

ZONING ORDINANCE
TOWN OF STRONGS PRAIRIE

ZONING ORDINANCE

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ZONING ORDINANCE

SECTION 1 - INTRODUCTION

1-1.00 AUTHORITY

This Ordinance is adopted under the authority granted by Sections 59.69, 59.692, 87.30, 91.30 to 91.50, and 281.31 of the Wisconsin Statutes and amendments thereto. The Town Board Supervisors of the Town of Strongs Prairie ordain as follows:

1-2.00 TITLE

This Ordinance shall be known as, referred to, and cited as the ZONING ORDINANCE, STRONGS PRAIRIE, ADAMS COUNTY, WISCONSIN and is hereinafter referred to as the Ordinance.

1-3.00 PURPOSE

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of Strongs Prairie, Adams County, Wisconsin. This Ordinance is established to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to insure adequate highway, utility, health, education, and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; to promote the efficient and economical use of public funds; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, solid waste disposal, schools, parks and other public requirements.

1-4.00 INTENT

It is the intent of this Ordinance to regulate the use of [certain](#) structures, lands, and waters and to:

- (A) Regulate population density and distribution to avoid sprawl or undue concentration or overcrowding and to facilitate the provision of adequate public services and utilities;
- (B) Regulate parking, loading, and access to lessen congestion and promote the safety and efficiency of streets and highways;
- (C) Secure safety from fire, panic, flooding, pollution, contamination, and other dangers;
- (D) Stabilize and protect property values;
- (E) Preserve and protect the natural and man-made aesthetic characteristics of the Town;
- (F) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;
- (G) Maintain safe and healthful water condition;
- (H) Protect the traffic carrying capacity of existing and proposed arterial streets and highways;
- (I) Facilitate the adequate provision of transportation, sewerage, parks, and other public facilities and utilities;
- (J) Promote the health and general welfare of the Town;
- (K) Implement those municipal, county, watershed, and regional comprehensive plans adopted by the Town;
- (L) Provide for the administration, implementation and enforcement of this Ordinance and;
- (M) Provide penalties for the violation of this Ordinance.

1-5.00 SEVERABILITY

- (A) This Ordinance and the various parts, sections, subsections, and clauses are declared to be severable. If any part, section, subsection, Clause provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.
- (B) If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in the judgment.

1-6.00 ABROGATION AND GREATER RESTRICTIONS

It is intended by this Ordinance not to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern. All existing conditions at the time of adoption of this Ordinance will be grandfathered in.

1-7.00 INTERPRETATION

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

1-8.00 EFFECTIVE DATE

This Ordinance shall take effect after a Public Hearing, adoption by the Town Board of Supervisors.

ADOPTED THIS _____ DAY OF _____

REVISED THIS _____ DAY OF _____

REVISED THIS _____ DAY OF _____

REVISED THIS _____ DAY OF _____

ATTESTED:

CHAIRPERSON OF TOWN BOARD

SUPERVISOR I

TOWN CLERK

SUPERVISOR II

SECTION 2 – DEFINITIONS

2-1.00 GENERAL

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense include the future. The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “shall” is mandatory, the word “should” is advisory, and the word “may” is permissive. The work “used” or “occupied” as applied to any land or building shall be construed to include intended, arranged, or designed use or occupancy. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

2-2.00 SPECIFIC DEFINITIONS

Introduction and Explanation. This Section contains brief definitions of key words and phrases used throughout the Ordinance. For the purpose, intent, and understanding and clarification of this Ordinance the following definitions shall apply. In the instance where a word is not defined, the latest edition of Webster’s Unabridged Dictionary shall be used to define a word.

- 2-2.01 **ACCESSORY USE OR STRUCTURE.** A use or structure customarily incidental to another use or structure and on the same lot or parcel as the principal use or structure.
- 2-2.02 **ADULT ENTERTAINMENT ESTABLISHMENT.** Any establishment which for monetary consideration is used for presentations or service distinguished or characterized by an emphasis on exposure to view of human genitals, pubic area, anus, vulva, female breasts with less than a complete opaque covering of any part of the nipple or areola; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate the fondling of another person’s genitals, pubic region, anus, or female breasts, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual conduct as defined by s. 944.21(2)(e), Wisconsin Statutes.
- 2-2.03 **AGRICULTURE.** For purposes of enforcement of this Ordinance agricultural use includes, but is not limited to, beekeeping, commercial feedlots, dairying, egg production, floriculture, fish and fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses, and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming and vegetable raising.
- 2-2.04 **ANIMAL UNIT.** A unit of measure used to determine the total number of single animal types or combination of animal types that are at an animal feeding operation. The number of animal units shall be calculated using methods described in Wisconsin Department of Natural Resources Chapter NR 243.05.
- 2-2.05 **ANTENNA.** See Structure
- 2-2.06 **ARTERIAL STREET.** A public street or highway used or intended to be used primarily for fast or heavy traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
- 2-2.07 **AUTO SALVAGE YARD.** Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk automobiles or automobile parts; including automobile graveyards, auto-wrecking yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. Keeping or storing of two or more unlicensed and/or unregistered automobiles on a single parcel of land in full open view from all roadways and residences shall be considered an auto salvage yard.
- 2-2.08 **AUTOMOBILE SERVICE STATION.** Any building or premises which sell gasoline, oil and related products to the motoring public. This shall include repairs, washing and lubrication, but shall not include body work, painting or dismantling.
- 2-2.09 **BACKLOTS.** Lots which do not front on a navigable body of water or which do not have 50 percent or more of their total area within 200 feet of a navigable body of water.
- 2-2.10 **BASEMENT.** A story partly or wholly underground which, if occupied for living purposes shall be counted as a story.

- 2-2.11 **BED AND BREAKFAST.** Any place of lodging that provides four or less rooms for rent to transient guests within the owner's personal residence licensed by the State of Wisconsin and the only meal served is breakfast.
- 2-2.12 **BOARDING HOUSE.** A building, other than a hotel, where meals or lodging are furnished for compensation for three (3) or more persons not members of a family, not open to daily transients as a hotel or restaurant.
- 2-2.13 **BOATHOUSES.** Any structure designed for the purpose of protection or storing boats for noncommercial purposes. Boathouses do not involve human habitation.
- 2-2.14 **BODY SHOP.** A business for the repair of automobile and other motor vehicle bodies.
- 2-2.15 **BUILDING.** Any structure, either temporary or permanent, having a roof or other covering and designed or used for the shelter or enclosure of any person, animal, equipment, machinery, materials, or property of any kind.
- 2-2.16 **BUILDING, ACCESSORY.** A subordinate, non-habitable, detached building which is clearly incidental to, and customarily found in connection with, the principal building to which it is related and which is located on the same lot as the principal building.
- 2-2.17 **BUILDING AREA.** This specified portion of a lot which meets all of the yard and setback requirements of this Ordinance and other applicable Ordinances and regulations.
- 2-2.18 **BUILDING HEIGHT.** The vertical distance, measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof or flat roofs; to the mean height level between the eaves and the ridge for gable and hip roofs; to the deck line for mansard roofs.
- 2-2.19 **BUILDING, PRINCIPAL.** A non-accessory building in which the principal use of the lot on which it is located is conducted. For example, if a lot zoned for community business is to be used for multifamily purposes, the principal building would be the multifamily building.
- 2-2.20 **BUILDING SETBACK LINE.** A line measured across the width of the lots at that point where the main structure, including any overhang, is in accordance with the setback provisions.
- 2-2.21 **BULKHEAD LINE.** A shoreline legislatively established by the municipal Ordinance under Section 30.11, Wisconsin Statutes, and approved by the Department of Natural Resources.
- 2-2.22 **CAMPGROUND** means any of the following.
- (A) **Primitive Campground.** Two or more sites owned by an individual, corporation or government entity that are, intended or used for the purpose of supplying a location for overnight camping where locations are accessible by canoe, boat or by hiking, but not by camper's motor vehicles. Such areas open to the public and designated by the public as primitive campground areas may be set aside for free or pay camping purposes.
 - (B) **Developed Campground and Camping Resort.** Any parcel or tract of land of five acres or more, containing two or more sites, and owned by a person, state or local government accessible by automobile, or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.
- 2-2.23 **CAMPSITE.** A designated parcel within a campground which is designed and posted as a site for occupancy by an individual, family unit or group using one recreational vehicle or tent.
- 2-2.24 **CAR WASH.** A lot on, or structure in, which motor vehicles are washed or waxed, either by a patron or by others, using equipment or machinery specially designed for the purpose.
- 2-2.25 **CLASS A HIGHWAYS.** All state and federal highways.
- 2-2.26 **CLASS B HIGHWAYS.** All county trunk highways.
- 2-2.27 **CLASS C HIGHWAYS.** All town roads, public streets and highways not otherwise classified.

- 2-2.28 CLINIC. A place where doctors or dentists provide medical or dental care to people on an outpatient basis.
- 2-2.29 CLUB. An association of persons organized for a common purpose but not including any group organized primarily to render a service which is customarily carried on as a business.
- 2-2.30 COMMUNITY BASED RESIDENTIAL FACILITY (C.B.R.F.). A place where 3 or more unrelated adults reside in which care, treatment or services above the level of room and board are provided to persons residing in the facility; but not including nursing home.
- 2-2.31 CONDITIONAL USES. Uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of these uses upon neighboring land and of the public need for the particular uses in the particular location.
- 2-2.32 CONDOMINIUM. A property subject to a condominium declaration established under Chapter 703, Wisconsin Statutes.
- 2-2.33 CONDOMINIUM CONVERSION. A property converted to a condominium form of ownership.
- 2-2.34 CONDOMINIUM EXPANDABLE. A condominium to which additional units or property or both may be added in accordance with the provisions of a declaration, this Ordinance, and Chapter 703, Wisconsin Statutes.
- 2-2.35 CORNER LOT. A lot abutting two or more streets at their intersection where the interior angle formed by the street intersection is less than 135 degrees.
- 2-2.36 DAY CARE CENTER. A licensed facility where a person, other than relative or guardian, provides care and supervision for 4 or more children under 7 years of age, for less than 24 hours a day and for compensation.
- 2-2.37 DECK. Floor like platform of horizontal sections exterior to a principal structure.
- 2-2.38 DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.
- 2-2.39 DISTRICT. A part or parts of the Town for which the regulations of this Ordinance are uniform.
- 2-2.40 DRAINAGE SYSTEM. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- 2-2.41 DRIVE-IN ESTABLISHMENT. A business establishment whose principal retail or service character depends upon providing a driveway approach or motor vehicle parking space to serve patrons while in their motor vehicles or to permit in-vehicle consumption of food or beverage obtained from the business establishment by patron.
- 2-2.42 DWELLING, ATTACHED. A single-family residence which is attached to another dwelling unit or another structure. Attached dwelling includes duplexes, triplexes, townhouses and row houses.
- 2-2.43 DWELLING, DETACHED. A single-family building which is entirely surrounded by open space on the same lot.
- 2-2.44 DWELLING, DUPLEX (TWO FAMILY). A building containing two single-family dwelling units.
- 2-2.45 DWELLING, MULTIPLE FAMILY (APARTMENT). A building containing three or more single family dwelling units.
- 2-2.46 DWELLING, SINGLE-FAMILY. A residential building containing one dwelling unit.
- 2-2.47 DWELLING UNIT. A building or portion thereof with rooms arranged, designed, used or intended to be used for one family. For enforcement purposes, guest houses with kitchen and bathroom facilities are considered dwelling units.

- 2-2.48 **ESSENTIAL SERVICES.** Services provided by public and private utilities, necessary for the exercise of a principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems. Accessories, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings greater than 150 square feet in area, are also included.
- 2-2.49 **FAMILY.** One or more persons related by blood, marriage, or adopting, or a group of persons not so related, maintaining a common household in a dwelling unit.
- 2-2.50 **FARM CONSOLIDATION.** Farm consolidation results when ownership of an existing farm, or portion thereof, is transferred to the owner of an adjacent or nearby farm.
- 2-2.51 **FARMING, TREE.** Land used to grow, manage and harvest wood.
- 2-2.52 **FEEDLOT.** A lot or facility used or proposed to be used for the confined feeding or holding of animals, exceeding 25 animal units per acre, for 30 or more continuous days per year on a 24-hour-per-day basis.
- 2-2.53 **FENCE.** A barrier made of wood, iron, stone, or other materials.
- 2-2.54 **FLOOR AREA, GROSS.** The sum of the gross horizontal areas of all occupied stories of a building.
- 2-2.55 **FORESTRY.** The production and/or management of trees as a crop.
- 2-2.56 **FOSTER HOME.** The primary domicile of a foster parent required to be licensed under Section 48.62, Wisconsin Statutes, which has four (4) or fewer foster children. [See Section 48.02(6), Wisconsin Statutes] (See also **GROUP HOME**).
- 2-2.57 **FRONTAGE.** That side of a lot abutting on a street or waterway and ordinarily regarded as the front of the lot.
- 2-2.58 **FRONT LOT LINE.** A line dividing a lot from any public highway or street, except a limited or controlled access highway to which the lot has not access.
- 2-2.59 **FRONT YARD.** A front yard extends across the full width of the lot, the depth of which is measured at right angles from the existing or proposed street or highway right-of-way line to the nearest point of the principal structure.
- 2-2.60 **FUR FARM.** A parcel of land or buildings devoted in whole or in part to the raising of fur bearing animals for commercial purposes.
- 2-2.61 **GARAGE, PRIVATE.** An accessory, non-inhabitable structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families' resident upon the premises. Carports are considered garages.
- 2-2.62 **GARAGE, PUBLIC OR COMMERCIAL.** Any garage other than a private garage.
- 2-2.63 **GROUP HOME.** Any facility operated by a person required to be licensed under Section 48.625, Wisconsin Statutes, for the care and maintenance of five (5) to eight (8) foster children. [See Section 48.02(7), Wisconsin Statutes] (See also **FOSTER HOME**).
- 2-2.64 **GUEST HOUSE.** A principal building to be used occasionally by guests of the owner of the principal house located on the same lot. A guest house is not an accessory building.
- 2-2.65 **HEIGHT.** The vertical distance from the highest point of a structure, excepting any chimney or antenna on a building, to the average ground level where the walls or other structural elements intersect the ground.
- 2-2.66 **HOBBY.** An activity for fun, not for principal financial gain.
- 2-2.67 **HOME OCCUPATION.** Any occupation for gain or support conducted entirely within a residential structure by its occupant. A home occupation includes uses such as, but not limited to, babysitting, millinery, dressmaking, canning, laundering, teaching, and crafts, but does not include the display of any goods visible from the street.

- 2-2.68 HOTEL. A building containing lodging rooms, a common entrance lobby, halls, and stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies, and where more than 50% of the lodging rooms are for rent transient guests, with or without meals, for a continuous period of less than 30 days.
- 2-2.69 HOUSEBOAT. A houseboat or watercraft which provides living quarters for one or more persons, with or without sanitary facilities.
- 2-2.70 HUMAN HABITATION. "Human Habitation" means the use of a building for living for any period of time, for activities such as sleeping, eating or cooking, or combinations thereof
- 2-2.71 HUNTING OR FISHING SHELTER. A building or structure without permanent toilet or kitchen facilities, intended solely for fishing, hunting, or trapping and only for temporary occupancy.
- 2-2.72 IMPERVIOUS SURFACE AREAS. Surfaces, which limit or impede normal infiltration and/or cause additional runoff to other areas. Includes, but is not limited to buildings, structures, decks, walkways, driveways and parking areas (including graveled areas).
- 2-2.73 JUNK YARD. An area consisting of buildings, structures, or premises where junk waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed disassembled, or handled, including house wrecking and structural steel materials, and equipment yards, but not including auto salvage yards.
- 2-2.74 KENNEL. Any activity involving the permanent or temporary keeping or treatment of a greater number of animals than permitted in residential occupancy.
- 2-2.75 LAKELOTS. Lots with frontage on a navigable lake, pond, or flowage or with 50% or more of their area within 200 feet of a navigable lake, pond, river, or flowage. These lots are sometimes referred to as waterfront lots.
- 2-2.76 LAND DIVISION. Land division means the division of a lot, outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites, inclusive of the original remnant parcel, any of which is 35 acres or less in area, by a division or by successive divisions of any part of the original property within a period of 5 years, including any land division by or for a Conservation Subdivision, a Cluster Development, a Statutory Subdivision, a Minor Land division, a Condominium, Condominium Plat, Replat, and Certified Survey Map, and any other land division. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than 5 acres in size.
- 2-2.77 LAND PARCEL. An identified section, fractional section or government lot.
- 2-2.78 LOADING AREA. An off-street space, on the same lot with the building or group of buildings it serves, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- 2-2.79 LOCAL GOVERNMENT. For the purposes of these regulations, any city, town, village or county authorized by law to enforce subdivision, sanitation and zoning regulations.
- 2-2.80 LOCAL ORDINANCES. Any town or municipal Ordinance, portion of an Ordinance, or amendments thereto, adopted by a local unit of government pursuant to authority contained in Chapter 60 of the Wisconsin Statutes.
- 2-2.81 LOT. A parcel, piece or portion of land, defined by metes and bounds, certified survey, recorded land subdivision plat or other means and separated from other lots, parcels or similar units by such description, and where applicable having its principal frontage upon a street, road or waterway.
- 2-2.82 LOT AREA. The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.
- 2-2.83 LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- 2-2.84 LOT LINES. A property boundary line of any land parcel held in single or separate ownership; except that where any portion of the property boundary line extends into the abutting street or alley, the property boundary line shall be deemed to be the street or alley right-of-way line.

- 2-2.85 LOT THROUGH. A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lines.
- 2-2.86 LOT WIDTH. The average horizontal distance between the side lot line of a lot measured within the lot boundaries or the minimum distance between the side lot lines within the building area at right angles to the length.
- 2-2.87 MANUFACTURED HOME. A structure certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:
- (A) Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm. 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - (B) Is installed in accordance with the manufacturer's instructions;
 - (C) Is properly connected to utilities;
 - (D) Is a dwelling consisting of one (1) or more post 1976, factory-built units in compliance with HUD Code standards and transported to the homesite over the public roads and streets using removable tongues, wheels and axles, and/or dollies, and then assembled, placed and secured on a zoning lot in accordance with the manufacturer's recommendations and/or the pertinent provisions of the Town Building Code. (Manufactured homes typically have shingled roofs with three (3) in twelve (12) of steeper slopes, horizontal lap siding or vertical board and batten siding and a unit width of at least fourteen (14) feet; for the purpose of this Chapter, a manufactured home placed in a mobile home park shall be deemed a mobile home); and
 - (E) Meets other applicable standards of this Chapter.
- 2-2.88 MARINA, COMMERCIAL. A harbor or boat basin providing dockage, supplies, and services for pleasure craft.
- 2-2.89 MOBILE HOME. A pre-1976 factory-built, single-unit, dwelling transported to the building site over public roads and streets using attached tongue, wheels and axles or dollies and then placed and secured on a single-family lot or in a mobile home park in accordance with the manufacturers recommendations and/or pertinent provisions of the Town Building Code. [Pre-1976 mobile homes do not necessarily comply with the HUD Code and typically have relatively flat roofs, embossed sheet metal siding and a width of sixteen (16) feet or less.] Excluded from this definition is every "manufactured home" as defined above.
- 2-2.90 MOTELS. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients, where there is no permanent occupancy of any unit except by the owner, his agent or his employees.
- 2-2.91 MULTIPLE FAMILY DWELLING. A residential structure designed for or occupied by three or more families. The number of families in residence not exceeding the number of dwelling units provided.
- 2-2.92 NONCONFORMING DWELLING. Any dwelling, lawfully occupied at the time of the effective date of this Ordinance, or amendment thereto, which does not conform to the regulations herein.
- 2-2.93 NONCONFORMING LOT. Any lot created and recorded prior to the effective date of this Ordinance or amendment thereto which does not conform to the size or lot dimension requirement herein.
- 2-2.94 NONCONFORMING TRADE OR INDUSTRY. Any business lawfully occupied at the time of the effective date of this Ordinance, or amendment thereto, which does not conform to the regulations herein.
- 2-2.95 NONCONFORMING USES, LOTS, OR STRUCTURES. The lawful use or location of a building, structure or property which existed at the time this Ordinance (or an applicable amendment to this Ordinance) took effect and which is not in conformity with the provisions of this Ordinance.
- 2-2.96 NURSING HOME. A place which provides 24-hour services including board and room to 3 or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess of 7 hours a week, unless the facility has been designated as a community-based residential facility.

- 2-2.97 **ORDINARY HIGHWATER MARK.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to have a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
- 2-2.98 **PARKING LOT.** A structure or premises containing parking spaces open to the public.
- 2-2.99 **PARTIES IN INTEREST.** Parties in interest include all abutting property owners, and all property owners within 300 feet.
- 2-2.100 **PASSIVE RECREATION AREA.** An area set aside, developed, and landscaped for sedentary activities, hiking, walking, driving for pleasure, sightseeing nature walks, fishing, and similar activities.
- 2-2.101 **PATIO.** A rock or brick courtyard at grade.
- 2-2.102 **PIER.** A temporary or permanent structure extending into and over the water to be used for docking, mooring, fishing and other water-related recreational uses and allowing for the free flow of water beneath it.
- 2-2.103 **PLAN COMMISSION.** As defined by the Town's Plan Commission Ordinance and per State Statute, the Plan Commission (commonly referred to as Zoning Committee) is a 5 member committee organized to review planning and zoning related matters in the Town of Strongs Prairie.
- 2-2.104 **PolyStructure / PolyShelter.** Structures with a frame of steel or other material which is covered by plastic, polyurethane, vinyl, canvas or similar flexible sheeting material.
- 2-2.105 **PORTABLE STORAGE CONTAINER.** Any container, PODS, storage unit, shed-like container or other portable structure (other than an Accessory Building, yard maintenance building, or shed that complies with this Code) that can be, or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building.
- 2-2.106 **PRIMARY FLOOR AREA.** The floor area of a building for purposes of determining required parking ratios, which area shall include only the portion of the total floor area devoted to customer service, sales, and office space, and shall not include storage, utility, hallway, and other accessory space which does not generate parking demand.
- 2-2.107 **PRIVATE SEWAGE DISPOSAL SYSTEM.** A sewage disposal system other than a public sewage system, including septic tanks, soil absorption system, privies, holding tanks and privately owned common sewerage facilities including package treatment plants, lagoons and irrigation systems.
- 2-2.108 **PROFESSIONAL HOME OFFICES.** Residences of doctors of medicine, dentists, nurse-practitioners, clergymen, architects, landscape architects, professional engineers, registered land surveyor, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions. The office shall not exceed 50 percent of the total floor area of any one story of the residence. Other than immediate family, there shall be no more than one full-time or two part-time employees.
- 2-2.109 **PUBLIC AND SEMI-PUBLIC USES.** Public and semi-public uses in the sense of this Ordinance are uses principally of an institutional nature and serving a public need, such as private and nursery schools, libraries, museums, post offices, police and fire stations, government offices, town halls and public garages.
- 2-2.110 **PUBLIC OPEN SPACE.** Any publicly-owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.
- 2-2.111 **PUBLIC WAY.** Any public road, street, highway, drainageway or part thereof.
- 2-2.112 **MINERAL EXTRACTION.** The removal of rock, slate, gravel, sand, topsoil, or other natural material from the earth by excavating, stripping, leveling or any other such process.
- 2-2.113 **REAR LOT LINE.** A lot line which is located opposite of a front lot line and which is not a front lot line.
- 2-2.114 **REAR YARD.** The yard extending across the full width of the lot whose depth is measured from the rear lot line to the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.

- 2-2.115 RECLAMATION. The process by which an area physically or environmentally affected by mining is rehabilitated to either its original state, or is shown to be physically or economically impractical or environmentally or socially undesirable to a state that provides long-term environmental stability.
- 2-2.116 RECREATIONAL AREA. Any park, playground, ballfield, ski hill, sport field, swimming pool, riding stable or riding academies or other facilities and areas constructed for recreational activities and open for use by the public or private organizations.
- 2-2.117 RECREATIONAL VEHICLE. Any of the following used for human habitation and for a period of less than thirty (30) days:
- (A) Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling or travel, recreational and vacation uses and identified as a travel trailer by the manufacturer.
 - (B) Pick-up Coach. A structure designed to be mounted on a truck, chassis for use as a temporary dwelling for travel, recreation and vacation.
 - (C) Motor-home. A portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of self-propelled vehicle.
 - (D) Camping Trailer. A canvas or folding structure mounted on wheels and designed for travel, recreation and vacation use.
 - (E) Park Model. A trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:
 - Built on a single chassis, mounted on wheels; and,
 - Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the setup mode; and,
 - Certified by the manufacturer as complying with ANSI A119.5.
 - (F) Tent. A portable lodge of canvas or strong cloth, stretched and sustained by poles or other means of support.
- 2-2.118 RESIDENTIAL EQUIVALENT UNIT (REU). In the context of wastewater collection and treatment, a single REU is the equivalent wastewater quantity typically discharged by one (1) single family residence with typical waste characteristics. Where there are industrial and commercial uses, the REU can be utilized to convert equivalent residential units calculated from this basis of flow and characteristics of waste.
- 2-2.119 RESORT. An area containing one or more permanent buildings utilized principally for the accommodation of the public for recreation.
- 2-2.120 RIDING STABLES OR RIDING ACADEMIES. For the purpose of this Ordinance, shall include buildings or premises used for the rent or lease of horses or animals for riding.
- 2-2.121 RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main sanitary or storm sewer main. The usage of the term right-of-way for zoning purposes shall mean every right-of-way hereafter established and shown on a plat or certified survey map which is separate and distinct from the lots or parcels adjoining such right-of-way and not including within the dimensions or areas of such lots or parcels.
- 2-2.122 ROADSIDE STAND. A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products.
- 2-2.123 SANITARY LANDFILL. A waste disposal operation or site which consists of dumping garbage, rubbish and other debris into a depression or trench.
- 2-2.124 SANITARY STATION. A facility for removing and disposing of wastes from recreational vehicle holding tanks.
- 2-2.125 SATELLITE DISH. See Structure.
- 2-2.126 SCREEN. A specific planted area to hide at least 75% line-of-sight vision to be affective all year.
- 2-2.127 SETBACK. A setback is the required distance between a structure and any lot line for the lot on which it is located.

- 2-2.128 **SETBACK LINES.** Lines established adjacent to highways, shorelines and side lot lines for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. For purposes of enforcement, all measurements are to be taken horizontally.
- 2-2.129 **SEWERED.** A structure which is connected to and served by a sewerage system as defined and regulated by Wisconsin Administrative Code Chapter NR 110.
- 2-2.130 **SHEDS.** An accessory structure primarily intended for and used for an enclosed storage or shelter of personal possessions; size not to exceed 200 square feet area.
- 2-2.131 **SHIPPING CONTAINER.** A steel box used for intermodal shipping products and materials between locations. Such containers are designed and constructed to standards established by the International Organization for Standards (ISO) and are typically from 10 to 40 feet long.
- 2-2.132 **SIDE LOT LINE.** A side lot line is any lot line which is not a front or a rear lot line.
- 2-2.133 **SIDE YARD.** A side yard is one whose depth is measured from the side lot line to the nearest point of the principal structure.
- 2-2.134 **SIGNS.** Signs are any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known, which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product, and which are visible from any public street or highway.
- 2-2.135 **SINGLE-FAMILY DWELLING.** A single-family dwelling is a detached structure designed to be exclusively occupied by one family and containing a minimum width of at least 14 feet and 710 sq. ft. of minimum livable floor area, with at least one portion able to contain a square 24 feet on a side. Single-family dwellings do not include rooming or boarding housing, community-based residential facilities, fraternal or sorority homes, or similar uses or mobile homes.
- 2-2.136 **SITE PLAN.** A drawing or design which shows the proposed land use, construction or practice.
- 2-2.137 **STORAGE POD.** A box container constructed of wood, steel or other similar materials such as “Portable on Demand Storage” also known as ‘PODS’.
- 2-2.138 **STREET (AVENUE, ROAD, TERRACE, PARKWAY, BOULEVARD OR COURT).** A right-of-way of a required width, which affords a primary means of access to abutting property.
- 2-2.139 **STRUCTURAL ALTERATIONS.** Any changes in the supporting members of a building such as bearings, wall columns, beams or girders, which does not result in an increase in living space.
- 2-2.140 **STRUCTURE.** Anything erected, the use of which requires a permanent location on the ground. Stairways to the water, signs, billboards or other advertising medium, detached or projecting, shall be construed to be structures. For the purpose of enforcement all satellite dishes, whether on wheels or permanently affixed to the ground shall be considered structures.
- 2-2.141 **TEMPORARY OR PORTABLE BUILDING.** A building or structure that is not attached to the ground by anchors, bolts, footings, foundation piers, pilings, posts or other means of attaching permanently to the ground. Lawn and yard buildings not attached, anchored or affixed to the ground shall not exceed 200 square feet of floor area on a lot in a residential district.
- 2-2.142 **TEMPORARY OR TEMPORARY USE.** Any period of time or use not to exceed thirty (30) consecutive calendar days.
- 2-2.143 **TINY HOME.** A dwelling to be used as permanent housing (human habitation) with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code, as further defined as follows:
- 400 sf floor area or less
 - At least one full bathroom with a ceiling height of at least 6 feet, 4 inches
 - Ceiling height in common areas of at least 6 feet, 8 inches
 - A ladder or stairs, if the tiny house has a loft
 - At least one window that can be used as an emergency exit

- Compliance with International Residential Code (IRC) building code requirements or the International Building Code (IBC) requirements.
- 2-2.144 **TINY HOME ON WHEELS.** A mobile dwelling meeting the definition of “Tiny Home” and that is affixed to a chassis that is supported by wheels for transport, and is further defined as follows:
- Built on a trailer that was registered with the owner’s local DMV.
 - Ability to tow via bumper hitch, frame towing hitch, or fifth-wheel connection. It cannot move under its own power.
 - Is no larger than allowed by applicable state law. (The typical Tiny Home on Wheels is no more than 8’6” wide, 30’ long, and 13’6” high.) Larger tiny houses may require a special commercial driver’s license and/or special permits when being towed.
 - Has at least 70 square feet of first floor interior living space, and no more than 400 square feet (excluding any lofts).
 - Includes basic functional areas that support normal daily routines (such as cooking, sleeping, and toiletry).
- 2-2.145 **TOTAL FLOOR AREA.** A gross floor area of a building, enclosed by walls and roof, including all floor levels except the basement or crawlspace floor.
- 2-2.146 **TOWN.** Reference to town shall mean any Town of the county including the Town Board, Town Clerk or any designated Town Committee.
- 2-2.147 **TOXIC MATERIALS.** Materials which are capable of causing injury to living organisms by chemical means.
- 2-2.148 **TRACT.** An area of land not definitely bounded and referred to as a general location.
- 2-2.149 **TRANSIENT LODGING.** A commercial lodging establishment which rents sleeping quarter dwelling units for periods of less than 30 consecutive calendar days.
- 2-2.150 **TRAVEL TRAILER PARK.** Any public or private premises having two or more travel trailers including buildings established for temporary day and overnight habitation by persons other than the owner of the parcel using travel trailers or similar recreation vehicles for the purpose of camping. For enforcement purposes travel trailer parks are considered parkgrounds.
- 2-2.151 **TWO-FAMILY DWELLING.** A detached structure containing two separate living units and designed for occupancy by not more than two families is a two-family dwelling.
- 2-2.152 **UNNECESSARY HARDSHIP.** That circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.
- 2-2.153 **UNSEWERED.** A structure or parcel where the domestic sewage is treated by means of a private sewage system as defined by Wisconsin Statutes, Chapter 145. Private sewage systems include, but are not limited to, septic tanks, soil absorption fields, and holding tanks.
- 2-2.154 **USE ACCESSORY.** A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.
- 2-2.155 **USE CONSISTENT WITH AGRICULTURAL USE.** Any activity that meets all of the following conditions:
- (A) The activity will not convert land that has been devoted primarily to agricultural use.
 - (B) The activity will not limit the surrounding land’s potential for agricultural use.
 - (C) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
 - (D) The activity will not conflict with agricultural operations on other properties.
- 2-2.156 **USE PRINCIPAL.** The primary use of a property of structure.

- 2-2.157 UTILITIES. Utilities include public and private utility uses such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, booster stations, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including wastewater treatment plants, or municipal incinerators, warehouses, shops and storage yards.
- 2-2.158 UTILITY FACILITIES. Utility owned structures not related to the direct delivery of utility service to households or businesses. Utility facilities include power generating plants, electrical utility substations, utility offices, treatment plants, sanitary stations and sanitary landfills.
- 2-2.159 VARIANCE. An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance.
- 2-2.160 VISUAL CLEARANCE TRIANGLE. A space approximately triangular in shape, on a corner lot, in which nothing is permitted to be built, placed, or grown in a way that would impeded visibility.
- 2-2.161 WAREHOUSE. A storehouse for wares and goods, a receiving house; may include any structure to store goods.
- 2-2.162 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.
- 2-2.163 YARD. A yard is an open space which is unoccupied and unobstructed from the ground upward, except for vegetation, and is on the same lot or parcel with a structure. The front and rear yards extend the full width of the lot.
- 2-2.164 YARDS. A yard is an open space on a zoning lot which is unoccupied or unobstructed from its lower level to the sky, except as otherwise provided herein. For the purpose of this Ordinance, a “yard” extends along a lot line to a depth or width specified in the yard regulations for the zoning district in which a zoning lot is located.
- 2-2.165 YARD, FRONT. A front yard is a yard parallel along the full length of the front lot line between the side lot lines. For purposes of enforcement, the front lot line shall be considered the lot line bordering a public or private vehicular right-of-way, except for lake lots where the front lot line shall be considered the lot line bordering the navigable body of water.
- 2-2.166 YARD, REAR. A rear yard is a yard paralleling along the full length of the rear lot line between the side lot lines.
- 2-2.167 YARD, SIDE. A side yard is a yard paralleling along a side lot line from the front yard to the rear yard.
- 2-2.168 ZONING ADMINISTRATOR. The Zoning Administrator is the primary administrative officer for the provisions of this Ordinance, and may be referred to as Zoning Inspector or Zoning Officer. The Zoning Administrator shall be appointed by resolution by the Town Board. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance upon authorization by the Town Board or Town Plan Commission. Where a Zoning Administrator is not authorized the Plan Commission, or its designee, shall fulfill the role of Zoning Administrator.

SECTION 3 – GENERAL PROVISIONS

3-1.00 JURISDICTION

- 3-1.01 GENERAL. The jurisdiction of this Ordinance shall include all lands and waters within the Town of Strongs Prairie, Adams County, Wisconsin, except those lands incorporated in any city or village within the Town.
- 3-1.02 COUNTY WIDE REGULATIONS APPLICABLE TO THE TOWN OF STRONGS PRAIRIE. In addition to this Town of Strongs Prairie Zoning Ordinance, the following Adams County ordinances shall apply throughout the Town of Strongs Prairie:
- (A) Adams County Shoreland Protection Ordinance
 - (B) Adams County Private Onsite Wastewater Treatment System Ordinance
 - (C) Adams County Floodplain Ordinance
 - (D) Any other state mandated, county wide regulations

In cases of differing regulations governing a particular use the more restrictive shall apply.

- 3-1.03 ZONING MAP & DISTRICT BOUNDARIES. The boundaries of the Zoning Districts are established as shown upon the map designated as the “Zoning Map, Town of Strongs Prairie, Wisconsin” which accompanies and is a part of this Ordinance. All notations, references and other information shown upon the Zoning Map shall be as much a part of this Ordinance as if the matter and things set forth by the said map were fully described herein.
- (A) Unless otherwise indicated on the map, the district boundary lines are the center lines of streets, highways, railroads, section lines, quarter section lines, quarter-quarter section lines or such lines extended. Where not otherwise indicated on the map it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and be not less than three-hundred (300) feet in depth. The length of each strip shall be as shown on the map.
 - (B) Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
 - (1) Except for the various Conservancy districts, boundaries shown as approximately following city or village limits U.S. Public Land Survey lines; lot or property lines centerlines of streets, highways, easements, and railroad rights-of-way and such lines extend shall be construed to allow such lines unless otherwise noted on the Zoning Map. In order to reflect specific existing uses, some district boundaries do not follow these lines. These district boundaries shall be determined by the use of the scale shown on the zoning map and as interpreted by the Zoning Committee.
 - (2) The various Conservancy districts include environmentally sensitive areas such as areas of wetlands, woodlands, areas near water bodies, areas of steep slope and unique topography and areas that recharge public ground water wells. These areas usually do not coincide with section, quarter section, property lines, etc., described in Section 3-1.03(B)(1). Precise boundaries of these districts shall be determined by the use of the scale shown on the zoning map as interpreted by the Zoning Committee.
 - (3) The areas regulated by either the Adams County Shoreland Protection or the Adams County Floodplain Ordinance are approximately shown on the map.
 - (4) Vacation of public streets shall cause the area vacated to be automatically placed in the same district as the land to which the vacated area reverts until a permanent district classification is adopted.
 - (C) A certified copy of the Zoning Map shall be adopted and approved as part of this Ordinance and shall bear upon its face the attestation of the Town Board Chairman and Town Clerk and shall be available to the public in the office of the Town Clerk.
- 3-1.04 ESTABLISHMENT OF DISTRICTS. For the purposes of this Ordinance, the unincorporated areas of the Town of Strongs Prairie are hereby divided into the following types of Districts:

- (A) Base Districts:
 - (1) A-1 Agricultural District
 - (2) A-2 Agricultural Transition District

- (3) A-3 Agricultural & Low Density Residential District
- (4) A-4 Agricultural & Moderate Density Residential District
- (5) R-1 Single Family Residential District
- (6) PDD Planned Development District
- (7) B-1 Rural Business District
- (8) I-1 Industrial District
- (9) PSO-1 Public & Semi-Public District
- (10) WC Wetlands Conservation District
- (B) Overlay Districts:
 - (1) UCO Uplands Conservancy Overlay District
 - (2) WPO Wellhead Protection Overlay District
 - (3) HPA Historic Preservation Overlay District

3-2.00 SITE RESTRICTIONS

- 3-2.01 **UNSUITABLE LAND.** No land shall be used for a dwelling erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Town Zoning Committee is applying the provisions of this section, shall specify in writing the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Town Zoning Committee may affirm, modify, or withdraw its determination of unsuitability.
- 3-2.02 **FRONTAGE REQUIREMENT.** All lots shall abut upon a public street, and each lot shall have a minimum frontage of 33 feet.
- 3-2.03 **DEPTH REQUIREMENT.** The depth of a lot shall not exceed four (4) times its width at its widest point.
- 3-2.04 **INADEQUATE RIGHT-OF-WAY.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed right-of-way width if the lot is on the side of the street from which the required right-of-way dedication has not been secured.
- 3-2.05 **SANITARY SEWER AVAILABILITY.** Residential lots less than one (1) acre in size or lots of any district (including non-residential districts) with density exceeding 1.0 REU (residential equivalent unit) may be required to make sanitary sewer service available to such lots after appropriate study and investigation.

3-3.00 USE RESTRICTIONS. The following use restrictions and regulations shall apply:

- 3-3.01 **GENERAL.** Only those principal uses specified for a district and their essential services shall be permitted in that district unless a temporary or conditional use is granted by the Town.
- 3-3.02 **ACCESSORY USES, GENERALLY.** Customary accessory uses and structures are permitted in any district. Accessory structures including those for storage or occasional use such as hunting quarters, shall not consist of truck bodies, recreational vehicles, portable storage containers or mobile homes which do not meet Section 2-2.86 or Section 3 hereof. Accessory buildings proposed to be built prior to a residence being built require an Affidavit of No Occupancy filed with the building and zoning permits. Short-term dwellings related to a construction of a permit on file but longer than 30 days may be approved as a Temporary Use approved by the Town Board.
- 3-3.03 **CONDITIONAL USES, GENERALLY.** Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Zoning Committee in accordance with Section 4-4.00 of this Ordinance.
- 3-3.04 **RESIDENTIAL PARKING RESTRICTION.** The regular outside parking of more than one truck, other than panel – or pickup trucks, or of other vehicular equipment, which exceeds 30 feet in length, shall be prohibited in all residential districts.

- 3-3.05 UNCLASSIFIED OR UNSPECIFIED USES. Unclassified or unspecified uses shall not be permitted until the Town Zoning Committee has reviewed and approved an application in accordance with the requirements of Section 4-4.00 of this Ordinance.
- 3-3.06 LIKE USES. A use not specifically listed in this Ordinance which is similar to and compatible with uses on adjacent land and not contrary to the intent of the District in which the use would be located may be allowed by zoning ordinance amendment and classification of the use within an existing or new zoning district.
- 3-3.07 TEMPORARY USES. Temporary uses, whether or not specifically mentioned in this Ordinance, which would last for less than thirty (30) days, may be permitted if approved in writing by the Town Board provided that they will not conflict with adjacent uses or the intent of this Ordinance and do not pose any threat to the health or welfare of the public. Temporary uses shall not include residences for human habitation unless approved by the Town Board. NOTE: Portable restrooms, portable holding tanks and camper unit transfer containers are not allowed unless approved with a Temporary Use by the Town Board.
- 3-3.08 GOVERNMENTAL USES. Except as otherwise provided in this Ordinance, governmental uses may be allowed only as conditional uses in all Districts.
- 3-3.10 PUBLIC UTILITY USES. Except as otherwise provided in this Ordinance, telephone and power distribution poles and lines, gas lines, and necessary appurtenant equipment shall be permitted if they meet the conditions set forth by the Town regarding utility locations.

3-4.00 SETBACK REQUIREMENTS

- 3-4.01 SETBACKS FROM NAVIGABLE WATER. All buildings and structures, except stairways, walkways, piers, and patios which may require a lesser setback, shall be set back at least seventy-five (75) feet from the ordinary HIGHWATER mark, unless otherwise specified by the Adams County Floodplain Ordinance or the Adams County Shoreland Protection Ordinance.
- 3-4.02 PRINCIPAL BUILDING. No principal building shall be erected, altered, or placed so that any portion encroaches into the front, side, or rear yards as established below, unless otherwise specified in the yard requirements for the district in which such building is located.
- (A) Front Yards:
- (1) Where the front yard abuts a Class A Highway, the minimum setback shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.
 - (2) Where the front yard abuts a Class B Highway, the minimum setback shall be 83 feet from the center line of the highway or 50 feet from the right-of-way line, whichever is greater.
 - (3) Where the front yard abuts a Class C Highway, the minimum setback shall be 63 feet from the centerline of the highway or 30 feet from the right-of-way line, whichever is greater.
 - (4) All other front yards shall be 30 feet from the right-of-way line or town road easement line.
 - (5) Private drives or roads with easements or outlots shall also observe the 30 foot setback restriction.
- (B) Side Yard: 10 feet (each side yard)
- (C) Rear Yard: 30 feet
- 3-4.03 ACCESSORY BUILDING OR STRUCTURE.
- (A) No detached accessory building or structure shall be erected, placed or structurally altered so that any portion encroaches into the required front yard or is closer than 10 feet to a lot line, except as otherwise permitted by this Ordinance.
 - (B) Any accessory building or structure which is attached to a principal building or structure shall comply with setbacks established by the direct regulations for principal buildings and structures.
- 3-4.04 TEMPORARY BUILDING OR STRUCTURE.
- (A) No temporary building or structure shall be erected, placed or structurally altered so that any portion encroaches into the required front yard or is closer than 10 feet to a lot line, except as otherwise permitted by this Ordinance. This includes approved/compliant PODS on any parcel but excludes licensed recreational vehicles approved on designated zoning lots and/or approved campground sites.

- (B) Any temporary building or structure which is attached to a principal building or structure shall comply with setbacks established by the direct regulations for principal buildings and structures.

3-4.05 SETBACKS FROM ACCESS EASEMENTS. The setback from private easements serving more than one residence or parcel shall be 30 feet from the described easement in case of an easement that does not have a legal description, 30 feet from the nearest point on the edge of the traveled way.

3-4.06 CORNER LOTS. Corner lots shall have two front yards and a rear yard shall be provided opposite the front yard of the street from which the building or structure obtains its primary access.

3-4.07 FENCES, HEDGES, AND CERTAIN ACCESSORY STRUCTURES.

- (A) New residential hedges and tree plantings are permitted no closer than 10 feet to the property lines of residential districts. Residential fences may be located on a lot line and shall not exceed a height of six feet. No height limitation shall be placed on tree plantings or hedges except those applicable in Section 7-1.00.
- (B) Security fences are permitted on the property lines in all districts, but shall not exceed 10 feet in height and shall be an open type similar to woven wire or wrought iron fencing.
- (C) Farm-related fencing is permitted along the property lines or in the yards of agricultural districts provided that a substantial impediment to visibility is not thereby created (see Section 7-1.00).

3-4.08 VISION CLEARANCE AT INTERSECTIONS. In each quadrant of every road intersection, there shall be designated a visual clearance triangle bounded by the centerlines of the roads and a line connecting them, according to the road classification, as follows:

Road Classification	Distance
A & A	200 feet
A & B	150 feet
A & C	100 feet
B & B	125 feet
B & C	75 feet
C & C	50 feet

Within this triangle, no object over two and one-half (2½) feet in height above these roads shall be allowed if it obstructs the view across the triangle. Posts and open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched. See “Vision Clearance at Intersection” diagram on page 19.

3-4.09 NUMBER OF ACCESS DRIVEWAYS. The maximum number and width of access driveways (per parcel, per frontage road) to highways and local roads shall be as follows:

Type of Access Driveway	Maximum Number of Access Driveways	Maximum Width of Access Driveways
Zone A-1, A-3. Any Commercial & Industrial Land Uses	2	30 Feet
Other Land Uses	1	24 Feet

The Town Board may vary from the provisions of this subsection if the Town Board finds there are special circumstances in effect for a particular parcel.

3-5.00 HEIGHT REGULATIONS

3-5.01 MAXIMUM HEIGHT. In any district, no buildings or structures shall be erected or structurally altered to a height in excess of that specified by the regulations for that district.

3-5.02 EXCEPTIONS. The following shall be excepted from regulation of height in all districts, with the provision that the height of any structure or tower shall not exceed its distance from the nearest lot line:

- (A) Chimneys and flues
- (B) Electric power communication transmission lines
- (C) Farm structures not for human habitation

- (D) Commercial and industrial structures not for human occupation
- (E) Radio and Television Broadcasting/Receiving Towers
- (F) Telephone Transmission Poles
- (G) Microwave Radio Relay Structures
- (H) Communication Towers/Antennas
- (I) Wind power generation towers
- (J) Water Towers or Water Storage Structures

3-5.03 INCREASE PERMITTED. Subject to the approval of the Zoning Committee:

- (A) The maximum height of water towers and tanks in the public and semi-public district may be increased above the maximum allowed in the district provided all required setbacks for the water tower or tank exceeds the height of the structure.
- (B) The maximum height of all other structures may be increased by not more than 10 feet above the maximum allowed in the district provided all required setbacks for the structures are increased by one foot by which such structures exceed the height limit.
- (C) Subject to the approval of the Town Zoning Committee the following structures/uses may be allowed height exemption: cooling towers, elevators, bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires wireless or broadcasting towers, masts, aerials, wind powered generating units, and necessary mechanical appurtenances. Also, buildings meeting specific Fire District stipulations may be allowed height exemptions pursuant to adequate study and determination by the Town and Fire District.

3-6.00 AREA REGULATIONS

3-6.01 MAXIMUM GROUND COVERAGE PERMITTED. The maximum total ground coverage of the principal building and all accessory buildings and structures shall not exceed that specified by the regulations for the district in which such buildings are located.

3-6.02 MINIMUM DWELLING SIZE. The minimum livable floor area of any dwelling unit shall include only livable floor space, as measured from outside of wall to outside to wall, and may also include minimum structure widths, as provided for in individual districts, or as provided for in Section 2 DEFINITIONS (see particularly Mobile Home, and Single Family Dwelling).

3-6.03 LOT.

- (A) No building shall be erected on a lot of less areas or lot width than as specified by the regulations of the district in which such building is located.
- (B) No lot area shall be reduced so as to create a lot of less than the required size or so that the existing setbacks, open space, or lot area would be reduced below that required by the regulations for the district in which such lot is located.

3-7.00 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so that it does not meet the provision of this Ordinance. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

3-8.00 RESIDENTIAL BUILDING RESTRICTIONS

No conventionally built or manufactured home older than ten (10) years from the present date will be allowed to be moved into the Town of Strong's Prairie without a variance, although they may be moved to another location within the Town of Strong's Prairie if currently inhabited, and intended for future habitation. The relocation shall require a building permit, as well as all additions and improvements shall also require a building permit.

All manufactured/mobile homes brought into Strong's Prairie shall meet the current factory inspection standards of the U.S. Department of HUD (effective June 15, 1976), and shall require a HUD inspection by a certified inspector contracted by the Town.

Additional Town of Strong's Prairie inspection requirements are as follows:

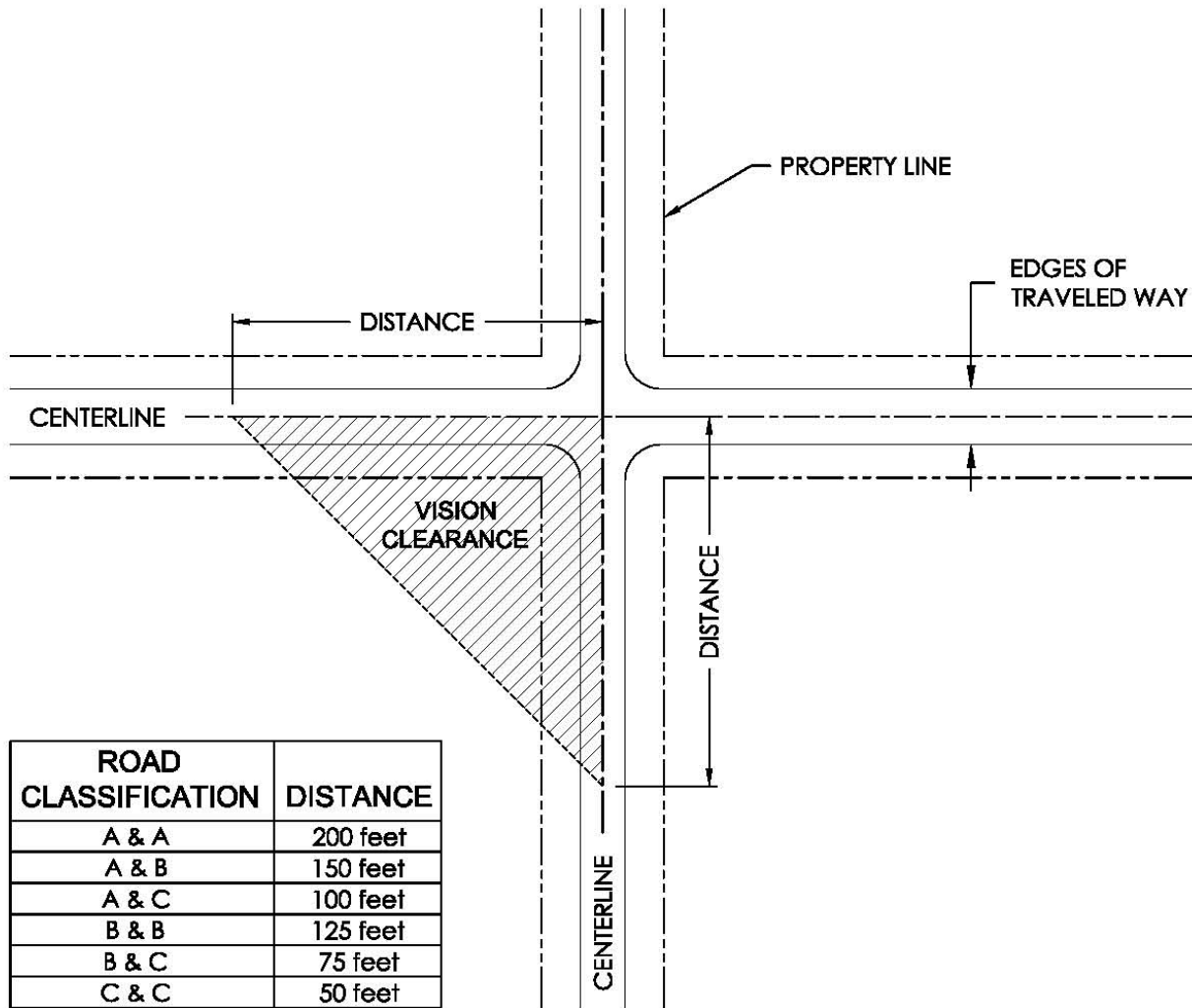
- (A) The site location shall meet all requirements of a zoning approved manufactured home such as septic systems, well, electric service, and foundation.

- (B) Its proposed location shall be on land owned by the title holder of the manufactured home or a written agreement with the land owner.
- (C) The exterior shall be in good repair – there shall be no unnecessary holes in the walls or roof and the same shall be covered with proper coating in accordance with the manufacture specifications.
- (D) The interior walls, ceiling and floors shall have no holes, tears, or missing panels. The final finish shall reflect new, dirt less appearance.
- (E) Doors and windows shall not be broken and shall be weather stripped.
- (F) Utilities shall all be in working order. The electric panel shall be equipped with breakers. All electric wiring shall show no sign of destruction and all electrical receptacles shall be the grounded type with ground fault system as per national electric code.
- (G) The procedure for the approval for placing one of these manufactured homes in the Town of Strong's Prairie shall be as outlined elsewhere in this Ordinance. The inspection shall be made by a two person committee to verify compliance with this policy. The two-person inspection team will consist of one certified inspector and one member of the Plan Commission.
- (H) The fee for the inspection shall be (\$50.00) fifty dollars plus mileage as per township policy. Also meals and lodging expense if necessary for inspections requiring travel over 50 miles away.

3-9.00 TEMPORARY BUILDINGS

- (A) In any district, temporary buildings and the temporary storage of materials and equipment incidental to the construction of buildings on the premises shall be allowed for a period not to exceed one (1) year. This provision is specifically not intended to allow portable storage containers, unless the portable storage container is an approved compliant installation of less than 60-days duration on a parcel or common parcel ownerships. See Sub-Section (C).
- (B) The use of portable storage containers as accessory buildings is prohibited in all districts.
- (C) Portable storage container installations may be permitted for temporary and limited storage use, if such installation meets the following conditions:
 - (1) No more than one (1) portable storage container shall be on a property, or common property ownership, at any given time. Exemptions to exceed the number of allowable containers may be given as prescribed per subsection 7 below.
 - (2) A portable storage container shall not be greater than 10' wide and 10' high and 30' long.
 - (3) A portable storage container shall not remain on a property in excess of sixty (60) consecutive calendar days and shall not be placed at any one property in excess of sixty days in a twelve-month period. Extensions or exemptions to these requirements may be allowed as defined hereunder.
 - (4) A portable storage container shall not be placed closer than 10 feet from all property lines and 5 feet from the nearest wall of a building. No portable storage container may be placed in a right-of-way.
 - (5) Whenever possible, the storage container shall be placed on a hard surface such as asphalt, gravel or concrete.
 - (6) Portable storage containers are permitted for a total period of up to 180 days on a property for which a building permit has been issued and shall be exempt from the provisions of subsection (3) above. All portable storage containers shall be removed from the parcel ownership within seven (7) calendar days of receiving an Occupancy Permit.
 - (7) An extension to the time limit for placement of a portable storage container may be granted by the Town Board provided that such extension shall not be more than thirty (30) calendar days and that no more than two (2) extensions are granted in any given year and that there is a non-self-imposed hardship (such as weather causing construction delays) as reasoning for the extension. Providing a weather proof covering for any use or material is not an approved hardship.
 - (8) The removal of a portable storage container may be ordered by the Town Board due to lack of maintenance or if it becomes a public nuisance. The cost for such removal shall be paid by the property owner. If the property owner is negligent in paying for its removal, the Town may charge the removal against the property.
 - (9) Lawful installations for bonified business purposes may be allowed if adequately screened and approved by the Town Board as part of Site Plan or CUP approval.

VISION CLEARANCE AT INTERSECTION



NOTES:

1. THE VISION TRIANGLE MUST BE FREE OF ALL OBSTRUCTIONS. SEE SECTION 3-4.08 FOR EXCEPTIONS.

SECTION 4 – ADMINISTRATION

4-1.00 ADMINISTRATIVE STANDARDS

Wherever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

4-2.00 ZONING ADMINISTRATOR DESIGNATED

The Town Zoning Committee is hereby designated as the administrative and enforcement committee for the provisions of this Ordinance. The Zoning Committee or its designee may exercise the following duties and powers:

- (A) Advise applicants as to the provisions of this Ordinance and assist them in preparing permit applications.
- (B) Issue permits and inspect properties for compliance with this Ordinance.
- (C) Keep records of all permits issued, inspections made, work approved and other official actions.
- (D) Have access to any structure or premises by appointment during reasonable hours for the purpose of performing its duties.
- (E) Issue directives and orders and report violations of this Ordinance and other applicable regulations to the Town Zoning Committee and Town Attorney.

4-3.00 APPLICATION OF ORDINANCE

4-3.01 **COMPLIANCE.** No structure, land, or water shall hereafter be used and no structure or part hereof shall be construed, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except as specifically, or by necessary implication, authorized by this Ordinance. Conditional uses are allowed only on permit granted by the Town Zoning Committee upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

4-3.02 **USES NOT REQUIRING A ZONING PERMIT.** Any work not requiring a zoning permit shall comply with the applicable setback, yard, height, and other requirements of this Ordinance. A zoning permit shall not be required in any of the following instances:

- (A) For erecting or placing an accessory building of less than 200 square feet in area.
- (B) For normal repairs and maintenance that do not involve an increase in the area of a structure (not including repairs to supporting members of the structure).
- (C) For structural alterations or substantial changes in the roof or exterior walls which do not exceed 20% of the current assessed value of the structure.
- (D) Non-dwelling buildings used exclusively for agricultural purposes.

4-3.03 **ZONING PERMIT REQUIRED.** No building shall be used erected, moved, placed, altered, or enlarged, unless excepted by Section 4-3.02 of this Ordinance, until after the issuance of a zoning permit. Cases when a zoning permit is required:

- (A) Before any building or other structure which is the principal permitted use is erected, moved or structurally altered so as to change its use or increase its floor area.
- (B) Before any land use is substantially altered.
- (C) Before any building or structure is erected or substantially altered which would be a Conditional Use or require a variance regardless of whether principal or accessory use.
- (D) Before building an accessory structure, even though not intended for human occupancy.

4-3.04 **APPLICATION.** The permit application shall be made to the Town Clerk on forms provided by the Town. Applications shall be submitted in duplicate, except that when a site plan approval under Section 4-3-11 is required, they shall be submitted in quadruplicate. The application shall include the following information:

- (A) Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
- (B) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; 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) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; 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 forty (40) feet of the subject site. In lieu of a plat of survey prepared by a registered land surveyor, an accurate parcel map obtained from Adams County Land Records depicting all information as previously stated.
 - (D) Proposed sewage disposal plan. If lots of a certain density and/or soil conditions warrant the need for a sewerage service to be available, this plan shall be reviewed by the Town Engineer who shall certify in writing that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state health regulations.
 - (E) Additional information as may be required by the Town Board, Plan Commission, Town Engineer, and Zoning, Building, Plumbing, Fire or Health Inspectors, including all information required for site plan approval under Section 4-3-11 of this Chapter.
- 4-3.05 REVIEW AND REFERRAL. The Town Clerk or Zoning Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Town Plan Commission.
- 4-3.06 PUBLIC HEARING. Upon referral of the application, the Town Plan Commission shall schedule a public hearing thereon as soon as practical and the Town Plan Commission shall notice said hearing as deemed appropriate.
- 4-3.07 DECISION. Following public hearing, necessary study and investigation, and consideration by and recommendation from the Plan Commission, the Town Board shall render its decision in writing and a copy made a permanent part of the Board's minutes. Such decision shall include an accurate description of the zoning use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval. The Town Board may impose any conditions or exemptions necessary to minimize any burden on any persons affected by granting the special use permit.
- 4-3.08 PERMIT ISSUANCE. A Zoning Permit shall be granted or denied in writing by the Town Board within thirty (30) days or within sixty (60) days of said date when site plan approval or a conditional use permit is required. The permit shall expire within twelve (12) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.
- 4-3.09 PERMIT TERMINATION. When a Zoning Permit does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare the special grant may be terminated by action of the Town Board following a public hearing thereon.
- 4-3.10 AMENDED APPLICATION, PERMIT OR OTHER SUBSTANTIAL ALTERATION. Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Town Board and if in the opinion of the Town Board such change or addition constitutes a substantial alteration, a public hearing before the Board shall be required and notice thereof be given.
- 4-3.11 SITE PLAN APPROVAL. All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, except for residences in A-1, A-3, A-4 and R-1 Districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section.
- (A) Application. An application for any such Zoning Permit shall be submitted to the Town Clerk. The applicant shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
 - (B) Administration. The Zoning Administrator shall make a preliminary review of the application and plans, and refer them, along with a report of his findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to one or more expert consultants selected by the Commission to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within forty-five (45) days of its receipt of the application, the Commission shall authorize the Zoning Administrator to issue or refuse a Zoning

Permit. The Zoning Administrator shall then act on the permit within five (5) days, in accordance with the recommendation of the Commission.

- (C) Requirements. In acting on any site plan, the Plan Commission shall consider the following:
- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal. For new occupancy-based uses, a sanitary and waste disposal plan shall be approved by Adams County, with documentation provided at zoning permit issuance.
 - (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.
- (D) Fee for Site Plan Approval. A fee, as determined and adopted by resolution by the Town Board, will be charged for the filing of an application for site plan approval. The applicant will also be required to pay the cost of any consultant's review and reports which may be required by the Plan Commission under Subsection (C) above.

4-4.00 CONDITIONAL USE PERMIT REQUIRED

4-4.01 GENERAL PROVISIONS. Any use listed as a conditional use in this Ordinance shall be permitted only upon application to the Town Clerk and issuance of a Conditional Use Permit by the Plan Commission. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

4-4.02 REQUIRED INFORMATION. Any land divider who requests a conditional use permit shall submit a Conditional Use Permit Application Form to the Town Clerk. The Conditional Use Permit Application Form is available from the Town Office. (Note, if the Conditional Use Permit includes an A-1, A-2, A-3, or A-4 land division and rezoning, applicants must use and follow the instructions applying for a Land Division as described in Chapter 16, Land Division Ordinance.)

4-4.03 CONDITIONAL USE PERMIT APPLICATION FORM AND SKETCH MAP.

(A) Conditional Use Permit Application Form

The Conditional Use Permit Application requires the following form information and attachments as specified below and application fee.

- (1) The name, address and phone number of the owner of the property and that of the land divider.
- (2) The location and size of the property and the type of land division that is to be requested.
- (3) The names and addresses of all landowners within a 1,000-foot radius of the outer edges of the parcel being divided including those parcels within this radius of neighboring counties and other municipalities
- (4) A statement of intended use.
- (5) The name, address and phone numbers of the surveyor who will be doing the survey work.
- (6) The name, address and phone numbers of the engineer who will perform the public improvements design.
- (7) The present use of the land.
- (8) The number and size of projected parcels, lots, or outlots upon a final land division.
- (9) Existing zoning and other land use controls on parcels within a 1,000-foot radius of the outer edges of the proposed land division.
- (10) Description of parcel location including fire number and roads bordering property.

- (11) The estimated timetable for final development.
- (12) Existing and proposed zoning of parcel and parcels to be created.
- (13) Parcel number
- (14) Aerial photo of parcel and land within 1,000 feet of its border or Global Information System Satellite Photo (if requested).
- (15) Sketch map as specified below. (This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.)

4-4.04 **SITE PLAN SPECIFICATIONS.** As part of all Conditional Use Permit Applications, the applicant shall submit to the Town a Site Plan no smaller in scale than 1 inch = 200 feet or other appropriate larger scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2" x 14" inches. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey. The Site Plan shall show all of the following:

- (A) A north arrow, the date, the scale, and a reference to a section corner.
- (B) Lengths and angles of existing and proposed property lines.
- (C) Location of adjacent properties within 1,000 feet.
- (D) The approximate dimensions and areas of the parcels, lots, outlots, and easements.
- (E) The location and type of existing and proposed buildings, fences, and structures and their uses.
- (F) The location and name of all existing drainage ditches, water wells, sewerage systems, water courses, lakes, navigable waters, ponds, dry wells, drain fields, pipes, culverts, tile lines, and parks and other features pertinent to the land division.
- (G) The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
- (H) Zoning classification and other land use controls of adjacent properties within 1,000 feet.
- (I) The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
- (J) The location of any slopes of 12% or greater.
- (K) The setback of building lines required by any approving agency.
- (L) The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public accesses to navigable water, dedicated areas and utilities on/or adjacent to the land.
- (M) Any floodplain limits
- (N) The entire area contiguous to the plat owned or controlled by the owner or land divider.
- (O) Owners names of adjacent properties within 1,000 feet.

4-4.05 **SUBMITTAL PROCESS.** The applicant shall submit the completed Conditional Use Permit Application Form to the Town Clerk for review of completeness. When the Town Clerk determines the application is complete, the applicant shall submit the application fee to the Town. The applicant may then submit 14 copies of the Conditional Use Permit Application Form and attachments, and the fee payment receipt to the Town Clerk. The Town Clerk shall establish the Plan Commission meeting date upon which the Plan Commission will conduct a public hearing on the application according to the Plan Commission meeting calendar. The Town Clerk will notify by mail all landowners of parcels within 1,000 feet of the property in question and post a Class 2 notice of the public hearing. The Town Clerk shall notify all Plan Commission members of the meeting and provide copies of the Conditional Use Permit Application Form and attachments to them. See Wisconsin Statute §236 for a timeline for the Plan Commission to review the application.

4-4.06 **APPROVAL PROCESS.** The Plan Commission shall hold a public hearing on the conditional use permit application after publication of a Class 2 notice thereof. If no additional information is deemed necessary, the Plan Commission will make a recommendation to approve, approve with conditions, or reject the land division. Written reasons shall be documented in the Town Clerk's minutes for rejection or the imposition of conditions. The land divider or the land divider's designee shall attend the meeting and present the proposed Conditional Use Permit Application to the Plan Commission. Failure of the applicant or its designee to attend the meeting or to provide a complete Conditional Use Permit Application may be used as grounds for the Town Plan Commission to recommend denial of the conditional use permit. The Town Clerk will issue a written conditional use permit. Note the permit may require a review and renewal period in which case the applicant will need to return to the Plan Commission for their review of how the conditional use is working and whether or not to extend the approval of the permit. Specific duties of the Town Clerk may be designated to another official or consultant.

4-4.07 STANDARDS APPLICABLE TO ALL CONDITIONAL USES.

- (A) In evaluating a Conditional Use Permit application, the Plan Commission shall consider the following factors:
 - (1) The location, nature, and size of the proposed use.
 - (2) The size of the site in relation to it.
 - (3) The location of the site with respect to existing or future roads giving access to it.
 - (4) Its compatibility with existing uses on land adjacent thereto.
 - (5) Its compatibility with the future land use map and Comprehensive Plan.
 - (6) Existing topography, drainage, soils types, and vegetative cover.
 - (7) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
- (B) Standards Applicable to Conditional Uses within the A-1, A-2, A-3, and A-4 Districts. In recommending approval of a Conditional Use Permit with land division for an A-1, A-2, A-3, or A-4 parcel to the Town Board, the Plan Commission shall also consider the following factors:
 - (1) The potential for conflict with agricultural use.
 - (2) The need of the proposed use for a location in an agricultural area.
 - (3) The availability of alternative locations.
 - (4) Compatibility with existing or permitted uses on adjacent lands.
 - (5) The productivity of the lands involved.
 - (6) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
 - (7) The need for public services created by the proposed use.
 - (8) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
 - (9) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.
 - (10) Any concerns from the general public or adjoining landowners, that are not addressed by the application meeting Town standards, shall not be grounds for denial.
- (C) Standards Applicable to Conditional Uses for excess animal units in A-3 and A-4 areas. In accessing a Conditional Use Permit application in the A-3 or A-4 Districts, the Plan Commission shall also consider the following factors:
 - (1) Support (lack of concern/complaints) from surrounding landowners. Any concerns from the general public or adjoining landowners, that are not addressed by the application meeting Town standards, shall not be grounds for denial
 - (2) Adequate facilities for housing and feeding animals.
 - (3) Adequate manure removal/distribution plan. Signed agreements for manure management and compliance with Adams County Manure Storage Ordinance.
 - (4) Favorable past animal management performance and/or managerial plan.
 - (5) Compatibility with existing or permitted uses of adjacent lands.
 - (6) Water Retention Plan that meets or exceeds DNR guidelines for water retention plan.
 - (7) The availability of alternative locations.
 - (8) The need for public services created by the proposed use.
 - (9) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
 - (10) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

- 4-4.08 **CONDITIONS ATTACHED TO CONDITIONAL USE PERMIT.** Upon consideration of the factors listed above, the Plan Commission may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.
- 4-4.09 **NOTICE AND PUBLIC HEARING.** Before issuing a Conditional Use Permit, the Plan Commission shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Committee shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin Statutes.
- 4-4.10 **CONDITIONAL USE PERMIT FEE.** The applicant, upon filing of his application, shall pay a fee to the Treasurer in accordance with the Fee Schedule established by the Town Board.
- 4-4.11 **PERMIT CONDITIONS.** Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operations control, hours of operations, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Town Zoning Committee upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
- 4-4.12 **COMPLIANCE REQUIRED.** Compliance with all other provisions of this Ordinance such as lot width and area, yards, height, traffic, parking, loading, and highway access, shall be required of all conditional uses. Variances shall only be granted as provided in Section 4-7.00.
- 4-4.13 **RECORDKEEPING.** Records of all Planning Commission actions approving Conditional Uses shall be maintained by the Town Clerk or his/her designee and shall be referred to in regard to enforcement and modification of Conditional Use approvals.
- 4-4.14 **DENIAL AND RE-APPLICATION.** No application for a conditional use, which has been denied wholly or in part by the Town Zoning Committee, shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to comply with the applicable conditions is included in the resubmitted application
- 4-4.15 **REVOCATION.** A conditional use permit may be revoked if:
- (A) The use does not conform with the conditions of approval within the time limits established in the permit;
 - (B) The use does not continue to conform with the conditions of the original approval;
 - (C) The character of the use itself has changed, causing the use to be incompatible with the surrounding area; or
 - (D) The use no longer conforms to public health, safety, and welfare needs.

4-5.00 STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS

- 4-5.01 **GENERAL.** The following Information may be used by the Plan Commission, Town Board or Board of Adjustment prior to or during proceedings where conditional use permits, zoning district changes or variances are being considered. Conditions of approval can be attached by the Plan Commission, Town Board or Board of Adjustment to address problems which are not direct conflicts of the interest of this ordinance. The following guidelines are not all inclusive.
- (A) **Site Design and Physical Characteristics**
 - (1) Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard, with the goal of minimizing the clearing of land, excessive erosion and haphazard drainage handling.
 - (2) Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
 - (3) Where public sewers are not available, the percolation characteristics of the soil and its ability to meet Adams County requirements for approved septic systems.
 - (4) Adequacy of the proposed internal circulation system, including safety considerations, to encourage internal movements that do not negatively impact existing roadways or intersections as determined by the Town Board.

- (5) Access to sites from the internal circulation system by fire and emergency services vehicles.
- (6) The costs of providing various public services, with the objective of minimizing or eliminating any current or future additional cost to the Town and its constituents.
- (7) Appearance --how the area will look?
- (B) Site Location Relative to the Public Road Network
 - (1) Convenient access to a public road network --safety of access points.
 - (2) Visibility from the proposed road and the need for visibility, as provided in standard engineering criteria.
 - (3) Location to provide access primarily by right-hand turning movements.
- (C) Land Use
 - (1) Compatibility with existing or proposed uses in the area.
 - (2) Relation to area zoning compatibility, with the goal of reducing spot zoning.
 - (3) Relation to existing or proposed development at nearby intersections.
 - (4) Long-term development plan where phasing, or additional parcel ownerships are concerned.
- (D) Traffic Generation
 - (1) Traffic study shall be required for large scale development such as industrial development, commercial development more than 20 trips per day, PDD's more than 20 trips per day, and plats larger than 20 lots. Standards for traffic studies are as follows:
 - (a) Amount of daily and peak-hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.
 - (b) Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
 - (c) Expected composition of site-generated traffic by vehicle types.
 - (d) Effect of site-generated traffic on the operation of the area., with the requirement for driveway, roadway or intersection modifications/improvements where traffic impact is over 10% upon the receiving roadway.
 - (2) Traffic impact for all site developments shall take into account safety and convenience to existing traffic patterns, neighboring uses, and future use.
- (E) Community Effect
 - (1) Immediate and long-range tax base.
 - (2) Access to market or service area.
 - (3) Relation to scenic or recreation values.
 - (4) Relation to the public interest, the purpose and intent of this Ordinance, and substantial
 - (5) Justice to all parties concerned.
 - (6) Compliance with the Comprehensive Plan's Goals and Objectives.
- (F) Other Relevant Factors
 - (1) Additional impacts relative to a particular site, such as environmental conditions, appearance/aesthetics, lighting, noise, safety and proposed hours of operation. Additional information may be requested to evaluate these impacts.

4-6.00 CHANGES AND AMENDMENTS

4-6.01 **AUTHORITY.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be made in accordance with the procedures prescribed in Wisconsin Statute §60.61.

4-6.02 **PETITIONS.** Petitions, for any change to the district boundaries or amendments to the regulations, shall be filed with the Town Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- (A) A plot plan showing the area proposed to be rezoned, its location and its dimensions.
- (B) Additional information as required by the Town Zoning Committee or Town Board.

4-7.00 BOARD OF ADJUSTMENT

- 4-7.01 **BOARD OF ADJUSTMENT.** The existing Town Board of Adjustment is a local body appointed by the Town Board and is authorized by law in Wisconsin Statute §59.99 to hear appeals in matters relating to Town Zoning ordinances. Wisconsin Statute §114.136(4) states that if the town has a zoning ordinance, then the Board of Adjustment shall be the board of appeals set up by such ordinance. The language of the statute is mandatory.
- 4-7.02 **ESTABLISHMENT.** There is hereby established a Board of Adjustment for the Town of Strongs Prairie for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of this Ordinance.
- 4-7.03 **MEMBERSHIP.** The Board of Adjustment shall be appointed in accordance with Wisconsin Statute §60.65. No member shall be a member of the Town Zoning Committee or a member of the Town Board of Supervisors. The members shall serve with compensation and shall be removable for cause by the Town Board Chairman upon written charges and after a public hearing. Compensation shall be at same per diem rate of County Board and mileage.
- 4-7.04 **APPEALS AND REVIEW.**
- (A) **Variances.** Upon appeal in special cases the Board of Adjustment may, after investigation and public hearing, grant such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special condition a literal enforcement of this Ordinance would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this Ordinance.
 - (B) **Aggrieved Person.** Any person aggrieved or affected by any decision or action of the Town made in this administration of this Ordinance may appeal such decision or action to the Board of Adjustment.
 - (C) **Procedure.** Any appeal taken pursuant to this section shall be in conformity with the procedure established by Wisconsin Statute §62.23(7)(e).
 - (D) **Record Transmittal.** The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appeals from was taken.
 - (E) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- 4-7.05 **PROCEDURE.**
- (A) The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance and consistent with the Wisconsin Statutes.
 - (B) Meetings shall be held at the call of the Chairman, and shall be open to the public.
 - (C) Minutes of the proceedings and a record of all actions shall be kept by the Zoning Committee showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of fact.
 - (D) A concurring vote of a majority of the members of the Board shall be necessary to reverse the order, requirements, decision, or determination appealed from to decide in favor of the applicant of any matter on which it is required to pass, or to affect a variance.
 - (E) If a member or members of the Board of Adjustment refuse to vote because of a conflict of interest or when a member or members are absent, the alternates to the board shall act with full power, and the practice of the alternates serving shall be consistent with Wisconsin Statutes §60.65(5) and §59.694(2)(bm).
 - (F) In any action involving a historic property, as defined in §44.31(3), the board shall consider any suggested alternatives or recommended decision submitted by the County Landmarks Commission (if available, the State Historical Society, or the Zoning Committee.
- 4-7.06 **POWERS.** The Board of Adjustment shall have the following powers:

- (A) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Committee.
- (B) Variances. To hear and grant appeals for variances as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- (C) Permits. This Board may reverse, affirm wholly or partly, and may modify the requirements appealed from, and may issue or direct the issuance of a permit.
- (D) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts.
- (E) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- (F) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Town Board has made a review and recommendation.
- (G) Temporary Uses. To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are Compatible with the neighboring uses and the Town Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (H) Assistance. This Board may request assistance from other town officers, department, commissions, and boards.
- (I) Oaths. The chairman, or in his absence, the active chairman, may administer oaths and compel the attendance of witnesses.

4-7.07 APPEALS AND APPLICATIONS. Appeals from the decision of the Zoning Committee concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Appeals shall be filed with the Town Clerk within 30 days of the date of the written notice of the decision or order of the Zoning Committee. Applications for interpretation, substitution, or unclassified use may be made by the owner or lessee of the structure, land, or water to be affected and shall be filed with the Town Clerk. Such appeals and applications shall include the following:

- (A) Name and address of the appellant or applicant.
- (B) A location sketch showing all of the information required under Section 4-3.03 of this Ordinance.
- (C) Specify the grounds for appeal or application.
- (D) A receipt from the Town Clerk indicating that the required fee has been paid.
- (E) Additional information as required by the Town Zoning Committee, or Board of Adjustment. An appeal stays all legal proceedings in furtherance of the action except by the certification of the officer or a restraining order by the Board of the Court of Record.

4-7.08 HEARINGS. The Board of Adjustment shall fix a reasonable time and place of the required public hearing, give public notice thereof and shall give due notice to the parties in interest including the Town Attorney and the Town Zoning Committee. At the hearing the appellant or applicant may appear in person, by agent, or by attorney. Notice shall be given in each of the following ways:

- (A) By publication in one (1) or more of the newspapers in general circulation in the Town at least once, not less than ten (10) days prior to the date of such hearing.
- (B) By posting, not less than ten (10) days prior to the date of such hearing, in each of the public places in which official notices are usually published in each town affected by the matters to come before the Board of Adjustment at such hearing.
- (C) By certified mail to the parties having a legal interest in any of the matters to come before the Board of Adjustment at such hearing.

- 4-7.09 FINDINGS. No variance to the provisions of this Ordinance shall be granted by the Board unless this Board finds, beyond a reasonable doubt, that all the following facts and conditions exist and so indicates in the minutes of its Proceedings.
- (A) Exceptional circumstances. There must be exceptional, extra-ordinary, or unusual circumstances or conditions applying to the lot, use, structure, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent a nature as to suggest that the Zoning Ordinance should be changed.
 - (B) Preservation of Property Rights. That the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and same vicinity.
 - (C) Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose of spirit of this Ordinance or the public interest.
 - (D) Preservation of Intent. No variance shall be granted that is inconsistent with the purpose and intent of the regulations for the district in which the use is located. No variance shall be granted if issuance would have an adverse affect on the Agricultural Preservation Plan, Adams County, Wisconsin.
 - (E) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- 4-7.10 DECISION. The Board of Adjustment shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Committee, and Town Attorney.
- (A) Conditions may be placed upon any zoning permit ordered or authorized by this Board.
 - (B) Variances, substitutions, or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced.
- 4-7.11 REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Adjustment may present to the court of record, a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court 30 days after the filing of the decision in the office of the Board of Adjustment.

4-8.00 FEES

- 4-8.01 Fees shall be required of all persons, firms, or corporations requesting an ordinance amendment, interpretation, variance, or appeal. Fees shall also be required of all persons, firms, or corporations performing work for which this Ordinance requires a permit. Such fees defray the Town's cost of administration, investigation, legal advertisement, and processing. The application fee shall be as set from time to time by the Strongs Prairie Town Board of Supervisors. Investigation and review fees by outside consultants, if required, are required to be reimbursed by the Applicant prior to the granting of a zoning permit.
- 4-8.02 A double fee shall be charged by the Zoning Committee if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with their Ordinance nor from prosecution for violation of this Ordinance.

*Extenuating circumstances may constitute a waiver of the double fee.

4-9.00 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Zoning Committee, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin the violation of this Ordinance. Any and all violations shall be documented in a written order, sent to the lawful owner of such land, structure, etc, which is in violation. The owner shall have 30 days* to comply. If there is no compliance, penalties shall be levied.

*Extenuating circumstances may grant an extension.

4-10.00 PENALTIES

Any person, firm, or corporation who fails to comply with any written order of this Ordinance shall be assessed not less than \$50.00 per day and no more than \$300.00 per day per violation beginning from the date the order(s) were written. These forfeitures will continue until the violation(s) are corrected. Compliance may also be enforced by injunction order.

4-11.00 PUBLIC HEARING NOTICE

Notice of any public hearing, which Town Zoning Committee, or Board of Adjustment is required to hold under the terms of this Ordinance, shall specify the date, time, and place of the hearing and shall state the matter to be considered. The notice shall be published in accordance with the Wisconsin Statutes.

SECTION 5 – ZONING DISTRICTS

5-1.00 A-1 EXCLUSIVE AGRICULTURAL DISTRICT

5-1.01 PURPOSE AND INTENT. The purposes of the A-1 District are to:

- (A) Preserve agricultural land for food and fiber production.
- (B) Protect productive farms.
- (C) Maintain a viable agricultural base to support agricultural processing and service industries.
- (D) Prevent conflicts between incompatible uses.
- (E) Reduce costs of providing services to scattered non-farm uses.
- (F) Pace and shape urban growth.
- (G) Implement the provisions of the County agricultural plan when adopted and periodically revised.
- (H) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wisconsin Statute §71.07(3).
- (I) Farming operations on lands owned by persons receiving Farmland Preservation tax credits shall be conducted in substantial accordance with an approved soil and water conservation plan.

5-1.02 APPLICABILITY. This district is generally intended to apply to lands in productive farm operations including:

- (A) Lands historically producing good crop yields or capable of such yields.
- (B) Lands productive for dairying, livestock raising, and grazing.
- (C) Other lands which are integral parts of such farm operations.
- (D) Land used to produce specialty crops such as cranberries, mint, sod, tree crops, fruits and vegetables.
- (E) Lands capable of productive use through economically feasible improvements such as irrigation or agricultural conservation practices.

5-1.03 PERMITTED USES. The following uses and their customary accessory uses are permitted:

(A) Agricultural uses:

- (1) Beekeeping.
- (2) Dairying.
- (3) Floriculture (cultivation of ornamental flower plants).
- (4) Grazing.
- (5) Livestock raising.
- (6) Poultry raising.
- (7) Kennels.
- (8) Plant nurseries and orchards.
- (9) Raising of grain, grass, mint, and seed crops.
- (10) Raising of tree fruit, nuts, and berries.
- (11) Sod farming.
- (12) Tree farming including Christmas trees and pulp wood.
- (13) Vegetable raising.
- (14) Viticulture (grape growing).
- (15) Forest and game management.
- (16) Nature trails and walks.
- (17) Greenhouses.
- (18) One roadside stand per farm used solely for the sale of products produced on the premises or adjoining premises.
- (19) Sales and Display of Firewood.
- (20) Boarding Stables.

(B) Residential uses.

- (1) Single and Two-Family Dwellings and Mobile Homes (pursuant to 3-8.00) that have a use consistent with agricultural use and that are occupied by any of the following:

- a. An owner of the parcel.
 - b. A person who, or a family of at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel.
 - c. A parent or child of an owner who conducts the majority of the farm operations on the parcel.
 - d. A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.
- (2) Pre-existing residences, including mobile homes pursuant to Section 3-8.00, located in areas subject to zoning under this section which do not conform to this paragraph may be continued in residential use and shall not be subject to any limitations imposed or authorized under Wisconsin Statute 60.61(5). Such pre-existing residences may be altered, repaired, or rebuilt, but are subject to setback, height, and other dimensional requirements.
 - (3) Farm residence and related farm structures, which existed prior to the adoption of this Ordinance, remaining after farm consolidation.
 - (4) Recreational vehicles as provided in Section 6-1.03(B).
 - (5) Tiny homes as defined in 2-2.139, provided there is an Adams County approved septic system permit (prior to building permit issuance) or connection to an existing approved septic system capable of providing year-round sustained service.
- (C) Other agricultural structures and improvements not for human habitation.

5-1.04 CONDITIONAL USES.

- (A) The following uses may be permitted after review and approval by the Town Zoning Committee (see Section 4-4.00 for application and review requirements):
- (1) Farm family businesses conducted within existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than two (2) persons who are not members of the resident farm family may be employed by the farm family business.
 - (2) Fur farms.
 - (3) Riding Stables and paddocks for public use.
 - (4) Equestrian trails.
 - (5) Governmental uses such as police and fire stations, highway storage garages, potable water wells and treatment facilities, wastewater treatment plants, schools, parks, and campgrounds, and airports and landing strips.
 - (6) Religious uses such as churches, schools, and cemeteries.
 - (7) Gas and electric utility uses not requiring authorization under Wisconsin Statute §196.491.
 - (8) The storage of fertilizer with the intent to sell, including other chemical products essential to agricultural production.
 - (9) Facilities used in processing of agricultural products.
 - (10) Nonmetallic mineral extraction, in excess of 10,000 square feet. Auto salvage yards.
 - (11) Contractor equipment and supply storage yards.
 - (12) Commercial or boarding kennels.
 - (13) Other agricultural-related, religious, utility, institutional, or governmental uses similar to those listed in Sections 5-1.03 and 5-1.04 which are compatible with the purposes of this district, which are uses consistent with agricultural use, and which are found necessary in light of alternative locations available for such uses.
 - (14) Tiny homes for farm hands or family workers (not guest houses). Additional standards for a conditional use shall be the following:
 - a. Term limit (sunset) of the farm hand use
 - b. Renewal period of the farm hand use (typically 1 year)
 - c. Siting standards meeting 3-8.00
 - d. Approved septic system
 - e. Removal and restoration provisions

- (B) Standards Applicable to Conditional Uses: The Department of Agriculture, Trade, and Consumer Protection shall be notified of the approval of any conditional uses. In passing upon applications for conditional uses, the Town Zoning Committee shall consider the following relevant factors.
 - (1) The statement of purposes of the Zoning Ordinance and the A-1 District.
 - (2) Potential for conflict with agricultural use.
 - (3) Need of the proposed use for a location in an agricultural area.
 - (4) Availability of alternative locations.
 - (5) Compatibility with existing or permitted uses on adjacent lands.
 - (6) Productivity of the lands involved.
 - (7) Location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
 - (8) Need for public services created by the proposed use.
 - (9) Availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
 - (10) The effect of the proposed use on water or air pollution, soil erosion, and rare or irreplaceable natural resources.
- (C) Conditions Which May be Attached to Conditional Uses: Upon a consideration of information supplied at the public hearing and a review of the standards contained in Section 5-1.04(B), the following conditions may be attached to the granting of a conditional use; increased setbacks and yards specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and plating screens; sureties; operational controls and time of operation; air pollution controls erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this Ordinance. Violation of these conditions shall constitute a violation of this Ordinance as provided in Section 4-9.00.

5-1.05 YARD REQUIREMENTS.

- (A) All buildings, structures, or enclosures which house or confine animals, including but not limited to animal hospitals, kennels, barnyards, feedlots, and stables, shall meet the following minimum setback requirements:
 - (1) Front Yard: 100 feet
 - (2) Side Yard: 100 feet
 - (3) Rear Yard: 100 feet
- (B) All other uses shall meet the minimum setback requirements specified in Section 3-4.00.

5-1.06 HEIGHT REQUIREMENTS. (See also Section 3-5.00)

- (A) All single-family dwellings and their accessory structures shall not exceed the following maximum requirements:
 - (1) Principal building and attached accessory buildings: 35 feet.
 - (2) Detached Accessory structures: 30 feet.
- (B) All other buildings or structures shall not exceed the following maximum: 95 feet.

5-1.07 AREA REQUIREMENTS. (See also Section 3-6.00) All lots shall meet the following minimum requirements:

- (A) Lot Area
 - (1) To establish a farm residence or farm operation (as allowed in Section 5-1.03)
 - 35 acres
 - (2) To establish a separate parcel for an additional residence as allowed in Section 5-1.03(B).
 - 40,000 square feet per dwelling
 - (3) For a farm residence or structures remaining after farm consolidation as allowed in Section 5-1.03(B)(3).

5 acres

(B) Lot Width

- (1) To establish a residence or farm operation (as allowed in Section 5-1.03).

300 feet

- (2) To establish a separate parcel for an additional residence as allowed in Section 5-1.03 (B).

150 feet

- (3) For a farm residence or structures remaining after farm consolidation as allowed in Section 5-1.03(B)(3).

All lots shall have a minimum width of 235' or as needed to maintain 4:1 ratio of depth to width.

- (C) Where an additional residence for persons specified in Section 5-1.03(B)(4) is located on a farm without creating a separate parcel, the residence shall be at least 40 feet from other residences.

5-1.08 STANDARDS FOR REZONING.

- (A) The Department of Agriculture, Trade, and Consumer Protection shall be notified of all rezoning. Decisions on petitions for rezoning areas zoned for Exclusive Agricultural use shall be based on finding which shall take into consideration:

- (1) Adequate public facilities to serve the development are present or will be provided.
- (2) Provision of these facilities will not be an unreasonable burden to local government.
- (3) The land is suitable for development.
- (4) Development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.
- (5) The potential for conflict with remaining agricultural uses in the area.
- (6) The need of the proposed development location in an agricultural area.
- (7) Availability of alternative locations.
- (8) Productivity of the agricultural lands involved.
- (9) The location of the proposed development to minimize the amount of agricultural land converted.

5-2.00 A-2 AGRICULTURAL TRANSITION DISTRICTS

5-2.01 PURPOSE AND INTENT.

- (A) Purpose: The purpose of the A-2 district is to:

- (1) Provide for the orderly transition of agricultural land to other uses area planned for eventual urban expansion.
- (2) Defer urban development until the appropriate local government bodies determine that adequate public services and facilities can be provided at a reasonable cost.
- (3) Ensure that urban development is compatible with local land use plans and policies.
- (4) Provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur:
 - a. When the Comprehensive Plan is amended or updated.
 - b. Upon completion or revision of a county agricultural preservation plan or municipal land use plan which affects lands in the district.
 - c. Upon extension of public services, such as sewer, and water necessary to serve urban development.

- (B) Intent: This district is intended to apply to lands located adjacent to incorporated municipalities or developed areas where such lands are predominately in agricultural or related open space use but where conversion to nonagricultural use is expected in the near future. Lands indicated as transition areas in the agricultural plan and similar lands are to be included.

- 5-2.02 PERMITTED USES. Same as A-1 Exclusive Agriculture (See Section 5-1.03) subject to these limitations: On parcels smaller than 5 acres, the limitations of Section 5-4.00 shall apply.
- 5-2.03 CONDITIONAL USES. Same as A-1 Exclusive Agriculture (See Section 5-1.04).
- 5-2.04 YARD REQUIREMENTS. Same as A-1 Exclusive Agriculture (See Section 5-1.05).
- 5-2.05 HEIGHT REQUIREMENTS. Same as A-1 Exclusive Agriculture (See Section 5-1.06).
- 5-2.06 AREA REQUIREMENTS. Same as A-1 Exclusive Agriculture (See Section 5-1.07).
- 5-2.07 STANDARDS FOR REZONING. Same as A-1 Exclusive Agriculture (See Section 5-1.08).

5-3.00 A-3 AGRICULTURAL & LOW-DENSITY RESIDENTIAL DISTRICT

5-3.01 PURPOSE AND INTENT.

- (A) Purpose: The primary purposes of the A-3 District are to maintain, preserve, and enhance land historically used or suited for agricultural or agriculturally-related purposes both which are not included within the A-1 Exclusive Agriculture District. This district is designed to provide and retain certain lands for orderly low density residential development (from 10 acres to 35 acres, unless a legal consolidation of parcels occurs to a net area over 35 acres) in a rural atmosphere, with right retained for limited agricultural activity for the exclusive use of the occupants.
- (B) Intent: This district is intended to include those lands best suited to smaller farm uses including, but not limited to, truck farming, horse farming and orchards. This district would potentially conflict with R-1 due to the larger parcel size and potential agricultural similarities with the A-1 District.

5-3.02 PERMITTED USES. The following uses and their customary accessory uses are permitted.

- (A) The uses listed in 5-1.03 (A), (B) & (C).
- (B) Home Occupations excluding commercial or boarding kennels and adhering to the restrictions listed in Section 5-5.02(B).

5-3.03 CONDITIONAL USES. The following uses may be permitted after review and approval by the Town Zoning Committee (see Section 4-4.00 for application and review requirements).

- (A) Uses listed in Section 5-1.03(A) subject to the limitations of animal units and acreage of below.
- (B) Tiny homes, as defined in 2-2.139, provided there is an Adams County approved septic system permit (prior to building permit issuance) or connection to an existing approved septic system capable of providing year-round sustained service.

5-3.04 YARD REQUIREMENTS. Same as A-1 Exclusive Agriculture (See Section 5-1.05).

5-3.05 HEIGHT REQUIREMENTS. Same as A-1 Exclusive Agriculture (See Section 5-1.06).

5-3.06 AREA REQUIREMENTS. All lots shall meet the following minimum requirements (See also Section 3-6.00):

- (A) Lot Area 10 acres
- (B) Lot Width All lots shall have a minimum width of 330' or as needed to maintain 4:1 ratio of depth to width.

5-3.07 STANDARDS FOR REZONING. Same as A-1 Exclusive Agriculture (see Section 5-1.08).

5-3.08 SPECIAL REQUIREMENTS

- (A) Animal Uses: ½ animal unit each ½ acre of lot area

5-4.00 A-4 AGRICULTURAL & MODERATE-DENSITY RESIDENTIAL DISTRICT (Formerly R-2 Rural Res.)

5-4.01 **PURPOSE AND INTENT.** To provide for areas of residential living in the rural countryside, where prime agricultural lands would not be involved, and where the residents of this district accept agriculture as the dominant way of life, wishing to participate in a limited way, living on large lots that have space for vegetable gardens, small crop fields or orchards, keeping of livestock, and similar rural activities. Since parcels suitable to be placed in this district may be scattered along the rural road network, among larger tracts of A-1 zoning, this district may be expected to regulate small groupings of such residences. Although this district will be used in an agricultural environment, since the emphasis of this district is on residential living, it is necessary to place limits on the amount of animals keeping on each parcel and certain uses. It is also intended that this district be a transition district from predominantly residential areas with higher densities to lower density farming areas typically in A-1 districts.

5-4.02 **PERMITTED USES.** The following uses and their customary necessary uses are permitted:

- (A) Same as R-1 Single Family Residential District (see Section 5-5.02) as well as agricultural activities compatible with rural residential living, such as gardening, raising seed, grain and fruit crops, beekeeping, horse grazing and stables, limited livestock raising and keeping as follows:

$\frac{1}{2}$ animal unit each $\frac{3}{4}$ acre of lot area (See animal unit, 2-2.04).

5-4.03 **CONDITIONAL USES.** The following uses may be permitted after review and approval by the Town Zoning Committee (See Section 4-4.00. For application and review requirements):

- (A) The standards as per the Single Family Residential District (see Section 5-5.03).

5-4.04 **YARD REQUIREMENTS.** All uses shall meet the minimum setback requirements in Section 3-4.00, except front yards shall not be less than 100 feet, and side yards shall not be less than 50 feet.

5-4.05 **HEIGHT REQUIREMENTS.** (See also Section 3-5.00).

- (A) All single-family dwellings, mobile homes, group homes, and their accessory structures shall not exceed the following maximum requirements:

- (1) Principal buildings and attached accessory buildings: 35 feet
- (2) Detached accessory structures: 30 feet

5-4.06 **AREA REQUIREMENTS.** (See also Section 3-6.00).

- (A) **Maximum Ground Coverage.** The total ground area occupied by any principal building with all its accessory buildings shall not exceed five percent of total lot area and in no case more than 10,000 square feet.

- (B) **Lot Requirements.** All lots shall meet the following requirements:

- (1) Lot area: 5 acres minimum to 9.99 acres maximum
- (2) Lot width: All lots shall have a minimum width of 250 feet or as needed to maintain 4:1 ratio of depth to width.

5-4.07 **SPECIAL REQUIREMENTS.**

- (A) **Animal Uses:** $\frac{1}{2}$ animal unit each $\frac{3}{4}$ acre of lot area

5-5.00 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

5-5.01 **PURPOSE AND INTENT.** To establish and preserve quiet, single-family neighborhoods as desired by large numbers of people, free from uses except those which are both compatible with and convenient to the residents of such a district. Whenever possible, such districts shall be provided with off-site wastewater collection and treatment, especially where lot sizes warrant or there are limiting soil/groundwater features where numerous POWTS would have a negative impact to the Town.

5-5.02 **PERMITTED USES.** The following uses and their customary accessory uses are permitted:

- (A) Detached single-family dwellings provided they contain the minimum square feet of livable floor space established for single family dwellings, see Section 2-2.132.

- (B) Home Occupations may be maintained in any Residential District as a permitted use, as opposed to a conditional use, if the standards of Section 5-5.03(F)(1) are complied with and:
 - (1) No sign is erected or maintained regarding the home occupation;
 - (2) Other than immediate family, there should be no more than one full-time or two part-time employees;
 - (3) No customers regularly come to the house;
 - (4) The business is service-oriented and not engaged in retail trade.
- (C) Professional Home Office (see Section 2-2.105) provided other than immediate family, there should be no more than one full-time or two part-time employees.
- (D) Essential services.
- (E) Mobile Homes existing 10 years prior to the present date on a lot in this R-1 district may be continued in residential use provided they are not abandoned (See Section 5-5.04).
- (F) The maximum number of animals permitted in the Single Family Residential District is three (3) (Eg. dogs, horses, etc). For the purpose of this section, animals under the age of six months shall not be considered in the number of allowable animals.

5-5.03 CONDITIONAL USES. The following uses may be permitted after review and approval by the Town Zoning Committee (See Section 4-4.00 for application and review requirements).

- (A) Private parks, and churches provided they are located, planned, and designed to avoid undue noise or other nuisances.
- (B) Day Care Center.
- (C) Bed and Breakfast Establishments provided they comply with the standards of Ch. HSS 197, Wisconsin Administration Code.
- (D) Home Occupations.
 - (1) Restrictions. Except as provided in the permitted use exception in Section 5-5.02(B), home occupations are a conditional use in A-3, A-4, and R-1 Districts and are subject to the requirements of the District in which the use is located, in addition to the following:
 - a. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - b. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district. See Section 8-4.03 for sign requirements.
 - c. No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - d. No activity shall be permitted which is noxious, offensive, or hazardous by reason of pedestrian or vehicular traffic, or by the creation of noise, odor, refuse, heat, vibration, smoke, radiation, or any other objectionable emissions, or by interference with television, radio, or similar reception.
 - e. Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall comply with district sign regulations. See Section 8-4.03 for sign requirements.
 - f. The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - g. The Town Board may determine the percentage of the property that may be devoted to the occupation, but shall not exceed fifty percent (50%).
 - h. The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the sale of items or products on the premises is prohibited. The home

occupation may be restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises. A home occupation includes, but is not limited to, uses such as baby sitting, dressmaking, crafts, dance schools, professional offices or photographic studios, but does not include the display of any goods.

- i. If the home occupation involves students, there shall be no more than four students present at any one time, with a maximum of eight students per day.
- j. The types and number of equipment or machinery may be restricted by the Town Board.
- k. Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
- l. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- m. Other than immediate family, there should be no more than one full-time or two part-time employees.
- n. There shall be no rooming provided to anyone outside of the immediate family except for one employee or student.

5-5.04 PROHIBITED USES.

- (A) Mobile Homes not occupied on a regular basis (not left vacant more than 12 months at a time) or abandoned mobile homes and other vehicles.

5-5.05 YARD REQUIREMENTS. All uses shall meet the minimum setback requirements in Section 3-4.00, except Class B Highway Front Yards shall also apply on Class C Highways.

5-5.06 HEIGHT REQUIREMENTS. See also Section 3-5.00.

- (A) All single-family dwellings, mobile homes and their accessory structures shall not exceed the following maximum requirements.
 - (1) Principal building and attached accessory buildings: 35 feet
 - (2) Detached accessory structures: 30 feet

5-5.07 AREA REQUIREMENTS. (See also Section 3-6.00)

- (A) Lot Area. All lots shall have a minimum area of 5 acres.
- (B) Lot Width. All lots shall have a minimum width of 235 feet or as needed to maintain a 4:1 depth to width ratio.

5-6.00 PDD PLANNED DEVELOPMENT DISTRICT

5-6.01 PURPOSE AND INTENT. The purpose of this district is to provide an area for mixed use development such as permanent and seasonal residential dwelling units, open space and recreational uses, and compatible commercial uses. The intent is to permit the grouping of residential and nonresidential uses identified with lake and recreational development. The purpose of the Planned Development District is to provide a regulatory framework to encourage improved environmental design by allowing flexibility in the development of land while ensuring compliance with the basic intent of the Zoning Ordinance and with the Town land use plan. Developers can propose used or combination of used and configurations of intensity and density of development. Through a process of Zoning Committee review, public hearing and Town Board review and approval, accompanied by discussions with developers and, as appropriate, with other interested parties, an agreement is reached between the property owner and the Town of Strong's Prairie. The details of this agreement constitute the zoning controls of the property. These controls have the same legal force and effect as do standard zoning requirements.

5-6.02 PERMITTED USES. The uses which may be permitted under a planned development district include a mixture of uses, including any uses permitted under the Town of Strong's Prairie Zoning Ordinance. Permitted uses may also include any conditional uses authorized in any of the foregoing districts under this Ordinance and compatible uses as determined by the Town board by approval of the final development plan. No use is permitted as a matter of right in the PDD district except as may be provided in an approved final development plan.

5-6.03 PRE-APPLICATION CONFERENCE.

- (A) Prior to filing an application for approval of a preliminary Planned Development District, the developer shall consult with the Zoning Committee for advice and assistance for the purpose of determining land suitability and reviewing the procedures and requirements of this chapter and other ordinances, and any plans or data which may affect the proposed development.

5-6.04 PDD APPLICATION.

- (A) An owner may apply for re-zone into a PDD in any zones within the Town.
- (B) The PDD District may be applied through the procedures and requirements as identified herein; provided that, if initiated by the owner or contract purchaser of the subject property, or their authorized representatives, application for a zone change to apply the PDD District must be in conjunction with application for PDD general development plan approval.
 - (1) All development in the PDD District requires approval of a PDD general development plan and final development plan as provided in this chapter

5-6.05 CRITERIA FOR ZONE CHANGE TO APPLY PDD DISTRICT. The Town Board shall decide an application to apply the PDD District and shall approve the zone change if it finds:

- (A) Two or more of the following:
 - (1) The subject property contains significant landscape features or open space whose preservation requires planned development district rather than conventional lot-by-lot development;
 - (2) Planned development district of the subject property will promote increased energy conservation or use of renewable energy resources;
 - (3) The subject property contains natural hazards, the avoidance of which requires planned development of the property;
 - (4) Planned development district of the subject property will produce more efficient use of the land and provision of services than conventional lot-by-lot development.
 - (5) A form-based zoning is desired that would incorporate potentially multiple uses and would provide unique characteristics that would be limited in traditional zoning regulations.

5-6.06 PDD GENERAL DEVELOPMENT PLAN. Approval of a PDD General Development Plan is a development request subject to this ordinance. The submittal packet shall contain all the following items, prior to its acceptance by the Zoning Administrator and/or the Town Board.

- (A) An application of PDD general development plan approval shall be initiated as provided herein.
- (B) The PDD general development plan shall consist of the following:
 - (1) Written Documents containing the following information:
 - a. A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
 - b. The names and addresses of all owners of adjacent property.
 - c. A statement of planned objectives to be achieved by the PDD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and adjacent areas, discussion of how the proposed development will relate to the natural environment and significant landscape features of the site and adjacent areas, and the rationale behind the assumption and choices made by the applicant.
 - d. A development schedule indicating the approximate date when construction of the PDD stages of the PDD can be expected to begin and be completed.
 - e. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PDD, such as land areas, dwelling units, etc.
 - f. Quantitative data for the following: total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate gross and net residential acreages; total amounts of open space; amounts of private, common and public open space;

total area and types of non-residential construction; economic feasibility studies or market analysis where necessary.

- (2) Site Plan and Supporting Maps. A site plan and any maps necessary to show the major details of the proposed PDD, containing the following minimum information:
- a. The existing site conditions, including contours at vertical intervals of not more than two (2) feet where average slope is less than ten percent (10%) or four (4) feet where slope is ten percent (10%) or greater. Elevations shall be marked on such contours based upon U.S.G.S. data where available and upon the best available data in all other cases.
 - b. Proposed lot lines and layout design.
 - c. The location and floor area size of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units, and non-residential structures, including commercial facilities.
 - d. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles).
 - e. Architectural Concept Plan: An architectural concept plan prepared in sufficient detail to show the mass, form, elevations, rooflines and general architectural style of proposed buildings on the site and their compatibility with nearby uses.
 - f. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common public open spaces or recreational areas, school sites, and similar public and semi-public uses.
 - g. The existing and proposed circulation system of arterial, collector, and local streets, including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
 - h. Traffic Circulation. The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separation between pedestrian and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings and uses. The criteria that shall be followed include:
 1. Minimum number of conflict points between auto traffic and pedestrian traffic to include the adequate design and demarcation of the pedestrian walkways from parking or driveway areas. Pedestrian walks shall not be obstructed by the storage, display or sale of merchandise.
 2. Service traffic separation from customer traffic. For mall-type centers, service traffic shall be limited to specific times of the day, such times to be reasonably determined by the Planning and Zoning Commission.
 3. Frontage service drives may be required by the Town Board if area traffic conditions warrant.
 - i. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.
 - j. The existing and proposed systems for providing sewage disposal, water, electricity, gas, fire protection and telephone services.
 - k. A general schematic landscape plan indicating the technique and materials to be used for private, common and public open spaces.
 - l. A preliminary subdivision or partition plan if the land is to be divided.
 - m. Information on land areas adjacent to the proposed PDD, including land uses, zoning classifications, densities, circulation systems, public facilities, and significant landscape features, to show the relationship between the proposed development and the adjacent properties.
 - n. The proposed treatment of the perimeter of the PDD, including materials and techniques to be used, such as screens, fences and walls.

- (3) Architectural Control: No building, fence, wall or structure shall be commenced, erected, or maintained upon any lot, or shall any exterior addition to, change, or alteration thereof be made until plans, material, and location of the same have been submitted to and approved in writing by the commission or its designee.
 - (C) The Town Board shall decide on the PDD general development plan application as provided herein; and shall approve the general development plan if it finds:
 - (1) The proposed PDD is consistent with application Comprehensive Plan goals policies and map designations.
 - (2) The general development plan meets the Town's development standards.
 - (3) If the general development plan provides for phased development that each phase meets the Town's development standard and that the applicant has the capability to obtain final development plan approval in the time limits imposed.
 - (4) Exceptions from the standards of the underlying zone district or from the quantitative requirements set herein of this Ordinance are warranted by amenities and other design features of the PDD.
 - (5) Any conditions or modifications imposed by the Town Board on the general development plan approval are necessary to meet the requirements herein or to comply with the Comprehensive Plan.
- 5-6.07 DEVELOPMENT STANDARDS FOR GENERAL DEVELOPMENT PLAN. A PDD general development plan shall be submitted at a scale not more than 200 feet to one (1) inch and shall show all information required in Section 6.
- 5-6.08 MINIMUM SITE SIZE. The PDD site must be of such a size that at least four (4) dwelling units would be permitted by the PDD.
- 5-6.09 PERMITTED USES. The uses which may be permitted under a planned development district include a mixture of uses, including any uses permitted under the Town of Strong's Prairie Zoning Ordinance. Permitted uses may also include any conditional uses authorized in any of the foregoing districts under this Chapter and compatible uses as determined by the Town board by approval of the final development plan. No use is permitted as a matter of right in the PDD district except as may be provided in an approved final development plan.
- 5-6.10 RESIDENTIAL DENSITY
- (A) Basic Allowable Density. Unless an increase in density is allowed by the Town Board, the number of dwelling units shall not exceed the number that would be allowed on the gross acreage of the PDD, if dwelling units of same type were built at the minimum lot sizes specified by the zoning district.
 - (1) Single Family Residential. Single-family detached residential development served by a public sanitary sewer system at densities of between 3 and 5 dwelling units per acre. This category includes storm water management facilities and mini-parks to serve residential development.
 - (2) Two Family Residential. Groupings of two or more duplexes and attached single family residences with individual entries (e.g., townhouses) served by a public sanitary sewer service system.
 - (3) Mixed Residential: A variety of residential units, particularly multiple-family housing (3+ unit buildings), at densities averaging above 8 dwelling units per acre and served by a public sanitary sewer service system.
- 5-6.11 BUILDING SPACING.
- (A) A general development plan shall provide for reasonable light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High-rise buildings shall be located within a PDD in such a way as to avoid adverse impact on neighboring low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

- (B) If the Town Board determines that a general development plan meets the standards of subsection (A) of this section, it may waive the lot area, lot width, lot coverage, setback, and height requirements of the underlying zone district.
- (C) If the Town Board finds it necessary to meet the perimeter design standards of the surrounding zoning district(s), it may require a special setback from all or a portion of the perimeter of the PDD.

5-6.12 OPEN SPACE.

- (A) Planned developments containing a residential component shall provide and maintain usable open space as shown on the approved site plan. Locations, shapes, sizes, and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the PDD. Common or public open space shall be distributed equitably throughout the PDD in relation to the dwelling units of the residents they are intended to serve.
- (B) Open spaces shall be suitably improved for the intended use. Open spaces containing significant landscape features may be left unimproved or may be improved to assure protection of the features, subject to requirements imposed by the Town Board.
- (C) The Development schedule shall provide for coordination of the improvement of open spaces with the construction of other proposed site improvements.
- (D) The Town Board shall require that the applicant assure permanent common or public open space require by this section by the following way:
 - (1) By conveying the open Space to a public agency which will agree to maintain the open space and any buildings, structures, or improvements which have been placed on it.

5-6.13 ENVIRONMENTAL DESIGN.

- (A) General development plan shall provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites, and landmark and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Town Board may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project.
- (B) Excessive site clearing of topsoil, trees and natural features before the commencement of construction operations shall be discouraged. The Town Board may require the applicant to submit a grading plan detaining proposed excavation, earth-moving procedures, and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space.
- (C) Sites for residential and non-residential buildings shall be discouraged in areas of natural hazards, such as floodplains, areas subject to landslides, areas with average slopes greater than twenty percent (20) and areas with unstable soil formations. The Town discourage placement of new buildings on hydric soils and on slopes between 12 percent and 20 percent where other more appropriate sites are available.
- (D) The Town Board shall require that all floodplains be preserved as permanent common or public open space, and may require that other natural hazard areas be included in the common or public open space of the proposed development and be left unimproved or improved to assure minimization of the hazard.
- (E) Require natural resource features to be depicted on all site plans, preliminary plats and certified survey maps including wetlands, steep slopes, flood plains, drainage ways, wooded areas, and mature trees. Once identified, establish maximum clearance or removal standards for these features and require on-site mitigation where those standards cannot be met. All manufactured slopes, shall be planted or otherwise protected from the effects of storm runoff erosion, and shall be of a character to cause the slope to bend with the surrounding terrain and development. The applicant shall provide maintenance of the planting until growth is established.
- (F) Utilize subdivision, zoning, and official mapping authority to protect environmental corridors within the Town limits and extraterritorial areas.
- (G) Emphasize use of natural drainage patterns, construction site erosion control, and ongoing storm water management measures that minimize pollution and control the quality, quantity and temperature of water leaving any site.

- 5-6.14 EMERGENCY ACCESS. The configuration of buildings, driveways, and other improvements shall allow convenient and direct emergency vehicle access.
- 5-6.15 PERIMETER DESIGN
- (A) The general development plan shall minimize adverse impacts of proposed uses and structures in the PDD and existing and anticipated uses and structures in the adjacent area.
 - (B) If topographical or other barriers do not provide reasonable privacy for existing uses adjacent to the development, the Town Board shall require one or more of the following:
 - (1) A special setback, or setbacks, of residential and non-residential structures shall be located on the perimeter.
 - (2) Residential and non-residential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or man-made materials. Such amenities shall be shown on the general development plan and approved by the Zoning Administrator or Town Board.
- 5-6.16 DEVELOPMENT PHASING.
- (A) The applicant may provide in the general development plan for development of the project in phases, if approved by the Town Board.
- 5-6.17 DURATION OF PDD GENERAL DEVELOPMENT APPROVAL.
- (A) Preliminary PDD Hearing. Upon receipt of the completed application, the Zoning Administrator, or the Town Board shall schedule the matter for public hearing before the Planning and Zoning Commission. Notice of the hearing shall be given by publication of a Class 2 notice as provided in Chapter 985, Wisconsin Statutes. The hearing may, at the request of the applicant, be continued as necessary for the submission of additional information or the revision of the application documents.
 - (1) PUBLIC HEARING. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Town Board and Plan Commission, and the owners of record, as listed in the office of the Town Clerk, who are owners of property in whole or in part situated within five hundred (500) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearings. Said notice should be sent by 1st class mail with an affidavit of mailing to the last known address of these persons as shown in the records of the Town.
 - (B) Planning and Zoning Commission Action. Within sixty (60) days after the completion of the hearing, the Planning and Zoning Commission shall make findings with regard to the standards set forth in Section 4 and forward a report to the Town Board with a recommendation to approve, approve with conditions, or reject the general development plan
 - (C) Board Action of General Development Plan. Approval of the general development plan by the Town Board shall constitute approval of the general arrangement of the plan, the provisions submitted by the applicant, and a waiver of those provisions of the general zoning code which are set forth in the plan. Such approval shall become void, as to any lands for which a final development plan application is not submitted by the latest of:
 - (1) One year from the date of approval of the General Development Plan, unless the date is extended and written approval is provided by the Town Board.
- 5-6.18 PDD FINAL DEVELOPMENT PLAN APPROVAL. If the final development plan complies with the approved General Development Plan except for changes required as a condition of such approval, and subject to approval of such changes, and if the Town Board approves all of the features as shown on the site plan required by Section 4, the Town Board shall adopt an ordinance reclassifying the subject property to the PDD District effective upon completion of the development in accordance with the final development plan and granting the applicant a conditional use permit authorizing the development in accordance with the plan. A representative of the Town Board shall deliver the recording and approved development plan and all ordinances, dedications, covenants and such other documents as may be required as a condition of the approval.
- (A) Final Application Submission. Fifteen (15) copies of the final development plan shall be filed with the Zoning Administrator. Such submissions shall be accompanied by a fee and review escrow in

accordance with a fee schedule set by the Town Board. The final development plan shall include the following.

- (1) Any amendments required as part of the preliminary review process.
- (2) An upgraded site plan of the proposed development including requirements set forth in Section 4.

5-6.19 EXPIRATION OF FINAL DEVELOPMENT PLAN APPROVAL. The applicant shall conform to a development schedule in the final development Plan approved by the Town Board. If construction has not begun, or an approved use established within a period of three (3) years from the approval of the final Planned Development District, or if any improvement is not completed within three (3) years from the date set forth in the General Development Plan, the conditional use permit shall expire and be void.

5-6.20 AMENDMENTS TO APPROVED GENERAL AND FINAL DEVELOPMENT PLANS. Minor changes from the approved development plan in the location, setting and height of buildings and structures may be authorized by the Zoning Administrator or Town Board, without additional public hearing if required by engineering or other circumstances not foreseen at the time and final plan was approved. Changes must be recorded as amendments to the final planned unit development in accordance with the same procedure as required for the initial final plan approval.

5-6.21 GRANTING OF EXTENSIONS. The Town Board may extend the period for the beginning of construction, and establishment of an approved use, or completion of a phase of development as provided in the development schedule. If a final development plan lapses under the provision of this section, the Zoning Administrator, or the Town Board, shall notify the applicant of the lapse of permit and the property owner shall promptly cause the property to be brought into compliance with all of the district regulations in effect prior to the approvals granted pursuant to approval of the planned development district.

5-7.00 B-1 RURAL BUSINESS

5-7.01 PURPOSE AND INTENT. The purpose of this district is to provide for commercial development that already exists in unincorporated settlements or in isolated locations along the local, county, and state roadway network, and for new such development.

5-7.02 GENERAL. Given the wide variety of business uses that must be accommodated, and the wide variety of traffic and access conditions that pertain to the specific highway locations, this district provides for a diversity of regulations as to highway and building access, setbacks, side yards, and related regulations.

5-7.03 BUILDING AND SITE PLAN REVIEW. This diversity in dealing with specific conditions requires that each permit for building or parking construction or highway access, for properties already in the district, and for properties petitioned to be placed in the district, first be subjected to review and approval of their building and site plans, with a view to improving existing conditions, and to creating safe and functional new conditions, as enumerated under Section 4-3.11, 4-4.03, 4-4.04 and 4-4.07 (whether a conditional use permit is required or not).

5-7.04 PERMITTED USES. The following uses and their customary accessory uses, such as parking and signs are permitted subject to review of building and site plans per Section 5-7.03 following:

- (A) Retail establishments as further identified below;
- (B) Community and customer service establishments as further identified below;
- (C) Offices for the professions, insurance, utilities, studios, clinics, and other businesses;
- (D) Automobile drive-thru establishments where the service rendered or product sold is provided for each customer while they remain in or near their vehicle, and provided one or a few vehicles at a time are served, in contrast with an outdoor theater where all customers are served at once;
- (E) Wholesaling or warehousing uses serving a broad range of consumers including residents and contractors, as contrasted with uses that serve only business or industrial clients, may not be located in the region, which uses therefore would be better located in the I-1 Industrial district;
- (F) Existing residences located within the district; new residences which are solely accessory to a permitted use, such as one provided for an owner or caretaker.

- (G) Antique Dealer.

- (H) Appliance Store.
- (I) Assembly Hall or Space.
- (J) Automobile Parts & Accessories
- (K) Automobile Rental
- (L) Bakery
- (M) Barber Shop
- (N) Bar
- (O) Beauty Shop
- (P) Bicycle Sales and Service
- (Q) Boat Livery
- (R) Clothing Store
- (S) Club or Cocktail Lounge
- (T) Community Center
- (U) Computer Sales and Services including Computer Equipment
- (V) Craft Store
- (W) Coffee Shop
- (X) Dairy Store
- (Y) Day Care Center
- (Z) Drugstore or pharmacy
- (AA) Dry Cleaning
- (BB) Electrical Supply, Sales and Service
- (CC) Electronic Equipment Sales and Service
- (DD) Equipment Rentals
- (EE) Employment Agency
- (FF) Financial Institution
- (GG) Florist
- (HH) Food Locker
- (II) Fruit Store
- (JJ) Funeral Home
- (KK) Furniture Store
- (LL) Gift Store

(MM) Golf Course and Driving Range

(NN) Government and Cultural Uses

(OO) Greenhouse

(PP) Grocery Store

(QQ) Gymnasium or Recreational Facility

(RR) Hardware Store

(SS) Health and Exercise Facility

(TT) Heating and Air Conditioning Supply, Sales and Service

(UU) Hobby Shop

(VV) Home Construction Supply, Home Accessory Shops

(WW) Hospital and Clinics

(XX) Hotel

(YY) Ice Cream Shop

(ZZ) Laundromat

(AAA) Liquor Store

(BBB) Locksmith

(CCC) Lodge

(DDD) Marina

(EEE) Meat Market

(FFF) Motel

(GGG) Museum

(HHH) Nursery

(III) Office Supply Store

(JJJ) Miniature Golf

(KKK) Packaged Beverage Store

(LLL) Park and Recreational Areas

(MMM) Personal and Business Service Establishment

(NNN) Pet Shop

(OOO) Plumbing Supply, Sales and Service

(PPP) Post Office

(QQQ) Professional Office or Studio

(RRR) Real Estate Office

(SSS) Resale Store

(TTT) Resort and resort cabins, cottages, vacation farms, hunting and fishing camps, children's camps and similar establishments

(UUU) Restaurants

(VVV) Schools

(WWW) Shopping Center

(XXX) Sign Shop

(YYY) Signs, subject to the requirements of Section 8.

(ZZZ) Small Appliance Sales and Service

(AAAA) Specialty Store

(BBBB) Sporting Goods Store

(CCCC) Supper Club

(DDDD) Television and radio sales and service

(EEEE) Theater (indoor or exterior)

(FFFF) Tobacco Store

(GGGG) Trade and Contractor Office (no exterior storage)

(HHHH) Travel Agency

(IIII) Utility Office (no yard or exterior storage)

(JJJJ) Vegetable Store

(KKKK) Variety Store

5-7.05 **CONDITIONAL USES.** The following uses may be permitted after review and approval by the Town Zoning Committee (see Section 4-4.00 for application and review requirements).

- (A) Auto salvage yards;
- (B) Contractor equipment and supply storage yards where connected to a bonified business operation;
- (C) Day care facilities for children or adults community based residential facilities;
- (D) Manufacturing related to the sale or services of the principal use, such as cabinet or HVAC fabrication shops;
- (E) Outdoor recreation facilities including drive-in theaters, amusement parks, commercial recreation fields, golf driving ranges;
- (F) Truck terminals, or truck service facilities involving washing or vehicle repair;
- (G) Veterinarian services involving outdoor keeping of patient animals;
- (H) Commercial and/or agricultural feed storage involving retail or wholesale sales, as contrasted with storage accessory to a farm;
- (I) Campground or Recreational Vehicle Park;

- (J) Business Park;
- (K) Farm Equipment Sales and Service;
- (L) Lumber Yard;
- (M) Metal Finishing and/or Machine Shop;
- (N) Parking Lot;
- (O) Storage Unit Facility;
- (P) Warehousing;
- (Q) Utility Services and Facilities

5-7.06 YARD REQUIREMENTS.

- (A) In existing settlements involving a series of established businesses and other uses which were built with little or no setbacks and side yards, existing distances shall be considered conforming to this Ordinance; additions to such uses or new construction mingled among such uses, shall be reviewed as to the desirability and feasibility of achieving greater distances, including averaging existing and required distances of (C) herein.
- (B) Isolated existing individual businesses constructed along the road network with little or no setbacks or other yards shall be considered non-conforming uses under Section 9 of this Ordinance.
- (C) New building construction or land development; street setback 30 feet minimum for parking lots; 50 feet for buildings; rear yards 30 feet for parking and buildings; side yards 30 feet for buildings; 10 feet for parking lots or drives, except zero may be approved for intended common wall building construction or shared parking and cross lot drives.

5-7.07 HEIGHT REQUIREMENTS. (See also Section 3-5.00) All buildings or structures shall not exceed 35 feet.

5-7.08 AREA REQUIREMENTS.

- (A) Maximum Ground Coverage. The total ground area occupied by any principal building with all its accessory buildings and structures shall not exceed 20 percent of total lot area.
- (B) Minimum lot area: None, but sufficient area to meet all district requirements.

5-8.00 I-1 INDUSTRIAL DISTRICT

5-8.01 PURPOSE AND INTENT.

- (A) It shall be the purpose of the Industrial District to provide areas for manufacturing and related uses and employment with the Town of Strong's Prairie which areas would be both desirable for such uses, and yet not detrimental to the subject site or surrounding areas by virtue of contamination of surface or ground waters, or of the air by reason of dust, smoke, fumes, odor, or noise, or of harm to property values by virtue of the foregoing or for vibration or aesthetic reasons, including site and building appearance, or of harm to public safety by virtue of traffic or loading characteristics.
- (B) All commercial, industrial and institutional operations shall follow state code.
- (C) Plan. In order to determine that none of the deleterious factors listed in (A) above are likely to be present, no permit for a use of expansion thereof in this district shall be granted until a plan for the use has first been submitted by the applicant, and reviewed and approved by the Town Zoning Committee. Such reviews shall be made expeditiously, on forums or other uniform basis, dealing with the unsatisfied with denials or with the conditions of approval, may seek review and modification by the Town Board of Adjustments.
- (D) This is intended to go under individual lot I-1 development. Industrial Park development is intended to be regulated as a PDD.

5-8.02 PERMITTED USES. (Including usual accessory parking and signs). Subject to Section 5-8.01(B) above.

- (A) Manufacturing, assembling, fabrication, and processing operations, including related materials and product storage and warehousing, where the factors of Section 5-8.01(A) would not be violated.
- (B) Transportation terminals, including trucking and railroading, and related transportation services including accessory sale of fuel or service, overnight lodging, and eating facilities oriented to trucks.

- (C) General Warehousing.
- (D) Commercial or service uses that are oriented to serve industrial functions, and which prefer to locate within an industrial area, such as restaurants, professional offices, and highway service uses such as those listed in (B), but which also serve passenger automobiles.
- (E) Public utility offices and installations, including service yards.
- (F) Retail uses which by virtue of their extensive outdoor storage or display of product prefer to locate in an industrial area, including building supply, contractor or farm equipment, recreational or mobile home vehicles, and similar uses.
- (G) Offices or owner/caretaker residence accessory to any of the above uses.
- (H) Day Care facilities for the children or older adult relatives of employees or other community residents, where the location within an industrial area is convenient, and yet not detrimental to the day care occupants.

5-8.03 CONDITIONAL USE.

- (A) Auto or equipment salvage yards, provided the conditions include adequate protective measures to prevent surface or groundwater contamination by petroleum products, acids, rust, and other contaminants associated with such yards, as well as visual screening necessary to shield product storage areas.
- (B) Stockyards or related facilities that process livestock, provided that such facilities meet special conditions imposed by the Zoning Committee that adequately mitigate the adverse effects that such facilities typically have on adjoining properties.
- (C) Adult Entertainment Establishments.
- (D) Non-Metallic Mineral Extraction. (See Section 11)
- (E) Standards applicable to conditional uses. The Town Zoning Committee shall review uses proposed for this district with regard to such matters as the Purpose and Intent of this District:
 - (1) The creation of nuisance conditions for the public or for uses of nearby areas.
 - (2) The creation of traffic hazards.
 - (3) The creation of health hazards.
 - (4) Other factors affecting the general welfare.

5-8.04 YARD REQUIREMENTS. All uses shall meet the minimum setback requirements in Section 3-4.00.

5-8.05 HEIGHT REQUIREMENTS. (See also Section 3-5.00). All buildings or structures shall not exceed 45 feet.

5-8.06 AREA REQUIREMENTS. All uses shall meet the minimum setback requirements in Section 3-6.00.

- (A) Minimum lot area: 5 acres.

5-8.07 SPECIAL REQUIREMENTS.

- (A) Where a use in this district adjoins or is opposite an agricultural, residential, conservancy, or public and semi-public district, a landscaped open area, screen planting, or solid decorative fence shall be required.

5-9.00 WC WETLAND CONSERVATION DISTRICT

5-9.01 PURPOSE AND INTENT.

- (A) Purpose. To preserve, protect, and enhance wetlands placed into this district. Wetlands are those areas where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and where soils are indicating of wet conditions.
- (B) Intent. This district is intended to regulate such lands whether they fall within or without Shoreland areas as defined by state statute, such as s59.692s.

5-9.02 PERMITTED USES.

(A) Permitted Principal Uses:

- (1) Agricultural uses, provided that they do not involve extensions of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regiment.
- (2) Fishing.
- (3) Grazing in dry conditions.
- (4) Hunting if permitted under other Town laws.
- (5) Preservation of scenic, historic and scientific areas.
- (6) Public fish hatcheries.
- (7) Public or private parks, where left in a natural, undeveloped, open space use.
- (8) Sustained yield forestry if conducted under a US Soil Conservation Service management plan.
- (9) Stream, bank and lakeshore protection.
- (10) Water retention and wildlife preserves.

(B) Permitted Accessory Uses:

- (1) Structures accessory to principal uses, not intended for human habitation or the confined housing of animals or livestock such as fences, elevated nature trail walkways.

5-9.03 CONDITIONAL USES.: No conditional uses shall be permitted in this District except:

- (A) Sod farming.
- (B) Utility facilities (except buildings and substations) such as underground water tight conduits, telephone and electric poles, etc., constructed in conformance with applicable State Codes.
- (C) Public road crossings of the wetland provided other routes have first been studied and discarded, and provided the construction techniques and final roadway design used will not permanently impair the overall function of the wetland being crossed. Where some permanent damage appears unavoidable, the Planning Agency, if satisfied the crossing is in the public interest, may require compensating measures which create at least an equal amount of wetlands nearby or elsewhere, or which preserve an equal or larger area of wetland nearby or elsewhere which is otherwise not protected.

5-9.04 SPECIAL REGULATIONS.

- (A) Where a lot or parcel of land is located partially within this district and partially within an adjoining district having minimum land area or open space requirements to meet the standards of that district; that portion of said lot or parcel which falls within this district may be counted but not to exceed 40 percent and provided that the physical arrangement of the wetland does not preclude satisfactory positioning of the lot or parcel.
- (B) On-site Well and Sewage Disposal Prohibited: No private well used to obtain water for human consumption nor soil absorption sewage effluent treatment system or holding tank shall be placed within this district.

5-10-00 PSO-1 PUBLIC AND SEMI-PUBLIC DISTRICT

5-10.01 PURPOSE AND INTENT. To establish and preserve areas for certain public and institutional uses in Town of Strong's Prairie.

5-10.02 PERMITTED USES. The following uses and their customary accessory uses are permitted:

- (A) Public and private school, colleges, and universities.
- (B) Monasteries.
- (C) Public libraries and museums.
- (D) Public administrative offices, town halls, and public service buildings including well pump houses and police and fire stations.

- (E) Parks, playgrounds, play fields, swimming pools and beaches, historic or archaeological sites or structures, and nature centers.
- (F) Hospitals, sanitariums, rest homes, nursing homes, home for the aged, and children's nurseries.
- (G) Public hunting grounds.

5-10.03 **CONDITIONAL USES.** The following uses may be permitted after review and approval by the Town Committee (see Section 4-4.00 for application and review requirements).

- (A) Penal and correctional institutions.
- (B) Airports, airstrips, landing fields, and related structures provided the site area is not less than 50 acres.
- (C) Cemeteries.
- (D) Public wastewater and water treatment plants.

5-10.04 **YARD REQUIREMENTS.** All uses shall meet the minimum setback requirements in Section 3-4.00.

5-10.05 **HEIGHT REQUIREMENTS.** (See also Section 3-5.00). All buildings or structures shall not exceed 60 feet.

5-10.06 **AREA REQUIREMENTS.** (See also Section 3-6.00).

- (A) **Maximum Ground Coverage.** The total ground area occupied by any principal building with all its accessory buildings shall not exceed 25 percent of total lot area.
- (B) **Lot Requirements.** All uses shall meet the following minimum lot requirements:
 - (1) Lot area: 35,000 sq. ft.
 - (2) Lot width: 150 sq. ft.

5-10.07 **PARKING, LOADING, AND ACCESS REQUIREMENTS.** (See Section 7).

5-10.08 **SIGN REGULATIONS.** (See Section 8)

5-11-00 UCO UPLANDS CONSERVANCY OVERLAY DISTRICT

5-11.01 **PURPOSE AND INTENT.** To preserve environmentally important upland areas, such as woodlands, or sensitive areas such as erodible steep slopes, by minimizing the impacts of farming and development on such lands, while allowing some economic use of the lands. Due to the variety of underlying zoning districts that will fall within this overlay, and the varying soil and woodlot conditions, zoning and buildings permits for uses within this overlay will require building the site plan review.

5-11.02 **PERMITTED USES.** All permitted and accessory uses as allowed in the underlying zoning are permitted in this overlay as long as the uses are adapted to the basic intent of preserving, as much as possible, the natural conditions falling within this overlay. For example, development lots should be arranged so that overlay lands fall undisturbed in rear or side yards, enlarged as necessary to protect the overlay lands. Farming uses should be very low intensity, such as wild crop harvesting, tree farming, and similar uses as "Best Management Practices" would indicate, as published by the US Soil Conservation Services, and similar organizations.

5-11.03 **CONDITIONAL USES.** All uses permitted conditionally by the underlying zoning district provided the existence of this district is taken into account as part of setting the conditions of use, so that the essential preservation of these overlay lands are recognized.

5-11.04 **YARD REQUIREMENTS, AREA REQUIREMENTS, AND PARKING AND ACCESS REGULATIONS.** Yard and Area Requirements established by Section 3 and parking and access standards of Section 7, as made applicable to uses permitted by the underlying zoning, applying this overlay, except requirements, may be enlarged and standards increased as necessary to minimize intrusion into lands being protected by this overlay.

5-11.05 **SPECIAL REQUIREMENTS.** No use permitted by the underlying zoning which uses falls within this overlay district, shall be issued a building or zoning permit until a Building and Site Plan Review has first taken place by the Town planning staff, or their designee, for the portion of it falling within this overlay. Persons not satisfied with the requirements proposed to be imposed as a result of said review may seek relief

from the Town Zoning Committee, and the ruling of that committee may be appealed to the Board of Adjustment. The initial review, and subsequent requests for relief and appeal shall be guided by these principles:

- (A) Minimized Destruction: is the use to be designed and restricted in a manner that minimizes the disturbance to the resources located in the overlay district.
- (B) Cluster-Repositioning: would modifying the underlying zoning area requirements allow placement of activity or development away from the most sensitive areas.
- (C) Replacement: Where some resource destruction is unavoidable, can it be replaced elsewhere on or near the property, for example, reforestation to replace lost woodlands.

Plan reviews that involve modification under (B) to underlying area requirements shall require approval of the Town Zoning Committee, and approved parties may appeal those modifications to the Town Board of Adjustment.

5-12.00 LNO LANDFILL NOTIFICATION OVERLAY

5-12.01 PURPOSE AND INTENT. This district does not provide for any regulatory function. Its purpose is to alert land owners and others to the existence of past or present landfills, by placing this overlay district upon the zoning district map. Such landfills may or may not be contaminating surface or ground waters coming in contact with contents of the landfill.

- (A) Liability Disclaimer:
 - (1) By placing lands in this district, the Town does not claim a hazard actually exists, only that extra care should be taken in making use of the waters on or under these lands for agriculture, or for human or animal consumption, and to alert owners to the possible need for special state permits to drill and use water from wells falling with this area.
 - (2) By excluding lands from this district, the Town does not certify that lands falling just outside the district are necessarily free from the hazards of this subject landfill. Excluding lands near a landfill from this district only indicates that criteria are being followed by the Town, such as Wisconsin DNR radius lines, or groundwater hydrological studies, do not support placing the land in the district. As new studies from time to time suggest expanding or contracting the limits of this district, the Town reserves the right to make adjustments in the district's boundaries, as a service to the public.

5-12.02 PERMITTED USES. All permitted and accessory uses as allowed by the underlying zoning, provided necessary state permits for well water usage have been obtained.

5-12.03 CONDITIONAL USES. All uses permitted as conditional uses by the underlying zoning, provided necessary state permits for well water usage have been obtained. Failure to obtain such permits, or a positive finding with regard to (A) above, may be sufficient grounds for denial or modification of a conditional use application.

5-13.00 WPO WELLHEAD PROTECTION OVERLAY DISTRICT

5-13.01 PURPOSE AND INTENT. This district is intended to protect from contamination the groundwater recharge zone of existing and planned municipal ground water wells, which wells supply the potable water to many residential, businesses, institutional and other utility customers. This district is necessary because the water utility by geological necessity must draw its water from the ground levels lying closest to the surface, which grounds contain soil types which rapidly transmit pollutants, thereby threatening the entire ground water supply being drawn upon by the municipal wellhead.

- (A) Supremacy of this District. The choice of regulation employed via this overlay district is to entirely prohibit certain uses that otherwise may be permitted by basic and other overlay districts falling within the confines of this overlay district. The regulations of this district shall supersede the regulations of all other such districts occupying the same geographic area.
- (B) Uses Prohibited. The uses prohibited by this district have been identified in geologic surveys as risks for groundwater contamination. This method of regulation by complete prohibition is employed to provide the greatest assurance that inadvertent discharge of pollutants into the ground water supply will not occur, since groundwater cleanup is often prohibitively expensive, and liability for such

cleanup is often hard or impossible to establish. Municipal wellheads will not be permitted less than 1,250 feet in areas of prohibitive uses stated in 5-13.02(A).

- (C) Use List Not Exhaustive. The uses prohibited by this district represent the state of present knowledge and most common description of said uses. As other polluting uses are discovered, or other terms of description become necessary, it is the intention to add them to the list of uses prohibited by this district. To screen for such other uses of terms for uses, no use shall be permitted in this district without first submitting its building, site and operational plans for review and approval by the Town Committee.
- (D) Changing Technology. The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by the class of uses, which technology causes the uses as a class to be groundwater pollution risks. As the technology of identified uses classes change to non-risk materials or methods, upon petition from such a use, and after conferring with expert geological and other opinion, it is the intention to delete from the prohibited list, or allow conditional uses which demonstrate convincingly that they no longer pose pollution hazard.
- (E) Substitution of Hazards Prohibited. In dealing with uses or classes of uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their methods of storage or handling, for example transferring materials storage from leak prone but explosion resistant underground tanks, to leak resistant but explosion vulnerable above ground vessels, it is not the intention to accept such alternate hazards as the basis for making a use permissible. It is the intention to continue the ban on such uses until the technology of the class of uses removes reliance upon the pollutant materials or processes.

5-13-02 PERMITTED USES. All uses permitted by underlying basic or other overlay zones are permitted, subject to review of the building, site and operational plans of such uses by the Town Zoning Committee whether required or not by the underlying and other overlay districts, except the following uses, which are specifically prohibited by this district.

- (A) List of Prohibited Uses.
 - (1) Animal waste storage areas and facilities.
 - (2) Asphalt ingredients storage or processing plants.
 - (3) Automobile or truck laundries.
 - (4) Automobile or truck fuel sales or service stations.
 - (5) Building materials and products storage yards.
 - (6) Cartage facilities, truck terminals.
 - (7) Cemeteries.
 - (8) Chemical storage, sale processing or manufacturing plants.
 - (9) Dry cleaning establishments.
 - (10) Electronic circuit manufacture or assembly plants.
 - (11) Electroplating operations.
 - (12) Exterminating supply, storage, or application shops.
 - (13) Fertilizer manufacturing or storage operations.
 - (14) Foundries and forge plants.
 - (15) Garages for repair and servicing of motor vehicles, including body repair, painting, or engine rebuilding.
 - (16) Highway salt storage areas.
 - (17) Industrial liquid waste storage areas.
 - (18) Junk-Recycling yards, motor vehicle salvage yards.
 - (19) Landfills, areas for dumping or disposal of garbage, refuse, trash, or demolition material.
 - (20) Metal reduction and refinement plants.
 - (21) Mining operations.
 - (22) Motor and machinery service and assembly shops.
 - (23) Motor freight terminals.
 - (24) On-site soil absorption sewage treatment systems on new lots under 40,000 sq. ft.
 - (25) Paint products manufacturing.
 - (26) Petroleum products storage or processing.
 - (27) Photography studios, involving the developing of film or pictures.
 - (28) Plastics manufacturing.
 - (29) Printing and publishing establishment.
 - (30) Pulp and paper manufacturing.

- (31) Septage and municipal sewage sludge disposal sites.
 - (32) Storage, manufacturing or disposal of toxic or hazardous materials.
 - (33) Underground petroleum products storage tanks for industrial, commercial, residential or other uses (see also #26).
 - (34) Woodworking and wood products manufacturing.
- (B) Permitted Accessory Uses: All accessory uses permitted by the underlying basic or other overlay zones are permitted, subject to review of the building, site and operational plans of such uses by the Town Zoning Committee whether required or not by the underlying and other overlay districts, except those uses prohibited in (A) preceding, which are hereby prohibited whether judged to be principal or accessory uses.

5-13-03 **CONDITIONAL USES.** Any class of uses prohibited by this district may become a use permitted by right, or an individual use within a class potentially may be permitting by conditional grant pursuant to 5-13.01(D) of this district, Changing Technology. However, the Town Zoning Committee shall not favorably recommend to the Town Board a petition to remove a use from the Prohibited List of this district, nor favorable process a petition for conditional use status without being sure beyond a reasonable doubt, that the action will not materially violate the Intent of this district, resulting in exposure of the public water supply to pollution.

5-14-00 HPA HISTORICAL PREHISTORIC AND ARCHAEOLOGICAL

5-14-01 **PURPOSE AND INTENT.** The purpose of this district is to preserve and to protect areas known and unknown of historical, prehistorical, and/or archaeological sites in the Town of Strong's Prairie.

5-14.02 **PERMITTED USES.** The following uses and accessory uses are permitted provided that they do not involve excavation of soil or removal of tree trunks before an Archaeological Survey has been completed in that area:

- (A) Museums, Interpretive Centers, and/or Interpretive displays
- (B) Residence provided they are 100 feet from the historical, prehistorical, and/or archaeological site.
- (C) Public Hunting grounds.
- (D) Grazing of animals or confinement of animals if there is not a threat to the site.

5-14.03 **SPECIAL REGULATIONS.**

To the extent that the director of the State Historical Society has determined that the disclosure of specific archaeological information would likely result in disturbance of certain archaeological resources, the Town may keep that specific archaeological resource information in a separate confidential file, closed to the public, as provided under Wisconsin Statutes §44.48(1)(c).

SECTION 6 – MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS

6-1.00 GENERAL PROVISIONS

6-1.01 It shall be unlawful to place, locate, or park any mobile home or recreational vehicle on any street alley, or highway, or publicly owned land, except as provided hereunder.

- (A) Emergency or temporary stopping or parking of a mobile home or recreational vehicle is permitted on any street, alley, or highway for not longer than 24 hours provided it is not used for overnight lodging. Further provided that such stopping is subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, or highway.
- (B) Special permission extending emergency or temporary stopping or parking of a mobile home or recreational vehicle may be granted by the Zoning Committee or its designee. This permission may be granted for a period not to exceed 5 days, if the issuing official finds that such parking will not interfere with the orderly flow of traffic, or be otherwise injurious to the safety or welfare of the Town of its inhabitants. Such permission shall be in written form, and shall state the name of the applicant, the owner or lessee of the mobile home or recreational vehicle, the requested temporary location of the mobile home or recreational vehicle, the dates and hours of the extension of permission, the reasons for the extension, and such other information or stipulations as may be appropriate.

6-1.02 It shall be unlawful to place, locate, or park any mobile home or recreational vehicle on any privately owned parcel of land, except as provided in this Ordinance. All the allowable uses listed in Section 6-2.02(A) shall be subject to the restrictions set forth in this Ordinance applying to Conditional Use, including those specifying consideration and recommendation by the Town Zoning Committee.

6-1.03 PERMITS.

- (A) RECREATIONAL VEHICLES. In districts where recreational vehicles are a permitted use, a self-contained recreational vehicle may be placed on an individual lot without a permit, provided that it is not a permanent installation, remains mobile, and is licensed for highway use. Recreational vehicles which are permanently installed, are not mobile, or are not licensed for highway use shall comply with the requirements of this Ordinance for a mobile home. In addition, all such recreational vehicles shall have an Adams County approved septic system permit in place and functional, or make a connection to an existing approved septic system capable of providing year-round sustained service.

- (B) MOBILE HOME AND RECREATIONAL VEHICLE PARKS.

- (1) It shall be unlawful for any person to construct, alter, or extend any mobile home park or recreational vehicle park within the Town of Strong's Prairie unless he/she holds a valid permit issued by the Zoning Chairperson in the name of such person for the specific construction, alteration, or extension proposed.
- (2) All applications for permits shall contain the following:
 - a. All the information requested for a conditional use permit, Section 4-4.03.
 - b. Complete plans and specifications of the proposed park showing but not limited to:
 - 1. The area and dimensions of the tract of land.
 - 2. The number, location, and size of all mobile home lots or recreational vehicle spaces, and the location of common areas.
 - 3. The location and width of roadways.
 - 4. The location of the mobile home within each mobile home lot.
 - 5. Plans and specifications of all sewage collection and disposal and water distribution system.
 - 6. Location of all buildings to be located within the park.
 - 7. Such other plans and specifications and information as may reasonably be required by the Zoning Committee.
 - 8. Location of tornado/storm shelter.

- (3) All applications for permits shall be reviewed by the Zoning Committee or designee.

- (4) No permit shall be issued for the construction of a mobile home park unless said development shall contain a minimum number of 10 mobile home lots, except in the case of an addition to, or extension of, an existing mobile home park.
- (5) When, upon review of the application, the Zoning Committee is satisfied that the proposed plan meets the requirements of this Ordinance, a permit shall be issued.
- (6) Any person whose application for a permit under this Ordinance has been denied may request and shall be granted a hearing on the matter before the Board of Adjustment under the procedure provided by Section 4-7.00 of this Ordinance.

6-1.04 INSPECTION OF MOBILE HOME AND RECREATIONAL VEHICLE PARKS

- (A) The Zoning Committee is hereby authorized and directed to make inspections as are necessary to determine satisfactory compliance with this Ordinance.
- (B) The Zoning Committee and its authorized agents shall have authority to enter property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- (C) It shall be the duty of the park management to give the Zoning Committee and its authorized agents free access to all areas at reasonable times for the purpose of inspection.
- (D) It shall be the duty of every occupant of a mobile home park or recreational vehicle park to give the owner thereof, or his/her agent or employee, access to any part of such park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance.

6-1.05 DEFINITION APPLICABLE TO MOBILE HOME PARKS AND RECREATIONAL VEHICLES PARK

- (A) Mobile Home Accessory Building or Structure. A building or structure which is in addition to or supplements the facilities provided a mobile home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, ramadas, storage structures, carports, fences, windbreaks, or porches.
- (B) Mobile Home lot. A designated parcel of land in a mobile home park designed for the long-term accommodation of one mobile home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.
- (C) Mobile Home Park. A contiguous parcel of land upon which ten or more mobile homes are placed, located or parked.
- (D) Park Management. The person who owns or has charge, care, or control of the mobile home or recreational vehicle park.
- (E) Park Street. A private way which affords principal means of access to individual mobile home or recreational vehicle lots or auxiliary buildings.
- (F) Self-Contained Recreational Vehicle. A recreational vehicle manufactured with water supply and sewage holding tanks, which are an integral part of the recreational vehicle.
- (G) Storage Structure. A structure located in a mobile home park which is designed and used solely for the storage and use of personal equipment and possessions of the mobile home occupants.
- (H) Recreational Vehicle Park. A contiguous parcel of land upon which three or more recreational vehicles are placed, located or parked for a fee.

6-2.00 MOBILE HOME PARKS.

6-2.01 GENERAL PROVISIONS.

- (A) A mobile home park may be established in the Planned Development District, subject to the provisions of the District, past practice of the Town, resolutions of the Town and this Ordinance.
- (B) Construction, alteration, or extension of a mobile home park shall be subject to the issuance of a permit as set forth in Section 6-1.03 of this Ordinance.
- (C) All mobile home parks established in the Town of Strong's Prairie shall comply with the design, system, and other requirements set forth hereunder, and those contained in Section 101.935 of the Wisconsin Statutes and Comm 26.

6-2.02 PARK DESIGN AND LAND USE REQUIREMENTS

A mobile home park shall be located only upon a site where the condition of soil, ground water level, drainage, and topography shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

(A) Allowable Uses.

- (1) Single-family mobile homes as defined by this Ordinance shall be allowed, and any approved accessory structures included in the original plans and specifications, or revisions thereof.
- (2) Parks, playgrounds, and open-space uses.
- (3) The following commercial uses when they are for the exclusive use of park residents:
- (4) Mobile home park office.
- (5) Clubhouse and facilities for private social or recreation clubs.
- (6) Signs pertaining to the lease, hire, or sale of individual mobile homes, not more than 2 square feet in area.
- (7) One mobile home park identification sign not more than 50 square feet in area, to be located in proximity to the park entrance.

(B) Mobile Home Parks and Lots, Density Controls, and Standards.

- (1) The minimum area for each mobile home park shall be 5 acres. The district number of mobile home lots completed and ready for occupancy before the first occupancy is 10.
- (2) Every mobile home shall be located on a mobile home lot exclusive of common open space and required project area having the following minimum dimensions exclusive of park streets.

	With Public Sewer	Without Public Sewer
Area	5,000 square feet	10,000 square feet
Width (at mobile home)	50 feet	100 feet
Depth	100 feet	100 feet

- (3) No mobile home park shall have an overall density greater than six mobile homes per any one acre.
- (4) Occupied Lot Area Ratio: Mobile homes shall not occupy an area in excess of one-third of their respective lot areas. The accumulated area of the mobile home and its accessory structures on a mobile home lot shall not exceed two-thirds of the respective lot area.

(C) Required Setbacks.

- (1) Each mobile home shall be located at least 10 feet from any mobile home lot line.
- (2) All mobile homes shall meet the setback requirements in Section 3-4.00.

(D) Park Street Requirements.

- (1) General Requirements: In all mobile home parks, safe and convenient vehicular access shall be provided, by means of streets or driveways, from public streets or roads except in those mobile home parks in which grouping or clustering of parking spaces or other such design features are employed in the layout, direct access adequate for fire protection vehicles and other emergency vehicles shall be provided.
- (2) Park Entrance: Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- (3) Internal Streets: Surface roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:
 - a. Roadway width, all streets 66 feet
 - b. Pavement width 27 feet

- c. Dead end streets (cul de sacs) shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 150 feet, and a pavement diameter of at least 110 feet
- (4) Street Construction and Design Standards:
 - a. Pavement: All streets shall be provided with a smooth, hard and dense surface (such as concrete, blacktop or seal coating) which shall be durable and well drained under normal use of weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base.
- (E) Parking Requirements.
 - (1) Occupant Parking: A minimum of two parking spaces shall be provided for occupant parking purposes. Such space shall be located within 150 feet of the mobile home lot to be served.
 - (2) Visitor Parking: A minimum of one space for every four mobile home lots shall be provided for visitor parking purposes.
 - (3) Parking Space: Each parking space shall contain a minimum of 200 square feet. The space shall be paved with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions.
 - (4) Parking Restrictions: Parking of boats, trailers, campers, snowmobiles, or other motorized vehicles may be restricted to an area (or areas) provided by the park management specifically.
- (F) Illumination Requirements. All parks shall be furnished with lighting units so spaced and designed to provide safe movement of pedestrians and vehicles at night. Lighting units shall be placed at the following:
 - (1) Park streets.
 - (2) Public walkways.
 - (3) Entrances to public buildings.
 - (4) Any potentially hazardous location.
- (G) Tenant Storage. Unless provided in current mobile home models, adequate storage facilities shall be provided for each mobile home on each lot, or in compounds located within a reasonable distance, generally not more than 100 feet from each stand.

Storage facilities should provide a minimum of 90 cubic feet of storage for each mobile home and should be designed in a manner that will enhance the appearance of the park and will protect the contents from the penetration of moisture and weather.

6-2.03 RESPONSIBILITIES OF PARK MANAGEMENT.

- (A) The person or condominium association to whom a permit for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- (B) The park management shall supervise the placement of each mobile home, which includes securing its stability and installing all utility connections.
- (C) Provide a storm/tornado shelter.

6-2.04 RESPONSIBILITIES OF PARK OCCUPANTS.

- (A) The park occupant shall comply with all applicable requirements of this Ordinance and shall maintain his/her mobile home lots, its facilities and equipment in good repair and in a clean and sanitary condition.
- (B) The park occupant shall be responsible for proper placement of his/her mobile home and proper installation of all utility connections in accordance with the instruction of the park management and existing codes.
- (C) The undercarriage, supports, and stabilizing devices of the mobile home shall be skirted and landscaped to maintain an attractive community appearance.

- (D) The park occupant shall store and dispose of all his/her rubbish and garbage in a clean, sanitary and safe manner and recyclables properly cleaned and sorted.

6-3.00 RECREATIONAL VEHICLE PARKS

- 6-3.01 A recreational vehicle park may be established within a B-1 Rural Business District subject to the provisions of this Ordinance.
- 6-3.02 A recreational vehicle park so established shall conform to the regulations and standards set forth in Chapter DHS 175 of the Wisconsin Administrative Code, "Recreational and Educational Camps", and Chapter DHS 178, "Campgrounds," which is hereby adopted by reference.

Insofar as said DHS 175 and DHS 178 differentiates between "primitive camp grounds", "developed camp grounds" and a "walk-in camp", the standards and regulations applying to developed campgrounds shall apply to recreational vehicle parks under this Ordinance.

6-4.0 TINY HOME STANDARDS

- 6-4.01 A tiny home meeting the definition of Section 2 shall be situated on a lot or parcel of record and shall be accompanied with a Site Plan as per Section 4-3.11.
- 6-4.02 All sites where a tiny home is located shall provide for adequate parking pursuant to the standards of 7-3.00.
- 6-4.03 All sites where a tiny home is located shall provide for a suitable driveway, meeting the requirements of the driveway standards per Section 7-4.01.
- 6-4.04 Tiny homes shall have a septic system of adequate capacity based on full-time residential usage and such system shall be reviewed/approved under by Adams County Planning and Zoning. The use of camper unit transfer containers, as defined by Adams County Sewers and Sewage Disposal Ordinance, is prohibited.
- 6-4.05 Tiny homes shall be accompanied with a structural certification for foundation and attachment.
- 6-4.06 Relocations of tiny homes may be allowed on the same lot or parcel of record pending Site Plan Approval and confirmation of the standards herein.
- 6-4.07 Multiple tiny homes, as a principal structure, are not allowed on a single lot or parcel of record unless by CUP in an approved zoning district.
- 6-4.08 Accessory structures, meeting the zoning requirements of Section 5, may be allowed with the submittal of an appropriate Affidavit of No Occupancy filed at the time of the zoning and building permits.
- 6-4.09 Tiny homes that are built-on-site shall meet relevant building code and inspection requirements. Factory built tiny homes shall provide certification of dwelling/occupancy prior to issuance of a zoning permit.
- 6-4.10 Tiny home communities shall fall under Mobile Home Park and PDD district guidelines and, with the appropriate sewerage or septic system(s), may also have zoning standards as follows:
 - (A) Cluster developments that minimize development area and maximize economical utilization of developable land are allowed.
 - (B) The development shall ensure the buildout and utilization of common areas such as parking, shelters, parks, trails, recreation facilities, and trash/recycling containment.
 - (C) No more than 4 REU's per acre (a tiny home is equal to 1 REU).
 - (D) Each tiny home shall have a parcel of record (or condominium form of ownership), with a unique ERN address.
 - (E) The specific development guidelines and standards, including maintenance of common areas, shall be prescribed in a recorded set of restrictive covenants or deed restrictions, enforceable by the Developer, and later by an association of owners, for which such association shall be formed and sustained in perpetuity.

SECTION 7 – TRAFFIC, LOADING, PARKING AND ACCESS

7-1.00 TRAFFIC VISIBILITY

- 7-1.01 To protect the visibility of motorists, cyclists, riders, and pedestrians at the intersection of any two streets, no structure which creates a substantial impediment to visibility shall be created or maintained between the heights of two-and one-half feet and ten feet above the mean roadway grades within the triangular area described as follows.
- (A) A visual clearance triangle bounded by the street centerlines and a line connecting points on them three hundred (300) feet from a Class A Highway intersection, two hundred (200) feet from a Class B Highway intersection and one hundred fifty (150) feet from a Class C Highway intersection.
 - (B) At intersections involving either a Class A or a Class B Highway, the visual triangle shall comply with, (A) or “Guide Dimensions for Vision Triangles of the Adams County Highway Department”, whichever is most restrictive.
- 7-1.02 A substantial impediment to visibility is defined as any fence, wall, sign, or other structure which substantially blocks the view of approaching vehicular, cyclist, or pedestrian traffic.

7-2.00 LOADING AREA REQUIREMENTS

On every lot which a business, trade, or industrial use exists, an adequate loading area shall be provided so that all vehicles loading, maneuvering, or unloading are completely off public streets and so that no vehicles will back onto public streets.

7-3.00 PARKING REQUIREMENTS

- 7-3.01 In all districts and in connection with every use, there shall be provided, at the time any use of building is erected, enlarged, extended, or increased, off street parking in accordance with the following.
- (A) Access to a public street shall be provided for each parking space, and driveways shall be as required by Section 7-4.00.
 - (B) Each parking space shall not be less than 9 feet wide and 20 feet in length exclusive of the space required for driveways.
 - (C) Required off-street parking shall be on the same lot as the use it serves or on a lot not more than 400 feet distant. No parking stall or driveway, except in residential districts, shall be closer than 10 feet to a lot line, unless barriers or curbs are installed to prevent parked vehicles from extending over a lot line.
 - (D) All off-street parking areas for more than five vehicles and all driveways shall be:
 - (1) Provided with a surface which is durable and well drained under normal use and weather conditions.
 - (2) Arranged and marked to provide for orderly and safe loading or unloading, parking, and storage of vehicle.

7-3.02 NUMBER OF PARKING STALLS REQUIRED

Parking spaces shall be provided as specified in this section, unless otherwise approved by the Town Zoning Committee.

Use	Minimum Parking Requirements
Single-family dwellings including mobile & manufactured homes	Two spaces for each dwelling
Two-family and multiple-family dwellings	Two spaces for each dwelling
Motels, Hotels, or resorts	One space for each guest room plus one space for each three employees
Rooming and boarding houses, fraternity and sorority houses, dormitories, rectories	One space for each bed plus one for each employee
Retirement homes, orphanages, convents, monasteries	One space for each 1,000 square feet of primary floor area

Hospitals, sanatoriums, institutions, rest and nursing homes	One space for each three beds plus one space for each three employees plus one space for each staff physician
Medical and dental clinics	One space for each 100 square feet of waiting room area
Churches, theaters, auditoriums, community centers, vocational and night schools, and other public assembly	One space for each three seats
Colleges and secondary schools	One space for each employee plus one space for each five students 16 years of age or more
Elementary schools	One space for each employee plus five visitor spaces
Restaurants, bars, and similar places of entertainment	One space for each 150 square feet of primary floor area, plus one space for each two employees
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	One space for each 500 square feet of primary building area
Financial institutions and business, government, and professional offices	One space for each 400 square feet of primary floor area, plus one space for each two employees
Funeral homes	Twenty spaces for each viewing room
Bowling alleys	Five spaces for each alley
Lodges and clubs	One space for each five members
Automobile repair garages and service garages	One space for each regular employee plus one space for each 250 square feet of floor area used for repair work
Motor vehicle sales (new and used)	One space for each 500 square feet of floor area and for each 300 square feet of outdoor display area on which motor vehicles are to be displayed. (This requirement does not include service garages-see above)
Gasoline filling stations	Three spaces for each grease rack of similar facility plus one space for each attendant
Repair shops, retail and service stores	One space for each 800 square feet of gross leasable area
Golf courses	Four spaces per hole
Barber and beauty shops	Two spaces plus one-half space per chair
Offices	One space for each 300 square feet of primary floor area
Uses not listed	The provisions for a similar use shall apply
Combinations of any of the above uses	The sum of the number of stalls required for each individual uses shall be provided

7-4.00 DRIVEWAYS

7-4.01 All driveways installed, altered, changed, replaced, or extended shall:

- (A) Have a minimum width of at least 10 feet.
- (B) Be provided with a surface which is durable and well drained under normal use and weather conditions, except where five or less parking spaces are required.
- (C) The entrance or exiting to or from any and all property/land onto a public roadway shall be accomplished by an approved driveway, consisting of six inch (6") gravel approach at least eighteen inches in depth over a culvert suitable to handle any water runoff.

- (D) A plan or diagram of all such driveways shall be submitted to the Town of Strong's Prairie road supervisor who shall also inspect and give final approval for the construction of the same.
- (E) All roadways from fire-numbered driveways to structures shall have a clearance of 12 feet wide and 10 feet high – for emergency vehicles.

SECTION 8 – SIGNS

8-1.00 PURPOSE AND INTENT

The intent of this section is to provide for and regulate the location and construction of signs and to ensure that signs are compatible with surrounding land uses and express the identity of individual proprietors and the community as a whole.

8-2.00 SIGN TYPES

For the purpose of this section, signs shall be classified as:

- 8-2.01 **ADVERTISING SIGN.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located; a billboard.
- 8-2.02 **AWNING SIGN.** A non-illuminated identification sign affixed flat to the surface of an awning and not extending vertically or horizontally beyond the limits of such awning.
- 8-2.03 **BULLETIN BOARDS.** Any sign which is characterized by changeable copy, letter, or symbols regardless of method of attachment.
- 8-2.04 **CANOPY SIGN.** A sign suspended from or forming part of a canopy or marquee and which does not extend horizontally beyond the limits of such canopy or marquee.
- 8-2.05 **GROUND SIGN.** A sign attached to the ground independent of any buildings.
- 8-2.06 **PORTABLE SIGN.** A sign which is not designed to be permanently attached to the ground or a building.
- 8-2.07 **POLITICAL SIGN.** Any sign which pictures or states the name of an individual seeking election to a public office or pertaining to or advocating political views of policies.
- 8-2.08 **PROJECTING SIGN.** A sign other than a wall or roof sign attached to or supported by a building or structure and projecting more than 12 inches from the face of the building or structure.
- 8-2.09 **ROOF SIGN.** A sign erected on or over the roof of a building.
- 8-2.10 **WALL SIGN.** A sign which is attached to a wall of a building, projects not more than 12 inches from such wall, and does not extend above the ceiling line of the top floor of the building.
- 8-2.11 **WINDOW SIGN.** A sign painted on or affixed to a window.

8-3.00 SIGN REQUIREMENTS

All signs, to be located, erected, moved, reconstructed, extended enlarged, converted, or structurally altered, shall conform to the requirements of this Ordinance.

8-4.00 EXEMPT SIGNS

The following signs are permitted in all zoning districts subject to the following regulations.

- 8-4.01 Real estate ground or wall signs not exceeding eight square feet in area which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located.
- 8-4.02 Ground signs identifying the name and address of the occupant, not exceeding 6 square feet in area in the R-1 districts and shall not exceed 16 square feet in area in all other zoning districts.
- 8-4.03 Home occupation and professional home office signs not exceeding 16 square feet in area on any one side; located on premises and not illuminated after 10 p.m. or before 8 a.m.
- 8-4.04 Bulletin boards on ground or wall signs not exceeding 36 square feet in area, located on the premises, and used by public, charitable, or religious institutions.
- 8-4.05 Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal or wood and affixed flat against a surface.

- 8-4.06 Official ground signs, such as traffic control, parking restrictions, information, and notices. Such signs may be placed at the curb line or up to the pavement edge.
- 8-4.07 Political sign provided the following provisions are met:
- (A) No sign is erected more than 60 days prior to the election.
 - (B) All signs are removed within seven days after the election.
 - (C) No sign shall be attached or placed on utility poles, or traffic devices within public right of way.
 - (D) Persons or committees authorizing the distribution or posting of campaign materials shall be responsible for compliance with the provisions of this Ordinance.
- 8-4.08 Field demonstration and test plot signs in agricultural district.
- 8-4.09 No Trespassing, No Hunting, and other private regulatory signs not exceeding 6 square feet in area.

8-5.00 SPECIFIC DISTRICT REQUIREMENTS

8-5.01 RESIDENTIAL DISTRICTS

- (A) The following signs are permitted in a residential district:
 - (1) Signs specifically exempted in Section 8-4.00.
 - (2) Mobile home park identification signs as specified in Section 6-2.02(A)(4).
 - (3) On-premise ground signs not exceeding 50 square feet, identifying an apartment, condominium, multiple family use or subdivision.
- (B) The following signs may be permitted in a residential district after review and approval by the Town Zoning Committee as a conditional use (see Section 4-4.00 for application and review requirements):
 - (1) Signs permitted in Section 8-5.02(A).

8-5.02 BUSINESS, AGRICULTURAL, PUBLIC AND SEMI-PUBLIC AND INDUSTRIAL

- (A) The following on-premise signs are permitted in Business, Agricultural, Public and Semi-Public Land Industrial Districts:
 - (1) Temporary signs when permitted by the Town Zoning Committee. The Town Zoning Committee shall, in each case, determine the structural type of sign permitted, the maximum size permitted, and the time period the sign may remain in place.
 - (2) Projecting signs not exceeding 100 square feet in area for any one premise. They shall not extend more than six feet into any required yard and shall be at least ten feet from all side lot lines.
 - (3) Awning and canopy signs not exceeding 100 square feet in area for any one premise. They shall not extend more than 6 feet into any required yard.
 - (4) Ground signs not exceeding 30 feet in height above grade. They shall not exceed 96 square feet on one side or 192 square feet on all sides. No ground sign shall be placed closer than 80 feet to another ground sign. Such signs may be placed at the right-of-way line.
 - (5) Roof signs not exceeding ten feet in height above the roof.
 - (6) Portable signs not exceeding 40 square feet on one side or 80 square feet on all sides. Signs shall not double as storage containers, semi-trailers or vehicle chassis.
 - (7) Window signs.
 - (8) Signs specifically exempted in 8-4.00.

- (B) Advertising signs (outdoor billboards) which advertise products, businesses, or public service activities not related to the occupancy or use of the premise on which they are located are permitted subject to the following restrictions:

- (1) Area. No individual sign shall exceed 14 feet in vertical measurement or 50 feet in total length, or be more than 76 square feet in area.
- (2) Spacing. No advertising sign shall be closer than 600 feet to another sign. Twin or back-to-back sign structures shall be considered one sign for purposes of this section.
- (3) Height. No advertising sign shall project higher than 30 feet above grade.
- (4) Illumination. Signs shall be shielded whenever necessary to avoid casting bright light upon property located in any district.
- (5) Advertising signs may be placed at the right-of-way line.

8-5.03 CONSERVANCY DISTRICT. All signs are prohibited in Conservancy Districts except those specifically exempted by Section 8-4.00

8-6.00 SIGNABLE AREA

The signable area of a building is a rectangular or square area of the façade, up to the roof line, which is free of windows, doors, or major architectural detail. In computing signable area, only a building facade which faces a public street may be utilized.

8-7.00 RESTRICTIONS

8-7.01 LIGHTING AND COLOR. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or otherwise impair driver visibility upon public streets. Signs may be illuminated except as provided in Section 8-4.03.

8-7.02 PLACEMENT. No signs shall be placed within the road right of way, except those official signs covered under Section 8-4.06. Further no signs shall be placed at a location that obstructs traffic visibility or safe ingress or egress from any driveway.

8-8.00 SIGN MAINTENANCE

The owner of any sign shall be responsible for maintaining such sign in good repair and for promptly repairing any damage to the sign. Further the owner of any sign shall promptly remove any damaged sign that, for any reason, is not to be promptly repaired.

8-9.00 EXISTING SIGN

Signs, lawfully existing at the time of the adoption of or amendment to this Ordinance, may be continued although their size or location does not conform to this Ordinance. Such signs shall be considered an existing non-conforming use and shall be maintained in accordance with 8-8.00 or shall be removed.

SECTION 9 – NONCONFORMING USES, LOT AND STRUCTURES

9-1.00 EXISTING NONCONFORMING USES

The lawful use of a structure, land or water, existing at the time of adoption of or amendment to this Ordinance, may be continued although the use does not conform with the provisions of this Ordinance. However:

- 9-1.01 Only that portion of the land, structure, or water in actual use may be continued. The use may not be extended, enlarged or substituted except as required by law or order so as to comply with the provisions of this Ordinance.
- 9-1.02 Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use.
- 9-1.03 If the nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this Ordinance.

9-2.00 EXISTING NONCONFORMING STRUCTURES

A structure, existing at the time of adoption of or amendment to this Ordinance, may be continued although its size or location does not conform to yard, height, parking loading, or access provisions of this Ordinance. However:

- 9-2.01 It shall not be extended, enlarged, reconstructed, moved or structurally altered except when required by Law or order to comply with the provisions of this Ordinance.
- 9-2.02 Total lifetime structural repairs or alterations shall not exceed 50 percent of the structure's equalized value unless it is permanently changed to conform to the provisions of this Ordinance.
- 9-2.03 A nonconforming structure damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of 50 percent or more of its equalized value, shall not be restored except to comply with the provisions of this Ordinance.
- 9-2.04 Residential structures which encroach upon required yards may be structurally altered provided they will not create a greater degree of encroachment.

9-3.00 EXISTING NONCONFORMING LOTS

- 9-3.01 In any residential district, a single-family detached dwelling and its accessory structures may be erected on any legal lot of record in the Adams County Register of Deeds Office before the effective date or amendment of this Ordinance, provided requirements of all other applicable ordinances are met.

Such lot or parcel shall be in separate ownership from abutting lands. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

- (A) Lot width: 50 foot minimum
- (B) Lot area: 10,000 square foot. minimum

- 9-3.02 In an A-3 Agricultural & Low Density Residential District structures may be erected on any legal lot of record in the Adams County Register of Deeds office before the effective date or amendment of this Ordinance, provided requirements of all other applicable ordinances are met.

Such lot or parcel shall be in separate ownership from abutting lands. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

- (A) Lot Width 200 foot minimum
- (B) Lot Area 10 acres

- 9-3.03 If abutting lands and the substandard lot are in the same ownership, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance.

9-4.00 CHANGING AND SUBSTITUTIONS

Once a nonconforming use, lot, or structure has been changed to conform, it shall not revert to a nonconforming use, lot, or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the previous use shall lose its status as a legal nonconforming use.

SECTION 10 – ADULT ENTERTAINMENT ESTABLISHMENTS

10-1.00 PURPOSE AND INTENT

It is the intent of this Section to protect the health, safety, general welfare and morals of the residents of the Town of Strong's Prairie. Being mindful of the effects of adult entertainment upon minors and the criminal activity and disruption of public peace associated with such establishments, while also giving due consideration to the civil rights of persons partaking in such entertainment, it is the intent of this Section to regulate the location of such establishments of adult entertainment. By the enactment of this Section, the Town Board does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment

10-2.00 DEFINITIONS. FOR THE PURPOSE OF THIS SECTION:

10-2.01 "Specified sexual activities" is defined as:

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy;
- (C) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- (D) Flagellation or torture in the context of a sexual relationship;
- (E) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (F) Erotic touching, fondling or other such contact with an animal by a human being; or
- (G) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the other activities of this Subsection.

10-2.02 "Specified anatomical areas" is defined as:

- (A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anal region or female breast below a point immediately above the top of the areola; or
- (B) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

10-2.03 Adult Establishments includes bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios, cabarets, and video stores and are more specifically defined as:

- (A) Adult bookstore. An establishment having as a substantial or significant portion of its stock-in-trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
- (B) Adult motion picture theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- (C) Adult mini-motion picture theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- (D) Adult bath houses. As establishment or business which provides the services of baths of all kinds, 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" as defined in this Section.
- (E) Adult massage parlors. An establishment or business with or without sleeping accommodations which

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" as defined in this Section.

- (F) Adult modeling studios. An establishment or business which 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.
- (G) Adult body painting studios. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this Section, the adult body painting studio shall not be deemed to include a tattoo parlor.
- (H) Adult cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.
- (I) Adult novelty shop. An establishment or business having as a substantial or significant portion of its stock-in-trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, "specified sexual activities" as defined herein or stimulating such activity.
- (J) Adult video store. An establishment having as a substantial or significant portion of its stock and trade in videotapes for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.

10-3.00 CONDITIONAL USE.

10-3.01 An adult entertainment establishment shall be a conditional use only within lands zoned I-1 Industrial District. The following uses may be permitted after review and approval by the Town Zoning Committee (See Section 4-4.00 for application and review requirements).

- (A) Adult bath houses.
- (B) Adult body painting studios.
- (C) Adult bookstores.
- (D) Adult cabarets.
- (E) Adult massage parlors.
- (F) Adult mini-motion picture theaters.
- (G) Adult modeling studios.
- (H) Adult motion picture theaters.
- (I) Adult novelty shops.
- (J) Adult video stores.

10-4.00 SPECIAL REQUIREMENTS.

In addition to all other applicable requirements of this Zoning Code, all adult entertainment uses shall meet the following standards:

10-4.01 No more than one (1) of the adult entertainment uses defined herein may be established on any one (1) parcel and any of the adult entertainment uses defined herein shall be at least one thousand (1,000) feet from any other adult entertainment use. No adult entertainment use shall be permitted within one thousand (1,000) feet of any establishment serving alcoholic beverages, within two thousand five hundred (2,500) feet of any property zoned A-3 or A-4 or Residential Zoned property, or within two thousand five hundred (2,500) feet of any school, library, church, park, playground, or daycare facility.

10-4.02 There shall be no sale of intoxicating beverages in the Adult Entertainment Establishment.

- 10-4.03 Signs advertising any of the adult entertainment uses defined herein shall conform with Section 8 of this Chapter with the following exceptions:
- (A) No tower or portable signs or billboards shall be permitted on the premises;
 - (B) Signs will not depict or describe "specified anatomical areas" or "specified sexual activities";
 - (C) There shall be no flashing or traveling lights located outside the building.
 - (D) A one (1) square foot sign shall be placed on each public entrance which shall state "Admittance to Adults Only" and may include other pertinent business information.
- 10-4.04 Adequate parking shall be provided in a lighted area.
- 10-4.05 There shall be no display windows on the premises.
- 10-4.06 The owner and/or operator of the adult entertainment establishment shall comply with all federal, state and local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- 10-4.07 In the case of adult cabarets, the hours of operation for such establishments shall be limited to the same hours of operations for bars and taverns within that community within which the district is located.
- 10-4.08 Prior to the issue of a conditional use permit, an inventory of the surrounding area and population shall be made along with a study of the proposed development and plans for the area so as to enable the Town Board to make appropriate findings relative to the effect of the establishment in that area.
- 10-4.09 The owner of the parcel upon which the adult entertainment use is to be established and the operator of the establishment and owner of the establishment shall appear in person before the Town Board.
- 10-4.10 In the event of non-compliance with any conditions imposed on the adult entertainment establishment use, the conditional use permit may be revoked.

SECTION 11 – NON-METALLIC MINERAL EXTRACTION

11-1.00 PURPOSE AND INTENT

The purpose of this section is to direct extraction activities to areas of minimal local contact; restrict activities where environmental, historical, archaeological, geological or hydrological resources could be adversely impacted and establish regulations for mineral extraction activities that will reclaim the site to a safe, purposeful and acceptable landscape.

11-2.00 CONDITIONAL USES

11-2.01 In the I-1 Industrial District, mineral extraction operations, including washing, crushing, quarrying, borrow pits, or other processing or removal of mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing, and the preparation of hot black top mix or ready-mix concrete, and the operation of lime kilns; provided that:

- (A) An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.
- (B) Excavations below the grade of the nearest abutting public street or highway shall be set back a distance not less than 200 feet from the right-of-way or property line. All accessories such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line. Exceptions to these conditions may be granted upon recommendation of Plan Commission and approval of Town Board.
- (C) The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than a 3 to 1 horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; all final slopes shall be covered with topsoil and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation the area shall be cleared of all debris and be left in a clean condition, subject to the approval of the Town Board or its agent. The reclamation plan shall indicate the proposed future use or uses of the site; the proposed re-use of the site as dumping grounds shall have the concurrence of the Town Board.
- (D) Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residence district, a residential subdivision or a city, village, or town limits line, or within 300 feet of any building occupied for residence purposes; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Town Board given after the public hearing has been held.
- (E) The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted through appeal, or additional conditions may be required. The Board of Appeals and the Town Board, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.
- (F) No permit shall be granted for a period of time exceeding 4 years, unless approved by the Town Board. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this ordinance and the permit issued hereunder. The Board of Appeals may require a public hearing prior to such renewal.
- (G) A filing fee of \$100 shall be required for each initial application, and a filing fee of \$50 for each renewal application. The applicant is responsible for all Town costs incurred in connection to the proper review of each application.

- (H) All existing mineral extraction operations lawfully operated and existing shall be considered non-conforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this ordinance.

11-2.02 In the A-1 Exclusive Agricultural District, mineral extraction operations may be authorized as a conditional use provided that the mineral extraction operation shall take place for less than two years, and the land shall be restored to agricultural production within another two years.

SECTION 12 – MOBILE TOWER SITING

The Town Board of Strong's Prairie, Wisconsin does hereby ordain as follows: The Town of Strong's Prairie Planning and Zoning Ordinance is amended to create Section 12 Mobile Tower Siting as follows

12-1.00 TITLE, AUTHORITY AND EFFECTIVE DATE.

12-1.01 TITLE. This section shall be cited as: Section 12, Town of Strong's Prairie, Mobile Tower Siting.

12-1.02 STATUTORY AUTHORIZATION. Except as otherwise noted, Section 12 is adopted through powers granted in Wis. Stat. sec. 60.61 for the purpose of implementing Wis. Stat. secs. 66.0404 and 66.0406.

12-1.03 EFFECTIVE DATE. Section 12 is effective as provided by state law.

12-2.00 PURPOSE. THE PURPOSE OF THIS MOBILE TOWER SITING ORDINANCE IS TO REGULATE THE FOLLOWING:

12-2.01 The siting and construction of any new mobile service support structure and facilities.

12-2.02 The substantial modification of an existing support structure and mobile service structure and mobile service facility (Class 1 Collocation).

12-2.03 The collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities (Class 2 Collocation).

12-3.00 INTENT. THE INTENT OF THIS MOBILE TOWER SITING ORDINANCE IS TO:

12-3.01 Encourage the construction and location of mobile service facilities and mobile service support structures and facilities in areas where the adverse impact on the environment, the community and the citizens of the Town of Strong's Prairie is minimized.

12-3.02 Maintain and ensure that a non-discriminatory, competitive and broad range of mobile services and high quality mobile service infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as the local police, fire, and emergency response network quickly, effectively and efficiently.

12-3.03 Provide a process of obtaining the necessary permits for mobile service facilities and support structures while at the same time protecting the legitimate interests of the citizens of the Town of Strong's Prairie.

12-3.04 Encourage the use of alternative support structures, collocation of new antennas on existing support structures, and construction of support structures with the ability to locate multiple providers.

12-3.05 Promote the public health, safety and general welfare of the Town of Strong's Prairie with the minimum practical regulation that is necessary to accomplish this intent.

12-4.00 APPLICABILITY AND EXEMPTION.

12-4.01 The requirements of this Mobile Tower Siting Ordinance shall apply to all towers, antennas, and other communication facilities in the Town of Strong's Prairie in accordance with the authority granted by Wis. Stat. sec. 60.61

12-4.02 This section shall not apply to small cell facilities. Refer to Section 13 of the Zoning Ordinance.

12-5.00 DEFINITIONS. ALL DEFINITIONS CONTAINED WITHIN WIS. STAT. SEC. 66.0404(1) ARE INCORPORATED IN THIS ORDINANCE BY REFERENCE.

12-6.00 PERMIT REQUIREMENTS.

12-6.01 A conditional use permit shall be required for new support structures and facilities and for a Class 1 Collocation.

12-6.02 A zoning permit shall be required for a Class 2 Collocation.

12-7.00 APPLICATION PROCESS FOR NEW MOBILE SERVICE SUPPORT STRUCTURES AND FACILITIES AND FOR CLASS 1 COLLOCATIONS.

12-7.01 All conditional use permit applications for new mobile service support structures and facilities and for Class 1 Collocation projects shall be submitted to the Town upon forms provided by the Town. Applications for a conditional use permit for new mobile service support structures and facilities and for Class 1 Collocation projects shall include the following:

- (A) The name, and business address of, and the contact individual for, the applicant.
- (B) The location of the proposed or affected support structure.
- (C) The location of the proposed mobile service facility.
- (D) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- (E) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
- (F) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile support structure that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

12-7.02 COMPLETED APPLICATIONS. If an applicant submits an application to the Town for a conditional use permit to engage in an activity described in this section 12-7.00 of the Code, which contains all of the information required under this section 12-7.00, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

12-7.03 TOWN RESPONSIBILITIES.

- (A) Within 90 days of receipt of a complete Section 12-7.00 application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90 day period.
- (B) Review the application to determine whether the proposed project complies with all applicable aspects of the Code, subject to the limitations in this section. If the application is determined to be incomplete, the Zoning Chair or Designee shall notify the developer/applicant of the application deficiencies and no further action shall be taken on the application until the required information is submitted and the application is determined to be complete.
- (C) The Zoning Chair or Designee shall review each complete application in light of the approval Criteria of this ordinance and shall provide a report to the Town recommending approval, approval with conditions or denial of the application. Failure of the Zoning Chair or Designee to provide a report to the Town shall constitute a recommendation for approval of the application.
- (D) Public hearings for conditional use permit applications shall be held within 45 days of receipt by the Town of a complete application and shall receive written and published notice in accord with the applicable Wisconsin State Statutes and the general notice provisions of this ordinance. In addition, the Town shall notify all property owners within 300 feet of the subject property boundary of the time, date and subject matter of the hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

- (E) The 45 day time limit in which to hold the public hearing may be extended by written agreement with the applicant. The 45 day time limit in which to hold the public hearing may also be extended by the Town when it has been determined by the Town that the public hearing notice requirements of this ordinance for said hearing have not been met. In such instances, the Town shall reschedule the public hearing for a date that is within 30 days of the date of determination by the Town that the public hearing notice requirements were not met or within the time limit as extended by the written agreement with the applicant.
- (F) The Town shall hold a public hearing on the application and following the public hearing shall approve, approve with conditions or deny the conditional use permit application within 15 days after the public hearing based on the general approval criteria listed in 12-7.00 of the Code unless the time is extended by written agreement with the applicant. Failure of the Town to take final action within 90 days of the receipt of a complete application or within the time as extended by agreement with the applicant shall constitute an approval of the conditional use permit as proposed.
- (G) Compliance with all other provisions of Town Codes, such as lot width and area, yards, building height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.
- (H) The Town may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described in this ordinance.
- (I) The Town shall notify the applicant, in writing, of the Town's final decision. If the decision is to disapprove the application, the Town shall include with the written notification substantial evidence which supports the decision.
- (J) A party who is aggrieved by the final decision of the Town under this subsection may bring an action in Adams County Circuit Court.

12-7.04 FACTORS CONSIDERED IN GRANTING A CONDITIONAL USE PERMITS. The Town shall consider the following factors in determining whether to issue a conditional use permit, although the Town may waive or reduce the burden on the applicant of one or more of these criteria if the Town concludes that the intent of this ordinance is better served thereby:

- (A) Height of the proposed tower.
- (B) Proximity of the tower to residential and mobile tower structures and facilities.
- (C) Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users.
- (D) Proposed ingress and egress.
- (E) Availability of suitable existing towers and other structures.
- (F) Economic/Financial hardship.
- (G) Interference with other facilities including emergency radio or communication devices.
- (H) Minimization of tower clustering.
- (I) Provisions for tower removal.
- (J) Other site specific factors.

12-7.05 AVAILABILITY OF SUITABLE EXISTING TOWERS OR OTHER STRUCTURES. The Town may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described in this ordinance. 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. In no circumstances shall a proposed new or Class I collocation interfere with emergency radio and/or emergency communication devices, public or private.
- (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 economically burdensome.
- (F) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

12-8.00 APPLICATION PROCESS FOR CLASS 2 COLLOCATION.

12-8.01 All land use applications for Class 2 Collocation projects shall be submitted to the Zoning Chair or Designee upon forms provided by the Town. Applications for a Class 2 Collocation project shall include the following:

- (A) The name, and business address of, and the contact individual for, the applicant.
- (B) The location of the proposed or affected support structure.
- (C) The location of the proposed mobile service facility.

12-8.02 COMPLETED APPLICATIONS. If an applicant submits an application to the Town for a zoning permit to engage in a Class 2 collocation, which contains all of the information required under this subsection, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

12-8.03 TOWN RESPONSIBILITIES. Within 45 days of receipt of a complete Section 12-7.00 application, the Zoning Chair or Designee shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 45 day period:

- (A) Review the application to determine whether the proposed project complies with all applicable aspects of the Code, subject to the limitations in this section. If the application is determined to be incomplete, the Zoning Chair or Designee shall notify the developer/applicant of the application deficiencies and no further action shall be taken on the application until the required information is submitted and the application is determined to be complete.
- (B) Make a final decision whether to approve or disapprove the application.
- (C) Notify the applicant, in writing, of its final decision.
- (D) If the application is approved, issue the applicant the relevant permit.
- (E) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (F) A party who is aggrieved by the final decision of the Zoning Chair or Designee under this subsection, may bring action in the Circuit Court for Adams County.

12-9.00 DEVELOPMENT STANDARDS.

12-9.01 GENERAL DESIGN REQUIREMENTS.

- (A) 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.
- (B) 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.
- (C) 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.
- (D) Towers and antennas shall not be used for displaying any advertising.
- (E) No tower shall exceed 500 feet in height.

12-9.02 **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.

12-9.03 **ACCOMMODATIONS OF OTHER USERS (CO-LOCATION)**

- (A) Any proposed communication 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 three additional users. 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 three 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 shall become null and void.

12-9.04 **SETBACKS AND SEPARATION.** The following setbacks and separation requirements shall apply to all towers and antennas for which a permit is required; provided, however, that the Town may reduce the standard setbacks and separation requirements if the intent of this section would be better served thereby:

- (A) Communication towers and projecting aerials shall be located a minimum distance equal to the height of the tower from any residential structure.
- (B) Communication towers, including but not limited to radio and television transmission and relay towers, aerials, and observation towers, are exempt from the zoning district height requirements, however, no tower or any projecting aerial attached to the tower shall exceed 500 feet in height.
- (C) Guy wires, and accessory facilities must satisfy all applicable setback requirements.
- (D) Communication towers and projecting aerials shall be located a minimum distance equal to 1/3 the structure height from the side and rear lot line.
- (E) Communication towers and projecting aerials shall be located in accordance with the minimum setback distances required for roads.
- (F) Communication towers that are located within the jurisdictional boundaries of the Town of Strong's Prairie shall not exceed the maximum airport height regulations and shall be approved, as necessary, by Accurate Airport-67WI Airport, Murmuring Springs Airport-2WN5, Adams County Airport, and FAA.

12-9.05 **SETBACK EXCEPTION:** Application of Set Back Fall Zone. If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller fall zone area than the setback required in the Code, the smaller fall zone setback

area shall be used as the setback requirement unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

12-9.06 SECURITY FENCING. Tower 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.

12-9.07 LANDSCAPING. Tower facilities shall be landscaped with a buffer of plant material that effectively screens the base of the tower and the supporting facilities from direct view of the tower site from an adjacent property. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the security fencing. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

12-9.08 REMOVAL.

12-10.00 ABANDONMENT, REMOVAL, AND SECURITY FOR REMOVAL.

12-10.01 ABANDONMENT/NON-USE.

- (A) Any mobile service support structure and facility that is not operated for a continuous period of 12 months shall be considered abandoned. Time may be extended upon review and approval of the Zoning Chair or Designee, if the tower owner demonstrates a good faith effort to secure new tenants.
- (B) If a tower is declared abandoned due to non-use, the owner of such abandoned mobile service support structure and facility shall remove such within 90 days of receipt of notice from the Zoning Chair or Designee notifying the owner of such abandonment. If removal to the satisfaction of the Zoning Chair or Designee does not occur within 90 days, the Town Attorney may order removal utilizing the established security for removal as provided below and salvage. If there are two or more users of a single tower, then this provision shall not become effective until all operation of the tower cease. The mobile service support structure shall notify the Department when the facility is no longer in operation.

12-10.02 REMOVAL. It is the express policy of the Town and this chapter that mobile service support structures be removed once they are no longer in use and not a functional part of providing service. It is the mobile service support structure owners responsibility to remove such structure and restore the site to its original condition or a condition approved by the Town. Required restoration may include the removal of any subsurface structure or foundation including concrete used to support the structure down to ten feet below the surface. After a mobile service support structure is no longer in operation, the tower owner shall have 90 days to effect removal and restoration unless weather prohibits such efforts. The mobile service support structure owner shall record a document with the Adams County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

12-10.03 SECURITY FOR REMOVAL. The mobile service support structure owner shall provide to the Town, prior to issuance of a zoning permit, a performance bond in the amount of \$20,000.00 or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the entire structure will be removed when no longer in operation. The Town will be named as the obligee in the bond and must approve the bonding company.

12-11.00 ALL ORDINANCES OR PARTS OF ORDINANCES, IN CONFLICT HERewith ARE HEREBY REPEALED.

12-12.00 SEVERABILITY. IF ANY SECTION, SUBSECTION, CLAUSE, PARAGRAPH, PHRASE OR PORTION OF THIS CHAPTER IS FOR ANY REASON HELD INVALID OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTIONS SHALL BE DEEMED TO BE A SEPARATE, DISTINCT, AND INDEPENDENT PROVISION AND SUCH HOLDING SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS THEREOF.

SECTION 13 – PERSONAL WIRELESS TELECOMMUNICATION AND SMALL CELL ANTENNA SITING REGULATIONS

13-1.00 TITLE, AUTHORITY, AND ADOPTION OF ORDINANCE.

- 13-1.01 **TITLE.** This ordinance is entitled the Town of Strong's Prairie Personal Wireless Telecommunication and Small Cell Antenna Siting Permit Ordinance.
- 13-1.02 **AUTHORITY.** The Town board has the specific authority under ss. 60.61 Wis Stats, to adopt and enforce this ordinance.
- 13-1.03 **ADOPTION OF ORDINANCE.** This ordinance, adopted by a majority of the Town board on a roll call vote with a quorum present and voting, and proper notice having been given, provides for the regulation by zoning permit; (1) the siting and construction of any new personal wireless telecommunication and/or small cell antenna service support structure and facilities; and (2) with regard to the Town of Strong's Prairie Mobile Tower Siting Permit Ordinance Section 12, to differentiate between mobile tower siting regulations as defined and regulated by s. 66.0404, Wis Stats.

13-2.00 PURPOSE.

- 13-2.01 The purpose of this ordinance is to regulate by zoning permit: (1) the siting and construction of any new personal wireless telecommunication and/or small cell antenna service support structure and facilities; and (2) with regard to the Town of Strong's Prairie Mobile Tower Siting Permit Ordinance Section 12, to differentiate between a mobile tower siting regulations as defined and regulated by s. 66.0404, Wis Stats.

13-3.00 DEFINITIONS. FOR THE PURPOSES OF THIS SECTION AND ZONING CODE OF THE TOWN, THE TERMS DEFINED IN THIS ORDINANCE HAVE THE MEANINGS GIVEN THEM.

- 13-3.01 **ACCESSORY EQUIPMENT STRUCTURE:** A building or cabinet-like structure located adjacent to or in immediate vicinity of a wireless telecommunications tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone call, voice messaging and paging services.
- 13-3.02 **ANTENNA.** Equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omnidirectional "whip" antennae.
- 13-3.03 **ANTENNA SUPPORT STRUCTURE.** Any building, pole, telescoping mast, tower, tripod, or any other structure which supports an antenna, excluding signs as defined per Ordinance 136.
- 13-3.04 **BASE TRANSCEIVER STATION.** Equipment that provides the link between wireless communications and land-based public telephone switching networks, including radio frequency transceivers, back-up power amplifiers, and signal processing hardware, typically contained in a small building or cabinet.
- 13-3.05 **COLLOCATION.** The location of wireless telecommunications equipment from more than one provider on a common tower, building or structure.
- 13-3.06 **COMMERCIAL RECEIVING AND/OR TRANSMITTING ANTENNAE.** Any antennae erected to transfer information for commercial use.
- 13-3.07 **MAST.** The portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.
- 13-3.08 **PERSONAL WIRELESS SERVICES.** Licensed commercial wireless communication services including cellular, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging and similar services.
- 13-3.09 **PUBLIC PROPERTY.** Land, buildings, or other structures owned or operated by the Town of Strong's Prairie.
- 13-3.10 **TOWER.** Any pole, spire, structure, or combination thereof, to which antenna could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces, excluding signs as defined per Ordinance 136.

13-3.11 UNIFORM BUILDING CODE (UBC). Published by the International Conference of Building Officials and referenced by the State of Wisconsin to provide jurisdictions with building-related standards and regulations.

13-4.00 EXISTING TOWERS OR ANTENNAS

13-4.01 Antennas, towers and accessory structures for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, are, after the effective date hereof, declared to be nonconforming uses subject to the provisions of Section 13 of this code.

13-5.00 INTERPRETATION AND APPLICABILITY.

13-5.01 This ordinance shall be interpreted consistent with the provisions of the Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996.

13-5.02 This ordinance shall apply to all persons, partnerships, corporations and other entities seeking to locate, site, place, modify or construct wireless telecommunications facilities within the corporate boundaries of the Town.

13-5.03 This ordinance reserves to the Town all authority contained in state law and existing Town ordinances regarding land use, zoning and regulation which has not been preempted by the federal government pursuant to Section 704 of the Telecommunications Act of 1996 as to the placement, construction, and modification of personal wireless service facilities.

13-5.04 This ordinance does not apply to the use or location of private, residential citizen band radio towers, amateur radio towers or television antennas, or public safety communication facilities owned or operated by the Town of Strong's Prairie.

13-6.00 CONDITIONAL USE AND HEIGHT LIMITATIONS.

13-6.01 Wireless telecommunication antennas shall be allowed as a permitted use in all zoning districts if located or attached as follows:

(A) Collocation on Existing Towers and Structures. Wireless telecommunication antennas shall be permitted to be attached to existing/conforming towers or structures in accordance with applicable siting guidelines and performance standards in Section 12, after the applicant has provided to the Town a written statement of approval from the tower or structure owner or lessor, has obtained a building permit from the Town and paid all applicable fees. The antenna shall not serve to extend the height of the existing/conforming structure by more than 15 feet.

(B) Utility Poles Wireless telecommunication antennae shall be permitted to be attached to utility poles after the applicant has provided a written statement of approval from the utility owner or lessor, has obtained a building permit from the Town and paid the necessary fees. The height of the antennae shall not extend more than fifteen (15) feet above the pole and shall be conformed to not be located in the Town right of way.

(1) Existing lattice utility pole structures may also be utilized provided the approval from the owner and building permit is obtained.

(2) Wireless Telecommunication towers and antennas shall be allowed as a conditional use under the permit procedure set forth in Section 17.18 of this Code in all zoning districts; and in accordance with the collocation requirements stated in Section 6, performance standards in Section 7 and specific procedural requirements in Section 9. Conditional Use Permits are not required for towers or antennas used, owned or operated by the Town for public safety communications purposes.

(C) Height Limitations. The following height limitations table sets forth the applicable limitations of this section by zoning district, and shall include all parts of the wireless telecommunication tower and antenna structure measured from the base at ground level.

(1) Zoning Districts A-1, A-2, A-3: Height Limitations: Allowed only on existing towers or structures, as collocated under subsection (13-6.01 (A) & (B)), above, or on utility facilities, not exceeding 15 feet above the height of the tower or structure.

(2) Zoning Districts R-1, R-2, C-1, LI-1, HI-1, MR-1, A-4, PDD, I-1, WC, SO-1, HPA: Height Limitations: Allowed only upon the grant of a conditional use permit. Height shall not exceed 15

feet above the roof of an existing, conforming building, tower, or structure; or, for new construction, for a single use, 90 feet; dual user, 120 feet; three or more users, up to 150 feet.

13-7.00 COLLOCATION REQUIREMENTS.

13-7.01 No proposal for the construction of a new wireless telecommunication tower shall be approved unless the applicant documents to the satisfaction of the Town that the antenna planned for the proposed tower cannot reasonably be accommodated on an existing structure, on an existing, conforming collocation tower or structure, or on a utility pole within the applicant's search ring, transcending the municipal borders, and for the purpose of providing service to the residents and businesses of the Town, due to one or more of the following:

- (A) The antenna would exceed the structural capacity of the existing or approved tower or building.
- (B) The antenna would cause interference with other existing or planned equipment at the tower or building.
- (C) Existing or approved towers and buildings cannot reasonably accommodate the antenna at a height necessary for the proposed antenna to provide services to the residents and businesses of the Town.
- (D) Existing or approved towers and commercial buildings are outside of the documented search area.
- (E) The owners or lessors of the existing or approved towers and buildings are unwilling to allow collocation upon their facilities.

13-7.02 The applicant shall be required to supply all documentation on the wireless network including feasibility of collocation, structural engineering, construction plans, and a sworn statement from the responsible applicant attesting that collocation is not technically feasible or economically burdensome, for each proposed small cell site.

13-8.00 PERFORMANCE STANDARDS

13-8.01 The requirements of this section apply to all wireless telecommunications towers and antennas erected, constructed, placed, modified or replaced in the Town of Strong's Prairie. All wireless telecommunication towers and antennas shall be designed and situated to be visually unobtrusive, to minimize the impact upon neighboring uses, and shall conform to the following design and siting criteria:

- (A) Setbacks. The minimum setback from any property line, public right-of-way, building or structure, except for accessory buildings or equipment structures, for a wireless telecommunication tower shall be equal to 100% of the height of the tower. Setbacks for accessory building and equipment structures associated with wireless telecommunication towers and antennae shall comply with the zoning district in which the facility is located.
- (B) Accessory Equipment Structures. All accessory equipment structures adjacent to an antenna system and/or tower shall be screened or architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the applicable zoning district.
- (C) Fencing. When deemed applicable by the Town, appropriate safety fencing shall be incorporated within the site accommodating the tower and its accessory equipment structures.
- (D) Landscaping and Screening. When deemed applicable by the Town, proper landscaping and screening shall be incorporated into the site accommodating a tower and its accessory equipment structures.
- (E) Color. The wireless telecommunication tower and antennae shall be of a neutral color such as light gray or sky blue except as dictated by the Federal Aviation Administration (FAA) and be designed to minimize visibility and to blend into the surrounding environment.
- (F) Towers with antennas shall be designed to withstand applicable wind load requirements as prescribed in the Uniform Building Code. Towers and/or antenna systems shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be submitted as part of the documentation.

- (G) **Roof-Mounted Wireless Communication Antennas.** Roof-mounted wireless telecommunication antennas shall not be permitted on buildings with pitched-roofs, unless they are stealth antennae incorporated into upward thrusting architectural elements, such as a church steeple, spire or bell-tower' smokestack, or radio tower. On flat roofs, the height of the antenna and mounting hardware may not be more than 15 feet above the highest point of the roof to which the antenna is attached.
- (H) **Structurally - Mounted Wireless Communication Antennas.** Telecommunication antennas mounted on the sides of buildings shall be attached flush with the side of the building, and shall not protrude more than three feet from the side of the building. Structurally mounted antennas not affixed to towers shall be made to blend into the design and contours of the structure.
- (I) **Lights.** No antenna or tower shall be affixed or attached to it in any way any lights, reflectors, flashers, daytime strobes, or steady nighttime light or other illuminating devices except as may be required by the FAA.
- (J) **Signs and Advertising.** No signs and/or advertising message shall be affixed to the antenna or tower structure.
- (K) **Other Attachments.** No antenna or tower shall have constructed thereon, or attached thereto, any platform, catwalk, crow's nest, or like structure for the purpose of human support except during periods of construction and repair.

13-9.00 OBSOLETE OR UNUSED TOWERS.

13-9.01 All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed within 12 months of the cessation of operations unless the Town of Strong's Prairie Town Board approve a time extension. If the tower is not removed, it may be deemed a nuisance pursuant to Wisconsin Statutes. In the event a tower is determined to be a nuisance; the Town may act to abate such nuisance and require the removal of the tower at the property owner's expense. The owner shall provide the Town with a copy of the notice of the Federal Communication's (FCC) intent to cease operations and shall be given twelve months from the date of ceasing operations to remove the obsolete tower and all accessory structures. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all users cease operations for a period of twelve consecutive months. The equipment on the ground is not to be removed until the tower structure has first been dismantled. After the facilities are removed, the site shall be restored to its original, or to an improved state.

13-10.00 PROCEDURAL REQUIREMENTS

13-10.01 Applicants proposing to erect wireless telecommunication towers or antennas shall follow procedures as follows:

- (A) A report and plan from a qualified and registered engineer or firm that specifies the following:
 - (1) The tower height and design including cross-section and elevation.
 - (2) The height above grade for all potential mounting positions for collocation antennae and the minimum separation distances between antennae.
 - (3) Structural mounting designs and materials list
 - (4) The capacity of the tower, including the number and type of antennae that the tower can accommodate.
 - (5) As applicable, an engineer's stamp and number.
- (B) Structural and electrical plans showing how the proposed tower will accommodate the collocation of the applicant's antenna and comparable antennas of additional users; and, the plans and specifications whereby the proposed tower is designed to allow for future rearrangement of antennas to accommodate additional users and the mounting of additional antennas at varying heights.
- (C) Ownership, operation, and maintenance responsibilities shall be approved by the town for each application/site.

13-10.02 Additional application materials shall include the following:

- (A) A document from the property owner or lessor that allows the applicant to apply for a conditional use permit and building permit to erect a wireless telecommunications tower and/or antenna.
- (B) A "scaled" site plan which shows property lines, location of wireless telecommunication tower or antenna, setback distances, any accessory equipment structure, fencing and landscaping proposed.
- (C) An artist's or architect's sketch, concept, or rendition of the site as built which demonstrates to the satisfaction of the Town Council that the proposed site will be as aesthetically in keeping with its surroundings as possible, including elevations, landscaping, screening, appropriate camouflage, and fencing.
- (D) Sufficient information to show that construction, installation, and maintenance of the wireless telecommunication tower and/or antenna will not create a safety hazard or damage to the property of other persons.

13-11.00 BUILDING PERMITS

13-11.01 No person shall place, construct, or modify a wireless telecommunication tower or antenna without first having obtained a building permit. All towers and antennas are subject to plan review and inspection by the Town to determine compliance with Uniform Building Code construction standards. No building permit shall be issued by the Town without prior approval of a Conditional Use Permit (CUP) by the Town Board. The applicant shall provide to the Town all information as required by this and other applicable ordinances of the Town at the time of application for a building permit. In addition to any other requirements of this or any other section of this Code, the Building Permit application shall include the following:

- (A) Plans and specifications showing how the proposed facility will be maintained in keeping with building codes adopted by the Town.

13-12.00 INSPECTION

13-12.01 The Town may, at any time, inspect any telecommunications tower, antenna or other facility to ensure their structural integrity. If, upon such inspection, the Town's duly designated inspector determines that the facility fails to comply with such applicable codes, and that such failure constitutes a danger to persons or property, then, upon notice being provided to the owner of the facility, the owner shall have 30 days to bring the facility into compliance with the applicable codes and standards. Failure to bring the facility into compliance within the said 30 days shall constitute cause for the removal of the facility at the owner's expense.

13-13.00 NON-INTERFERENCE

13-13.01 All new or existing telecommunications services shall comply with all relevant Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) standards and shall not interfere with public safety and other Town and private telecommunications operations.

13-14.00 INSURANCE

13-14.01 The applicant shall provide the Town with proof of liability insurance, for each application, which protects against losses due to personal injury or property damage resulting from the construction, operation or collapse of the tower, antennae, or accessory equipment.

13-15.00 ENFORCEMENT

13-15.01 The provisions of this section shall be enforced and penalties imposed for violations hereof as set for herein and in section 13-1.02.