3.19.
- (2) Hobby Farm. All uses specified in Chapter 3.19
- (3) Residential Agricultural. All uses specified in Chapter 3.3.

16-3-21A AGRICULTURAL DEVELOPMENT OVERLAY DISTRICT (ADO).

- (a) **Statement of Intent.** The intent of the district is to allow for certain commercial, quasi-commercial or industrial activities which may be a suitable form of development in various rural areas of the Town, cognizant of the fact that the normal commercial or industrial zoning districts typically allow for uses which are not appropriate or compatible in an agricultural setting.
- (b) **Location.** This district may only be applied to an A-1 or A-2 area.
- (c) **Development Requirements:**
 - (1) development within the ADO shall only be done by Conditional Use Permit.
 - (2) prior to submission of a Zoning Change application, the applicant shall submit a scale drawing of the proposed project to the Town for review and comment. The intent of the review is to determine tentative suitability prior to making a formal application. In addition to the submission of the scale drawing, the applicant shall prepare and submit a written statement relative to why the ADO process is more appropriate for the proposed use and shall address compatibility with all adopted land use plans that may be applicable to the site.
 - (3) unless otherwise provided, when applied to a specific area, the ADO shall require development to be designed, reviewed, approved, constructed and administered according to this section rather than the underlying, or other, district(s).
 - (4) this district shall not be applied to a parcel containing a residence.
 - (5) where applied to an A-1 (Exclusive Agricultural) District, the proposed activity shall be a “use consistent with agricultural use” as defined in Section 91.01(10), Wisconsin Statutes.
- (d) **Permitted Uses.** None.

(e) **Conditional Uses.**

- (1) all permitted uses of the A-1 and A-2 Districts, except that no residential structures shall be allowed.
- (2) all conditional uses of the A-1 and A-2 Districts
- (3) all conditional uses specified under Chapter 3.18.
- (4) mini-warehouses.

(f) **Development Standards.**

- (1) Setbacks (Principal Structures):

| | |
|---------|-----------------------|
| Street: | 50' minimum |
| Rear: | 50' minimum |
| Side: | 25' each side minimum |
- (2) Setbacks (Accessory Structures). All accessory structure setbacks shall be as determined and required by Conditional Use Permit approval.

(g) **Procedural Standards.**

- (1) Standards for review and approval shall be governed by Chapter 4.
- (2) Conditions of approval may be used by an approval authority to achieve the type of development that will be most compatible with its intended location.
- (3) Unless otherwise noted in this section, conditions of approval may provide alternate standards, either more or less restrictive than those prescribed in other sections of the ordinance.
- (4) Conditions that address items such as, without limitation, increased setbacks; vegetative screening; landscaping; lighting type, height, location and shielding; impervious surfaces; signage, including style, location, and lighting; parking; architectural control such as building appearance or type of construction; construction commencement and completion dates; fencing type, location, and height; may be required by an approval authority upon its finding that these conditions are necessary to fulfill the purposes of this section.
- (5) Setback provisions of this section may only be increased, not decreased.

- (6) The provisions of the Stormwater Ordinance pertaining to erosion control and stormwater management shall remain in effect and shall not be modified by this section.

16-3-22 INDUSTRIAL CONDITIONAL USES.

Industrial conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval - if there is approval - all in accordance with Section 4.0 of this Ordinance. In addition to those stated under Sec. 2.9 (4), the following shall be conditional uses in all industrial districts of this Ordinance:

- (a) Public passenger transportation terminals, except airports, airstrips and landing fields, provided all principal structures and uses are not less than three hundred (300) feet from any Residential district boundary.
- (b) Animal hospitals provided all principal structures and uses are not less than three hundred (300) feet from any Residential, Business, or, Agricultural use.

16-3-23 INDUSTRIAL ACCESSORY USES.

In addition to those accessory uses and standards specified under Sec. 2.9 (2) and 3.3, the following accessory standards shall apply in Industrial districts:

- (a) Security fences are permitted on the property line, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or chain link fencing - unless other specified by the conditional use permit.
- (b) Outdoor lighting installations are permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties, and shall meet all state electrical codes with height not to exceed 25 ft.
- (c) Signs are permitted according to Section 7.0.
- (d) Parking is required according to Section 5.0.
- (e) Storage facilities, power supply buildings and other uses normally supportive of the Principal Use.

16-3-24 M-1 LIGHT INDUSTRIAL AND OFFICE DISTRICT.

- (a) **Statement of Intent.** The intent of this district is to provide for the development of so-called "clean" industrial employment centers within the immediate vicinity of

residential neighborhoods. As with any activity which draws users from beyond the immediate population which surrounds it, suitable traffic routes and parking facilities must be integral to the location and plot plan design of the district.

(b) **Principal Uses.** The following and similar uses are permitted subject to approval by the Planning and Zoning Committee as to location and operations (provided there is no outside storage of equipment or products):

- (1) General, clerical and professional offices.
- (2) Research and testing laboratories, schools and training centers.
- (3) Cleaning, pressing and dyeing establishments.
- (4) Commercial greenhouses.
- (5) Wholesalers and distributors.
- (6) Food locker plants, cold storage warehousing, etc.
- (7) Light industrial plants such as required for production of millwork, machine tools, paper containers, light metal fabrication, and similar small industries.
- (8) Manufacture, fabrication, packing, packaging, processing & assembly of confections, cosmetics, electrical appliances, electronic devices, foods (except garbage, fish and fish products, meat and meat products, and pea vineries), instruments, jewelry, pharmaceuticals, tobacco, and toiletries.
- (9) Manufacturing and bottling of non-alcoholic beverages.
- (10) Painting, printing, publishing establishments.
- (11) Commercial bakeries and trade and contractor's offices.

(c) **Basic District Standards.**

- (1) Building.
Height--Maximum--45 ft.
- (2) Accessory Building.
Height--Maximum--30 ft.
- (3) Yards.
Street--Minimum--30 ft.
Rear--Minimum--25 ft.
Side--Minimum--7 ft. one side; 10 ft. other side
Shore--Minimum--75 ft.

- * The above yards apply except where any portion of the parcel is adjacent to a residential district. When adjacent to a residential district, a Building Site and Operational Plan (B.S.O.P.) must be submitted to and approved by the Planning and Zoning Committee. The B.S.O.P. is to indicate how the activities proposed on the parcel will be prevented from causing an adverse impact on adjacent residential parcels. Where the Committee determines that increased setbacks may be required, the affected setback shall not be more than the following: Street, side and rear -- 50 ft.

(d) **Approval of Building Site and Operation Plans.**

(According to Chapter 4). All structures and substantial improvements for principal uses subject to the following:

- (1) No merchandise shall be handled for sale or service rendered on the premises except such as are incidental or accessory to the principal permissible use of the premises, except for sales or service to industrial customers.
- (2) All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings.
- (3) No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any residential district.
- (4) No toxic matter, noxious matter, smoke, or gas, and no odorous or particulate matter detectable beyond the lot lines shall be emitted.
- (5) No vibration shall be detectable beyond the lot lines.
- (6) No glare or heat shall be detectable beyond the lot lines.
- (7) The storage or use of chemicals either solid, liquid or gas, shall be subject to the following conditions:
 - (a) The storage, utilization or manufacturing of materials or products ranging from incombustible to moderate burning is permitted.
 - (b) The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted providing the following condition is met:
 - (c) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior

walls and protected throughout by an automatic fire extinguishing system.

- (d) The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

(e) **Conditional Uses.** (Chapter 4)

(1) All uses specified under Chapter 3.22

(2) Outside Storage Yards.

16-3-25 M-2 HEAVY INDUSTRIAL DISTRICT.

- (a) **Statement of Intent.** The intent of this district is to provide for industrial uses often considered offensive or unique by nature. Therefore, the location of this district often requires isolation from most of the community's population or placement within an industrial park.

- (b) **Principal Uses.** The following uses and similar uses are permitted subject to approval by the Planning & Zoning Committee:

(1) All principal uses of the B-3 "General Business District."

(2) All principal uses of the M-1 "Light Industrial and Office District."

(3) Freight yards, freight terminals and trans-shipment depots.

(4) Inside storage warehouses.

(5) Breweries.

(6) Crematories.

(7) All other manufacturing, assembling, or processing not otherwise requiring Conditional Use Permit.

(8) Vehicle body shops, vehicle wholesale and auction centers, but not including the storage of junked or wrecked vehicles.

(c) **Basic District Standards.**

- (1) Building.
Height--Maximum--None.

- (2) Accessory Buildings
Height --Maximum--None
 - (3) Yards.
Street--Minimum--30 ft.
Rear--Minimum--25 ft.
Side--Minimum--7 ft. one side; 10 ft. other side
Shore--Minimum--75 ft.
- (d) **Approval of Building Site and Operation Plans.** (According to Chapter 4).
- (1) All structures and substantial improvements for principal uses.
 - (2) All such uses listed under the B-3 "General Business District."
 - (3) All such uses listed under the M-1 "Light Industrial District", except (4)(b) and (4)(g)(3).
- (e) **Conditional Uses.** (According to Chapter 4.)
- (1) All uses specified under Chapter 3.22.
 - (2) Airports, airstrips, and landing fields, provided the site area is not less than twenty (20) acres provided they meet F.A.A. requirements.
 - (3) The following and similar uses, provided such uses shall be at least six hundred (600) feet from any residential or public district:
 - (a) Manufacturing and/or processing of such items as:
 - 1) Abrasives.
 - 2) Acetylene.
 - 3) Acid.
 - 4) Alkalies.
 - 5) Ammonia.
 - 6) Asbestos.
 - 7) Asphalt.
 - 8) Batteries.
 - 9) Bedding.
 - 10) Bleach.
 - 11) Bone.
 - 12) Cabbage.
 - 13) Candles.
 - 14) Carpeting.
 - 15) Celluloid.
 - 16) Cement.

- 17) Cereals.
- 18) Charcoal.
- 19) Chemicals.
- 20) Chlorine.
- 21) Coal Tar.
- 22) Coffee.
- 23) Coke.
- 24) Condenseries.
- 25) Cordage.
- 26) Creameries.
- 27) Creosote.
- 28) Dextrine.
- 29) Disinfectant.
- 30) Dye.
- 31) Excelsior.
- 32) Felt.
- 33) Fish.
- 34) Fuel.
- 35) Furs.
- 36) Gelatin.
- 37) Glucose.
- 38) Gypsum.
- 39) Hair Products.
- 40) Ice.
- 41) Ink.
- 42) Insecticide.
- 43) Lampblack.
- 44) Lime.
- 45) Lime Products.
- 46) Linoleum.
- 47) Matches.
- 48) Meat.
- 49) Oil Cloth.
- 50) Paint.
- 51) Paper.
- 52) Peas.
- 53) Perfume.
- 54) Pickles.
- 55) Plaster.
- 56) Plaster of Paris.
- 57) Plastics.
- 58) Poison.
- 59) Polish.
- 60) Potash.
- 61) Pulp.
- 62) Pyroxylin.

- 63) Radium.
- 64) Rope.
- 65) Rubber.
- 66) Sausage.
- 67) Shoddy.
- 68) Shoe and Lampblacking.
- 69) Size.
- 70) Starch.
- 71) Stove Polish.
- 72) Textiles.
- 73) Varnish.

- (4) Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.*
- (5) Manufacturer and bottling of alcoholic beverages; bag cleaning; bleacheries; canneries; cold storage warehouses; electric and steam generating plants; electroplating; enameling; forages; foundries; garbage; incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving.
- (6) Outside storage and manufacturing areas.
- (7) Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from residential, public and semi-public districts.
 - (a) Commercial service facilities, such as restaurants and fueling stations, provided all such services are physically and saleswise oriented toward industrial district users and employees and other users are only incidental customers.
 - (b) All Conditional Uses under B-3 "General Business District."

* The storage of flammables and gasoline shall require compliance in accordance with all applicable state requirements.

16-3-26 M-3 EXTRACTION OR LANDFILL DISTRICT.

- (a) **Statement of Intent.** The intent of this district is to permit resource extraction operations as long-term transitional uses. The intent of these regulations is to minimize potential adverse effects of these uses on adjacent lands while operations

are active and to restore the site of operations to the maximum extent practicable after operations have been ceased.

(b) **Permits.** An "Extraction Permit" is required for all mineral extraction operations including those lawfully existing prior to the adoption of this section. New mineral extraction operations and expansions of lawfully existing operations shall adhere to conditional use procedures as described in Chapter 3.26 of this ordinance. As such, all mineral extraction operations including those lawfully existing prior to the adoption of this section shall adhere to the following permit requirements:

- (1) The manufacture of asphalt or concrete is only permissible where property is zoned M-2 "Heavy Industrial District" or M3.
- (2) No permit shall be issued without submittal of a plan of operation and a plan of reclamation in compliance with the standards and requirements of this section.
- (3) Any mineral extraction operation or activity conducted without a permit after 180 days of the effective date of adoption of this section shall be deemed in violation of this ordinance.
- (4) Permits shall be issued for a term of six years, renewable by request to the Town of Oshkosh, for terms of six years. Any activity conducted in compliance with a lawfully issued 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 permit.
- (5) Transfer of Permit. When an operator succeeds to the interest of another in an uncompleted site, the Town shall release the present operator of the responsibilities imposed by the permit only if:
 - (a) Both operators are in compliance with the requirements and standards of this section and;
 - (b) The new operator assumes the responsibility of the former operator's permit requirements.

(c) **Standards.** The following standards shall apply to all mineral extraction operations and activities including those operations and activities lawfully existing prior to the adoption of this section.

- (1) Standards of Operations.
 - (a) Provisions of Chapter NR 415.04 and 429, Wisconsin Administrative Code, regarding air quality emissions shall be administered by the Wisconsin Department of Natural Resources. Provisions of Chapter

ILHR 7.60 et sq., Wisconsin Administrative Code, regarding blasting shall be administered by the Wisconsin Department of Industry, Labor and Human Relations.

- (b) Roads, machinery and equipment shall be located, constructed and used in such a manner as to minimize noise, dust and vibrations.
- (c) No operations or activities may be commenced before 6:00 a.m., Monday through Saturday or continue past 6:00 p.m., Monday through Friday or 2:00 p.m. on Saturday where any residence or commercial establishment open to the public is located within 500 feet of the exterior boundary of the site. The Planning and Zoning Committee may authorize specific activities past 6:00 p.m., Monday through Friday and past 2:00 p.m., on Saturday 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. In no event shall any operation within 500 feet of a residence be authorized to conduct activities past 10:00 p.m., Monday through Friday or 7:00 p.m. on Saturdays.

(2) Setback Requirements.

- (a) 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 exterior boundary of the tract.
- (b) The Planning and Zoning Committee may authorize berm construction and related site preparation as a temporary activity, for a specific time period, to within 25 feet of any exterior boundary of the tract for sites lawfully existing before the effective date of this section. Exemptions may be authorized by the Planning and Zoning Committee for berms located closer than 25 feet from the exterior boundary of the tract for sites lawfully existing before the effective date of this ordinance.
- (c) The Planning and Zoning Committee may authorize continued vertical removal of materials to within 50 feet of the exterior boundary of the site for sites lawfully existing before the effective date of this section.
- (d) In no event shall any operations or activities, except berm construction and related site preparation activities, be conducted within 50 feet of any exterior boundary. In exercising their authority under this subsection, the Planning and Zoning Committee may

attach reasonable conditions including but not limited to more stringent hours of operation, landscaping, and fencing.

- (e) The Planning & Zoning Committee may authorize a reduction in the 200' or 50', setback requirement where the extraction will not go below either the grade of the adjacent road, or the adjoining property line, and where no blasting is required. In applying the provisions of this section, the Committee may reduce the setbacks as deemed appropriate, and may apply other operational requirements necessary to offset any effect of the reduced setback.
 - (f) Two adjacent extraction sites may have a zero foot setback on the common lot line, or line between sites, provided both operators agree in writing.
- (d) **Conditional Uses.** New mineral extraction operations, expansions of lawfully existing operations, and bio-remediation or other similar sites shall be a conditional use in M3 Zoning District only. Conditional use procedures, as described in s. 17.25 of this ordinance, shall be adhered to as well as to the requirements of this section.
- (e) **Plan of Operation.** All mineral extraction operations including those operations and activities which lawfully existed prior to adoption of this section shall prepare a plan of operation for the site which shall include the following information:
- (1) 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, showing the vertical extent of existing and proposed excavations.
- (f) **Reclamation Permit.** A copy of the approved reclamation permit required by NR 135 shall either accompany all applications or be required prior to a conditional use permit becoming issued and effective.
- (g) **Definitions.**

- (1) Expansions of Lawfully Existing Operation(s) - progression of mineral extraction operations onto a contiguous parcel or parcels of land purchased, owned or leased after the effective date of this section.
- (2) Lawfully Existing Mineral Extraction Operation - a mineral extraction operation existing before the effective date of this section, including any contiguous parcels purchased, owned or leased by the same operator before the effective date of this section and said operation and contiguous parcels are devoid of any present County permit violations at the time of adoption of this section.
- (3) Mineral Extraction Operation - Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates. Mineral aggregates shall include, but are not limited to, rock, stone, sand and gravel and other nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc. Also constituting mineral extraction operations are such related operations and activities as excavation, grading, or dredging, if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals, and related processes such as crushing, screening, scalping, dewatering and blending. Additionally, storage and stockpiling of materials produced on site only, shall constitute mineral extraction operation. The definition for Mineral Extraction Operation shall not apply to the following activities:
 - (a) Operations affecting less than 5 acres and for the exclusive use of the property owner, provided no material is removed from the property(s).
 - (b) Premining activities such as site surveying, coring, mapping and other functions necessary solely for proper preparation of the permit.
 - (c) Excavation in conjunction with utility installation, which is to be backfilled.
 - (d) Excavation in conjunction with road construction, within the limits of the right-of-way, when construction plans have been approved by the Wisconsin Department of Transportation and/or other governmental bodies.
 - (e) Excavation which by nature is of limited duration such as graves, septic tanks, and swimming pools.
 - (f) Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.

- (g) Excavation for structures, parking areas, and stripping of up to One and one half (1 ½) feet of topsoil for the development of subdivisions, following subdivision approval.
 - (h) Regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
 - (i) Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers and/or other governmental bodies.
 - (j) Ponds developed for wildlife purposes in conjunction with the Soil Conservation Service or Land and Water Conservation Department.
 - (k) Excavation related to sod farming.
 - (l) Any mining operation, the reclamation of which is required in a permit obtained under Sections 144.80 to 144.94, Wis. Stats., pertaining to metallic mining.
 - (m) Any 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 to 144.445, Wis. Stats., or a hazardous waste disposal facility under ss. 144.60 to 144.74, Wis. Stats., for the exception of mineral extraction operations conducted for the purpose of lining, capping, or covering of said disposal sites.
 - (n) Any other uses determined to be exempt by the Planning and Zoning Committee.
- (4) New Mineral Extraction Operation - A mineral extraction activity on one or more parcels that are separated by a public road or are not contiguous to a lawfully existing mineral extraction operation, including land purchased, owned or leased before the effective date of this ordinance without prior extraction activity.
- (5) Operator - any person who is engaged in a mineral extraction operation or who applies for or holds a mineral extraction permit issued under this section whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

16-3-27 WIRELESS COMMUNICATIONS FACILITIES.

- (a) **Statement of Intent.** The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The intent of this ordinance is to:

- (1) encourage the location of towers in non-residential areas and to minimize the total number of towers throughout the Town.
 - (2) encourage co-location of new and existing tower sites.
 - (3) encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal.
 - (4) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 - (5) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- (b) **Definitions.** As used in this ordinance, the following terms shall have the meanings indicated:
- (1) "Alternative tower structure" shall mean man-made 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.
 - (2) "Antenna" shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies and wireless telecommunications signals, including but not limited to directional antennas, such as panel(s), microwave and satellite dishes, and omni-directional antennas, such as whip antennas.
 - (3) "Co-location" shall mean 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.
 - (4) "FAA" shall mean the Federal Aviation Administration.
 - (5) "FCC" shall mean the Federal Communications Commission.
 - (6) "Governing authority" shall mean the governing authority of the Town of Oshkosh (Town Board, Town Planning & Zoning Committee, Town Zoning Administrator).
 - (7) "Height" shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

- (8) "Personal Communications Service (PCS)" shall mean a provider of personal wireless service facilities as now defined in Section 704 of the Telecommunications Act of 1996, 47 U.S.C. par 332, and as the same may be amended from time to time.
 - (9) "Personal Wireless Facilities" shall mean transmitters, antenna structures and other types of installations used to provide personal wireless services.
 - (10) "Preexisting towers and antennas" shall have the meaning set forth in Section 3(d) of this ordinance.
 - (11) "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.
 - (12) "Tower Site" shall mean the area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with said tower.
- (c) **Applicability.** No permit is required for the following uses.
- (1) Installing an antenna or tower on any 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 additional antenna or tower adds no more than (20) feet to the height of said existing structure.
 - (2) Public Property. Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease such antenna or tower has been approved by the Governing authority.
 - (3) Amateur Radio and Receive-Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
 - (4) Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Section 4.c. Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas".

(d) **General Provisions.**

- (1) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (2) Aesthetics; Lighting.
 - (a) Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a light gray or other neutral color, or as specified by local town requirements, so as to reduce visual obtrusiveness and blend into the natural setting and built environment.
 - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 - (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 - (e) Federal Requirements. All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal Government with the authority to regulate towers and antennas.

(e) **Conditional Uses.**

- (1) Permit. A conditional use permit is required from the Town for the following conditional uses:
 - (a) Antennas. Locating an antenna that adds more than 20 feet to the height of an alternative tower structure, including placement of additional buildings or other supporting equipment used in connection with said antenna, shall be a permitted use in all zoning districts.
 - (b) Towers. Locating a tower, including placement of additional buildings or other supporting equipment used in connection with said tower, shall be a permitted use in the B-3, B-4, B-5, M-1 & M-2 zoning districts. Construction of new towers are prohibited in residential zoning districts.
 - (c) Buildings. Buildings used for the exclusive use of housing antenna and tower equipment shall be no larger than 150 square feet per antenna.
- (2) Prohibited areas. Locating a tower in a residentially zoned area is prohibited.
- (3) Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with said tower, in zoning districts other than the permitted use zones, shall require a conditional use permit.
- (f) **Conditional Use Requirements.** Applications for conditional use permits shall adhere to the following requirements:
 - (1) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
 - (2) Information Required. Each applicant requesting a permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and scaled by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.
 - (3) Factors Considered in Granting Permits. The governing authority shall consider the following factors in determining whether to issue a permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority, concludes that the intent of this ordinance are better served thereby:

- (a) Height of the proposed tower.
 - (b) Proximity of the tower to residential structures and residential district boundaries.
 - (c) Nature of uses on adjacent and nearby properties.
 - (d) Surrounding topography.
 - (e) Surrounding tree coverage and foliage.
 - (f) Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users and reducing or eliminating visual obtrusiveness; and
 - (g) Proposed ingress and egress; and
 - (h) Availability of suitable existing towers and other structures as discussed in Chapter 7 of this ordinance.
- (4) Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (5) Accommodation of other users (Co-location).

- (a) Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least two additional users, including monopoles which shall be of sufficient height to allow co-location of at least two additional users. Lattice and guyed towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
 - (b) The holder of a permit for a tower shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit for that tower shall become null and void.
- (6) Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a special permit is required, provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the intent of this ordinance would be better served thereby.
- (a) Towers shall be set back a distance equal to the height of the tower from the property line.
 - (b) Towers, guy wires, and accessory facilities must satisfy the minimum zoning district setback requirements.
 - (c) In zoning districts other than B-3, B-4, B-5, M-1, M-2 zoning districts, towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.
- (7) Security Fencing. Towers sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.
- (8) Landscaping. The following requirements shall govern the landscaping surrounding towers, however, the governing authority may waive such requirements if the intent of this ordinance would be better served thereby. Tower sites located in the B-4 and B-5 zoning districts shall meet the requirements detailed in those sections.

- (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing.
 - (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
 - (c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
 - (d) All landscaping requirements detailed her shall be properly maintained in perpetuity.
- (g) **Removal of Abandoned Antennas and Towers.** In such circumstances, the following shall apply:
- (1) Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove said antenna and or tower including all supporting equipment, concrete or other base, and any related building(s) within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal to the satisfaction of the governing authority does not occur within said ninety (90) days, the governing authority may remove, and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
 - (2) Financial Security for Removal. A minimum \$10,000 bond, letter of credit, or other similarly approved financial guarantee shall be filed with the Town of Oshkosh at the time of permit application and shall be maintained until the tower and tower site is removed or at a time that is mutually agreed to by the applicant or owner and the Town of Oshkosh.
 - (3) The applicant for a permit under this ordinance shall submit a copy of a signed agreement between the property owner and owner of the tower, antenna(s) and supporting equipment and building(s) detailing requirements for abandonment and subsequent removal based on the provisions of 8(a) and 8(b). Said agreement shall also identify that said agreement shall be binding on future property owner(s) and future owner(s) of a tower, antenna, and all supporting equipment and building(s).

16-3-28 WIND TURBINES.

On the issue of Wind Turbines, the Town of Oshkosh defers to Wisconsin PSC 128.

16-3-29 OVERLAY DISTRICTS.

The Town of Oshkosh refers to the Winnebago County Zoning Ordinance for the following Overlay districts.

- (a) Floodplain
- (b) Wetlands
- (c) Surface water
- (d) Airport