

ORDINANCE 2011-06

Town of Rantoul

Calumet County, Wisconsin

**Zoning Ordinance
and Zoning Map**

Adopted by the Town Board

November 28, 2011

Amended Ordinance Adopted by the Town Board

October 13, 2014

Certified by DATCP

Approved by Calumet County Board of Supervisors

Recertification by DATCP Pending

Amended Ordinance Approved by Calumet County Board of Supervisors

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SECTION 1.0 INTRODUCTION

AN ORDINANCE PROVIDING ZONING AND BUILDING REGULATIONS FOR THE TOWN OF RANTOUL, CALUMET COUNTY, WISCONSIN.

1.1 Authority

In accordance with the authority granted by Sections 60.61, 60.62, 61.35, 62.23, 91, and 295.14 of the Wisconsin Statutes and for the purpose listed in Section 62.23 (7)(c) of the Wisconsin Statutes, the Town Board of Rantoul, Calumet County, Wisconsin, does hereby ordain these zoning regulations.

1.2 Purpose and Intent

The purpose of this Ordinance is as follows:

1. To adopt minimum requirements to promote the health, safety morals, prosperity, aesthetics and general welfare of the Town.
2. To aid in implementing the Calumet County 2025 Smart Growth Plan.
3. To encourage the use of lands and natural resources in accordance with their character and adaptability by utilizing special land features, such as slope, topography, soils, vegetation, wetland areas, and wildlife.
4. To divide the Town into districts within which the location, sizes and uses of buildings and minimum open spaces shall be regulated.
5. To prohibit the use of buildings, structures, and lands that are incompatible with the intended use of this Ordinance.
6. To provide for the compatible and appropriate use of land throughout the Town.
7. To provide for the administration of this Ordinance or any of its amendments.

1.3 Abrogation and Greater Restrictions

It is not the intent of this Ordinance to repeal, impair, or interfere with any existing private covenants or public ordinances, except that it shall apply whenever it imposes more severe restrictions on land use.

1.4 Interpretation

The provisions of this Ordinance shall be interpreted and applied as minimum regulations, shall be construed in favor of the Town, and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

1.5 Severability

If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, or if the application of this Ordinance to any person or circumstances is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance that can be given effect without the invalid or unconstitutional provision or application.

1.6 Title

This Ordinance shall be known as, referred to, or cited as the "Town of Rantoul Zoning Ordinance".

1.7 Effective Date

The power to adopt a town zoning ordinance having been approved by a vote of the electors of the town held at the time of a special town meeting and a public hearing having been held regarding this Ordinance following the giving of requisite notice, the adoption by the Town Board original ordinance became effective following approval by the Calumet County Board of Supervisors and publication.

SECTION 2.0 DEFINITIONS

2.1 General Definitions

For the purposes of this ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. Any words not herein defined shall be presumed to be interpreted by their customary dictionary definitions.

2.2 Specific Words and Phrases

1. **Accessory Building.** A building or portion of a building subordinate to the main building but not a part of the main building and used for a purpose customarily incidental to the permitted use of the main building. Any minor structure with a door, walls, and roof shall be considered an accessory building.
2. **Agricultural Accessory Building.** A building or structure that is part of a farm operation or Agricultural related business that is used to keep livestock, feed, manure, digester, bio-fuels, vehicles, farm equipment, silos, farm offices, grain elevators, drying equipment or other like structures.
3. **Agricultural Use.** “Agricultural use” means any of the following:
 - A. Any of the following activities conducted for the purpose producing an income or livelihood:
 1. Crop or forage production.
 2. Keeping livestock.
 3. Beekeeping.
 4. Nursery, sod, or Christmas tree production.
 - 4m. Floriculture.
 5. Aquaculture.
 6. Fur farming.
 7. Forest management.
 8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - B. Any other use that the department, by rule, identifies as an agricultural use.
4. **Base Farm Tract.** Means one of the following:
 - A. All land, whether one parcel or 2 or more contiguous parcels, that is in a Exclusive Agricultural Zoning District and that is a part of a single farm on the date that the Department Under s.91.36a first certifies the farmland preservation ordinance covering the land or on an earlier date specified in the farmland preservation zoning ordinance, regardless of any subsequent changes in the size of the farm. Any other tract that the Department by rule defines as a base farm tract.
5. **Basement.** That portion of any structure located partly below the average lot grade.
6. **Building.** Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals or property.
7. **Building Area.** Total ground coverage in square feet of all buildings and structures including garages and other attached or accessory structures.
8. **Buildable Area of a Lot.** That part of the lot bounded by the required building setback from the front, side, and rear yard line.
9. **Building Height.** The vertical distance from the top of the building roof to the average elevation at the finished grade at the building line.
10. **Community Based Residential Facility (CBRF).** A place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment, or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident.
11. **Certified Farmland Preservation Plan.** “The Calumet County Farmland Preservation Plan”.
12. **Certified Farmland Preservation Zoning District.** Ownership by the same person or persons, or by a legal business entity that is wholly owned by the same person or persons.

13. **Common Ownership.** Includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
14. **Contiguous.** Adjacent to or sharing a common boundary. This includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point. **“Only applies for the purpose of defining Base Farm Tract.”**
15. **DATCP.** An abbreviation for the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
16. **Density.** Number of living units per acre allowable under the schedule of district regulations.
17. **Department.** Means the Department of Agriculture Trade and Consumer Protection.
18. **Family.** Any number of persons related by blood, adoption, or marriage living together in one dwelling as a single housekeeping entity.
19. **Farm.** Means all land under common ownership that is primarily devoted to agricultural use.
20. **Farm Acreage.** For use in Section 5.3(3). Farm Acreage is the remaining acreage in farm use within the base farm tract at the time of the calculation. If portions of the base farm tract are no longer in farm use at that point in time, their acreage must be subtracted from the original base farm tract acreage before carrying out the ratio calculation. This subtracted acreage could include lots now having nonfarm residences on them, acreage split off for some other nonfarm use, etc.
21. **Flag Lot:** The shape of a property, where the access to a road is provided along the long narrow “flag pole” (minimum 33 ft all districts and the useable land itself is the rectangular flag at the end of the “flag pole”. (150 ft in all districts.)
22. **Hobby Farm.** A non-commercial farm operation with animals and agricultural crop production, the income from which is incidental to the total household income.
23. **Home Business.** A gainful occupation conducted by members of the family and no more than two non-family members only, or on the same lot, or within the residence or an accessory building where the space used is incidental to the residential use and no article is sold or offered for sale except such as is produced by such home business.
24. **Home Occupation.** A gainful occupation conducted by members of the family only within their place of residence where the space used is incidental to the residential use and no article is sold or offered for sale except such as is produced by such home occupation.
25. **Junk/Salvage Yard.** Any land or structure where waste or scrap materials including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, glass, and inoperable vehicles or appliances, are bought, sold, exchanged, stored, bailed, packed, disassembled or hauled for compensation.
26. **Livestock.** For use in determining compliance with Wis. Stat. Chapter 91 Farmland Preservation, livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, came lids, ratites and farm-raised fish.
27. **Lot.** For the purposes of this ordinance a lot shall be defined as a parcel of land intended for a principal structure and its accessory structures and are placed together with the required open spaces; provided that no such parcel shall be bisected by the public road, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for road purposes shall be included in the computation of lot size for the purposes of this ordinance.
28. **Lot Line, Front.** The lot line that fronts on the right-of-way line for a public or private road.
29. **Lot Width.** The distance between side lines of the lot measured at the front yard setback line.
30. **Maintenance Repairs.** Any work necessary to continue present use and upkeep of structure. If work involves replacement of materials, new material must be of comparable substance, style, use and proportional value as that being replaced.
31. **Manufactured Home.** A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425. (mobile home) s.101.91(2)
32. **Modular Home.** Any structure or component thereof which is intended for use as a dwelling.
 - A. Is of closed construction and fabricated or assembled on-site or off-site in a manufacturing facility for installation, connection, or assembly and installation at the building site.

- B. Is a building of open construction which is made or assembled in a manufacturing facility away from the building site for installation, connection or assembly and installation, on the building site and for which certification is sought by the manufacturer? S101.71 (6)(a)
- 33. Minor Structure.** Any small, portable accessory, structure or constructions, such as birdhouses, tool houses, ice shanties, pet houses, play equipment, and arbors. Also, walls and fences under four feet in height.
- 34. Non-farm Residential Acreage.** Means the total number of acres of all parcels on which non-farm residences are located.
- 35. Nonconforming Lot.** Lots created prior to the effective date of this ordinance, which in its most recent configuration does not contain sufficient area and/or width to meet the criteria of this ordinance.
- 36. Nonconforming Structure.** A building or premises lawfully used, occupied, or erected at the time of the passage of this ordinance or amendments thereto, which does not conform to the regulations of this ordinance with respect to width, height, area, yard, parking, loading, or distance requirements.
- 37. Nonconforming Use.** The use or occupancy of a building or premises, which is lawful at the time of the enactment of this ordinance or amendment thereto, but which use or occupancy does not conform to the provisions of this ordinance or any amendments thereto.
- 38. Nonmetallic Mining/Nonmetallic Mining Operation.** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates, such as stone, sand, gravel, and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc and topsoil operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals, and related processes such as crushing, screening, scalping, dewatering and blending.
- 39. Open Space Parcel.** A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
- 40. Person.** An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- 41. Prime Farmland.** Any of the following:
- A. An area with a Class I or Class II land capability classification as identified by the natural Resources Conservation Service of the United States Department of Agriculture.
 - B. Land, other than land described in par. 1. that is identified as prime farmland in the Calumet County Farmland Preservation Plan.
- 42. Principal Building.** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.
- 43. Professional Home Office.** Residences of real estate agents, insurance agents, clergyman, lawyers, artists, authors and other similar professions for the conduct of business activities. Such professional office shall not exceed 25% of the floor area of the residence and no more than one non-resident person shall be employed.
- 44. Residence, Farm.** Any of the following structures that is located on a farm:
- A. A single-family or duplex residence that is the only residential structure on the farm.
 - B. A single-family or duplex residence that is occupied by any of the following:
 - 1. An owner or operator of the farm.
 - 2. A parent or child of an owner or operator of the farm.
 - 3. An individual who earns more than 50 percent of his or her gross income from the farm.
 - 4. A migrant labor camp that is certified under s. 103.92.
- 45. Residence, Nonfarm.** A single-family or multi-family residence other than a farm residence.
- 46. Residential Cluster, Nonfarm.** The grouping of lots for the purpose of development of nonfarm residences whereby the lots are contiguous, on nonprime farmland or other site deemed unsuitable for agricultural production or of limited agricultural value by the Plan Commission.
- 47. Road.** All property dedicated or intended for public or private road purposes or subject to public easements.
- 48. Road Right-of-Way Line.** The dividing line between a lot, trail, or parcel of land and an abutting road.

- 49. Shore Lands.** Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater.
- 50. Structure.** Anything constructed or erected, the use of which required a more or less permanent location on the ground.
- 51. Structural Alteration.** Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders or any substantial change in the roof structure or in the exterior or interior walls.
- 52. Use, Accessory.** A use customarily incidental to the principal use and on the same lot as the principal use.
- 53. Use, Conditional.** A "conditional use" is a use which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use. It is allowable only after the issuance of a conditional use permit by the Town of Rantoul Plan Commission.
- 54. Use, Permitted.** A use that may lawfully be established in a particular district or districts provided it conforms to all requirements, regulations, and standards of such district. A permitted use does not mean a permit is needed unless the permitted use involves setbacks, lot coverage or if a building permit is required.
- 55. Use, Principal.** The primary use of a property or structures.
- 56. Variance.** A departure from the term of ordinance as applied to a specific building, structure, or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this ordinance for the district in which such building, structure or parcel of land is located, when the board finds that a literal application of such ordinance would result in a particular hardship to the owner as distinguished from a mere inconvenience.
- 57. Wetlands.** Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. NR 151 of the Wisconsin Administrative Code regulates Land use near wetlands.
- 58. Wind Energy Systems.** Equipment that converts and then stores or transfers energy from wind into useable forms of energy on a large, industrial scale for commercial or utility purposes. Small-scale wind systems of less than 170 feet in height with a 60-foot rotor diameter and a nameplate capacity of less than 100 kilowatts or less are exempt from this definition. Wind energy systems are exempt from height restrictions in all zoning districts. Setbacks from the property line for wind energy systems shall be a minimum of 1.1 times the height of the system.
- 59. Yard.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- 60. Yard, Front.** A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.
- 61. Yard, Rear.** A yard extending the full width of the lot, being the minimum horizontal distance between the nearest part of the main building, excluding uncovered steps, and the rear lot lines.
- 62. Yard, Side.** A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line
- 63. Zoning Administrator.** The Zoning Administrator for the Town of Rantoul or such person or firm designated by the Town Board to perform the duties of the Zoning Administrator.

SECTION 3.0 GENERAL PROVISIONS

3.1 Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the boundaries of the Town of Rantoul. In the shore land and floodplain areas under the dual jurisdiction of the Town of Rantoul and Calumet County, this ordinance and the Zoning Code of Calumet County, Wisconsin shall be in full effect and all requirements shall be met.

3.2 Compliance

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

3.3 Calumet County Ordinances

The following Calumet County ordinances may affect land regulated under this Zoning Ordinance. In a situation where the Town and County regulations conflict, the more restrictive regulations shall apply.

1. Zoning Ordinance Ch 82

Parcels in a shore land area are subject to the Calumet County Zoning Ordinance. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

2. Land Division Ordinance Ch 62

All existing, undeveloped parcels of land of record in the County Register of Deeds office, and any new land divisions or subdivisions as defined in the Land Division Ordinance of Calumet County, Wisconsin, shall conform in full with the provisions of that ordinance. No building permit shall be issued for any lot until such compliance is assured.

3. Floodplain Ordinance Ch 51

Parcels may be subject to the Floodplain Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

4. Post Construction Stormwater Management Ordinance. Ch 10-49

Parcels may be subject to the Post Construction Storm water Management Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

5. Construction Site Erosion Control Ordinance. Ch 10-27

Parcels may be subject to the Erosion Control Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

6. Environment Ordinance. Ch 18

Parcels may be subject to the Animal Waste Storage Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from the Calumet County Land and Water Conservation Department prior to the issuance of any permit under this ordinance.

7. Health and Sanitation Ordinance. Ch 30

No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without full compliance with the Sanitary Ordinance, Calumet County, Wisconsin. No building permit shall be issued until any required installation of a safe and adequate water supply and sewage disposal system is assured and a sanitary permit is issued.

8. Wind Energy Facility Ordinance. Ch 79

Parcels may be subject to the Wind Energy Facility Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

9. **County Trunk Highway Ordinance. Ch 32**

Parcels may be subject to the County Trunk Highway Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

3.4 Wetlands and Shore Lands

Known, wetlands, streams, rivers, and lakes are shown on the Town of Rantoul's Zoning Map. Land use in or near these areas are or may be regulated by the Calumet County Zoning Ordinance. Landowners that are considering applying for a Zoning Permit should consult the Zoning Map to make an initial determination as to whether or not there are wetlands, streams, rivers, and/or lakes on or near their property. Landowners are cautioned that the mapping of these features is general in nature, and that a conclusive determination can only be made through an on-site visit by Calumet County and or Wisconsin Department of Natural Resources staff.

SECTION 4.0 ZONING DISTRICTS

4.1 Establishment

For the purpose of this Ordinance, the following primary use district is hereby established with the Town of Rantoul.

- (1) EA Exclusive Agricultural
- (2) GA General Agricultural
- (3) NA Natural Area
- (4) SER Small Estate Residential

4.2 Official Zoning Map

A certified copy of the official zoning map is adopted and approved with the text of this Ordinance. Said map and any certified amendments or changes thereto are as much a part of this Ordinance as this text and shall have full force and effect on the adoption of this Ordinance. The boundaries of the zoning districts enumerated in Sec. 4.1 are hereby established as shown on the Official Zoning Map of the Town of Rantoul, Calumet County, Wisconsin, adopted and incorporated herewith by reference. The Official Zoning Map shall be on file and available for public inspection at the office of the Town Clerk, Town of Rantoul, or the office of the zoning administrator. The Official Zoning Map shall be revised upon the approval of any zoning map amendment requests. The official zoning is also available on line at www.townofrantoul.com.

4.3 Interpretation of District Boundaries

When uncertainty arises concerning the boundaries of the zoning district, the following rules shall apply:

1. Where district boundaries are depicted as approximately following the centerlines of streets, highways, or road right-of-way lines, or centerlines of streams or drainage ways, such center, road right-of-way lines shall be constructed to be such boundaries.
2. Where district boundaries are depicted as approximately following lot lines, such lot lines shall be constructed to be such boundaries.
3. Where district boundaries are depicted as running parallel to centerlines of streets, highways or road right-of-way lines, such parallel lines shall be constructed to be such boundaries at a distance from the centerlines that fulfills the intent of drawing such lines.

4. Where boundaries do not follow property lines and distances are not specified, boundaries shall be reviewed and interpreted by the Town of Rantoul plan commission and the Town of Rantoul Board.

4.4 Uses Regulated

No building, structure or use of land shall hereafter be initiated or altered except in conformity with the regulation specified for the district in which it is located. Uses not specified in this Ordinance may, nonetheless, be allowed by the Plan Commission and the Town of Rantoul Board after application for a land use permit, only if such uses are substantially similar in character to specific permitted or conditional uses in the applicable district.

SECTION 5.0 EA – Exclusive Agricultural Zoning District

The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland, allow participation in the state's farmland preservation program, and accommodate changing practices in the agricultural industry, subject to appropriate standards.

5.1 Permitted Uses

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
5. Floriculture.
6. Aquaculture.
7. Forest management.
8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
9. Agriculture-related uses, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purposes.
 - A. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the Exclusive Agricultural Zoning District.
 - B. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the Exclusive Agricultural Zoning District.
 - C. Slaughtering livestock, including livestock from farms in the Exclusive Agricultural Zoning District.
 - D. Marketing livestock to or from farms, including farms in the Exclusive Agricultural Zoning District.
 - E. Processing agricultural by products or wastes received directly from farms, including farms in the Exclusive Agricultural Zoning District.
 - F. A facility used to raise livestock for other farm operations.
 - G. Silos, bunker silos or feed storage pads.
 - H. Any other use that DATCP, by rule, identifies as an agricultural use.
10. An activity or business operation that is an integral part of or incidental to, an agricultural use and conducted on a farm.
11. A new farm residence, including normal residential appurtenances.
12. Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under s.91.46 (1) (e), Wis.Stats.
13. Undeveloped natural resource and open space areas.
14. A business, activity, or enterprise, whether or not associated with an agricultural use, and is

conducted on a farm, which meets all of the following requirements:

- A. It is conducted by the owner or operator of that farm.
 - B. It requires no buildings, structures, or improvements other than those described in par. 11. or 5.2.1
 - C. It employs no more than four full time employees annually.
 - D. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
15. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use including wind energy systems that are exempt from the Calumet County Wind Energy ordinance. Ch 79.
16. Existing residences, regardless of occupancy (Farm or Nonfarm), existing as of January 1, 2014: Provisions of 5.3-3.C. should be followed when a residence is being separated.

5.2. Permitted Accessory Uses

1. A building, structure, or improvement on a farm that is an integral part of, or is incidental to, an agricultural use. This may include:
 - A. A facility used to keep livestock on the farm.
 - B. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - C. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - D. A manure digester, bio-fuel facility, small scale energy systems (1.5 x height of tower set back from property line), solar systems or other facilities that produce energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - E. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
2. Any other use that DATCP, by rule, identifies as an accessory use.

5.3 Conditional Uses

1. Livestock Facilities housing more than 500 animal units of cattle, poultry, swine, sheep, or goats or any other animal confinement facilities housing other types of animals (e.g. mink). Complying with s. 93.90
2. Governmental, institutional, religious, or nonprofit community uses that qualify under Wis. Stats. 91.46 (5).
3. New (After January 1, 2014) nonfarm single family, duplex residences, manufactured homes, modular homes and moved homes if all of the following apply:
 - A. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is located will not be greater than 1 to 20 after the residence is constructed.
 - B. There will not be more than 4 dwelling units in nonfarm residences, nor, for a new residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed.
 - C. The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:
 - a. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.

- b. Significantly impair or limit the current or future agricultural use of other protected farmland.
- D. A new nonfarm residential parcel shall be in accordance with the density standards and requirements of the Calumet County Land Division Ordinance.
- 4. Nonfarm residential clusters if all of the following apply:
 - A. The parcels on which the nonfarm residences would be located are contiguous.
 - B. When all of the proposed nonfarm residences are constructed, each must satisfy the requirements for a nonfarm residence under sub. (3).
- 5. **DELETED**
- 6. Non-metallic mineral extraction that qualify under Wis. Stats. 91.46 (6).
- 7. Oil and gas exploration or production that is licensed by the Department of Natural Resources under such. II of Ch. 295, Wis. Stats
- 8. **DELETED**
- 9. Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under Wis. Stats. 91.46 (4).

5.4 **Standards**

- 1. **Residential density on newly created lots:** The more restrictive of the following shall apply:
 - A. For parcels that are not part of a base farm tract on the date of adoption of this ordinance and are on 20 acres or less, one single-family dwelling unit or one duplex-dwelling unit per parcel.
 - B. For parcels that are not part of a base farm tract on the date of adoption of this ordinance and are greater than 20 acres, two single-family dwelling units or two duplex-family dwelling units per parcel.
 - C. For parcels that are part of a base farm tract, the ratio of density standard in 5.3.3.A and 5.3.3.B
- 2. **Minimum lot area:** One (1) acre for all uses.
- 3. **Minimum lot width:** 150 feet.
- 4. **Maximum Height:** Residence-35ft. Agricultural Structures – no limit.
- 5. **Maximum Height:** Accessory Building 35 ft. Agricultural accessory structure, no limit.
- 6. **Flag lot width at road right-of-way:** 33ft.
- 7. **Front yard setbacks:** 83 feet from the center line of road and 50 feet from right-of-way, for all structures.
- 8. **Flag lot set back** 50 feet from front of the lot at the minimum lot width.
- 9. **Rear Yard Setbacks** 25 feet for all structures.
- 10. **Side yard setbacks:** 25 feet for all structures.
- 11. **Structure to Structure:** 10 feet residential structure to accessory structures. No requirements for all other structures.
- 12. **Accessory building setbacks:** Buildings that do not contain livestock, 10 feet side and rear yard for accessory buildings of 400 square feet or less, never less than 1.1 times the height of the side wall of the structure that abuts the lot line. All other accessory buildings larger than 400 sq. ft must follow #7-8-9 above.
- 13. **Structures Prohibited in setbacks:** See Section 9.5 Pg. 21.
- 14. **Structures Permitted in setbacks:** See Section 9.6 Pg. 21.
- 15. **Lakes or navigable Streams:** Calumet County Shore Land Zoning Ordinance.

Section 6.0 GA – General Agricultural

The purpose of this district is to promote an area for uses of a generally agricultural nature on lands of good agricultural quality. Properties that were once active farms and still have farm homesteads which are used primarily as residences and the land is still used for crop land or cash cropping. Also homesteads created on larger parcels.

6.1 Permitted Uses

1. Agricultural uses and general farming.
2. Agricultural or garden equipment, feed and supply sales dealers.
3. Greenhouses.
4. Crop or forage production.
5. Keeping livestock. (500 animal units or less).
6. Home businesses and occupations.
7. Professional home offices.
8. Single and duplex-family farm and non-farm residences, manufactured homes, modular homes and moved homes.
9. Small scale wind energy systems. (1.1-x height of tower set back property line)
10. Solar systems.
11. Telephone and electrical power transmission lines and necessary accessory structures.
12. Woodlots, forest management, tree farms, nursery, sod or Christmas tree production.
13. Aquaculture.
14. Floriculture.
15. Horse stables, riding stables or riding schools.
16. Private swimming pools located on the same lot as the principal residential structure.
17. Unattached private garages and accessory buildings.
18. Roadside stands, one (1) per operating farm, for on-premise sales of farm products produced thereon.
19. Agricultural and non Agricultural Construction firms, offices, construction equipment and materials storage.
20. A facility used to raise livestock for other farm operations.
21. Silos, bunker silos or feed storage pads.

6.2 Conditional Uses

1. Aircraft landing field, hangar, or accessory structures
2. Agricultural repair, automobile repair shops, small engine repair shops, including shops for general mechanical repairs, welding, body repair and tire repair, and specialized automobile repairs, such as electrical, battery, or radiator repair, glass replacement or repair, carburetor repair, wheel alignment, rebuilding, retreading, recapping, vulcanizing or manufacturing of tires.
3. Bed & Breakfast
4. Cemeteries
5. Churches and their affiliated uses.
6. Commercial animal kennels, breeding activities, dog grooming and boarding.
7. Day care facility not done as a home occupation from a residence.
8. Golf courses miniature golf, golf driving range.
9. Agricultural and non agricultural junk or salvage yards.
10. Mini-warehousing and nonagricultural related storage facilities.
11. Non-metallic mining, including processing and storage.

12. Off-road race courses for motorcycles, small recreational vehicles, automobiles and trucks.
13. Processing of agricultural products such as but not limited to by specific enumeration, canning, dairy processing, livestock butchereries, livestock sales facilities or grain ethanol production.
14. Public/Municipal buildings, recreational or community center buildings and grounds public parks, trails, and recreation areas.
15. Public and private schools
16. Refuse disposal sites, dumping grounds, sanitary landfill operations or similar uses; provided that such uses comply with solid waste disposal standards and pollution control requirements of the State of Wisconsin
17. Resorts, tourist cottages or cabins, commercial camping, ski lodges, group camps, paint ball facility, and similar facilities.
18. Sportsmen's clubs and related activities to include, but not limited to; rifle ranges, field shooting, archery range and the authorized raising of small game.
19. Taverns, banquet halls, adult entertainment establishments and sports bars. Telecommunication antennas and towers.
20. Temporary & permanent storage and mixing of cement, asphalt, or road oils.
21. Utility installations, including public utility buildings and structures for gas, water and electrical service, telephone exchanges, transformer stations, substations, power generating plants including storage of equipment vehicles
22. Veterinary offices and facilities, and/or boarding facilities for domestic animals.
23. Wastewater and/or sewage treatment facilities.
24. Commercial wind energy systems

6.3 **Standards**

1. **Residential density of newly created lots:**
 - A. **One single-family dwelling unit or one two-family dwelling unit** per each parcel that is 1 Acre or less as of the date of the adoption of this ordinance.
2. **Minimum lot area:** One (1) acre for all uses.
3. **Minimum lot width:** 150 feet.
4. **Maximum Height:** Residence-35ft. Agricultural Structures, Non-commercial wind energy systems no limit. (1.1-x height of tower set back property line)
5. **Maximum Height:** Accessory structure 35ft. Agricultural Structures – no limit
6. **Flag lot width at road right-of-way:** 33ft.
7. **Front yard setbacks:** 83 feet from the center line of road and 50 feet from right-of-way, for all structures. Flag lot set back 50 feet from front of the lot at the minimum lot width.
8. **Rear Yard Setbacks** 25 feet for all structures
9. **Side yard setbacks:** 25 feet for all structures.
10. **Structure to Structure:** 10 feet residential structure to accessory structures. No requirements for all other structures.
11. **Accessory building setbacks:** Buildings that do not contain livestock, 10 feet in the side and rear yard for accessory buildings of 400 square feet or less, never less than 1.1 times the height of the side wall of a structure that abuts the lot line. All other accessory buildings larger than 400 sq. ft. must follow #7-8-9 above.
12. **Structures Prohibited in setbacks:** See Section 9.5 Pg. 21.
13. **Structures Permitted in setbacks:** See Section 9.6 Pg. 21.
14. **Lakes or navigable Streams:** Calumet County Zoning Code.

Section 7.0 (NA) - Natural Areas

The primary purpose of this district is for uses compatible with protecting, preserving and enhancing the lakes, rivers, wetlands, floodplains and other significant natural areas within the Town of Rantoul, such as wooded areas of environmental importance, archaeological sites of significant importance or other areas of which the public has interest in preserving. Uses and structures may be subject to shore land-wetland and floodplain regulations prescribed by Calumet County, where applicable. Wetlands are regulated by the Wisconsin Department of Natural resources.

7.1 Permitted Uses

1. Agricultural use provided no farm buildings are constructed;
2. Harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.
3. Hiking trails, bridle paths and walkways, including those built on pilings;
4. Hunting preserves and hunting blinds;
5. Nonresident buildings used solely in conjunction with the raising of waterfowl, fish or other wetland or aquatic animals;
6. Parks, picnic areas, golf courses and similar uses;
7. Sustained yield forestry;
8. Telephone and electrical power transmission lines;
9. Wildlife ponds.

7.2 Conditional Uses (Unless Further Restricted by 7.4)

1. Greenhouses with no on-site retail sales.
2. Sportsmen's clubs.
3. Farm related residences.
4. Single family residences.
5. Filling, drainage or dredging;
6. Relocation of any watercourse;
7. Removal of topsoil or peat;
8. Utility buildings and related structures
9. Other uses described in the Calumet County Zoning Code 82-24.

7.3 Shore Land Zoning In (NA)

1. All Uses whether Permitted Uses or Conditional Uses could possibly be in a Flood Plain, or Shore Land Zoning area or the Department of Natural Resources (DNR) jurisdiction.
2. Zoning Permits may be obtained from Calumet County Planning and Zoning Department.

7.4 Wetlands

Land use in wetlands is regulated by NR 151 of the Wisconsin Administrative Code. Wetland maps provided by the DNR are only an approximate guide. A conclusive determination of their location can only be made through an on-site visit by a WDNR certified wetland specialist and verified by a Department of Natural Resources staff. Wetlands are an overlay on the Town of Rantoul Zoning map. The zoning that exists under the overlay is the zoning that applies to that parcel of land. (i.e.... DNR-Calumet County-EA-GA-SER or both).

7.5 Standards

1. Residential density for newly created lots.
2. One single-family dwelling unit or one two-family dwelling unit per each existing parcel that is 1

acre or less as of the date of the adoption of this ordinance.

3. **Minimum lot area:** One (1) acre for all uses.
4. **Minimum lot width:** 150 feet.
5. **Maximum Height:** Residence-35ft. Agricultural Structures – no limit.
6. **Maximum Height:** Accessory structures, 35 feet.
7. **Flag lot width at road right-of-way:** 33ft.
8. **Front yard setbacks:** 83 feet from the center line of road and 50 feet from right-of-way, for all structures. Flag lot set back 50 feet from front of the lot at the minimum lot width.
9. **Rear Yard Setbacks** 25 feet for all structures.
10. **Side yard setbacks:** 25 feet for all structures.
11. **Structure to Structure:** 10 feet residential structure to accessory structures. No requirements for all other structures
12. **Accessory building setbacks:** Buildings that do not contain livestock, 10 feet in the side and rear yard for accessory buildings of 400 square feet or less, never less than 1.1 times the height of the side wall of a structure that abuts the lot line. All other accessory buildings larger than 400 sq. ft must follow #7-8-9 above.
13. **Structures Prohibited in setbacks:** See Section 9.5 Pg. 21.
14. **Structures Permitted in setbacks:** See Section 9.6 Pg. 21.
15. **Lakes or navigable Streams:** Calumet County Zoning Code.

Section 8.0 SER – Small Estate Residential

The purpose of this district is to provide for single-family residential and planned residential development on smaller lots at a slightly higher density. The district is intended for residential areas located near the borders of urban areas that are beginning to convert from undeveloped land to residential uses.

8.1 Permitted Uses

1. Single Family dwellings, moved home, modular home, and manufactured home on a permanent foundation.
2. Duplexes, two family dwellings.
3. Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided that no such accessory buildings may be used as dwelling unit.
4. Telephone and electrical power transmission lines and necessary accessory structures.
5. Home Businesses when such occupations are incidental to the residential use of the premises and do not involve any exterior alteration that would result in a substantial change in the residential character of the building; provided further that no article is sold or offered for sale that is not produced by such home occupation;
6. Home Occupation.
7. Hobby Farms.

8.2 Conditional Uses

1. Bed and breakfast establishments;
2. Churches; cemeteries;
3. Golf courses and driving ranges
4. Governmental and cultural uses such as fire and police stations, community centers, libraries, parks and playgrounds;
5. Group living facilities; CBRF'S

6. Multi-family dwellings;
7. Planned unit development;
8. Public, parochial and private elementary and secondary schools;
9. Any similar use subject to the approval of the Plan Commission and subsequent approval of the Town of Rantoul Board.
10. Small-scale wind systems. (1.1-x height of tower set back property line)
11. Solar systems.

8.3 **Standards**

1. **Residential density:** One single-family dwelling unit or one two-family dwelling unit per each existing parcel that is 1 acre or less as of the date of the adoption of this ordinance.
2. **Minimum lot area:** One (1) acre for all uses.
 - A. The minimum lot size to establish a farm Operation and/or house livestock is 5 acres, for all newly created lots.
3. **Minimum lot width:** 150 feet.
4. **Maximum Height Principal Building:** 35ft-3 stories.
5. **Maximum Height Accessory Building:** 20 feet
6. **Maximum Accessory building square feet.** 3000 Square Feet. All accessory buildings square footage combined.
7. **Flag lot width at road right-of-way:** 33ft.
8. **Front yard setbacks:** 83 feet from the center line of road and 50 feet from right-of-way, for all structures. Flag lot set back 50 feet from front of the lot at the minimum lot width.
9. **Rear Yard Setbacks** 25 feet for all structures.
10. **Side yard setbacks:** 25 feet for all structures.
11. **Structure to Structure:** 10 feet residential structure to accessory structures. No requirements for all other structures.
12. **Accessory building setbacks:** Buildings that do not contain livestock, 10 feet in the side and rear yard for accessory buildings of 400 square feet or less. Never less than 1.1 times the height of the sidewall of a structure that abuts the lot line. All other accessory buildings larger than 400 sq. ft must follow # 8-910 above.
13. **Structures Prohibited in setbacks:** See Section 9.5 Pg. 21.
14. **Structures Permitted in setbacks:** See Section 9.6 Pg. 21.
15. **Lakes or navigable Streams:** Calumet County Shore Land Zoning Ordinance.

SECTION 9.0 **STANDARDS**

9.1 **Standards Applicable in Districts**

Standards such as setback, lot size and other dimensional requirements applicable to the various zoning districts are indicated, by district, in 4.0 Zoning Districts and Maps of this ordinance. Standards listed for each zoning district shall apply to permitted, accessory, and conditional uses in that district unless otherwise specified.

9.2 **Building and Lot Requirements**

1. All applicable State and Federal Codes shall apply to construction within the Town.
2. No lot shall have more than one principal residence or use unless otherwise specified in this ordinance
3. Agricultural buildings can be considered the principal use on a property. There is no limit to the number of principal Agricultural Buildings on a property as long as they conform to set backs in this ordinance.

4. All newly created lots shall abut upon a public road and have direct access to the public road.
5. All newly created lots shall have a minimum size of one acre and meet the density requirements of the zoning district that it is located in. The minimum lot size to establish Operation and/or house livestock is 5 acres which applies only to newly created lots in the SER-Small Estate Residential Zoning District.
6. In no case shall more than 30% of any lot be covered by buildings. Wooden decks with non pervious surface under shall not be figured in the 30%. Decks of poured concrete shall be counted in the 30% lot coverage.
7. Flag lot width at road right-of-way: 33ft.

9.3 Yard Requirements

1. In the case of a corner lot which abuts any two (or more) roads, the frontage upon which the main entry of a principal building faces shall be deemed "front yard" and shall meet the required front yard setback. The other frontage(s) shall be deemed the "side yard(s)" and the minimum setback shall be sixty (60) percent of the required front yard setback for the same lot.
2. Every part of the required area of a yard shall be open and unobstructed except for permitted accessory buildings and the ordinary projections of sills, cornices and ornamental features. Fire escapes may project into a required yard area not more than five feet.

9.4 Vision Clearance Triangle

No structure in excess of 3 feet in height, vehicle, or object of natural growth, except annually harvested crops that are not trees, shall be located in a vision clearance triangle as described herein. In each quadrant of any public road intersection or road-railroad intersection, there shall be a vision clearance triangle bounded by the road (and/or track) centerlines and a line connecting points on them in accordance with the following, except no vision clearance triangle shall be required on the side of the intersection where there is 1-way traffic incapable of turning onto the intersecting street:

1. 250 feet from the centerline intersection along all railroads.
2. 250 feet from the centerline intersection along all State and/or Federal roads.
3. 200 feet from the centerline intersection along County roads.
4. Except as provided in 9.5 below, 150 feet from the centerline intersection along town roads outside a platted subdivision.
5. Except as provided in 9.5 below, 125 feet from the centerline intersection along town roads within, or bounded by, a platted subdivision.
6. For lots which are located in a platted subdivision and which are served by public sewer the vision clearance triangle shall be bounded by the intersection of the platted lot lines abutting the roads as measured 25 feet from said intersection along said lot lines.
7. No vision clearance triangle shall be required when a private road intersects with a public road or railroad.

9.5 Structures Prohibited Within Setback Lines

No new buildings, new sign, or other new structure, including cemeteries, nor any part thereof, shall be placed between the setback lines established by this ordinance and the highway right-of-way except as provided by this ordinance and no such building, sign or structure or part thereof existing within such setback lines of the effective date of this ordinance, shall be moved, except outside such setback lines, or altered, enlarged or added to in any way that increases or prolongs the permanency thereof.

9.6 Structures Permitted Within Setback Lines

1. The following kinds of structures may be placed between the setback line and the highway right-

of-way:

- A. 50% open fences less than 48 inches tall, agricultural barbed wire fences, residential fences less than 36 inches tall.
- B. Underground telephone, telegraph and energy transmission lines may be constructed within the setback lines.
- C. Underground structures not capable of being used as foundations for future prohibited over ground structures.
- D. Bus waiting shelters less than 60sq ft.
- E. Roadside produce stands less than 60 sq ft. Larger than 60 sq ft. must follow setbacks of district.
- F. Handicapped ramps or entrances.
- G. Access or service highways constructed according to plans approved by the Town Board. In giving such approval, the Town Board shall give due consideration to highway safety and maximum sight distances.
- H. This subsection shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided that no such crops, shrubbery or trees shall obstruct the view across the sectors of any intersection. In no case shall anything be allowed to be planted or constructed in the Town of Rantoul right-of-way

Section 10.0 Duties of the Zoning Administrator

The Town Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, after on-site inspection, all permits required by this Ordinance.

10.1 The Zoning Administrator shall further:

- 1. Maintain Records of all permits issued, inspections made, work approved, and other official actions. This includes sending an annual report by March 1st to DATCP and Calumet County of any farmland preservation activities.
- 2. Inspect all structures, lands, and waters to assure compliance with this Ordinance.
- 3. Investigate all complaints made relating to violations of this ordinance and the use of structures, lands, and waters; give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises; and report uncorrected violations to the Town Attorney with permission of the Town Board in a manner specified by them.
- 4. Assist the Town Attorney in the prosecution of Ordinance violations.
- 5. Access to premises and structures shall be permitted during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this Ordinance. If, however, he/she is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
- 6. Prohibit the use or erection of any structure, land or water until the Zoning Administrator has inspected and approved such use or erection.
- 7. Attend at a determined fee all meetings of the Town Plan Commission and the Town Board of Appeals.
- 8. At the request_of the Town Board, Town Board Chair, Plan Commission or Board of Appeals, present to such persons or bodies facts, records or reports that may assist them in making decisions, or assist them in any way as requested.

10.2 Zoning Permit Required

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a zoning permit from the Zoning Administrator, unless otherwise exempted pursuant to Section 10.3 of this Ordinance.

1. Applications for a zoning permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:
 - A. Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - B. Description of the Subject Site by lot, block and recorded subdivision address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - C. Location Sketch drawn as close as possible to scale showing the location, boundaries, dimensions, elevations, or where deemed appropriate by the Zoning Administrator.
 - D. Plat of Survey prepared by a registered land surveyor. The sketch or plat shall show uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and drive-ways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
 - E. A photocopy of Any Necessary Zoning Permits secured from the Calumet County Planning and Zoning Department.
 - F. A Photocopy of any Necessary Sanitary Permits secured from the Calumet County Planning and Zoning Department.
 - G. Additional Information as may be required by the Town Board, Plan Commission, or the Town Zoning Administrator or Building Inspector.
2. A Land Use Permit shall be granted or denied in writing by the Zoning Administrator within 9 working days after all the required information is provided. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. Permits shall expire twelve (12) months after issuance unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void. Building construction shall be in a location in accordance with the sketched and staked area and inspection by the Zoning Administrator, otherwise the permit shall be null and void.
3. Fees in the amount set from time to time by resolution of the Town Board for each permit.

10.3 Uses Not Requiring a Zoning Permit

No Zoning Permit shall be required for any of the following cases:

1. For Building an Accessory Building less than 200 square feet in area.
2. For Any Improvement or alteration to an existing building less than 200 square feet in area which does not effect a change in use, setbacks or lot coverage.
3. For Repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.
4. Portable Structure
5. However, any work that qualifies for an exemption under this section shall be required to comply with the applicable setback, yard, height, and other requirements set forth in this Ordinance.

10.4 Conditional Use Permit Required

See Section 11 Page 24.

10.5 Other Permits

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal agency or Calumet County. SECTION 3.3 Pg. 10.

10.6 Use Restrictions

The following use restrictions and regulations shall apply:

1. Principal Uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in the district.
2. Accessory Uses. Accessory uses and structures are permitted in any district.
3. Conditional Uses. Conditional Uses and their accessory uses are those which require review, public hearing, and approval by the Town Board in accordance with Section 11.0 the only conditional uses and structures permitted by this Ordinance shall be those enumerated in the Schedule of District Regulations.
4. Temporary Uses. Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator.

10.7 Reserved.

10.8 Violations

In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of this ordinance, the Town Board, the Town Building Inspector, in addition to any other remedies provided by law, institute appropriate action or proceedings to prevent, restrain, enjoin, correct, or abate such violations, to prevent the occupancy of buildings or structures, or to prevent any illegal act, conduct, business, or use in or about such premises.

10.9 Penalties

Any person who violates any provisions of this ordinance or any other order, rule, or regulation made hereunder shall, upon conviction, be subject to forfeitures of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, together with the costs of prosecution and attorneys' fees, and in default of payment of such amounts, shall be imprisoned in the county jail until such forfeitures are paid, but not to exceed thirty (30) days. Each day that a violation continues shall be considered a separate offense. In addition to the foregoing, the Town may seek injunctive relief and abatement orders in the event of a violation of this ordinance.

10.10 Failure to obtain a zoning permit:

Notwithstanding the provisions of section 10.9 the forfeiture for a violation consisting of commencement of work without the required zoning permit shall double.

SECTION 11.0 CONDITIONAL USES

11.1 Purpose

A "Conditional Use" is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein. Conditional Uses may be appropriate within a specific zone, provided conditions can be met that ensure no adverse effects to the Town's and immediate vicinity's health, general welfare, safety, and economic prosperity. Considerations for these uses include, but are not limited to, established character and quality of the area, general compatibility with surroundings, traffic impact and circulation, environmental impacts, the demand for related services, and the possible hazardous harmful, noxious, offensive, or nuisance effects resulting from noise, dust, smoke, or odor. It is hereby declared the policy and purpose of this ordinance to employ the Conditional Use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights.

11.2 Procedure and Meetings

The following procedure shall be followed to obtain a Conditional Use Permit:

1. Application. An owner or owner's designated agent shall complete and file a Use application form with the Zoning Administrator accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Town Board by resolution, to cover costs of public notice and administrative review. Ten copies of a scalable development plan will be required with the written application.
2. Public Hearing. After receiving the request, the Town Clerk shall refer the matter to the Plan Commission, which shall hold a public hearing advertised by a Class 2 notice.
3. Action by Plan Commission. The Plan Commission shall, within thirty (30) days of the public hearing, make a report and recommendation of approval or denial of the Conditional Use permit with any conditions it may deem appropriate to the Town Board. In making its decision, the Commission shall keep a written record of findings relative to the standards for considering a Conditional Use application as listed in 11.5.
4. Action by Town Board. The Town Board shall, within thirty (60) days of Plan Commission action, act to approve or deny the Conditional Use permit by resolution.

11.3 Application Requirements.

The applicant shall provide the following information on the Conditional Use application form:

1. Applicant and property owner's name, address, and telephone number.
2. Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use designations.
3. Description of Conditional Use being requested.
4. Written justification for the Conditional Use being requested and supporting documentation described how the applicant believes that the request conforms to the standards for Conditional Uses listed in subsection 11.5

11.4 Development Plan Requirements.

Submission of a Conditional Use permit request will need to include a site plan that has the following information:

1. North arrows, date of preparation, and scale on 8-1/2" x 11" size paper.
2. Name(s) of all adjacent or surrounding streets and right-of-way width(s) and recorded property lines and their dimensions.
3. All existing and proposed buildings and structures accessory to the principal use, including the use of each building or structure, dimensions and their locations on the parcel
4. Dimensions of existing and proposed yard setbacks for buildings and structures.
5. Dimensions of existing and proposed parking, loading and unloading areas, and size of existing and proposed driveways.
6. The location of proposed and existing signage and the location and type of all proposed and existing exterior lighting fixtures.
7. The location, height and materials of all proposed and existing fences or retaining walls
8. Other additional information that may be deemed appropriate by the Plan Commission.
9. Any additional request for information shall be the cost of the applicant. Such as Attorney fees, Engineering, or professional review costs.

11.5 Standards for Granting Conditional Use Permits.

No Conditional Use permit shall be recommended by the Plan Commission or approved by the Town Board unless it shall find that:

1. Detrimental Impact. That it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare.
2. Zoning. The proposed use conforms to the general purposes and intent of the Rantoul Zoning Ordinance.
3. Comprehensive Plan. The proposed use is consistent with the goals and objectives of the Rantoul Comprehensive Plan.
4. Traffic. Access to the property can meet access control requirements, if any.
5. Landscaping and Screening. Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed use.
6. Sanitary Facilities. The sanitary facilities will be sufficient for the intended Conditional Use being applied for.

11.6 Optional Standards for Granting Conditional Use Permits.

The Plan Commission and Town Board may require the following additional standards when approving a Conditional Use permit:

1. Increased setbacks and yard.
2. Specifications for water supply, liquid waste, and solid waste disposal facilities.
3. Sureties, operational controls, erosion prevention measures.
4. Location of the use.
5. Other requirements found necessary to fulfill the purpose and intent of this ordinance.
6. A performance bond may be required to insure compliance with such requirements.
7. Violation of these conditions shall constitute a violation of this ordinance.

11.7 Existing Nonfarm Residences in the Exclusive Agricultural Zoning District.

Any existing nonfarm residence in the Exclusive Agricultural Zoning District existing on the effective date of the adoption of this ordinance shall be deemed to have been granted approval as a conditional use under this ordinance as long as it conforms to the following:

1. The nonfarm residence was granted a building permit by the Town of Rantoul and/or The Calumet County Planning and Zoning Department prior to the adoption of this ordinance.
2. The nonfarm residence is shown on the Town of Rantoul's Land Use Plan as a residential land use.

Conditions, Guarantees and Validity Period.

The following conditions, guarantees and validity period may be imposed upon the granting of a Conditional Use permit:

1. Prior to the granting of any Conditional Use permit, the Plan Commission may recommend and the Town Board may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation as deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 11.5 and 11.6. In all cases in which conditional uses are subject to conditions, the Plan Commission may recommend and the Town Board may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).
2. Conditional Use permits shall be issued permanently or for a specified period of time as may be specified by the Town Board upon recommendation of the Plan Commission and shall be an obligation of any party to whom a property may be transferred or assigned.
3. A Conditional Use Permit shall expire if the use is discontinued for a period of twelve (12) consecutive months. If a building permit has not been obtained or the Conditional Use has not been established within (12) months of the issuance of the Conditional Use permit, the Conditional Use permit expires.
4. Any party who has been issued a Conditional Use Permit by the Town shall notify the Town, in writing, that they are seeking a continuance or extension of any Conditional Use Permit that has an expiration date as established by the Town Board. Such notification shall be submitted to the Zoning Administrator sixty (60) days prior to the Conditional Use Permit expiration date.
5. A Conditional Use permit shall become effective upon approval by the Town Board. A record of the Conditional Use permit shall be maintained by the Town of Rantoul.
6. A Conditional Use permit may be revoked by the Town Board for failure to comply with all provisions of such permit, provided that a thirty (30) days notice has been given by first class mail to the operator or owner such use of the intent revoke.

11.8 Removed

11.9 Existing Conditional Uses

Any use existing on the effective date of adoption of this ordinance, which is classified by this ordinance as a conditional use in the district in which it is located shall be deemed to have been granted approval as a conditional use under this ordinance, subject to maintaining the character and extent of such use or structure existing on that date. Any extension, enlargement or change in such use shall require approval according to the terms of this ordinance.

SECTION 12.0 NONCONFORMING USES, STRUCTURES AND LOTS

12.1 Applicability and Intent

Any use of land or structures, or any lot or structure which lawfully existed at the effective date of adoption or amendment of this ordinance which would not be permitted or permissible by the provisions of this ordinance as adopted or amended, shall be deemed nonconforming. It is the intent of this ordinance to permit such nonconformities to continue, subject to certain restrictions.

12.2 Abolishment

If a nonconforming use or structure is discontinued for a period of twelve (12) months, any future use of the land or structure shall conform to the provisions of this Ordinance.

12.3 Nonconforming Uses of Land

Where at the effective date of adoption or amendment of this ordinance a use of land lawfully exists which would not be allowed as a permitted or conditional use in the district in which it is located, such use may be continued subject to the following restrictions:

1. Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this ordinance.
2. Such use shall not be moved in whole or part to any other portions of the lot other than the portion occupied by such use at the effective date of adoption or amendment of this ordinance.
3. When such use is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a use allowed as a permitted or conditional use, a nonconforming use shall not thereafter be resumed.
4. No additional structure in connection with such use shall be erected.

12.4 Nonconforming Uses of Structures

Where at the effective date of adoption or amendment of this ordinance the use of a structure lawfully exists which would not be allowed as a permitted or conditional use in the district in which it is located, such use may be continued subject to the following restrictions:

1. No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use that is a permitted or conditional use in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this ordinance. Any nonconforming use that occupied a portion of a building not originally designed or intended for such use shall not be extended to any part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.
3. There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
4. When such use of a structure is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a permitted or conditional use, a nonconforming use shall not thereafter be resumed.
5. If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

12.5 Nonconforming Structures

At the effective date of adoption or amendment of this ordinance if a structure lawfully exists which could not be erected in the district in which it is located by reason of restriction on area or coverage, height, yards, location on the lot or other requirements concerning the structure, such structure may continue in existence subject to the following restrictions:

1. Such structure shall not be altered in any manner, which would increase the degree of nonconformity.
2. If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, , mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

12.6 Nonconforming Characteristics of Use

If characteristics of use such as lighting, parking, noise or other matters pertaining to the use of land, structures and premises are made nonconforming by the provisions of this ordinance as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

12.7 Nonconforming Lots of Record

In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership, and provided all other requirements for the district are met.

If two or more lots, or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this ordinance, the lands involved shall be considered to be in individual parcel for the purposes of this ordinance, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.

12.8 Casual, Temporary, or Illegal Use

The casual, temporary, or illegal use of land or structures, or land structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

12.9 Repairs and Maintenance

Nothing in this ordinance shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.

SECTION 13.0 BOARDS OF APPEALS

13.1 Establishment

There is hereby established a Board of Appeals for the Town of Rantoul. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman and confirmed by the Town Board.

1. Terms: Terms shall be for three (3) years, except that of those first appointed; one (1) shall serve one (1) year, two (2) shall serve two (2) years and two (2) for three (3) years.

2. Chairman: Chairman shall be designated by the Town Chairman.
3. Alternate: Two (2) alternate members shall be appointed by the Town Chairman for a term of three (3) years. The Town Chairman shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
4. Secretary: Secretary shall be as designated by the Board of Appeals.
5. Vacancies: Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

13.2 Organization

The Board of Appeals shall organize and adopt rules of procedure in conformance to Section 62.23(7)(e) 1-15 of Wisconsin Statutes.

13.3 Rules

1. The Board of Appeals shall meet at the call of the chairperson and at such other times as the Board of Appeals may determine, at a fixed time and place.
2. All meetings of the Board of Appeals shall be open to the public.
3. Any public hearings which the Board of Appeals is required to hold shall be held in the Potter Village Hall or other place convenient to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address or other commonly known means of identification, shall be included in the notice given of such hearing. Other matters upon which the Board of Appeals is required to act may also be heard to any such hearing provided that no undue hardship is created for any appellant by reason of the location of such hearing, and provided further that such matters are included in the notice given of such hearing.
4. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.
The Board of Appeals may adopt such other rules as are necessary to carry into effect the regulations of the Town Board.
In the case of all appeals, the Board of Appeals may call upon the Town Board or Zoning Administrator for all information pertinent to the decision appealed from.

13.4 Powers

The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by administrative official in the enforcement of this Ordinance.
2. To hear and decide special exception to the terms of the Ordinance upon which such board is required to pass under this Ordinance.
3. To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
4. The Board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the Ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public

convenience and welfare.

5. The Board may reverse, affirms, or wholly or partly modify the requirements appealed from and may issue or direct the issuance of a permit.
6. Assistance - the Board may request assistance from other town or county officers, departments, commissions and boards.
7. Oaths - the chairperson may administer oaths and compel the attendance of witnesses.

13.5 Appeals and Applications

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an officer, department, board or bureau of the Town. Such appeals shall be filed with the secretary and the officer from whom the appeal is taken within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator or the Town Board. Applications may be made by the owner or lessee of the structure, land or water to be effected at any time and shall be filed with the Zoning Administrator. Such appeals and applications shall include the following:

1. Names and Addresses of the appellant or applicant and all abutting and opposite property owners of record.
2. Sketch showing all the information required for a Land Use Permit.
3. Additional Information which was required for the decision appealed from or may be required by the Board of appeals.
4. Non- Refundable Fee in the amount as set by resolution of the Town Board to be paid to the Town at the time of application.

13.6 Hearings

The Board of Appeals shall fix a reasonable place for the hearing and hold a hearing within 45 days or less, give a Class One (1) notice thereof as provided in Chapter 985 of the Wisconsin Statutes, and give due notice to the parties in interest, the Zoning Administrator and the Town Board. At the hearing the applicant or the appellant may appear in person, by agent, or by attorney.

13.7 Decisions

The Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Zoning Administrator and the Town Board.

Conditions may be placed upon any Land Use Permit ordered or authorized by this Board.

The concurring vote of a quorum of members of the Board present shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance. The grounds of every such determination shall be stated.

13.8 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Appeals may commence an action seeking the remedy available by certiorari. Such action shall be commenced within thirty (30) days after the filing of the decision in the office of the Board of Appeals.

SECTION 14.0 CHANGES AND AMENDMENTS

14.1 Authority

Whenever the public necessity, convenience, health, safety, or general welfare require, the Town Board may by Ordinance, change the district boundaries or amend, change, or supplement the regulations

established by this Ordinance or amendments hereto in accordance with Section 62.23(7) of the Wisconsin Statutes.

14.2 Initiation

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

14.3 Petitions for Amendment

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk who shall present it to the Town Board at its next succeeding meeting; such petition shall describe the premises to be rezoned or the regulations to be amended, lists the reasons justifying the petition, specify the proposed use and have attached the following:

1. Plot plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.
2. Owners Names and Addresses_of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
3. Additional Information_required by the Plan Commission or Town Board.
4. Fee in an amount set from time to time by resolution of the Town Board.

14.4 Hearings and Board Action

The Town Plan Commission shall hold a public hearing upon each petition. Notice of the time and place of such a hearing shall be given by publication in the Town of a Class II notice under Chapter 985 of the Wisconsin Statutes. Notice of the hearing should also be provided as required by Wis. Stat. § 66.23(7).

14.5 Approval by the County Board

After approval by the Town Board, the Town shall submit the amendment for approval by the Calumet County Board of Supervisors pursuant to section 60.62 (3) Wis. Stat.

14.6 Protest

In case of a protest against an amendment proposed duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed amendment, or by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the road frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the Town Board voting on the proposed change.

14.7 Rezoning Land out of the Exclusive Agricultural District

Land may be rezoned out of the Exclusive Agricultural District if the Town Plan Commission, Town Board and find that all of the following apply:

1. The land is better suited for a use not allowed in the (EA) Exclusive Agricultural Zoning District.
2. The rezoning is consistent with the Calumet County 2025 Smart Growth Plan.
3. The rezoning is substantially consistent with the Calumet County Farmland Preservation Plan.
4. The Calumet County Board must approve all rezoning.

5. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use. The Town of Rantoul must submit a report to DATCP by March 1st of each year detailing the number of acres rezoned out of the district.

SECTION 15.0 PLAN COMMISSION

15.1 Composition

The Plan Commission shall consist of seven members, all of whom shall be appointed by the Town Board Chairperson, who shall also choose the presiding officer. The Town Board Chairperson may appoint himself or herself to the Commission and may appoint other Town elected or appointed officials to the Commission, except that the Commission shall always have at least three citizen members who are not Town officials. All other provisions of State Statutes 61.35 and 62.23 shall apply.

Members of the Commission shall be appointed to hold office for a period of three years. Appointments shall be made by the Town Board Chairperson during the month of April or at any other time if a vacancy occurs during the middle of a term. If a Town Board member has been appointed to the Commission, his or her term on the Commission shall coincide with their term on the Town Board.

15.2 Rules and Organization

The Plan Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. Such record shall be a public record. Meetings of the Commission shall be held at the call of the chairperson and at such other times as the Commission may determine. The Plan Commission shall have the power and authority to employ experts and a staff.

15.3 Functions

The Plan Commission shall have the following functions and duties:

1. To make a recommendation to the Town Board on a comprehensive plan for the physical development of the Town.
2. To make a recommendation to the Town Board on conditional use permit applications in accordance with Section 11
3. To make a recommendation to the Town Board on any petition to amend this Ordinance or change the district boundaries.

Ordinance 2011-06

Town of Rantoul Zoning Ordinance and Zoning Map

Drafted by:
Paul Birschbach
Birschbach Inspection LLC

Reviewed by:
Katherine Reynolds, Attorney
Town of Rantoul

Certified by State of Wisconsin
Department of Agriculture, Trade and Consumer Protection
Per Order ARM Division Docket No. 11-37-08-014-O
Dated November 22, 2011
(November 11, 2011, DATCP Changes, Revisions from November 7, 2011)
Ben Brancel, Secretary

As Provided By Statute
ADOPTED this 28th day of November, 2011

Eugene Mertz, Chairman
Town of Rantoul

Attest:

Mary Schwartz, Clerk
Town of Rantoul

APPROVED this 20th day of December, 2011
Calumet County Board of Supervisors

TOWN BOARD MEMBERS

Eugene Mertz, Chairman
Gregg Eickert, Supervisor
David Jannette, Supervisor
Mary Schwartz, Clerk
Connie Loose, Treasurer

PLAN COMMISSION MEMBERS

Wesley Hedrich, Chairman
Dennis Hintz, Secretary
Gregg Eickert
David Jannette
Marion Kasper
Eugene Mertz
Craig Scharbarth

**Amendment to Section 5.0
EA - Exclusive Agricultural Zoning District
Ordinance 2011-06
Town of Rantoul Zoning Ordinance
and Zoning Map**

Drafted by:
Paul Birschbach
Birschbach Inspection LLC

As Provided By Statute
ADOPTED this 13th day of October, 2014

Eugene Mertz, Chairman
Town of Rantoul

Attest:

Mary Schwartz, Clerk
Town of Rantoul

APPROVED this 16th day of December, 2014
Calumet County Board of Supervisors

TOWN BOARD MEMBERS

Eugene Mertz, Chairman
Gregg Eickert, Supervisor
David Jannette, Supervisor
Mary Schwartz, Clerk
Connie Loose, Treasurer

PLAN COMMISSION MEMBERS

Wesley Hedrich, Chairman
Dennis Hintz, Secretary
Gregg Eickert
David Jannette
Marion Kasper
Eugene Mertz
Craig Scharbarth