

# Town of Quincy Zoning and Land Use Ordinance

Amended August 22,2024

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## **SECTION 1 -INTRODUCTION**

**1-1.00 AUTHORITY.** This Ordinance is adopted pursuant to the authority of the Town Board under 60.10, 60.22, 61.35, 62.23, Wis. Stats., and Chapter 236 and 60.61 Wis. Statutes, where applicable.

**1-2.00 TITLE.** This ordinance shall be known as, referred to, and cited as the Town of Quincy Zoning and Land Use Ordinance, 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 the Town of Quincy.

**1-4.00 INTENT.** It is the intent of this Ordinance to regulate and restrict the location and use of buildings, structures and land for trade, industry, commerce, agriculture, residence and other purposes; to:

1-4.01 To control and lessen congestion in the streets; to secure safety from fire and other dangers; to promote adequate light and air; to manage growth and the impact of land development; to encourage the protection of ground and surface water and other natural resources; to preserve productive farmland; to preserve the Town's rural

character; to prevent the overcrowding of land; to preserve, protect and promote property value; to promote high quality and lasting community design; to clearly present land development opportunity and review processes and to facilitate the adequate provisions of public facilities.

1-4.02 To create districts for said purposes and establish the boundaries thereof.

1-4.03 To provide for changes in the regulations, restrictions and boundaries of such districts.

1-4.04 To define certain terms used herein.

1-4.05 To provide for administration and enforcement.

1-4.06 To establish a Board of Appeals, Plan Commission and the office of the Zoning Administrator; and to provide penalties for its violation.

**1-5.00 JURISDICTION.** The jurisdiction of this ordinance shall include all lands and water within the corporate limits of the Town.

**1-6.00 RELATIONSHIP TO TOWN OF QUINCY COMPREHENSIVE PLAN.** The Town Board has formally adopted a Comprehensive Plan, pursuant to Wisconsin Statutes Section 66.1001(4)(c). The Town Comprehensive Plan is intended to guide the physical development of the Town over a 20 year planning period and serve as the partial basis for this chapter. The Town Board may, from time to time, amend the Comprehensive Plan following the procedure included in Wisconsin Statutes Section 66.1001. This chapter implements aspects of the Comprehensive Plan that are best addressed through zoning approaches, as enabled and in certain cases required by Wisconsin Statutes. In accordance with Wisconsin Statutes Sections 91.38(1)(f) and 66.1001(3), this chapter is consistent with the Comprehensive Plan. In accordance with Wisconsin Statutes Section 66.1001(1)(am), consistent with means "furthers or does not contradict the objectives, goals, and policies contained in the Comprehensive Plan." All subsequent amendments to the text of this chapter and the Official Zoning Map contained herein shall also be consistent with the Comprehensive Plan goals, objectives, and policies, in accordance with Wisconsin Statutes.

**1-7.00 RESERVED.**

**1-8.00 SEVERABILITY.** This Ordinance is declared to be severable. If any part 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.

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.

**1-9.00 ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to law; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

Should there be conflict between provisions of this Ordinance, the more specific provisions of this ordinance shall be followed in lieu of more general provisions that may be more lenient.

**1-10.00 REPEAL.** All other ordinances or parts or ordinances of the Town inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

**1-11.00 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 of Quincy and shall not be construed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**1-12.00 COMPLIANCE.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable Town, Town and State regulations.

**1-13.00 NO DEFENSE TO NUISANCE ACTION.** Compliance with the standards and requirements contained in this ordinance shall not constitute an absolute defense to an action to abate a nuisance.

**1-14.00 APPLICABILITY TO PUBLIC ENTITIES.** This ordinance shall apply to all publicly-owned land to the extent allowed by state and federal law. When a public entity is exempted from this ordinance, in whole or in part, it is encouraged to meet the provisions of this ordinance.

**1-15.00 LIABILITY.** The Town, including its agencies, employees, or assigns, shall not be liable for any flood damage, sanitation problems, structural damage, or other damages that may occur as a result of reliance upon and conformance with this ordinance.

**1-16.00 NON-CONFIDENTIALITY OF SUBMITTED INFORMATION.** All written information that a potential applicant submits to staff is considered part of the public record.

**1-17.00 REFERENCES.** The contents of this Ordinance has been based on Wis. State Statutes, Department of Safety and Professional Services, Department of Health and Social Services, and Town regulations in effect at the time of adoption of this Ordinance.

**1-18.00 ADAMS COUNTY REGULATIONS APPLICABLE.** The following Adams County Ordinances are in effect in the Town of Quincy:

- (A) Shoreland Protection Ordinance.
- (B) Floodplain Ordinance.
- (C) Private Onsite Wastewater Treatment Systems Ordinance.
- (D) Stormwater Runoff Ordinance.
- (E) Nonmetallic Mining Reclamation Ordinance.
- (F) Animal Waste Management Ordinance.
- (G) Land Division Ordinance.
- (H) Driveway Access Ordinance
- (I) Other Ordinances as adopted

## **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 meaning 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. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

### **2-2.00 DEFINITIONS.**

2-2.01 Accessory Building or Structure: A building or structure which:

- (A) Is incidental and subordinate to and serves a principal structure or a principal use;
- (B) Is subordinate in extent, and purpose to the principal building/structure or use;
- (C) Is similar in appearance and construction to the principal structure to which it is subordinate,
- (D) Is located on the same lot as the principal structure or use and must be constructed in conjunction with or after the principal structure or principal use is established, except as otherwise expressly authorized by provisions of this title;
- (E) Is not a portion of a principal building devoted or intended to be devoted to an accessory use.

2-2.02 Accessory Structure, Agricultural: A building, structure, or improvement that is located on a farm, subordinate to an agricultural use, and either integral or incidental to an agricultural use. A farm residence is not considered an agricultural accessory structure. Agricultural accessory structures include, but are not limited to:

- (A) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
- (B) A facility used to keep farm animals on the farm, subject to other quantitative thresholds within this chapter, which may require a conditional use permit if such thresholds are exceeded.
- (C) A facility used to store or process inputs primarily for agricultural uses on the farm.
- (D) A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
- (E) A manure digester, bio-fuel facility, or other facility that produces energy from materials grown or produced on the farm, primarily for use on the farm.
- (F) An Animal Waste Storage Facility provided that the facility is storing waste primarily from animals on the farm and subject to applicable County animal waste management ordinances.

- 2-2.03 Alley: A way which affords only a secondary means of access to abutting property and which is not more than twenty-four (24) feet wide.
- 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 animal unit measure is related to the amount of feed various farm animal species consume and the amount of waste they produce. Tables 2A and 2B in Wisconsin Administrative Code NR 243 indicates the number of common farm animal species that comprise a single animal unit. For animal types not listed in the tables, 1,000 pounds of live animal weight is equal to one animal unit.
- 2-2.05 Apartment: A portion of a residential or commercial building used as a separate housing unit.
- 2-2.06 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 motor vehicles on a single parcel of land in full open view from all roadways and residences shall be considered an auto salvage yard.
- 2-2.07 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.
- 2-2.08 Boarding House: A building where lodging, with or without meals, is provided for compensation with not more than six (6) sleeping rooms.
- 2-2.09 Body Shop: A business for the repair of automobile and other motor vehicle bodies.
- 2-2.10 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, or property of any kind.
- 2-2.11 Building Line: A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance there from to provide the minimum yards required by this ordinance. The building line determines the area in which buildings are permitted subject to all applicable provisions of this ordinance. This is also referred to as a "setback".
- 2-2.12 Building 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.
- 2-2.13 Campground: Any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by four or more camping units, or by one to three camping units if the parcel or tract of land is represented as a campground.

- 2-2.14 Camping Unit: Any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, recreational vehicle, motor home, bus, van, pick-up truck or tent.
- 2-2.15 Camping Unit, Independent: A camping unit which contains, at a minimum, a water storage facility and a toilet facility which discharges to a liquid waste holding tank that is an integral part of the unit or to a HFS 178.03(8) sewage disposal system. See recreational vehicle, self-contained.
- 2-2.16 Carwash: 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.
- 2-2.17 Class A Highway: All State and Federal highways.
- 2-2.18 Class B Highway: All Town highways and roads.
- 2-2.19 Class C Highway: All town roads, public streets and highways not otherwise classified.
- 2-2.20 Clinic: A place where doctors, dentists or other healthcare professionals provide medical or dental care to people on an outpatient basis.
- 2-2.21 Club: A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.
- 2-2.22 Condominium: A property subject to a condominium declaration established under Chapter 703, Wisconsin Statutes.
- 2-2.23 Condominium Conversion: A property converted to a condominium form of ownership.
- 2-2.24 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.
- 2-2.25 Court: An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- 2-2.26 Date of Manufacture: The date on which the certification label is affixed to the manufactured home.
- 2-2.27 Day Care Center: A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec 48.65, Wis. Stats.
- 2-2.28 Deck: Floor like platform of horizontal sections exterior to a principal structure.
- 2-2.29 Dwelling: A building or portion thereof designated or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
- (A) Single-Family: A detached structure designed for and exclusively occupied by one family. Single-family dwellings do not include rooming or boarding housing, community-based residential facilities, fraternity or sorority homes, or similar uses, or mobile homes.



- (B) Two-Family: A detached structure containing two separate living units and designed for occupancy by not more than two families.
- (C) Multiple: A building or portion thereof designed for and occupied permanently by more than two families including tenement houses, row houses, apartment houses and apartment hotels. The number of families in residence not exceeding the number of dwelling units provided.
- (D) Group: A group of two (2) or more multi-family dwellings occupying a lot in one ownership with any two (2) or more dwellings having any yard or court in common.
- (E) Unit: A room or suite of rooms used as a single-family dwelling accommodations including bath and culinary.

2-2.30 Emergency Shelters: Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.

2-2.31 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, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations any hydrants, but not including buildings greater than 150 square feet in area, are also included.

2-2.32 Family: One or more persons immediately related by blood, adoption, marriage, or guardianship or not more than two unrelated persons, living together as a single housekeeping unit in one dwelling unit.

2-2.33 Farm: Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.

2-2.34 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.

2-2.35 Fence: A structure usually serving as an enclosure, barrier, or boundary, usually made up of wood, iron, stone, or other materials and intended to restrict ingress or egress.

- (A) Architectural or Aesthetic: A fence constructed to enhance the appearance of the structure or the landscape.
- (B) Boundary: A fence placed six (6) inches, more or less, from the property lines of adjacent properties.
- (C) Hedge: A row of bushes or small trees planted close together that may form a barrier, enclosure or boundary.

- (D) Open: Open fences are those with more than 50% of the surface open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket and rail fences.
- (E) Picket: A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing.
- (F) Protective: A fence constructed to enclose a hazard to the public health, safety and welfare.
- (G) Solid: Solid fences are those with 50% or less of the surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave and louvered fences.

2-2.36 Floor Area: The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, unfinished basements and cellars, and crawl spaces measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

2-2.37 Floor Area, Commercial: The floor area of a multi-family or non-residential building for purposes of determining required parking ratios, which area shall include only that 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.

2-2.38 Forestry: The production and/or management of trees as a crop.

2-2.39 Garage, Public or Commercial: Any garage other than a private garage.

2-2.40 HFS: Means the Wisconsin Department of Health and Family Services.

2-2.41 Hobby: An activity pursued principally for reasons other than financial gain.

2-2.42 Homeowner's Association: A nonprofit corporation, membership in which is mandatory for residence owners, and which is responsible for maintaining common open space and private infrastructure, if any.

2-2.43 Hotel: A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.

2-2.44 Household Occupations: Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, no special space is designated or arranged for such occupation, uses only household equipment, and no stock in trade is kept or sold except that on premises A household occupation includes such as babysitting, millinery, dressmaking, laundering and crafts, but does not include the display of any goods. Door-to-door salesmen may temporarily store stock-in-trade on the premises provided

that no stock-in-trade is displayed or sold on the premises and only occasional customer pickups are made. Also See Section 8-1.0

2-2.45 HUD: Housing Urban Development Ordinances.

2-2.46 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.

2-2.47 Junk Yard: Any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber, rubber, tires or other scrap materials stored for salvage or sale unless such accumulation shall be housed in a completely enclosed building.

2-2.48 Kennel: Any activity involving the permanent or temporary keeping or treatment of a greater number of animals than permitted in residential occupancy.

2-2.49 Land Division: 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.

2-2.50 Lot: A designated part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this chapter for a building site. A lot abuts a public street or other officially approved access. For purposes of this chapter, a lot may also include the term parcel in determining the applicability of a provision of this chapter.

(A) Area: The area within the lot lines of the lot or parcel excluding any public road or railroad right of way or prescriptive easement shall not be included in the net area calculation.

(B) Corner: A lot abutting two or more streets at their intersection where the interior angle formed by the street intersection is less than 135 degrees.

(C) Depth: The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

(D) Double Frontage: A lot in which both the front yard and rear yard abut separate public streets.

(E) Frontage: Lot width as measured at the public street right-of-way or public road easement line.

(F) Line: A line marking a boundary of a parcel or lot.

(G) Line, Front: A lot line which abuts a public street. In the case of a corner lot, the lot line on which the property is addressed shall be the front lot line. In the case

of a double frontage lot where two street frontages are opposite one another, there shall be two front lot lines.

(H) Line, Side: A side lot line is any lot line which is not a front or a rear lot line.

2-2.51 **Manufactured Home:** A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling and includes the plumbing, heating, air-conditioning and electrical systems contained therein. A structure certified and labeled as a manufactured home under 42 USC Secs. 5401-5425, 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. Ordinance, 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 Ordinance 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 lot in accordance with the manufacturer's recommendations and/or the pertinent provisions of the Town Building Ordinance. (Manufactured homes typically have shingled roofs with three (3) in twelve (12) or steeper slopes, horizontal lap siding or vertical board and batten siding and a unit width of at least fourteen (14) feet);

(E) Meets other applicable standards of this Ordinance.

2-2.52 **Marina:** A harbor, dock or boat basin providing secure moorings for watercraft possibly offering supplies and services.

2-2.53 **MGCA - Maximum Ground Coverage Area:** Maximum total square footage area of the principal building and all accessory buildings and structures.

2-2.54 **Mineral Extraction/Processing Operation:** The excavation, mining or removal of metallic or non-metallic minerals, clay, ceramic or refractor minerals, quarrying of dirt, sand, gravel, crushed or broken stone, but not the extraction of top soil, when such activities are undertaken or proposed to be undertaken as a distinct land use. This also includes such mineral processing operations as aggregate or ready mix plants, mixing of asphalt, mining services, processing of top soil, washing, refining or processing of metallic or non-metallic mineral materials. See Mineral Reservation District for definitions of Type I and Type II operations.

2-2.55 **Mobile Home:** A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primary for human habitation, with wall of rigid un-collapsible construction. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

2-2.56 Mobile Home Park: A contiguous parcel of land upon which ten or more mobile homes are placed, located or parked.

- (A) Park Management: The person who owns or has charge, care, or control of the mobile home or recreational vehicle park.
- (B) Park Street: A private way which affords principal means of access to individual mobile home or recreational vehicle lots or auxiliary buildings.
- (C) Park 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.
- (D) 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

2-2.57 Modular Home: For the purpose of this Ordinance a "Modular Home" shall be defined as a home constructed to the same state and local building ordinances and are subject to the same zoning regulations as site-built homes, (UDC) State of Wisconsin Uniform Dwelling Ordinance, which requires homes to be constructed on a non-removable steel chassis.

2-2.58 Motel: See Hotel.

2-2.59 Motor Vehicle: A vehicle including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. Motor Vehicle includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile and all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by statute.

2-2.60 Municipality: A city, village or town.

2-2.61 Nonconforming

- (A) 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.
- (B) 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.
- (C) 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.
- (D) Use: Any structure, land or water lawfully used, occupied or erected as of the effective date of this Ordinance, or date of amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width,

height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

- 2-2.62 Open Space. Land not covered by buildings or structures, except minor recreational structures. Open space does not include streets, driveways, parking lots, or loading areas. Landscaped roof areas devoted to recreational or leisure-time activities, freely accessible to residents, may be counted as open space at a value of fifty percent (50%) of actual roof area devoted to these uses.
- (A) Common Open Space: Open space reserved primarily for the leisure and recreational use of all residents, and owned and maintained in common by them through a homeowner's association.
- (B) Private Open Space: Open space located immediately adjacent to an individual dwelling unit, owned and maintained by the owners of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.
- 2-2.63 Ordinary High Water Mark: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
- 2-2.64 Parcel: A contiguous area of land described in a single description in a deed or lot or outlot on a subdivision plat or Certified Survey Map, separately owned or capable of being separately conveyed. Not necessarily the same as a "tax parcel."
- 2-2.65 Parking:
- (A) Lot: An area where automobiles are temporarily stored, primarily for the convenience of employees, residents or patrons, but not for the purpose of storing vehicles to be junked, salvaged or sold.
- (B) Space: An off-street graded area of not less than 9 feet by 20 feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- 2-2.66 Parties in Interest: Parties in interest include all abutting property owners, within 300 feet for all zoning requests.
- 2-2.67 Patio: A rock, brick or concrete courtyard at grade.
- 2-2.68 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.
- 2-2.69 Pit Privy: An enclosed non-portable toilet into which non-water-carried human wastes are deposited to a subsurface storage chamber that is not watertight.
- 2-2.70 Plan Commission: The Town of Quincy Planning and Zoning Commission.
- 2-2.71 P.O.W.T.S.: See "Private On-site Waste Treatment System."
- 2-2.72 Primary Floor Area: See "Floor Area, Commercial."

- 2-2.73 Principal Building: A building in which is conducted the main use of the lot on which said building is located.
- 2-2.74 Private Group Waste Treatment System (PGWTS): A sewage treatment and disposal system serving more than one principal building or a system located on a different lot than the principal building. A private group waste treatment system may be owned by the property owner or by a special purpose district or association. Private group waste treatment systems are regulated under DSPS 383, Wis. Adm. Code and other state regulations.
- 2-2.75 Private On-Site Waste Treatment System (POWTS): A sewage treatment and disposal system serving a single principal building with a septic tank and soil absorption field, holding tank, or alternative private sewage system located on the same lot as the principal building. Private on-site waste treatment systems are regulated under DSPS 383, Wis. Adm. Code and other state regulations.
- 2-2.76 Professional Office:
- (A) Professional Home Office: The residence of a doctor of medicine, practitioner, dentist, clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician or other recognized profession used to conduct their profession where the office does not exceed 25% of the area of only one floor of the residence and up to one nonresident person is employed.
  - (B) Professional Office: a building in which is provided space for professional offices such as doctors, practitioners, dentists, realtors, engineers, lawyers, authors, architects, musicians and other recognized professional occupations.
- 2-2.77 Property Line: A line marking a boundary of a parcel or lot.
- 2-2.78 Property Owner: Except where otherwise indicated by the context, the word person shall include the plural, or a company, firm, corporation, partnership or agency.
- 2-2.79 Public and Semi-Public Use: 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.
- 2-2.80 Public Hearing: A public meeting whose time and place is published according to Chapter 985 of the Wisconsin Statutes.
- 2-2.81 Public Open Space: Any publicly-owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.
- 2-2.82 Public Sanitary Sewer Service (PSSS): All facilities of a public utility district or sanitary district with taxing authority for collection, transporting, storing, pumping, treatment and final disposition of sewage. Also referred to as "municipal sewer service."
- 2-2.83 Public Way: Any sidewalk, street, alley, highway or other public thoroughfare.

- 2-2.84 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.
- 2-2.85 Recreational Area: Any park, playground, ball field, 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.
- 2-2.86 Recreational Vehicle: A vehicle having an overall length of 45 feet or less and a body width of 8 feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper motor homes and park model homes that meet the overall length and width specifications listed in this definition.
- 2-2.87 Recreational Vehicle Park: A contiguous parcel of land upon which three or more recreational vehicles are placed, located or parked for a fee.
- 2-2.88 Recreational Vehicle, Self-Contained: A recreational vehicle manufactured with water supply and sewage holding tanks, which are an integral part of the recreational vehicle. See also "Camping Unit, Independent"
- 2-2.89 Resort: An area containing one (1) or more permanent buildings utilized principally for the accommodation of the public for recreational purposes.
- 2-2.90 Rest Home/Nursing Home: A building that is to be licensed under applicable State/Federal regulations, to provide long term care for the aged, those with special needs or sick.
- 2-2.91 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, whether or not 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.
- 2-2.92 Roadside Stand: A structure used solely by the owner or tenant of the farm on which such structure is located for the sale of farm products produced on that farm.
- 2-2.93 Sanitary Station: A facility connected to approve sewerage, and designed for receiving liquid and water carried waste from camping unit holding tanks.
- 2-2.94 Screen: A specific planted area to hide at least 75% line-of-sight vision to be affective all year.
- 2-2.95 Service Station: Any building or premises which sell gasoline, oil or other fluids and related products for vehicles. This shall include repairs, washing and lubrication, but shall not include body work, painting or dismantling.
- 2-2.96 Setback: The minimum horizontal distance between the property line, shoreline or street line and the nearest point of a building or any projection thereof, excluding uncovered steps.



- 2-2.97 Shed: An accessory structure primarily intended for and used for an enclosed storage or shelter of personal possessions.
- 2-2.98 Shelter Unit: A structure located on an individual or group campsite which is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.
- 2-2.99 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.
- 2-2.100 Site Plan: A drawing or design which shows the proposed land use, construction or practice.
- 2-2.101 Street: A public right-of-way providing access to abutting properties.
- 2-2.102 Structure: Anything erected or constructed such as, but not limited to, buildings, towers, masts, poles, booms, signs, decorations and carports.
- 2-2.103 Structural Alteration: Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.
- 2-2.104 Structure, Temporary: A structure without a foundation or footings that is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, less than one year, or is built for a purpose that would commonly be expected to be less than one year and is removed when the time period has elapsed.
- 2-2.105 Subdivision: See "Land Division."
- 2-2.106 Tourist Rooming House: A single-family dwelling licensed by the State and used for short term rentals as a lodging place, tourist cabin or cottage rented to tourists or transients for the purpose of overnight lodging for a period not less than 1 night and not more than 30 consecutive nights.
- 2-2.107 Tourist/Transient: A person who travels to a location away from his or her permanent address for a short period of time for a vacation, pleasure, recreation, culture, business or employment, and who pays to lodge at a Tourist Rooming House.
- 2-2.108 Town: Reference to town shall mean any Town of the Town including the Town Board, Town Clerk or any designated Town Committee.
- 2-2.109 Toxic Materials: Materials which are capable of causing injury to living organisms by chemical means.
- 2-2.110 Transient Lodging: A commercial lodging establishment which rents sleeping quarter dwelling units for periods of less than 30 consecutive calendar days.
- 2-2.111 U.D.C.: Uniform Dwelling Ordinance.

2-2.112 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.

2-2.113 Uses.

- (A) Accessory. A land use that both serves and is customarily incidental and subordinate in nature, extent or purpose to the principal use of the building, parcel or lot and may be established only after the principal use of the property is established and must be on the same parcel as the principal use.
- (B) Agricultural. Any activity that meets all of the following conditions:
  - (1) The activity will not convert land that has been devoted primarily to agricultural use.
  - (2) The activity will not limit the surrounding land's potential for agricultural use.
  - (3) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
  - (4) The activity will not conflict with agricultural operations on other properties.
- (C) Conditional. A use of land, water or building which is allowable only after the issuance of a special permit by the Plan Commission under conditions specified in this ordinance.
- (D) Conforming. Any lawful use of a building or lot which complies with the provisions of this ordinance.
- (E) Permitted. A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations and performance standards, if any, of such districts.
- (F) Principal. The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."
- (G) Temporary. A land use that is present on a property for a limited period of time and is discontinued upon the expiration of the time period. Temporary uses not specifically mentioned in this Ordinance 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.

2-2.114 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.

2-2.115 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.

- 2-2.116 Variance. An authorization granted by the Board of Appeals to construct, alter or use a structure, lot or use in a manner that deviates from the standards of this Ordinance.
- 2-2.117 Vision Clearance Triangle. That portion of a lot or parcel in which construction is limited by Sec. 5-7 of this Ordinance which shall be measured from the intersection of the right-of-way lines of the intersection streets or highways with the measurement from that point to be made along the right-of-way line in each direction for the required distance, and the points reached on such measurements connected by a straight line drawn between them to form a triangle.
- 2-2.118 Warehouse. A storehouse for wares and goods, a receiving house; may include any structure to store goods.
- 2-2.119 Wetland. Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation, and which have soils indicative of wet conditions.
- 2-2.120 Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation.
- (A) Front: 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.
- (B) Side: A yard extending from the front property line to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line parallel thereto through the nearest point of the principal street.
- (C) Rear: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. The yard shall be opposite the street yard or one of the street yards on a corner lot.
- 2-2.121 Zoning Committee. See "Plan Commission."
- 2-2.122 Zoning District. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

## **SECTION 3 - ADMINISTRATIVE AND ENFORCEMENT BODIES**

### **3-1.00 TOWN BOARD.**

- 3-1.01 Jurisdiction: The jurisdictional area of the Town Board includes the area within the incorporated limits of the Town, the borders of which may change through annexation or detachment.
- 3-1.02 Authority.

- (A) Generally. The Town Board, the governing body of the Town, subject to receiving recommendations by the Plan Commission and the holding of public hearings by said Board, has ultimate authority to make changes and amendments in zoning districts, the zoning map and supplementary flood land zoning map; and to amend the text of this chapter.
- (B) Public Hearings. The Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this article and other provisions therefore elsewhere in this chapter.

### **3-2.00 PLAN COMMISSION.**

- 3-2.01 Establishment: Pursuant to Sec. 62.23 Wis. Stats., a Plan Commission is established to undertake the responsibilities herein defined and as allowed by state law to administer and enforce the same.
- 3-2.02 Membership: A Plan Commission is hereby established. The Commission shall consist of a Town Board Member and 4 citizen members appointed by the Town Board for 3-year terms. The Town Board shall appoint a Chairperson. Vacancies shall be filled by the Town Board for the unexpired terms of members whose terms become vacant. Members shall reside in the Town of Quincy for at least 1 year prior to appointment. The Town Clerk shall serve as Clerk for the Plan Commission.
- 3-2.03 Jurisdiction: The jurisdictional area of the Plan Commission includes the area within the limits of the Town.
- 3-2.04 Authority: A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
  - (A) Generally: The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning, whether enumerated in this section or not. (Sec. 62.23 (4), Wis. Stats.) The Plan Commission shall interpret and administer the provisions of this ordinance.
  - (B) Right to Enter Property: The Plan Commission, along with its individual members, employees, experts and staff, in the performance of its functions, may enter upon land to conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this ordinance, make examinations and surveys, and place and maintain necessary monuments and marks thereon. (See sec. 62.23 (4), Wis. Stats.)
  - (C) Staff: The Plan Commission shall have the power and authority to employ experts and staff, and to pay for their services and such other expenses as may be necessary and proper, but not exceeding the appropriation that may be made for such commission by the Town Board, or placed at its disposal through gift, and subject to an ordinance or resolution adopted by the Town Board. (See sec. 62.23 (1) (e), Wis. Stats.)
  - (D) Official Map. The Plan Commission, at the direction of the Town Board, may recommend the adoption of or amendment to an official map.

(E) Comprehensive Plan. The Plan Commission, on its own motion, or at the direction of the Town Board, may recommend the adoption or amendment of a comprehensive plan. (Sec. 66.1001 (4), Wis. Stats.)

(F) Non-Regulatory Programs. The Plan Commission, on its own motion, or at the direction of the Town Board, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development, and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(G) Powers and Duties:

- (1) The following matters shall be referred to the Plan Commission by the Town Board for its consideration and report before final action is taken by the Town Board:
  - (a) Proposed changes in zoning district boundaries;
  - (b) The location and architectural design of any public building;
  - (c) The location of any statue or other memorial;
  - (d) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way; park or playground; airport; area for parking vehicles; or other memorial or public grounds;
  - (e) The location, extension, abandonment, or authorization for any publicly- or privately-owned public utility;
  - (f) All proposed subdivisions under the Town or within the territory over which the Town is given platting jurisdiction by chapter 236, Wis. Stats;
  - (g) The location, character, and extent or acquisition, leasing, or sale of lands for public or semi-public housing; slum clearance; relief of congestion; or vacation camps for children;
  - (h) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats. (See sec. 62.23 (5), Wis. Stats.); and
  - (i) Such other matters referred to the Commission by the Town Board.
- (2) Authority to issue zoning citations or other measures as listed in this ordinance for enforcement of zoning regulations. The Plan Commission may delegate this authority to the Zoning Administrator.

3-2.05 Reports and Recommendations: The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens.

In the event the Commission does not make its report to the Town Board within 30 days, or such longer period stipulated by the Town Board, the Town board may take final action without such report.

3-2.06 Compensation: The compensation for Commission members shall be determined by the Town Board.

### **3-3.00 BOARD OF APPEALS:**

3-3.01 Membership: A Board of Appeals is hereby established. The Board shall consist of 5 members, appointed by the Town Board, for 3 year terms. The Town Board shall appoint an alternate member for a term of 3 years who shall act with full power only when a member of the Board of Appeals refuses to vote because of interest or is absent. Vacancies shall be filled by the Town Board for the unexpired terms of members whose terms become vacant. Members of the Board of Appeals shall be residents of the Town of Quincy for at least one year prior to their appointments.

3-3.02 Procedure:

- (A) The Board of Appeals shall adopt a set of written rules for its government and procedure which shall be filed with the Town Clerk. Meetings of the Board shall be held at the call of its Chairman and at such other times as the Board may determine, except that the Board shall meet within one month after their appointments to adopt written rules, and further shall compile their report for the Town Board. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (B) The Board shall keep written minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Town Hall and shall be a public record. The Town Clerk shall serve as Clerk for the Board.

3-3.03 Appeals: Appeals to the Board may be taken by any persons aggrieved or by any officer or department of the Town of Quincy affected by any decision of the Zoning Administrator by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest and shall decide the same within a reasonable time.

3-3.04 Powers and Duties: The Board of Appeals shall have the following powers and duties:

- (A) Appeals: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
- (B) Conditional Uses & Variances: To hear and decide Conditional Use and Variance Requests to the terms of this Ordinance upon which the Board of Appeals is required to pass approve, conditionally approve or deny.

- (C) Except as specifically provided in this Ordinance, no action of the Board shall have the effect of permitting in any district uses prohibited in such district.
- (D) To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions peculiar to a specific property, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. In every case where a variance from these regulations has been granted by the board, the written minutes of the Board shall affirmatively show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" would have been created by the literal application of the regulations of this Ordinance.
- (1) Affirm, Modify, or Reverse: The Board may reverse or affirm, wholly or in part, or may modify any order, requirements, decision or determination appealed from and shall make such order, requirement decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator. The concurring vote of 3 members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant or any matter on which it is required to pass or to effect any variation in the requirements of this Ordinance.

3-3.05 Compensation: The compensation of members of the Board shall be set by the Town Board.

3-3.06 Fees: For the purpose of wholly or partially defraying the costs of the conditional use or variance to the Ordinance, a non-refundable fee shall be paid upon the filing of each application. See Schedule of Fees.

3-3.07 Meetings:

- (A) Open To Public. All meetings and hearing of the Board of Appeals shall be open to the public.
- (B) Special Meetings. Special meetings may be called by the Chairperson or by the Clerk at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least seventy-two (72) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present. Notice of the special meeting may be personally delivered at least forty-eight (48) hours prior to the time set for the meeting.
- (C) Schedule of Meetings. The Board of Appeals will convene as necessary on the 2nd Thursday of each month to consider any and all applications for a variance. (This is subject to change by a majority vote of the members of the Board of Appeals.) Hearings for applications for variances may also be held at a special meeting at the time and place set by the Chairperson. The application shall contain the names and addresses of the owners of all properties lying within 300 feet of the property for which the variance is requested. Notice of the hearing to consider a variance shall be sent by 1st Class Mail with affidavit of mailing to the owners of all such properties, with such notices being deposited in the United

States mail at least ten (10) days prior to the date of such hearing. Additionally, a Class I notice of such hearing shall be posted. The applicant shall reimburse the Town on demand for all costs incurred in providing for the hearing notice as established above.

- (D) Meeting Minutes. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Town Clerk and shall be public record.

#### 3-3.08 Voting and Quorum:

- (A) Quorum. A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (B) Disqualification or Voluntary Abstention. No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairperson shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
- (C) Voting By Alternates. The first alternate may vote only when one of the members is absent or is not able to vote on a pending matter. The second alternate may vote only when the first alternate is absent or is not able to vote or when more than one member of the board is absent or is not able to vote. (See Sec. 62.23 (7)(e)(2), Wis. Stats.)
- (D) Board Decision. A decision of the board shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting. (See Sec. 62.23 (7)(e)(3m), Wis. Stats.)

#### **3-4.00 ZONING ADMINISTRATOR.**

3-4.01 Office Created: There is hereby created the office of Zoning Administrator who shall be appointed by the Town Board and shall hold office at the pleasure of the Town Board. His duties shall be to administer, supervise and enforce the provisions of this Ordinance.

3-4.02 Powers and Duties: The Zoning Administrator shall have the following powers and duties:

- (A) Advise applicants as to the provisions of this Ordinance and assist them in preparing permit applications.
- (B) To review applications for zoning permits, inspect the premises and to grant such permits which comply with this Ordinance.
- (C) To periodically inspect the Town to ascertain that all land uses, changes in land use, buildings and structures comply with this Ordinance.
- (D) To enforce all the provisions of this Ordinance and related ordinances.



- (E) Maintain permanent and current records of this ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore.
- (F) Receive, file and forward to the Town Clerk all applications for amendments to this ordinance.
- (G) Receive, file and forward to the Plan Commission all applications for conditional uses and zoning changes.
- (H) Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this ordinance.
- (I) Initiate, direct and review from time to time a study of the provisions of this ordinance, and make recommendations to the Plan Commission not less frequently than once a year.
- (J) Attend meetings as requested by the Town and act as an advisory member of the Plan Commission.
- (K) Responsible for administering developer's agreements.
- (L) Such other related responsibilities as shall be assigned by the Town Board.

## **SECTION 4 - ADMINISTRATION AND ENFORCEMENT**

### **4-1.00 GENERAL.**

4-1.01 Purpose. This article promotes the public health, safety, and welfare and is intended to:

- (A) Provide efficient and timely review of applications and ensure fairness and due process;
- (B) Ensure that applications are reviewed consistently by establishing criteria in making recommendations and final decisions; and
- (C) Ensure complete and timely compliance.

4-1.02 Permission to Enter Subject Property. Submission of an application as required in this ordinance authorizes officials and employees of the Town, or other designated agents to enter the subject property to verify information in the application and to conduct other site investigations as may be necessary to review the application. This does not authorize any individual to enter any building on the subject property in the absence of the property owner or his authorized agent. Failure to allow access to the subject property shall be sufficient grounds to deny the application.

4-1.03 Revocation of Approval. The Town may revoke, suspend, or reconsider any permit or other authorization if it determines that the information in the application or otherwise provided by the applicant or the applicant's agent is false or inaccurate, and that the misrepresentation materially altered the final outcome.

4-1.04 Burden of Proof.

- (A) During Application Process. During the application processes, the applicant has the burden of proof to show that the proposed development is consistent with this ordinance.
- (B) During Appeal of an Administrative Decision. In instances where an applicant appeals an administrative decision to the board of appeals, the administrative unit or department making said decision has the burden of proof to show that the decision is consistent with this ordinance.
- (C) During Enforcement Proceedings. During enforcement proceedings, the administrative unit or department taking enforcement action has the burden of proof to show that the action or development is in violation of this ordinance.

4-1.05 Effect of an Outstanding Violation. No permit or approval of any kind may be given on a parcel that is in violation of this ordinance, except to correct the violation.

4-1.06 Concurrent Review. To the extent possible, development projects requiring multiple reviews shall be done concurrently. When one approval is a condition precedent to approval of another application, the approvals shall be issued in the requisite order.

4-1.07 Application Fees. At its discretion, the Town may set and revise application fees as provided for in Schedule of Fees. The applicant will be responsible to pay all Town costs in regard to the application including but not limited to engineering and legal services. The payment of those costs due shall be payable to the Town on demand.

4-1.08 Building Permit. A building permit for new construction or expansion of an existing building shall not be issued until such time as a zoning permit has been issued or a written determination is made that one is not required.

4-1.09 Non-Confidentiality of Submitted Information. All written information that a potential applicant submits to staff during a pre-submittal meeting is considered part of the public record.

## 4-2.00 NOTICE REQUIREMENTS.

4-2.01 When Required. Public notice shall be provided for as shown:

Section	Type of Action	Property				Dist. List Notice
		Public Class I	Notice Class II	Owner Notice	Agency Notice	
4-4.00	Zoning permit	-	-	-	-	-
4-5.00	Building permit	-	-	-	-	-
4-6.00	Conditional use permit	X	-	X	X	-
4-7.00	Site plan review	-	-	-	-	-
4-8.00	Change in nonconforming	X	-	X	X	-
4-9.00	Planned development	-	X(2)	X	X	-
4-10.00	Amendment to:					
	Zoning Map – Landowner initiated	-	X (1)(2)	X	X	X
	Zoning Map – Town initiated	-	X (1)(2)	-	X	X
	Ordinance	-	X (1)	-	X	X
4-11.00	Extension of approval	-	-	-	-	-
4-12.00	Variance	X	-	X	X	-
4-13.00	Administrative appeal	-	X	X	X	-

4-14.00 Ordinance interpretation	-	-	-	-	-
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X...indicates that that type of notice is required

-...indicates that that type of notice is not required

(1) If the proposed amendment would have the effect of changing the allowable use of any property, the notice shall include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the Town Clerk.

(2) Town notice if within 500 feet of an adjacent Town.

4-2.02 Content of Notice. Notices shall include the following information:

Type of Action	Public Notice	Town Notice	Property Owner	Agency Notice	Dist. List
Applicant name	X	X	X	X	-
Subject property address or legal description by which the public can	X	X	X	X	-
Nature of the application	X	X	X	X	-
A description of the proposed project	X	X	X	X	-
Name of body or official who will consider the application	X	X	X	X	X
Date, time and location of the hearing for accepting public comment	X	X	X	X	X
Location where the public can view the application	X	X	X	X	X
The criteria that will be used to evaluate the proposal	-	X	X	X	-
Location map	X	X	X	X	-

X...indicates that that type of information is to be provided with that type of notice

-...indicates that that type of information is not required with that type of notice

4-2.03 Cost of Notice. The Town shall pay for all notice required under this section which is recouped through the associated application fees.

4-2.04 Public Notice. When required, the official responsible for processing the application shall place public notice in the Town's official newspaper consistent with the following provisions:

(A) Time Requirements. A class I notice shall be published one time before the meeting or hearing. A class II notice shall be published once each week for two consecutive weeks, the last one occurring at least one week before the meeting or hearing (See sec. 985.01 (1m) and 985.07, Wis. Stats.), except for ordinance amendments which are to be published once during each of the two weeks prior to such hearing (See sec. 62.23 (7)(d), Wis. Stats.).

(B) Content. The notice shall include the information listed in Section 4-2.02.

4-2.05 Town Notice. When required, the official responsible for processing the application shall send a copy of the application and a notice to the appropriate town clerk consistent with the following provisions:

(A) Time Requirements. The notice shall be mailed at least 10 days prior to the first scheduled hearing or date of decision.

(B) Content. The notice shall include the information listed in Section 4-2.02.

(C) Failure to Notify Adjacent Towns. The failure of a town clerk to receive mailed notice shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

4-2.06 Property Owner Notice. When required, the official responsible for processing the application shall mail a notice to each owner of record of property within 300 feet of the property involved in the application consistent with the following provisions:

(A) Time Requirements. The notice shall be mailed at least 10 days prior to the first scheduled hearing or date of decision.

(B) Content. The notice shall include the information listed in Section 4-2.02.

(C) Source of Names and Addresses. The names of property owners shall be deemed to be those listed on the most current listing maintained by the appropriate Town department.

(D) Failure to Notify Owner. The failure of an owner of record to receive mailed notice shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

(E) Additional Notices. Where the applicant is the owner of the land adjoining the property involved in the application, the Town may require that notices be mailed to additional property owners as deemed appropriate.

4-2.07 Agency Notice. When required, the official responsible for processing the application shall send a copy of the application and a notice to other units of government and other service providers substantially affected by the proposal consistent with the following provisions:

(A) Time Requirements. The notice shall be mailed at least 10 days prior to the first scheduled hearing or date of decision.

(B) Content. The notice shall include the information listed in Section 4-2.02.

(C) Failure to Notify Agencies. The failure of a town clerk to receive mailed notice shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

4-2.08 Distribution List Notice. (See sec. 62.23 (7)(d)(4), Wis. Stats.)

(A) Establishment of Distribution List. The Town Board shall maintain a list of persons who submit a written request to receive notice of any proposed zoning action that may be taken that affects the allowable use of the person's property.

- (B) When Notice is Required. The Town Board shall send a notice, which contains a copy of the proposed regulations or proposed amendments, to each person on the list whose property, the allowable use of which may be affected by the proposed regulations or amendments.
- (C) Method of Distribution of Notices. The notice shall be by mail or in any reasonable form that is agreed to by the person and the Town Board.
- (D) Establishment of Charges. The Town Board may charge each person on the list who receives a notice a fee that does not exceed the approximate cost of providing the notice to the person.
- (E) Failure to Send Notice. An ordinance or amendment may take effect even if the Town Board fails to send the notice as required by this section.

#### **4-3.00 PUBLIC HEARINGS.**

##### **4-3.01 General Requirements.**

- (A) Meetings to be Public. All public hearings shall be conducted in a place that is open to the public.
- (B) Notice to Meetings. Notice of public hearings shall be given as provided for in Section 4-2.
- (C) Minutes. The body conducting the hearing shall keep minutes of the proceedings, indicating the attendance of each member, and the vote of each member on each question. The body conducting the hearing shall approve the minutes, and upon approval shall become part of the public record.
- (D) Public Input. Public input is important and should be encouraged.

##### **4-3.02 Procedure.** The presiding officer conducting the public hearing shall follow the following procedure as a general guideline:

- (A) Announce the purpose and subject of the public hearing;
- (B) Determine whether public notice as required by this ordinance has been provided. If notice has not been provided, the hearing shall be postponed until such time as proper notice has been provided;
- (C) Ask if any member of the body conducting the public hearing has a conflict of interest in regard to the matter being discussed and excuse those who do;
- (D) Ask if any member of the body conducting the public hearing believes another member has a conflict of interest in regard to the matter being discussed. If so, and following a discussion of the alleged conflict of interest, the members (except the member with the alleged conflict) shall determine by vote if that member does have a conflict of interest and should be removed from the pending decision;
- (E) Ask the applicant to describe the proposal;
- (F) Ask the staff to present a staff report, if required;
- (G) Allow members of the body conducting the public hearing to direct questions to both the applicant and staff, if present;

- (H) Ask for statements from the public who are in favor of the application;
- (I) Ask for statements from the public who oppose the application;
- (J) Call for discussion of the members of the body conducting the public hearing during which time they may ask questions of the applicant and staff, if present;
- (K) Ask the applicant if he wishes to (1) respond to any comment made by an individual during the proceedings; (2) submit additional information; (3) amend the application; and/or (4) request a continuance;
- (L) Close the public hearing.

#### 4-3.03 Continuances.

- (A) Initiation. The applicant may request a continuance during the proceedings and the body conducting the public hearing may agree to the continuance upon a showing of good cause. Likewise, the body conducting the public hearing may ask the applicant for a continuance, but the applicant is not required to grant such continuance. If the applicant does not grant a continuance, the body shall act on the information at its disposal.
- (B) Effect. A continuance stops the time clock for making a decision.

#### 4-3.04 Public Comment.

- (A) Time Limitations on Public Comment. The presiding officer may impose time limits on each individual who wishes to speak to assure completion of the agenda in a timely manner.
- (B) Written Comment. Members of the public may submit written statements to the body conducting the public hearing.

### **4-4.00 ZONING PERMITS.**

4-4.01 Compliance. No building shall hereafter be erected, moved, reconstructed, extended, enlarged, converted or structurally altered, except as exempted in Section 4-4.02, until a Zoning Permit has been applied for in writing and issued by the Zoning Administrator. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction or move. Application forms for a Zoning Permit shall be supplied by the Zoning Administrator.

4-4.02 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 for the following:

- (A) Birdhouses, birdbaths, clothes lines and poles flag poles, lawn ornaments and fixtures, landscaping structures, residential fuel storage tanks and pumps and accessory heating units, mail boxes, satellite dishes, and garbage containers, and similar structures as approved by the Zoning Administrator.
- (B) Recreational equipment used by the residents of the principal building for on-premises activities, games and sports, including but not limited to swings, slides, climbers, teeter-totters, basketball baskets and backboards, badminton nets, and similar equipment.

- (C) Fences and walls six feet in height or less, as measured from the established grade, and all agricultural fences which meet the requirements of Chapter 90, Wisconsin Statutes.
- (D) 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).
- (E) Structural alterations or substantial changes in the roof or exterior walls which do not exceed 20% of the current assessed value of the structure and no changes in the building footprint.
- (F) Accessory buildings less than 150 sq. ft. in area.

Note: A building permit may be required even if a zoning permit is not. Contact the Town Clerk.

4-4.03 Application. Application for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:

- (A) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
- (B) Description of the subject site by lot, block and recorded subdivision 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) The applicant for a zoning permit, conditional use permit or variance shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Zoning Administrator, Plan Commission or its expert consultants to determine whether the proposed application meets all requirements applicable thereto in this ordinance.
- (D) Each site plan shall be drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the existing and proposed buildings, its location on the lot, the driveway and the road it will be connect to, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such applications and plats shall be kept in the Office of the Zoning Administrator. Prior to any required site inspection by Zoning Administrator, the proposed site must be staked showing location of all proposed buildings, additions and improvements.
- (E) Additional information as may be required by the Zoning Administrator, Plan Commission, Town Board, and Building, Engineering, Fire, Health or Plumbing Personnel/Consultants, including all information required for site plan approval under Section 4-6.06.

4-4.04 Zoning Permit Fees: A fee shall be paid to the Zoning Administrator by each applicant for a Zoning Permit as follows:

- (A) The required fee shall be paid to the Zoning Administrator before a permit is issued. Permit fees can be found in the Schedule of Fees.

- (B) The same fee as originally paid, shall be paid for the re-issuance of a Zoning Permit, when such re-issuance is approved by the Town Board.
- (C) A fee in an amount that is double the regular cost of the Zoning Permit shall be charged on any construction that is started or finished without a Zoning Permit. In addition, the Town shall have those enforcement remedies provided for under Section 4-13 of this Ordinance in regard to any construction commenced prior to or without necessary Town permits.
- (D) The applicant will be responsible to pay all Town costs in regard to the application including but not limited to engineering and legal services. The payment of those costs shall be payable to the Town on demand.

#### 4-4.05 Permit Issuance.

- (A) A zoning permit shall be granted or denied in writing by the Zoning Administrator, within thirty (30) days of receiving a complete application including all requested information and, if granted, the applicant shall post such permit in a conspicuous place at the site. Permit applications involving site plan approval or a conditional use permit shall be granted or denied in writing within forty-five (45) days.
- (B) The zoning permit shall be valid for two (2) years, and may require a bond to guarantee completion if required by the Town Board.

#### 4-4.06 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.

Zoning Permits issued on false, incomplete or misleading information submitted by the applicant and owner affecting the compliance with this ordinance may be terminated by the Zoning Administrator, Plan Commission or Town Board.

### **4-5.00 CONDITIONAL USES.**

#### 4-5.01 General. Use listed as permitted by conditional permit may be authorized in the district in which permitted upon application to the Board of Appeals and subject to the Board of Appeals' authorization of a conditional use permit.

The Board of Appeals shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the Town and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area; its physical attractiveness; the movement of traffic; the demand for related services; and the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke or odor and other factors.

#### 4-5.02 Process.

- (A) Application. A request for a conditional use permit shall be completed on a form provided by the Town. The application shall be submitted to the Zoning Administrator who shall verify the completeness of the application. The application



shall be accompanied by the same information as is required for a Zoning Permit along with any other requested information. The Zoning Administrator shall promptly refer the completed application package to the Board of Appeals.

The Board of Appeals may require such other information as may be necessary to determine and provide for an enforcement of this Ordinance, including a site plan.

- (B) Review. The Board of Appeals shall review the site; existing and proposed structures and architectural plans; parking areas; driveway locations; highway access, traffic generation and circulation; drainage and topography; operation; conditions which shall affect the maintenance of safe and healthful conditions; prevention and control of water pollution including sedimentation; the location of the site with respect to floodplains, floodways, shorelands and wetlands; amount of wastes to be generated and the adequacy of the proposed disposal systems; and the compatibility of the proposed use with the use of adjacent land.

The Board of Appeals may request assistance from any source that can provide technical assistance.

- (C) Public Hearing Notice. See Section 4-2.

- (D) Public Hearing. See Section 4-3.

- (E) Determination. The Board of Appeals shall report its decision within 90 days after the filing of the application. Its decision shall be in writing signed by the majority and shall include an accurate description of the use permitted, of the property on which it is permitted, and any and all conditions made applicable thereto.

- (F) Mapping and Recording. When a conditional use is approved, an appropriate record shall be made of the Zoning and Building permits and such decision shall be applicable solely to the structures, use and property so described.

4-5.03 Standards for Conditional Uses. No application for a conditional use shall be unless such the Board of Appeals finds all of the following conditions are present:

- (A) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- (B) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner significantly impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use in compatible with the use of adjacent land;
- (C) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (D) The adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
- (E) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

- (F) That the conditional use shall, except for yard requirements granted by variance, conform to all applicable regulations of the district in which it is located.

When applying the above standards to any new construction of a building or an addition to an existing building the Board of Appeals shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

- 4-5.04 Conditions and Guarantees. Upon consideration of the factors listed in Section 4-5.02(B), the Board of Appeals may require such conditions in addition to those listed elsewhere in this Ordinance as it deems necessary in furthering the purpose of this Ordinance. Such conditions may include specifications for, without limitation because of specific enumeration, landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, access restrictions, increased setbacks and yards, type of shore cover, planting screens, signage, site drainage, piers and docks, parking, deed restrictions, trash and recycling, or any other requirements necessary to fulfill the purpose and intent of this Ordinance.
- 4-5.05 Denial of Conditional Use. When a conditional use application is denied, the reasons for denial shall be furnished to the applicant in writing.
- 4-5.06 Application Fee. An applicant for a conditional use shall pay a non-refundable fee at the time of filing with the Zoning Administrator or Town Clerk. See Schedule of Fees.
- 4-5.07 Reimbursement of Costs. Any costs incurred or to be incurred by the Board of Appeals in considering the application for conditional use shall be paid by the applicant on demand. This including but is not limited to engineering and legal services.
- 4-5.08 Termination. Where a permitted conditional use does not conform to the conditions of the original decision, the conditional permit shall be terminated by action of the Board of Appeals and may be considered by the Town Board as a violation of this Ordinance.
- 4-5.09 Enforcement. The Town Board shall retain continuing jurisdiction over all conditional uses for the purpose of enforcing compliance with the terms and conditions of all conditional uses. Upon written complaint of any person or upon the Town Board's own motion, the Town Board shall initially determine whether there is a reasonable probability that the subject conditional use is in violation of one or more of the Conditional Use Standards contained in Sec. 4-5.03 of this ordinance and any amendments thereto or any other conditions attached to the conditional use. Upon making a positive initial determination, a hearing shall be held upon notice as provided in Sec. 4-3. Any person may appear at such hearing and testify in person or be represented by an agent or Attorney. The Town Board may, in order to bring the subject conditional use into compliance with the Standards or conditions previously imposed by the Town Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject use. In the event no reasonable modification of such conditional use can be made in order to assure that all the conditions in the Standards are met, the Town Board may revoke the subject

conditional use approval and direct the Zoning Administrator, Board of Appeals and Town Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Town Board shall be furnished to the owner of the conditional use in writing stating the reasons therefore.

#### **4-6.00 RESERVED**

#### **4-7.00 NON-CONFORMING USE.**

4-7.01 Generally. The lawful use of land existing at the time of the adoption of this Ordinance, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued for more than 12 months or changed to another use, any future use of said premises shall be in conformity with the provisions of this Ordinance. A nonconforming use which has been damaged by fire, storm or other catastrophe may be rebuilt or repaired only as permitted by State and Federal laws.

#### **4-8.00 ORDINANCE AMENDMENT.**

4-8.01 Authority. The Town Board may from time to time, on its own motion or on petition, amend, supplement or change the district boundaries or the regulation herein. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

4-8.02 Petition and Review Procedure.

- (A) Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Administrator or Town Clerk.
- (B) Submittal of Petition. The applicant shall submit a petition to the Zoning Administrator or Town Clerk along with the application fee as may be established by the Town Board. In the event the initiator requests or for any other reason a special meeting of the Plan Commission or the Town Board is occasioned by the request for change or amendment, the initiator of the change or amendment shall pay the Town, by delivering the same to the Town Clerk, an additional fee before any such special meeting shall be scheduled or held. A special meeting is a meeting other than a regularly scheduled meeting. The initiator is further responsible for any and all costs incurred by the Town in connection with the notice that is given for a public hearing. The payment of those costs is due and payable to the Town on demand. See schedule of fees.
- (C) Determination of Completeness. Within 10 days of submittal, the Zoning Administrator shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. No further steps shall be taken to process the application until the deficiencies are remedied.
- (D) Transmittal of Petition to Plan Commission. One copy of the petition shall be forwarded to each member of the Plan Commission.
- (E) Interdepartmental/Agency Review. One copy of the application shall be forwarded to the appropriate Town personnel and other local units of government that would be directly affected by the proposed amendment.
- (F) Staff Report. The Zoning Administrator shall prepare a written staff report as described in this section and mail it to each member of the Plan Commission, the

applicant, and the applicant's agent, if any, at least 3 days prior to the first public hearing. He shall also provide a copy to interested people upon request.

(G) Public Hearing. Allowing for proper public notice, the Plan Commission shall conduct a public hearing consistent with Section 4-3 to review the application, written comments received from the interdepartmental/agency review, and the staff report and to accept public comment on the application. Notice of the proposed amendment, supplement or change shall be given by ordinary mail at least 10 days before the date of the hearing at which it is to be considered to the owner(s) for all properties lying within 300 feet by such amendment, supplement or change at the address listed for them on the tax roll except that no notice need be given for persons petitioning for such amendment, supplement or change. Inadvertent omission of such notice shall have no legal force or effect.

(H) Plan Commission Recommendation. The Plan Commission shall make a written recommendation to the Town Board to:

- (1) Approve the proposed amendment without revision
- (2) Approve the proposed amendment with revision(s) it deems appropriate; or
- (3) Deny the proposed amendment.

Such revision to the proposed amendment shall be limited in scope to those matters considered in the public meeting.

(I) Town Board Decision. After reviewing the application, comments received from the public, the interdepartmental/agency review, the staff report, and the Plan Commission's recommendation, the Town Board shall make a decision to:

- (1) Approve the proposed amendment without revision
- (2) Approve the proposed amendment with revision(s) it deems appropriate; or
- (3) Deny the proposed amendment.

Such revision to the proposed amendment shall be limited in scope to those matters considered in the public meeting.

(J) Notification of Decision. Within 5 days of the Town Board decision, the original copy of the decision shall be mailed to the applicant, by regular U.S. mail, and the Plan Commission shall be notified in writing of its decision. If the proposed amendment is denied, the notification shall indicate the reasons for the denial.

(K) Zoning Map Amendment. If the zoning map amendment is approved by the Plan Commission and Town Board, the official zoning map shall be revised accordingly and certified by the Town Chairperson and Town Clerk.

4-8.03 Amendment Initiated by Town. Sections 4-8.02(E), (G), (H), (I) and (K) shall be followed.

4-8.04 Basis of Decision. The Plan Commission in making its recommendation and the Town Board in making its decision shall consider the following factors:

- (A) The amendment is consistent with and furthers the intent of the Town's comprehensive plan;
- (B) The amendment is consistent with other planning documents adopted by the Town Board;
- (C) The ordinance with the amendment is internally consistent;
- (D) The amendment is the least restrictive approach to address issues of public health, safety, and welfare;
- (E) The Town has or will have the financial and staffing capability to administer and enforce the amendment.

4-8.05 Landowner Protest to Map Amendment. A map amendment may not become effective except upon a favorable majority vote of the Town Board voting on the proposed change when:

- (A) Those owning 20 percent or more of the land area within the proposed map amendment file a written protest;
- (B) Those owning 20 percent or more of the land area within 100 feet of the proposed map amendment file a written protest; or
- (C) Those owning 20 percent or more of the land directly opposite of the proposed map amendment but within 100 feet of the street frontage file a written protest. (See sec. 62.23 (d)(2m), Wis. Stats.)

4-8.06 Application Content.

- (A) Landowner Initiated Map Amendment. An application for a land-owner initiated zoning map amendment shall include the following:
  - (1) An application form as may be used by the Town;
  - (2) A plot plan drawn to a scale of one inch equals one hundred feet (1" = 100') showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be;
  - (3) A written description of the proposed change;
  - (4) A written statement outlining the reason(s) for the amendment;
  - (5) The owners' names and addresses of all properties lying within three hundred (300) feet of the area proposed to be rezoned.
  - (6) Other supporting information the applicant deems appropriate.
  - (7) Additional information required by the Plan Commission.
- (B) Other Amendments. For all other types of amendments, the application shall include the following:
  - (1) A written description of the proposed change;

- (2) A written statement outlining the reason(s) for the amendment;
- (3) Other supporting information the applicant deems appropriate.
- (4) Additional information required by the Plan Commission.

4-8.07 Staff Report Content. At a minimum, the staff report shall contain the following information:

- (A) A summary of the comments received from the interdepartmental/agency review;
- (B) Findings for each of the decision criteria listed in this section;
- (C) Revisions to the amendment that should be made if approval is recommended;
- (D) A recommendation to approve, approve with revision, or deny the amendment.

4-8.08 Appeal. The applicant and/or an aggrieved person may appeal a final decision made pursuant to this section by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

#### **4-9.00 EXTENSION OF APPROVAL PERIOD.**

4-9.01 Generally. For each type of approval granted pursuant to this article, there is a time period for which the approval is valid. If the requisite actions as herein defined have not been taken prior expiration of the approval period, the holder of the approval may submit a request to extend the approval period.

4-9.02 Application and Review Procedure.

- (A) Submittal of Request. At least thirty-five (35) days prior to the expiration of the approval, the applicant shall submit a written request to the Zoning Administrator along with the application fee as may be established by the Town Board.
- (B) Review and Recommendation. The Zoning Administrator shall make a recommendation to the Town Board to approve, approve with conditions, or deny the request based on the decision criteria as described in this section.
- (C) Town Board Decision. Allowing for proper public notice, the Town Board shall consider the application along with the staff report and shall approve or deny the request based on the decision criteria as described in this article. The decision shall be in writing and shall state the reason(s) for the decision.
- (D) Notification of Decision. The Town Clerk shall mail the Town Board's decision to the permit holder.

4-9.03 Basis of Decision. In reviewing the request, the Zoning Administrator and Town Board shall consider the reasons why the requisite actions needed to secure the permit were not taken.

4-9.04 Content of Request. The extension request shall be in writing and included the following information:

- (A) Date of the original approval;
- (B) Reasons for the request;

(C) Length of extension requested;

(D) A description of work completed under the approval and what works has yet to be completed.

4-9.05 Limitations on Extensions. The Town Board shall not extend the approval period for more than one calendar year beyond the initial approval period.

4-9.06 Appeal. The applicant and/or an aggrieved person may appeal a final decision made pursuant to this section by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

#### **4-10.00 VARIANCE.**

4-10.01 Purpose.

(A) There may be instances where certain requirements of this ordinance that if enforced would cause unnecessary hardship to individual landowners.

(B) Minor deviations from this ordinance may help to alleviate those unnecessary hardships without circumventing or undermining the intent of this ordinance.

4-10.02 Application and Review Procedure.

(A) Submittal of Application. The applicant shall submit a completed application to the Zoning Administrator along with the application fee as may be established by the Town Board.

(B) Determination of Completeness. Within 10 days of submittal, the Zoning Administrator shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. No further steps shall be taken to process the application until the deficiencies are remedied.

(C) Public Hearing. Following a determination of completeness, a public hearing shall be scheduled with the Board of Appeals allowing for proper public notice. Consistent with Section 4-2, the Town Clerk shall provide a Class 1 public notice, property owner notification and agency notification. A public hearing will be conducted consistent with Section 4-3.

(D) Staff Report. The Zoning Administrator shall prepare a written staff report as described in this section and mail it to each member of the Plan Commission, the applicant, and the applicant's agent, if any, at least 3 days prior to the first public hearing. He shall also provide a copy to interested people upon request.

(E) Board of Appeals Decision. The Board of Appeals shall approve, approve with conditions, or deny the application. Such decision shall be in writing and shall include the findings in support of its decision and if approved any conditions as may be imposed.

(F) Notification of Decision. Within 5 days of the decision, the original copy of the decision shall be mailed to the applicant, by regular U.S. mail, and retain a copy for the public record.

- (G) Additional Procedural Steps. If the Board grants the variance, the applicant shall then follow other review procedures as may be required.

#### 4-10.03 Basis of Decision.

- (A) Dimensional Variance. When making its decision regarding a dimensional variance, the Board of Appeals shall consider the following factors.
  - (1) Whether the variance would be contrary to the public interest
  - (2) Whether a literal enforcement would result in unnecessary hardship, owing to conditions unique to the property
  - (3) Whether the spirit of this ordinance would be observed and substantial justice done if a variance is granted.
- (B) Use Variance. When making its decision regarding a use variance, the Board of Appeals shall consider the following factors:
  - (1) Whether the variance would be contrary to the public interest
  - (2) Whether a literal enforcement would not allow the property to be used for a reasonable use given its size, configuration, and other property characteristics
  - (3) Whether the spirit of this ordinance would be observed and substantial justice done if a variance is granted.

#### 4-10.04 Limitations on Issuing a Variance.

- (A) Dimensional Variance. The following actions shall not be allowed by a dimensional variance.
  - (1) Expansion of a nonconforming use; or
  - (2) Modification to lot or other requirements so as to increase the permitted density or intensity of use.
- (B) Use Variance. In issuing a use variance, the variance so granted shall only allow a use that is consistent with the uses of surrounding properties.

#### 4-10.05 Imposition of Conditions. The Board of Appeals may impose such conditions and restrictions as may be necessary to grant approval.

#### 4-10.06 Application Form and Content. The application submittal shall include the following:

- (A) An application form as may be used by the Town;
- (B) A project map prepared at an appropriate scale and containing the information listed in Section 4-6.
- (C) A list of other variances, requested or granted, that have been issued to the subject property.

#### 4-10.07 Staff Report Content. At a minimum, the staff report shall contain the following information;

- (A) A summary of the comments received from the interdepartmental/agency review;



- (B) Findings for each of the decision criteria listed in this section;
- (C) A preliminary list of conditions if approval is recommended; and
- (D) A recommendation to approve, approve with conditions, or deny the application.

4-10.08 Effect of Approval. An approved variance merely sets aside the rule or regulation from which relief is sought. All other rules and regulations not part of the variance decision must be followed. The variance runs with the land.

4-10.09 Expiration of Approval. The variance shall expire one year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.

4-10.10 Application Fee. An applicant for a variance shall pay a non-refundable fee at the time of filing with the Zoning Administrator or Town Clerk. See Schedule of Fees.

4-10.11 Reimbursement of Costs. Any costs incurred or to be incurred by the Planning Commission or Town Board in considering the application for variance shall be paid by the applicant on demand. This including but is not limited to engineering and legal services.

4-10.12 Appeal. The applicant and/or an aggrieved person may appeal a final decision made pursuant to this section by filing an appeal with a court of competent jurisdiction within 30 days of the final decision. (See sec. 62.23 (7)(10), Wis. Stats.)

#### **4-11.00 ADMINISTRATIVE APPEAL.**

4-11.01 Generally. Any person aggrieved by a final decision of the Zoning Administrator may file an appeal with the Board of Appeals consistent with this part.

4-11.02 Application and Review Procedure.

- (A) Submittal of Appeal. The applicant shall submit a written appeal to the Town Clerk within 2 months of the date of the decision being appealed.
- (B) Notification of Appeal. The Town Clerk shall provide a copy of the appeal to the Board of Appeals and the Zoning Administrator.
- (C) Compilation and Submittal of Record. The Zoning Administrator shall compile a complete and accurate record relating to action being appealed and transmit it to the Board.
- (D) Public Hearing. Allowing for proper public notice and notice to the parties in interest, the board shall conduct a public hearing consistent with Section 4-3 to hear the appeal and consider the written record and testimony as may be provided.
- (E) Decision. Within 45 days of the public hearing, the board shall decide to affirm the administrative decision, set aside the decision, or modify the decision.
- (F) Notification of Decision. The board shall, in writing, notify the applicant, Zoning Administrator, Plan Commission and Town Board of its final decision.

4-11.03 Basis of Decision. The Board of Appeals shall determine if an error in judgment was made as applied to the instance being appealed.

- 4-11.04 Effect of Appeal. An appeal shall stay all legal proceedings in furtherance of the action from which appeal is made, unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, with notice to the officer from whom appeal is made, and on due cause shown. (See sec. 62.23 (7)(e)(5), Wis. Stats.)
- 4-11.05 Appeal. The applicant and/or an aggrieved person may appeal a final decision made pursuant to this section by filing an appeal with a court of competent jurisdiction within 30 days of the final decision. (See sec. 62.23 (7)(10), Wis. Stats.)

#### **4-12.00 ORDINANCE INTERPRETATION.**

- 4-12.01 Responsibility for Interpretation. In the event a question arises concerning any provision or the application of any provision of this ordinance, the Zoning Administrator shall be responsible for rendering a written interpretation.
- 4-12.02 Limitations on Interpretations. The responsibility for interpretation shall not be construed as overriding the responsibilities specifically given to any commission, board, or official named in other parts of this ordinance.
- 4-12.03 Application and Review Procedure.
- (A) Submittal of Question. The individual requesting the interpretation shall submit the question in writing to the Zoning Administrator.
  - (B) Decision. In consultation with the Town Attorney, the Zoning Administrator shall make a written decision within thirty-five (35) days of receiving the request.
  - (C) Notification of Decision. The Zoning Administrator shall send a copy of the interpretation to the individual requesting the interpretation and to any board, commission, employee, and official involved in the administration of this ordinance, as appropriate.
  - (D) Permanent Record. The Zoning Administrator shall keep a written record of all interpretations and make them available for public inspection.
- 4-12.04 BASIS OF DECISION. In consultation with the Town Attorney and others as appropriate, the Zoning Administrator shall evaluate the provision(s) in question; consider the overall intent of the ordinance; review the findings and purpose statements as appropriate; and review other applicable interpretations that have been made and make a decision giving the ordinance its most reasonable application. If the ordinance is unclear to the extent a reasonable interpretation cannot be made, the Zoning Administrator shall make such a determination and notify the Plan Commission and Town Board.
- 4-12.05 EFFECT OF INTERPRETATION. An interpretation once rendered shall have full effect as if set forth in this ordinance. Where appropriate, interpretations should be addressed through the amendment process.
- 4-12.06 APPEAL. The applicant and/or an aggrieved person may, without time constraint, appeal an interpretation made pursuant to this section by filing an appeal with the Board of Appeals.

#### **4-13.00 ENFORCEMENT.**

4-13.01 Legislative Findings. The Town Board makes the following findings:

- (A) Any building or structure hereafter erected or moved or any use hereafter established in violation of any provision of this Ordinance shall be deemed an unlawful building, structure or use.
- (B) State law gives the Town certain authority to ensure compliance with this chapter.
- (C) The Town reserves all rights and remedies provided by state and federal law to ensure compliance.

4-13.02 Authority for Enforcement. According to sec. 62.23 (7)(f), Wis. Stats., the Town has the authority to enforce the provisions of this chapter.

4-13.03 Actions Constituting a Violation. Each separate action that is not in full compliance with this chapter or with the conditions of an issued permit or similar approval shall constitute a separate and distinct violation.

4-13.04 Enforcement Procedure.

- (A) Investigation. After observing or receiving a complaint of an alleged violation, the Zoning Administrator shall investigate to determine if in fact a violation does exist.
- (B) Notification of Compliance. If the Zoning Administrator determines that a violation does not exist, he shall notify the complainant explaining the finding.
- (C) Notification of Violation. The Zoning Administrator shall promptly report all such violations to the Town Board, who shall bring action in the name of the Town to enjoin the erection of moving of such building or the establishment or such use as to cause such building, structure or use to be vacated or removed. The Town may consult the Zoning Administrator, Town Attorney, or other expert consultants and send a written notice as described herein to the property owner.
- (D) Issuance of Stop Work Order. If the violation involves construction or any land development activity and continues after the date established in the notice, the Zoning Administrator shall:
  - (1) Send a stop work order, as described in this part, by certified mail to the property owner or deliver it in person to the property owner, contractor, builder, or any other person engaged in work covered by the order; and
  - (2) Post a stop work order in a prominent location on the site.
- (E) Lifting of Stop Work Order. Upon substantial evidence that the violation has been removed or otherwise corrected, the Zoning Administrator shall lift the stop work order.
- (F) Initiation of Court Action. If the violation does not immediately cease on the premises, except to ensure compliance, or if the violation is not remedied within 30 days of the notification of violation, the Zoning Administrator shall work with the Town Attorney to initiate court action as provided by in this chapter and as allowed by state law.

#### 4-13.05 Notice of Violation.

(A) Content. The notice of violation shall include the following:

- (1) a description of the violation;
- (2) the section(s) of the ordinance being violated;
- (3) a statement describing the measures that would remedy the violation;
- (4) the date by which the violation must be remedied; and
- (5) information concerning penalties for continued non-compliance.

(B) Effect of Violation Notice. Once a notice of violation has been issued pursuant to this chapter:

- (1) All construction, land development or other activity directly related to the violation, except that which is done to ensure compliance, shall cease. All other work that is in compliance may continue.
- (2) The Town may not issue any other permits or approvals for any development on the premises that is directly related to the violation.

#### 4-13.06 Stop Work Order.

(A) Content. The stop work order shall include the following:

- (1) a description of the violation;
- (2) the section(s) of the ordinance being violated;
- (3) a statement describing the measures that would remedy the violation;
- (4) a statement that all work on the premises must cease immediately, until the Zoning Administrator or Building Inspector rescinds the stop work order; and
- (5) information concerning penalties for continued non-compliance.

(B) Effect of Stop Work Order. Once a stop work order has been issued pursuant to this section:

- (1) all work on the premises shall cease until such time as it is lifted; and
- (2) the Town may not issue any other permits or approvals for any development on the premises until such time as the order has been lifted.

4-13.08 Other Remedies. The Town or any aggrieved person may apply to a court of competent jurisdiction for temporary and/or permanent injunctive relief to enjoin and restrain any person violating a provision of this ordinance and exercise all other rights and remedies provided by law or in equity.

4-13.09 Penalties. Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, may also be required, upon conviction, to forfeit a fine for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense. See Schedule of Fees.

Any person, firm or corporation starting construction prior to obtaining a Zoning Permit constitutes a fine of double the Zoning Permit fee.

## **SECTION 5 - GENERAL PROVISIONS**

### **5-1.00 RESERVED**

### **5-2.00 SITE RESTRICTIONS.**

- 5-2.01 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, groundwater contamination, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Plan Commission in 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 Plan Commission may affirm, modify, or withdraw its determination of unsuitability.
- 5-2.02 Frontage Requirement. All lots shall abut upon a public street, and each lot shall have a minimum frontage of 33 feet.
- 5-2.03 Depth Requirement. The depth of a lot shall not exceed four (4) times its width at its widest point.
- 5-2.04 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.

### **5-3.00 USE RESTRICTIONS.**

The following use restrictions and regulations shall apply:

- 5-3.01 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.
- 5-3.02 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, or mobile homes.
- 5-3.03 Conditional Uses, Generally. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission in accordance with Section 4-5 of this Ordinance.
- 5-3.04 Residential Parking Restriction. The regular outside parking of trucks, other than panel or pickup trucks, or of other vehicular equipment, which exceeds 30 feet in length, shall be prohibited in all residential districts.
- 5-3.05 Unclassified or Unspecified Uses. Unclassified or unspecified uses shall not be permitted until the Plan Commission has reviewed and approved an application in accordance with the requirements of Section 4-5 of this Ordinance.

5-3.06 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 as a Conditional Use.

5-3.07 Temporary Uses. See 5-12.00.

5-3.08 Governmental Uses. Except as otherwise provided in this Ordinance, governmental uses may be allowed only as conditional uses in all Districts.

5-3.09 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.

5-3.10 Pets. Dogs and cats and those animals normally purchased at a pet store and kept in the house as household pets in all districts.

#### **5-4.00 SANITARY PROVISIONS.**

5-4.01 Use Requirements.

(A) Each building or structure utilized for the purpose of human habitation in the Town of Quincy shall have provision for the sanitary disposal of waste pursuant to the minimum requirements of Adams County as shall be in effect at the time of the construction or moving of a building or structure. An Adams County Sanitary Permit is mandatory for a Septic System. (POWTS) Private On-site Waste Transfer System.

(B) No Pit Privy shall be allowed in the Town of Quincy. See Section 2-2 (Pit Privy).

#### **5-5.00 EXTERIOR SIDING.**

5-5.01 Each building or structure utilized for the purpose of human habitation in the Town of Quincy shall have finished exterior siding. Specifically prohibited is the utilization of tar paper or corrugated metal roofing as siding.

#### **5-6.00 RESERVED.**

#### **5-7.00 SETBACK REQUIREMENTS.**

5-7.01 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.

5-7.02 Buildings and Structures. No building or structure 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:

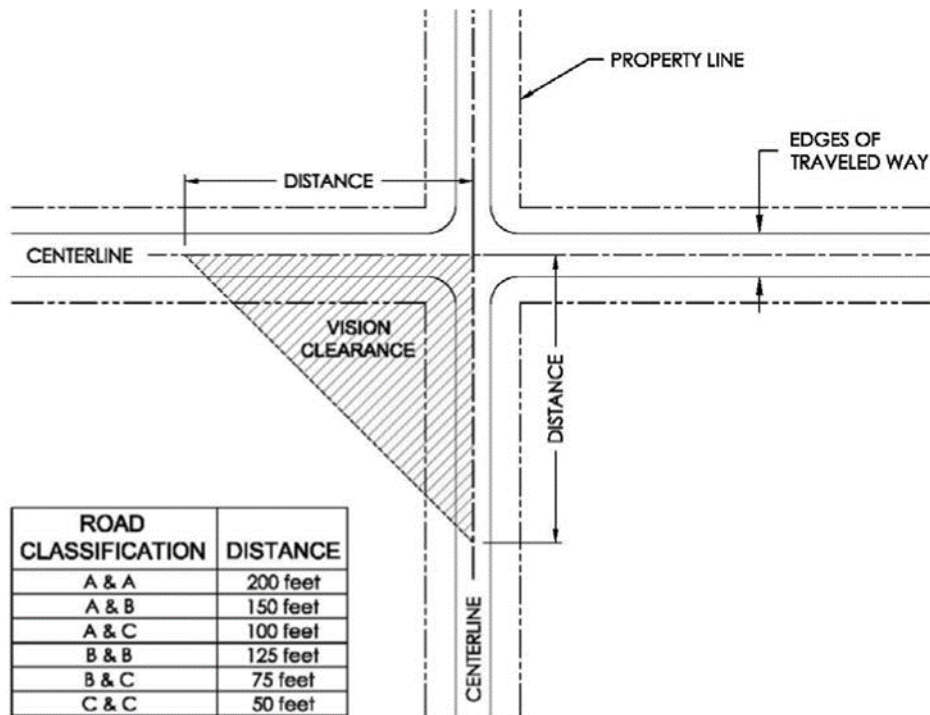
Class A Highway

Minimum 50 feet from the right-of-way or 110 feet from the centerline, whichever measures furthest into the lot.

Class B Highway	Minimum 50 feet from the right-of-way or 83 feet from the centerline, whichever measures furthest into the lot.
Class C Highway	Minimum 30 feet from the right-of-way or 63 feet from the centerline, whichever measures furthest into the lot.
Class C Highway (RR-3)	Minimum 25 feet from the right-of-way.
Other	Minimum 30 feet from the right-of-way, easement, outlot, or minimum 30 feet from the edge of the traveled way if no right-of-way, easement or outlot exists.
(B) Side Yard	Minimum 10 feet
(C) Rear Yard	Minimum 15 feet (Minimum 10 feet in RR-3 District)

5-7.05 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.

5-7.06 Vision Clearance. 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. In each quadrant of every road intersection, there shall be a vision clearance triangle bounded by the centerlines of the roads and a line connecting them, according to the road classification, as follows:



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. Posts and open fences are excluded from this provision. Tree

trunks shall be exempt where they are unbranched. In the event that there is any obstruction to vision in the above indicated vision triangles by brush, shrubs or trees, the Zoning Administrator shall give written notice thereof to the owner of the premises at his last known address requiring the removal of such obstruction within 30 days from the date of notice. In the event that said obstruction has not been removed within the stated 30 day period, the Zoning Administrator shall notify the Town Board, which shall have the same removed and the cost thereof assessed to the property as a special charge on the next tax roll.

#### 5-7.07 Public Right-of-Way.

- (A) Trees, shrubbery, signs, structures or other items are not permitted in the public right-of-way by this ordinance shall be removed.
- (B) Responsible Party. Trimming and/or removal is the responsibility of the property owner with frontage adjacent to the location of the items of concern. All cost associated with trimming and/or removal is at the adjacent property owners cost.

#### 5-7.08 Structures Permitted Within Front Setback Lines.

- (A) Open fences.
- (B) Telephone, telegraph and power transmission and distribution towers poles and lines, transformers, substations, repeater stations and similar necessary mechanical appurtenances and portable equipment housings that is readily removable in their entirety.
- (C) Underground structures not capable of being used as foundations for future prohibited over-ground structures; provided that this regulation shall not apply to wells and septic tanks or other means of private waste disposal.
- (D) Access or frontage roads.
- (E) Permitted signs and signs placed by public authorities for the guidance or warning of traffic.

#### 5-7.09 Structures Prohibited Within Front Setback Lines. No new building, sign or other structure or part thereof shall be placed between the setback lines established by this subsection and the highway except as otherwise provided by this ordinance,

### **5-8.00 HEIGHT REGULATIONS.**

5-8.01 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.

5-8.02 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

5-8.03 Increase Permitted. Subject to the approval of the Plan Commission:

- (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 Plan Commission 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.

## **5-9.00 AREA REGULATIONS.**

5-9.01 Maximum Ground Coverage Area (MGCA) Permitted. The maximum total ground coverage area 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.

5-9.02 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.

- (A) Single Family Dwelling            840 square feet
- (B) Two Family Dwelling            790 square feet per unit
- (C) Multi-Family Dwelling           500 square feet per unit

5-9.03 Lot.

- (A) No building shall be erected on a lot of less area 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.

#### **5-10.00 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.

#### **5-11.00 RESIDENTIAL BUILDING RESTRICTIONS.**

5-11.01 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 Quincy without a variance, although they may be moved to another location within the Town of Quincy 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 Quincy 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 Quincy 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 grade.
- (G) The procedure for the approval for placing one of these manufactured homes in the Town of Quincy shall be as outlines 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 set by the Town Board.
- (I) Manufactured Homes shall have a Gable Roof as regulated by H.U.D..

- (J) Modular Homes shall be regulated by current U.D.C. ordinances.
- (K) Manufactured Homes shall be regulated by H.U.D. and have a H.U.D. seal attached to them.
- (L) Lot Ownership: Modular or Manufactured homes shall be located only on a lot or parcel owned by the owner of the unit, except in the case of a Mobile Home Park.
- (M) Modular or Manufactured Homes must be placed on foundations or piers conforming to current State Building Regulations.
- (N) Modular or Manufactured Homes must be skirted within 3 months from date of entry. Materials shall not be of lesser grade than that used on the Manufactured Home.
- (O) No home that could be considered to be unsafe, or in a condition that would be against the health and welfare of the Town regardless of size or year shall be permitted. This applies to all homes for either temporary or permanent use.
- (P) There shall not be more than one dwelling built or placed on a lot or parcel of land owned by the same property owner with the same property tax identification number or fire number assigned to it.

#### **5-12.00 TEMPORARY USES AND STRUCTURES.**

5-12.01 The temporary use regulations in this section are intended to permit such occasional temporary uses and structures when consistent with the overall purpose of this zoning ordinance and when the operation of the temporary use will not be detrimental to the public health, safety, or general welfare.

5-12.02 Approval.

- (A) Except as expressly stated in this section, all temporary structures and uses are subject to Town zoning permit requirements and, if applicable, County permits.
- (B) The Zoning Administrator is authorized to approve temporary structures and uses that comply with the provisions of this section and to impose conditions on the operation of temporary structures and uses to ensure that such structures and uses do not create unreasonable adverse impacts on surrounding properties and that they operate safely, consistent with the general purposes of this chapter.
- (C) The Zoning Administrator may consult with the Plan Commission chair to determine if an unlisted temporary structure or use requests will require a conditional use permit in addition to a zoning permit for a temporary use.
- (D) Establishment of a temporary festival, concert, carnival, races, assemblage of campers, or similar activity on any site may require a conditional use regardless of the zoning of the property and shall be made to comply with all applicable public assembly and sanitary standards as well as with any conditional use standards addressing noise, traffic, health and public safety or requirements placed on the temporary permit by the Zoning Administrator.

- (E) Within the A-1 district, temporary structures and uses shall also be subject to applicable limitations of Wisconsin Statutes Chapter 91.

5-12.03 Exemptions. The following temporary structures and uses are permitted without complying with the permit requirements of this subsection.

- (A) Garage sales in residential districts or on parcels occupied by residential dwellings for no more than four days in any calendar year.
- (B) Temporary structures and uses in place for no more than three consecutive days and located on Town parkland or other public property, provided such uses have been approved by the Plan Commission or authorized Town official.
- (C) Temporary structures and uses sponsored by the Town and in place for more than three consecutive days, provided such uses have been authorized by the Town Board.

5-12.04 Standards for Temporary Uses.

- (A) Contractor's On-site Facility: Includes any structure or outdoor area used as a construction management office or for storage of construction equipment or materials, all in conjunction with an active real estate development project on the same site. Such uses shall be subject to the following performance standards:
  - (1) Projects requiring the facility to be in place for more than one calendar year shall require a conditional use permit.
  - (2) The combined surface area of all facilities shall not exceed 10 percent of the property's gross site area, and no single building shall exceed 5,000 square feet in gross floor area.
  - (3) Signage shall comply with the requirements for temporary signs in Section 5-15.00.
  - (4) No such facility shall be used for sales activity.
  - (5) All facilities shall be removed within 30 days of completion of the associated project.
- (B) On-site Real Estate Sales Office: Includes any building that serves as an on-site sales office in conjunction with an active real estate development project on the same site. Such uses shall be subject to the following performance standards:
  - (1) The building shall not exceed 5,000 square feet in gross floor area.
  - (2) Signage shall comply with the requirements for temporary signs in Section 5-15.00.
  - (3) The building shall be removed or converted to a permanent allowable land use in the zoning district within 30 days of the completion of sales activity.
  - (4) Projects requiring the on-site real estate sales office to be in place for more than two calendar years shall require a conditional use permit.

- (C) Temporary Outdoor Sales: Includes the temporary sales and display of any items outside the confines of a building, where such use is not otherwise allowed as a component of another permitted-by-right or conditional use under this chapter. Examples of this type of land use include but are not limited to: seasonal garden shops, tent sales, art sales, and bratwurst stands.
- (1) Use shall be limited to a maximum of 30 days in any calendar year on a single parcel, except for seasonal garden shops, which are limited to 120 days.
  - (2) Use shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
  - (3) Signage shall comply with the requirements for temporary signs in Section 5-15.00.
  - (4) In no instance shall the location of the temporary outdoor sales use reduce the number of accessible parking spaces below the minimum number of spaces required by this ordinance, for all principal and accessory uses combined.
  - (5) If the subject property is located adjacent to lands zoned or used for residential purposes, sales and display activities shall be limited to daylight hours.
  - (6) Within the A-1 district, the temporary outdoor sales shall also (1) be conducted by the owner or operator of the farm; (2) employ no other persons; and (3) not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district, legally protected from nonagricultural development, or both.
- (D) Temporary Staging Area: Includes any area used for the temporary storage of equipment and materials associated with a construction project.
- (E) Camping: Camping, parking or storing a camping unit outside a licensed campground on a lot where a residential dwelling does not exist is subject to the following conditions:
- (1) No more than one camping unit shall be allowed on a lot unless the premises are approved for outdoor retail sales.
  - (2) No accessory structures or additions may be attached to the camping unit.
  - (3) Camping is only allowed if approved sanitary provisions, such as State approved systems; self-contained units, approved non-plumbing sanitation systems, or a private on-site waste treatment system is used to serve the camping unit.
  - (4) Arrangements shall be made for the proper disposal of trash and garbage.
  - (5) Occupation of a unit by a person having no other permanent residence at the time the unit is so occupied is prohibited.
  - (6) Camping units shall comply with all setback requirements for the district in which they are located.

- (7) Camping may take place on an interim basis on a lot where construction of a permitted dwelling is in progress, not to exceed one year.
- (8) Camping, parking and or storing a unit on a lot shall only be permitted from April 15, through November 30 except as provided for below.
- (9) The camping unit shall at all times remain currently licensed, road worthy and able to be legally towed or driven on a public road.
- (10) A fire number shall be mounted and displayed for the property where a recreational vehicle and/or camping unit is being used.
- (11) Service Hook-Up:
  - (a) All Independent Camping Units are permitted to have a permanent hook-up to a septic system or water supply (well) with an approved Sanitary Permit.
  - (b) On properties that do not have a septic system, proof of waste disposal is required.
  - (c) Independent Camping Units may be hooked up temporarily to electric by way of an extension cord extending from a disconnect box.
  - (d) Properties under Shoreland Protection must also follow Adams County rules/regulations.
- (12) Permitted Accessory Structures and Improvements:
  - (a) Portable decks/slabs
  - (b) One (1) storage shed 150 square feet or less with a maximum height of 12 feet.
- (13) Prohibited Accessory Structures and Improvements:
  - (a) No external additions, piers, or concrete pads are allowed on any Recreational Vehicle or Camping Unit.
- (14) No Recreational Vehicle or Camping Unit maybe used as a permanent dwelling.
- (15) No Recreational Vehicles and or Camping Unit in poor condition shall be permitted in the Town.
- (16) All Independent Camping Units shall be maintained in a sanitary manner and or be removed to an approved dumping station after a maximum of 5 days use.
- (17) Every Recreational Vehicle and or Camping Unit must meet the minimum standard of an Independent Camping Unit.
- (18) Camping, parking and/or storing a camping unit on a year-round basis is subject to the following conditions:
  - (a) Items (1) through (17) above shall apply.

(b) An Annual Camping Permit application and review fee, as established by the Town Board, shall be submitted to the Zoning Administrator by December 1st each year or the Zoning Permit shall expire.

(c) The Zoning Administrator shall conduct an annual inspection to determine that all ordinance requirements are being met including any conditions placed on the Zoning Permit. If the property or use is found to be in non-compliance with the ordinance requirements or permit conditions the permit may be rescinded after a 30 day written notice to the property owner.

(F) Temporary Relocatable Building: Includes any manufactured building that serves as a temporary building serving an allowed use in the associated zoning district, based on shortage of space or capacity within the permanent building(s) on the site. Includes buildings that serve as temporary classrooms for schools, that serve as temporary storage areas for industrial uses, and that were intended for the temporary shelter of motor vehicles (e.g., "tent garages"), but does not include any other temporary building associated with another temporary use listed in this section nor any mobile home. Such uses shall be subject to the following performance standards:

(1) The building shall conform to all minimum required parcel and building dimensional standards applicable to the zoning district within which the building is located.

(2) The building shall conform to all applicable building code regulations.

(3) If the building is proposed to occupy a site for a period exceeding 9 months, a conditional use permit shall first be required.

(4) Within the A-1 district, such buildings shall be subject to the limitations associated with accessory agricultural structures per Section 2-2.00.

(G) Portable Outdoor Storage Unit: A portable storage container with more than 216 cubic feet of storage space designed and used primarily for temporary storage or transportation of household goods and other such materials, kept outdoors, and not affixed to a foundation.

(1) Units may not be placed on any public right-of-way, including public sidewalks and public terrace areas, or on other public property except by the public entity that owns the property. Units may only be placed on property owned by the user or lessee of the storage unit.

(2) Units may not be placed in such a fashion as to impede or obstruct the flow of drainage or obstruct emergency, vehicle, pedestrian, or utility access to or through the property or area.

(3) In all residential zoning districts:

(a) No unit shall be placed on the same lot for more than 120 consecutive days.

(b) Not more than one unit may be placed on any lot at any one time.

- (c) There shall not be a unit placed on any lot more than three times in any calendar year.
- (d) No unit shall exceed eight feet in width, nine feet in height, or sixteen feet in length.
- (4) Units may be used for temporary storage of personal goods and belongings. Units may not be used for occupancy or sleeping, housing of animals, housing or storage of hazardous, flammable, or unlawful materials or substances. Units shall be closed and secured from unauthorized access at all times when not under the direct supervision of the lot owner or occupant.
- (5) All units shall be maintained in a good and clean condition, free from rust, peeling paint, or other visible deterioration.
- (H) Temporary Asphalt or Concrete Rock Crushing Facility or Batch or Ready-Mix Plant: Includes any use that handles the processing, mixing, handling, sale or transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials in association with a discrete project, such as a road or highway construction project. If within an A-1 district, such facility or plant shall also meet the standards in Section 8-4.03.

#### **5-13.00 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.

#### **5-14.00 PARKING REQUIREMENTS.**

5-14.01 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 the Town of Quincy Driveway Ordinance;
- (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:
  - (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.

5-14.02 Number of Parking Stalls Required. Parking spaces shall be provided as specified in this section, unless otherwise approved by the Plan Commission.



Use	Required Number of Stalls
Residential dwellings and mobile homes Efficiency/Elderly 1 Bedroom 2 Bedrooms 3+ Bedrooms	1 stall / dwelling unit 1 Y2 stalls / dwelling unit 2 stalls / dwelling unit 2 Y2 stalls / dwelling unit
Hotel and motels	1 stall / guest room plus 1 stall / 3 employees

Use	Required Number of Stalls
Hospitals, clubs, lodges, sororities, dormitories, lodging, and boarding houses	1 stall / 2 beds plus 1 stall / 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall / 5 beds plus 1 stall / 3 employees
Medical and dental clinics	3 stalls / doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall / 5 seats
Colleges, secondary and elementary schools	1 stall / 2 employees plus 1 stall / student auto permitted
Restaurants, bars, places of entertainment	1 stall / 100 square feet of floor area
Repair shops, retail and services stores	1 stall / 300 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall / 3 employees
Financial institutions and businesses, governmental and professional offices	1 stall / 200 square feet of floor area plus 1 stall / 2 employees
Funeral homes	1 stall / 4 seats plus 1 stall / vehicle used in the business
Bowling alleys	5 stalls / alley

5-14.03 Loading Space Requirements. On every lot on which a business, trade or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way

USE	FLOOR AREA (Square Feet)	LOADING SPACE
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Retail, wholesale, warehouse, service, manufacturing and establishments	2,000 – 9,999	1
	10,000 – 19,999	1
	20,000 – 39,999	2
	40,000 – 60,000	3
	Each additional 50,000	1
Hotels, offices, hospitals, places of public assembly	5,000 – 9,999	1
	10,000 – 49,999	2
	50,000 – 100,000	2
	Each additional 25,000	1
Funeral homes	2,500 – 3,999	1
	4,000 – 6,000	1
	Each additional 10,000	1

## **5-15.00 SIGN ORDINANCE (Standalone Ordinance until the Zoning Ordinance revision in 2024)**

### **5-15.01 PURPOSE**

- A. To promote the safety and wellbeing of the users of streets, roads and highways in the Town;
- B. To reduce distractions and obstructions which would adversely affect traffic safety and to alleviate hazards caused by signs;
- C. To discourage excessive visual competition in signage and visual blight in signage;
- D. To preserve or enhance town character by requiring signage, which is:
  1. Creative and distinctive;
  2. Compatible with the surrounding;
  3. Appropriate to the type of activity to which it pertains;
  4. Expressive of the identity of individual proprietors or the community as a whole; and
  5. Appropriately sized in its context, so as to be easily readable

### **5-15.02 DEFINITIONS**

- (A) Billboard: A free standing sign not larger than thirty-two (32) square feet in the gross area, wall sign covering more than ten percent (10%) whichever is less of the area to which it is affixed.
- (B) Density/Linear: There shall not be more than one (1) sign per every two (2) miles. Signs already present at the adoption of this ordinance shall be grandfathered in and be considered non-conforming.
- (C) Façade: The exterior surface of a building.
- (D) Flashing Sign: A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or

animation. Illuminated signs, which indicate the date, time, and temperature, will not be considered flashing signs.

- (E) Freestanding Sign: A self-supporting sign not attached to any building, wall, or fence, but in the fixed location. This does not include portable or trailer type signs.
- (F) Home Occupations: An activity customarily carried on by the occupants of a dwelling unit, inside the dwelling unit, requiring only hobby type equipment, and not involving:
  - 1. The sale of articles produced elsewhere than on the premises:
  - 2. The storage of materials or products outside of a principle building:
  - 3. The making of external structural alterations, which are not customarily in residential buildings:
  - 4. The production of offensive noise, vibration, smoke, dust, or other particulate matter; heat; humidity; glare; odors, aromas, or scents; or other objectionable effects.
- (G) Home occupations include but are not limited to: fine arts studios, dressmaking, and teaching of not more than four pupils simultaneously, or in case of musical instruction, of not more than a single pupil at a time.
- (H) Home occupations do not include such uses as: barber shops, beauty parlors, funeral parlors, commercial stables or kennels, real estate or insurance offices, auto body or repair shops, and recognized professions (except that real estate, insurance, and professional offices may be allowed as Special Permit Users in the Rural District).
- (I) Illuminated Sign: Any sign lit by electrical bulbs, fluorescent lights, or neon tubes. Neon tubes used as abstract, graphic, decorative, or architectural elements shall be considered to constitute an illuminated sign.
- (J) Landmark Sign: An older sign of artistic or historic merit, uniqueness, or extraordinary significance to the town as identified by local Historical Commission or the Board of Selectmen in their absence.
- (K) Lintel: The horizontal support member across the head of the door or window.
- (L) Nonconforming Sign: Any sign, which does not meet all required provisions of this ordinance, particularly in terms of, permitted size, height, location and number of signs per owner.
- (M) Off-Premises Signs: Any sign which is not on the premises of the business, including a billboard.
- (N) On-Premises Signs: Any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon, or advertise the property itself or any part thereof as for sale or rent. All noncommercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under the Town's Sign Ordinance.

- (O) Projecting Sign: A sign which is affixed to a building, tree or other structure and which extends more than six (6) inches beyond the surface to which is it affixed.
- (P) Roof Sign: A sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.
- (Q) Sign: Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the lot or on any other premises, excluding window displays and merchandise.
- (R) Temporary Sign: A sign intended to be used for a period of no more than thirty (30) days. Exceptions for pennants and similar devices intended for civic purposes may be granted by special permit. This includes a sign capable of being readily moved or relocated.
- (S) Wall Sign: Any sign, which is painted on, incorporated into, or affixed parallel to the wall of the building, and which extends not more than six (6) inches from the surface of that building.

### 15.03 GENERAL

#### (A) PERMITTED SIGNS

Only signs which refer to a permitted use or an approved Conditional Use as set forth in Section (4) of the Zoning and Land Use Ordinance are permitted, provided such signs conform to the provisions of this Ordinance.

Subject to the landowner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

#### (B) PROHIBITED SIGNS

- (1) Streamers, pennants, ribbons, spinners or other similar devices shall not be constructed, posted or erected in any zone. Exceptions include flags and bunting exhibited to commemorate national patriotic holidays, and temporary (not exceeding thirty (30) days) banner announcing special events.
- (2) Flashing signs, roof signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted.

Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this bylaw.

- (3) Any sign advertising or identifying a business or organization, which is either defunct or no longer located on the premises is not permitted and must be removed after a business has been closed for 30 days. Exceptions may be granted to Landmark Signs, which may be preserved and maintained even if they no longer pertain to the present use of the premises.
- (4) No sign shall be larger than thirty-two (32) square feet.
- (5) No sign, except for traffic, regulatory, or informational sign, shall use the words "stop," "caution," or "danger," or shall incorporate red, amber or green lights resembling traffic signals, or shall resemble "stop" or "yield" signs in shape and color.
- (6) No commercial speech is allowed on a sign, other than a message drawing attention to a business or service legally offered on the premises, except as allowed by the Town's Sign Ordinance.

#### (C) ILLUMINATION STANDARDS

- (1) No person may erect a sign, which flashing, rotates, or has moving parts.
- (2) No person may erect a sign with exposed electrical wires.
- (3) Strings of bulbs are not permitted, except as part of a holiday celebration.
- (4) No person may erect a sign that constitutes a hazard to pedestrians or vehicular traffic or is nuisance because of intensity or direction of illumination.

#### (D) PLACEMENT STANDARDS

- (1) No person may erect a sign, which is affixed to a utility pole, tree, shrub, rock, or other natural object.
- (2) No projecting sign shall extend into a vehicular public way or be less than ten (10) feet above a pedestrian walkway.
- (3) Sign to be setback from centerline of roadway sixty-three (63) feet at an intersection in both directions of a public highway or private road.
- (4) No sign shall be placed within any public road, right-of-way, public easement, or public property, except as provided in applicable State, County and Town regulations or as may be installed by the entity owning such public land.
- (5) All other setbacks from any public highway or private road right-of-way shall be five (5) feet, and no portion of the sign may be within five (5) feet of the highway or road right-of-way.

#### (E) SAFETY HAZARDS

No person may erect a sign which:

- (1) Is structurally unsafe;

- (2) Constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation, or abandonment;
- (3) Obstructs light or air or interferes with proper functioning of fire escape;
- (4) Obstructs light or air or interferes with proper functioning of the building;
- (5) Is capable of causing electrical shock;
- (6) Constitutes a hazard to public safety by restricting view and sight of vehicular traffic at corners, curves, and intersections.

(F) NON-CONFORMING SIGNS

- (1) Continuance: A non-conforming sign lawfully existing at the time of adoption or subsequent amendment of this ordinance may continue, although such sign does not conform to the provisions of this ordinance.
- (2) Maintenance: Any lawfully existing sign cannot be enlarged, reworded (other than signs with automatically changing messages), redesigned or altered in anyway including repainting in a difference color, except to conform to the requirements of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost, shall no be repaired or rebuilt or altered except to conform to the requirements of this bylaw. This would constitute a new sign and required a permit.
- (3) Replacement: Any sign replacing a non-conforming sign shall conform to the provisions of this section, and the non-conforming sign shall no longer be displayed.

15.04 ADMINISTRATION

(A) PERMITS

- (1) No sign shall be erected, displayed, altered, or enlarged until an application has been filed, and until a permit for such action has been issued. Some signs exempt from permits include but are not limited to: realtor, garage sale, no trespassing/hunting, for sale, etc. Signs for churches, services organizations, and municipal signs are allowed without a permit. Applications shall be on forms prescribed by the Sign Officer. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems, and location on land or buildings, with all relevant measurements. Any change in the billboard message shall be considered an alteration and a new permit shall be required.
- (2) Permits shall be issued only if the Sign Officer determines the sign complies or will comply with all applicable provisions of this ordinance. The owner of the land or building, or any person who has the authority to erect a sign on the premises may file such application. Applicant to submit written authorization from the owner of the property on which the sing shall be located.

- (3) The Sign Officer shall act within thirty (30) days of receipt of such application together with the required fee. The Sign Officer's action or failure to act may be appealed to the Board of Appeals.
- (4) A Special Permit application for lighted signs, signs that are larger than those allowed by right, or signs in Town Districts shall be referred to the Plan Commission, which shall make recommendations to the Sign Officer. The Commission may hold a public hearing if it deems necessary. If there is a public hearing, the Sign Officer's decision may be delayed until forty-five (45) days after the application. Fee to be borne by the requester of the variance.

#### (B) FEES

A schedule of fees for such permits may be established and amended from time to time by the Town Board. There will be no fee charged if the Town requires a sign owner to move a sign. It will be necessary to complete a sign application, and to submit written authorization from the owner of the property on which the sign will be located.

Sign Changes: Any change to a sign is considered a new sign. Sign fees will be charged.

#### (C) ENFORCEMENT

The Zoning Administrator is hereby designated as the Sign Officer, and is hereby authorized to enforce this ordinance. The Sign Officer is authorized to order the repair or removal of any sign and its supporting structure that is judged dangerous, or in disrepair, or which is erected or maintained contrary to this ordinance.

#### (D) REMOVAL OF SIGNS

Any sign which has been ordered removed by the Sign Officer, or is abandoned or discontinued, shall be removed by the person, firm, or corporation responsible for the sign including the owner of the sign and the owner of the land on which it is located within thirty (30) days of written notice to remove. The supporting structure, i.e.: posts are also to be removed.

#### (E) PENALTIES AND APPEALS

- (1) Violation of any provision of this ordinance or any lawful order of the Sign Officer shall be subject to a fine of not more than \$200.00 per offense, plus costs. Each day that such violation continues shall constitute a separate offense.

The owner of the sign, the owner of the lands or properties and the agents of either of them, without limitation, because of enumeration, including contractors, installers, or their agents, are responsible for compliance with all provision of this Ordinance, which bear upon their area of competency and responsibility. Any such party who violates or aids or abets in a violation shall be liable to prosecution and remedial actions.

- (2) Any applicant or landowner aggrieved by the provisions of the Sign Ordinance may have the requirements of a specific provision of the Sign Ordinance reviewed by utilization of the Conditional Use Process found in the Town of Quincy Zoning/Land Use Ordinance.
- (3) Unauthorized signs erected or temporarily placed within any public road, right-of-way, public easement, or public property may be removed by the Town or County at the sign owner's expense.

#### (F) MEASUREMENT OF SIGN AREA

- (1) Sign measurement shall be based upon the entire area of the sign, with the single continuous perimeter enclosing the extreme limits of the actual sign surface or message area.
- (2) For a sign painted on or applied to building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols, altogether with any background of a different color than the natural color, or finish material of the building.
- (3) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall, or window the area shall be considered to be that of the smallest rectangle or other shape, which encompasses all of the letters and symbols.
- (4) The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.
- (5) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

#### (G) MEASUREMENT OF HEIGHT

The measurement of any sign shall be measured from the surface of the ground up to the highest point of the sign. The height of any freestanding sign shall be no higher than the maximum of ten (10) feet.

### 15.05 GENERAL STANDARDS FOR SPECIFIC TYPES OF SIGNS

#### (A) ADDRESS SIGNS

One sign displaying the street number or name of the occupant of the premises, or both

- (1) Such a sign may include identification of an on-premise professional office or customary home occupation.



- (2) Such a sign may be attached to the building or may be on a post not more than four (4) feet high, and setback at least three (3) feet from the public right-of-way.
- (3) Such sign may not exceed two (2) square feet in area.
- (4) Group name signs with names and/or addresses will be allowed if on same post(s) or framework.

#### (B) CONSTRUCTION SIGNS

An on-premise sign identifying the contractor, architect, landscaping architect, and or engineer's name, address, and other pertinent information.

- (1) Such signs shall not exceed twelve (12) square feet in area, and shall be set back at least ten (10) feet from the street lot line, or one-half the building setback distance, whichever is less.
- (2) Such a sign may be maintained on the building or property for the interim of construction, and not more than thirty (30) days following completion of said construction.

#### (C) FREE-STANDING SIGNS

A self-supporting sign of thirty-two (32) sq. ft. or less not attached to any building wall, or fence, but in a fixed location.

- (1) Free-standing signs over six (6) feet in height may have no more than two sides.

#### (D) ILLUMIATED SIGNS

- (1) Signs shall be illuminated only with steady, stationary, shielding light sources directed solely onto the sign without causing glare/
- (2) Illuminated signs shall not be permitted to shine onto residential properties and traveled ways.

#### (E) MARQUEE SIGNS

A sign painted on, attached to, or consisting of an interchangeable copyreader, on a permanent overhanging shelter which projects from the face of a building.

- (1) Such signs may be painted on or attached flat against the surface of, but not extending beyond or attached to the underside of the overhand.
- (2) Letters or symbols shall not exceed twelve (12) inches in height.
- (3) A minimum clearance of ten (10) feet above the sidewalk level must be allowed for pedestrian clearance.

#### (F) MULTIPLE SIGNS

A group of signs clustered together in a structure or compositional unit.

Multiple signs are used to advertise several occupants of the same building.

- (1) The display board shall be of an integrated and uniform design.
- (2) The maximum sign area permitted is sixteen (16) square feet for the sign bearing the name of the building or office park, and two (2) square feet for the name of each occupant located there.
- (3) Complexes with over 300 square feet of frontage will be allowed two (2) freestanding signs.

#### (G) OFF-PREMISE SIGNS

- (1) Informational and directional signs containing no advertising are permitted to direct traffic flow, indicate parking space, identifying points of interest, locate businesses, or provide other essential information to guide vehicular or pedestrian traffic flow.
- (2) Off-premise directory boards containing small identification signs conforming to the above requirements may be permitted in special situations where visibility is a significant problem and where they can be harmoniously integrated with the environment.
- (3) Seasonal business signs must designate when they are closed for off-season.
- (4) Two off-premise signs per business is the maximum allowed, excluding the State of Wisconsin DOT Signs.

#### (H) POLITICAL SIGNS

A sign designated to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election. A permit must be gotten to erect a political sign, but there is no charge for such permit.

- (1) Such signs are permitted if they are stationary, unlighted, and temporary.
- (2) Such signs shall be removed within five (5) days after voting day.

#### (I) WALL SIGNS, PAINTED WALL SIGNS AND INDUSTRIAL LIGHTS AND SIGNS

A sign, which is, attached parallel to the exterior surface of a building or structure.

- (1) Such a sign shall not project more than fifteen (15) inches of a building or structure.
- (2) Such sign shall not obscure architectural features of the building, not limited to features such as arches, sills, moldings, cornices and transoms.
- (3) Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
- (4) Such signs shall have an aggregate area not exceeding 1.5 square feet for each lineal foot of building face parallel to a street lot line, or ten percent (10%) of the wall area to which it is attached, whichever is less. Where a lot

fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.

- (5) Where two (2) or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs.
- (6) Wall signs shall not extend higher than the eave line or top of the parapet wall of the principle building.
- (7) No part of a wall sign, including the display surface, shall extend more than six (6) inches from the building surface.
- (8) The size of signs attached to buildings may be increased in area (over allowable size) by 25% for every 100 feet of building setback. This shall apply to buildings setback more than 100 feet from the road right-a-way, and the increase may be pro-rated according to the actual setback distance.

(J) MAINTANCE

A sign shall be maintained in a secure and safe condition. If the Sign Officer is of the opinion that a sign is not secure, safe, or in good state of repair, written notice of this fact shall be given to the person responsible for the sign. If they defect in the sign is not corrected within the time permitted by the Sign Officer, the Sign Officer may revoke the sign permit and take possession of the permit until the owner pays the cost of removal, thus placing the sign owner in violation of the sing bylaw and liable for a fine as specified in Section 4.5.

## **SECTION 6 – ZONING DISTRICTS**

### **6-1.00 Zoning Districts & District Maps.**

- 6-1.01 Establishment: The boundaries of these districts are hereby established as shown on the maps entitled, Town of Quincy, Adams County, Wisconsin.
- 6-1.02 Districts: For the purpose of this Ordinance, the Town of Quincy, Adams County, Wisconsin is divided into Basic and Overlay zoning districts as defined herein as named and described in the following subdivisions:
  - (A) Basic Zoning Districts provide all primary regulations for land use. These regulations are supplemented with more restrictive or more permissive regulation in the case of those properties which are placed into an Overlay District.
  - (B) Overlay Zoning Districts are established for the purpose of superimposing additional regulations upon lands already zoned in a Basic Zoning District. The regulations of the overlay may be more permissive, thereby allowing uses or requirements not allowed by the underlying basic district, or the overlay district may be more restrictive, imposing regulations more stringent than those of the underlying district.
  - (C) Informational Overlay Districts of themselves do not ordinarily impose regulations. They exist primarily to alert users of zoning map to the existence of conditions on or near various properties, or of regulations by other jurisdictions. Since such districts are referring to other primarily informational, they are a public service,

and not meant to be definitive when referring to other agencies. The map user should always consult the other regulatory agency for exact boundaries, regulations, and permit requirements.

6-1.03 Boundaries: The boundaries of these districts are hereby established as shown on the maps entitled, Town of Quincy, Adams County Wisconsin.

- (A) Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
- (B) Except for the various Conservancy districts, boundaries shown as approximately following city or Town limits U.S. Public Land Survey lines; lot or property lines center lines of streets, highways, easements, and railroad right-of way and such lines extended shall be construed to allow such lines unless otherwise noted on the Zoning Map.
- (C) 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 interpreted by the Zoning Administrator.
- (D) 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.
- (E) The following rules shall be used to determine the precise location of any base zoning district boundary shown on the Official Zoning Map of the Town:
  - (1) Base zoning district boundaries shown as following or approximately following the limits of any city, village, town, or county boundary shall be construed as following such limits.
  - (2) Base zoning district boundaries shown as following or approximately following public streets or railroad lines shall be construed as following the centerline of such street or railroad line.
  - (3) Base zoning district boundaries shown as following or approximately following platted lot lines, ordinary high water marks, or another property line as shown on the parcel map shall be construed as following such line.
  - (4) Base zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
  - (5) Base zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (4) above shall be construed to be at such distances as shown on the Official Zoning Map.
  - (6) Where the exact location of a base zoning district boundary, as shown on the Official Zoning Map, is uncertain, the boundary location shall be determined by the Zoning Administrator.

- (7) No new lot shall be divided into more than one base zoning district, unless that lot is legally divided so that new lot lines and new zoning district boundaries coincide. This provision shall not apply to overlay zoning districts. Minimum required building setbacks do not apply along base zoning district boundary lines that split a parcel under single ownership. If any use or structure rendered nonconforming by provisions of this subsection (7) is accidentally damaged or destroyed it may be reestablished as long as the reestablishment does not increase the extent of nonconformity.

6-1.04 Zoning Districts and Property Assessment Reports: A copy of the Zoning Map, Property Assessment and Taxation System Real Estate Master Audit and Real Estate Cross Reference Reports shall be adopted and approved as part of this Ordinance and shall bear upon its face the attestation of the Town of Quincy Chairman and the Town Clerk and shall be available to view by the public in the office of the Town Clerk and at the office of the Zoning Administrator.

6-1.05 Zoning Districts: The following Zoning Districts have been created by the Town of Quincy for the purpose of this Ordinance:

- (A) A-1/PFL Agriculture District/Productive Forest Land District
- (B) R-1 Residential 'Single-Family' District
- (C) RR-2 Residential and Recreational District
- (D) R-3 Residential Dellwood Subdivision District
- (E) C-I Commercial District
- (F) I-1 Industrial District
- (G) F-1 Forestry District
- (H) WC Wetland Conservation District
- (I) PDD Planned Development District
- (J) PSO-1 Public & Semi-Public District
- (K) LNO Landfill Notification Overlay

## **6-2.00 R-1 RESIDENTIAL DISTRICT**

6-2.01 Permitted Uses: Stick built manufactured or modular homes where a declaration of covenants, conditions, or restrictions apply.

- (A) Single-Family Dwelling:
- (B) Recreational Vehicles and Camping Units on vacant parcels: (See Section 5-12.04(E))
- (C) Maximum of Three (3) accessory buildings per parcel.

Note: Residential garages and carports, either attached to the primary dwelling or free standing. If said structure is finished in a metal siding, said structure shall be of a baked finish so as not to detract from the residential quality of the community.

Note: A dwelling must be erected on a buildable parcel prior to the erection of any other structure, other than temporary structure which may be necessary for storage purposes while constructing the dwelling. Upon completion of the dwelling, the temporary structure shall be conformed to the aforementioned standards or removed.

Note: One story-accessory storage buildings with a total area less than 150 square feet are permitted without a dwelling. Such structures cannot be utilized as sleeping quarters.

Note: In the R-1 Residential District, an accessory building is allowed on a lot across the street or road from a principal residential use. At least a portion or a point of the lot must directly align with the extension across the street or road of the lot lines of the existing R-1 residential lot with the principal structure and both lots must be under the same ownership. Prior to the issuance of a zoning permit, the lot on which the accessory building is proposed shall be deed restricted so as to treat use and transfer of ownership of the 2 lots as one. This restriction can only be removed by consent of both the Town Board and the Plan Commission.

(D) Use customarily incidental to any use specified in this subsection shall be permitted in the Residential District.

#### 6-2.02 Conditional Uses:

(A) Household occupations and professional home offices.

(B) Animals, including exotic animals and fowl, subject to the following:

- (1) The number of animals or fowl shall be commensurate with the size of the parcel and compatible with surrounding land uses.
- (2) The premises shall be adequately fenced to prevent animals and fowl from straying on neighboring premises
- (3) The premises shall be maintained in a clean and sanitary condition free of rodents, vermin and objectionable odors.
- (4) In the event the above restrictions and regulations are not complied with, the permit may be revoked by the Board of Appeals.

#### 6-2.03 Reserved

#### 6-2.04 Lot and Building Regulations:

Lots	
Area	Minimum 20,000 square feet for a dwelling
Width	Minimum 100 feet unless greater restriction as specified by Adams County Land Division Ordinance.
MGCA per sect. 5-9.01	20% or 8,712 sq. ft., whichever is less.
Buildings/Structures:	
Building Height	Maximum 35 feet
Garage/Carport Width	Minimum 20 feet
Wall Height	Maximum 12 feet from finished floor

Peak Height	Maximum 20 feet from finished floor
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#### 6-2.05 General Provisions:

- (A) Temporary Structures and Completion Requirements: All buildings must be completed in a manner so, when taken in comparison with other ordinance-regulated structures in the Residential District, they will not detract from the community, thus lowering values of the Residential District. See Section 5-12.
- (B) Off-Street Parking: Sufficient off-street parking spaces must be provided in each residential unit permitted under this subdivision. Garages, carports and driveway space shall be utilized to meet the off-street parking space requirements. See Section 5-14.

### 6-3.00 RR-2 RESIDENTIAL AND RECREATION DISTRICT

#### 6-3.01 Permitted Use:

- (A) Single-Family Dwelling (Including Manufactured Home):
- (B) Two-family dwelling.
- (C) Horticulture.
- (D) Recreational Vehicles and Camping Units on vacant parcels: (See Section 5-12.04(E))
- (E) Maximum of Three (3) accessory buildings per parcel.

Note: Residential garages and carports, either attached to the primary dwelling or free standing. If said structure is finished in a metal siding, said structure shall be of a baked finish so as not to detract from the residential quality of the community.

Note: A dwelling must be erected on a buildable parcel prior to the erection of any other structure, other than temporary structure which may be necessary for storage purposes while constructing the dwelling. Upon completion of the dwelling, the temporary structure shall be conformed to the aforementioned standards or removed.

Note: One story-accessory storage buildings with a total area less than 150 square feet are permitted without a dwelling. Such structures cannot be utilized as sleeping quarters.

Note: An accessory building is allowed on a lot across the street or road from a principal residential use. At least a portion or a point of the lot must directly align with the extension across the street or road of the lot lines of the existing R-1 residential lot with the principal structure and both lots must be under the same ownership. Prior to the issuance of a zoning permit, the lot on which the accessory building is proposed shall be deed restricted so as to treat use and transfer of ownership of the 2 lots as one. This restriction can only be removed by consent of both the Town Board and the Plan Commission.

- (F) Use customarily incidental to any use specified in this subsection shall be permitted in the Residential District.

6-3.02 Conditional Use:

- (A) Multi-family dwellings.
- (B) Churches, schools, parks, playground, public libraries, museums and municipal buildings, except sewage plants, garbage incinerators and municipal shops.
- (C) Any Conditional Use listed in R-1 District

6-3.03 Reserved

6-3.04 Lot and Building Regulations:

Lots	
Area	Minimum 20,000 square feet for a dwelling
Width	Minimum 100 feet unless greater restriction as specified by Adams County Land Division Ordinance.
MGCA per sect. 5-9.01	20% or 8,712 sq. ft., whichever is less.
Buildings/Structures:	
Building Height	Maximum 35 feet
Garage/Carport Width	Minimum 20 feet
Wall Height	Maximum 12 feet from finished floor
Peak Height	Maximum 20 feet from finished floor

**6-4.00 R-3 DELLWOOD SUBDIVISION DISTRICT (Includes Stormoen's Unrecorded Plat)**

6-4.01 Permitted Use:

- (A) Single-Family Dwelling (Including Manufactured Home):
- (B) Two-family dwelling.
- (C) Horticulture.
- (D) Recreational Vehicles and Camping Units on vacant parcels: (See Section 5-12.04(E))
- (E) Maximum of Three (3) accessory buildings per parcel.
  - (1) Maximum accessory building sizes (lots cannot be sold off without rendering the garage nonconforming.)
    - (a) 1 & 2 lots                      900 square feet
    - (b) 3 lots                              1000 square feet
    - (c) 4 lots                              1100 square feet
    - (d) 5 lots or more                1200 square feet

Note: Residential garages and carports, either attached to the primary dwelling or free standing. If said structure is finished in a metal siding, said structure

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shall be of a baked finish so as not to detract from the residential quality of the community.

Note: A dwelling must be erected on a buildable parcel prior to the erection of any other structure, other than temporary structure which may be necessary for storage purposes while constructing the dwelling. Upon completion of the dwelling, the temporary structure shall be conformed to the aforementioned standards or removed.

Note: One story-accessory storage buildings with a total area less than 150 square feet are permitted without a dwelling. Such structures can not be utilized as sleeping quarters.

Note: An accessory building is allowed on a lot across the street or road from a principal residential use. At least a portion or a point of the lot must directly align with the extension across the street or road of the lot lines of the existing R-1 residential lot with the principal structure and both lots must be under the same ownership. Prior to the issuance of a zoning permit, the lot on which the accessory building is proposed shall be deed restricted so as to treat use and transfer of ownership of the 2 lots as one. This restriction can only be removed by consent of both the Town Board and the Plan Commission.

(F) Use customarily incidental to any use specified in this subsection shall be permitted in the Residential District.

#### 6-4.02 Conditional Use:

(A) Any conditional use in the RR-2 District.

#### 6-4.03 Reserved

#### 6-4.04 Lot and Building Regulations:

Lots	
Area	Minimum 12,000 square feet for a dwelling
MGCA per sect. 5-9.01	30%
Buildings/Structures:	
Building Height	Maximum 35 feet
Garage/Carport Width	Minimum 16 feet
Wall Height	Maximum 12 feet from finished floor
Peak Height	Maximum 20 feet from finished floor

### 6-5.00 C-1 COMMERCIAL DISTRICT

6-5.01 Purpose: The C-1 Commercial District is intended to accommodate a wide range and scale of retail, office, commercial service, hospitality, residential and institutional uses, with moderate attention towards site, building, landscape, signage, lighting design and other techniques to manage impacts on surrounding land uses and the rural community.

6-5.02 Permitted Use: In general, retail operations normally found in a business district in urban areas, including:

(A) Overnight Lodging:

- (1) Hotels, motels and bed and breakfast establishments;
- (2) Rooming and boarding houses;
- (3) Mobile / manufactured home parks;
- (4) Recreational vehicle parks and campgrounds.

(B) Customer, News & Entertainment Services:

- (1) Banks;
- (2) Barber shop or beauty parlors;
- (3) Cleaning establishments for clothing;
- (4) Computer Services;
- (5) Bowling alleys;
- (6) Pool and billiard rooms;
- (7) Dance halls or skating rinks;
- (8) Theaters or places of amusements;
- (9) Wholesaling, warehousing, or mini-storage uses serving a broad range of consumers including residents and tourists. This would specifically exclude industrial uses;

(C) On-site Retail & Outlet Stores:

- (1) Hardware stores
- (2) Variety stores and general merchandise stores;
- (3) Clothing, department, shoe or tailor stores;
- (4) Souvenirs;
- (5) Curios, antique or gift shops;
- (6) Florist shops;
- (7) Book and stationary stores and newsstands;
- (8) Drug stores
- (9) Sporting goods stores;
- (10) Jewelry, watches and clock stores;
- (11) Tobacco and smokers' supply stores;
- (12) Miscellaneous retail stores

(D) Food & Beverage Stores:

- (1) Retail food stores;
- (2) General grocery stores, supermarkets;
- (3) Fruit and vegetable stores;
- (4) Meat and fish stores;
- (5) Miscellaneous food stores;
- (6) Candy, nut or confectionery stores;
- (7) Dairy product stores, including ice cream stores
- (8) Bakeries;
- (9) Liquor stores;

(E) Restaurants and Taverns:

- (1) Restaurants
- (2) Cafes;
- (3) Taverns and bars;

(F) Transportation:

- (1) Filling stations; Boat landings or marina;
- (2) Automobile sales and service establishments;
- (3) Railroad and bus depot, taxi services;

(G) Professional Services:

- (1) Business and professional offices;
- (2) Funeral parlors;
- (3) Legal services

(H) Government and Utility:

- (1) Telephone offices (excludes wireless communications.)
- (2) Public services and utilities
- (3) Municipal buildings, except sewage plants, garbage incinerators and municipal shops.
- (4) Electrical supply;

6-5.03 Conditional Use:

- (A) Single-family residence: Single-family residence may be allowed in a commercial district if residential setbacks are followed. Single-family residences if attached to or adjacent to the business building and intended to be occupied by the owner or

manager of the business. Second story rental apartments above the business are permitted.

- (B) Auto salvage yards;
- (C) Telecommunications facilities and wireless communication systems;
- (D) Contractor or construction offices and shops and display rooms, such as building, cement, electrical, heating, ventilating and air conditioning, masonry, painting, plumbing, refrigeration and roofing, provided that all parking (other than automobiles), loading, display of merchandise and parking or storage of equipment and supplies shall be conducted within completely enclosed buildings;
- (E) Day care facilities for children or adult community based residential facilities;
- (F) Manufacturing related to the sale or services of the principal use, such as cabinet or HVAC fabrication shops;
- (G) Outdoor recreation facilities including drive-in theaters, amusement parks, commercial recreation fields, golf driving ranges;
- (H) Truck terminals, or truck service facilities involving washing or vehicle repair;
- (I) Veterinarian services involving outdoor keeping of patient animals;
- (J) Commercial feed storage involving retail or wholesale sales, as contrasted with storage accessory to a farm;
- (K) Brewery, distillery and winery;
- (L) Indoor sports fitness facility;
- (M) Tattoo and body-piercing establishments;
- (N) Churches;
- (O) Schools;
- (P) Parks;
- (Q) Playground;
- (R) Public libraries;
- (S) Museums;
- (T) Sewage plants, garbage incinerators and municipal shops.
- (U) Animals, including exotic animals and fowl, subject to the following:
  - (1) The number of animals or fowl shall be commensurate with the size of the parcel and compatible with surrounding land uses.
  - (2) The premises shall be adequately fenced to prevent animals and fowl from straying on neighboring premises
  - (3) The premises shall be maintained in a clean and sanitary condition free of rodents, vermin and objectionable odors.

- (4) In the event the above restrictions and regulations are not complied with, the permit may be revoked by the Board of Appeals.

#### 6-5.04 Lot and Building Regulations.

Lots	
Area	Minimum 20,000 square feet (residential dwelling). Minimum 43,560 square feet (See Note 1). Minimum 20,000 square feet (See Note 2).
Width*	Minimum 130 feet (See Note 1). Minimum 100 feet (See Note 2).
MGCA per sect. 5-9.01	50%
Buildings/Structures:	
Building Height	Maximum 35 feet
Garage/Carport Width	Minimum 20 feet
Wall Height	Maximum 12 feet from finished floor
Peak Height	Maximum 20 feet from finished floor

Note 1: If lot is served by a private on-site wastewater treatment System (POWTS).

Note 2: If lot is served by a public sanitary sewer system or private group wastewater treatment system (PSSS/PGWTS).

\* (Unless greater restriction is specified by Adams County Land Division Ordinance).

\*\*Areas designated by the Town Board as primary business districts in which there shall be a special reduced speed limit, shall have a minimum front yard setback of 20 feet from the right-of-way.

#### 6-5.05 General Provisions.

- (A) Off-Street Parking: Every business located in the Commercial District shall provide sufficient off-street parking commensurate with the anticipated customer traffic. See Section 5-14.

### 6-6.00 I-1 INDUSTRIAL DISTRICT.

6-6.01 Purpose: The I-1 Industrial District is intended to accommodate a range of manufacturing, assembly, office, storage, utility, and other compatible industrial and related land uses, with moderate attention towards site, building, landscaping, signage, lighting design and surrounding land use and community impact. Where zoned over an area divided or intended to be divided into several lots, lands zoned I-1 should generally be developed in a planned business or industrial park format, ideally following the creation of a business or industrial park master plan.

6-6.02 Permitted Use: .....

- (A) Commercial Use Group:

- (1) Animal sales and grooming;

- (2) Commercial animal shelter, commercial boarding kennel or commercial breeding facility;
- (3) Veterinary services;
- (4) Bank;
- (5) Administrative, professional, or general office;
- (6) Medical office;

(B) Industrial Use Group:

- (1) Artisan workshop;
- (2) Brewery;
- (3) Contractor shop;
- (4) Distribution center;
- (5) Light manufacturing;
- (6) Outdoor storage;
- (7) Personal storage facility or mini-warehouse;
- (8) Wholesaling;

(C) Utility, Communication and Transportation:

- (1) Airport or landing strip;
- (2) Composting, recycling or waste transfer operation;
- (3) Public utility or service;
- (4) Mobile Service Tower and Facilities;
- (5) Small Wind Energy System;
- (6) Large Wind Energy System;

(D) Other Accessory & Temporary Uses and Structures:

- (1) Non-agricultural accessory structure;
- (2) Small solar energy system;
- (3) Temporary structure;
- (4) Temporary use;

6-6.03 Conditional Use:

- (A) College or university;
- (B) Detention or correctional facility;
- (C) Hospital;

- (D) Adult Entertainment establishment;
- (E) Commercial entertainment or recreation, Outdoor;
- (F) Commercial service;
- (G) Drive-in or drive-through use, including fueling;
- (H) Restaurant;
- (I) Retail sales;
- (J) Asphalt or concrete rock crushing facility or batch or ready-mix plant;
- (K) Freight or bus terminal;
- (L) General manufacturing;
- (M) Junkyard or salvage yard;
- (N) Non-metallic mineral extraction use;
- (O) Waste disposal operation;
- (P) Radio Broadcast Service Facilities;
- (Q) Animals, including exotic animals and fowl, subject to the following:
  - (1) The number of animals or fowl shall be commensurate with the size of the parcel and compatible with surrounding land uses.
  - (2) The premises shall be adequately fenced to prevent animals and fowl from straying on neighboring premises
  - (3) The premises shall be maintained in a clean and sanitary condition free of rodents, vermin and objectionable odors.
  - (4) In the event the above restrictions and regulations are not complied with, the permit may be revoked by the Board of Appeals.

6-6.04 Lot, Yard and Building Regulations:

Lots	
Area	Minimum 20,000 square feet (residential dwelling). Minimum 43,560 square feet (See Note 1). Minimum 20,000 square feet (See Note 2).
Width*	Minimum 130 feet (See Note 1). Minimum 100 feet (See Note 2).
MGCA per sect. 5-9.01	50%
Buildings/Structures:	
Building Height	Maximum 35 feet
Garage/Carport Width	Minimum 20 feet
Wall Height	Maximum 12 feet from finished floor
Peak Height	Maximum 20 feet from finished floor

Note 1: If lot is served by a private on-site wastewater treatment System (POWTS).

Note 2: If lot is served by a public sanitary sewer system or private group wastewater treatment system (PSSS/PGWTS).

\* (Unless greater restriction is specified by Adams County Land Division Ordinance).

**6-6.05 General Provisions:**

- (A) Off-Street Parking: Every business located in the Industrial District shall provide sufficient off-street parking commensurate with the anticipated customer traffic. See Section 5-14.

**6-7.00 A-1/PFL AGRICULTURAL DISTRICT/PRODUCTIVE FOREST LAND DISTRICT**

6-7.01 Permitted Use: In the A-1/PFL Agricultural/Productive Forest Land District, no building, structure or land shall be used unless provided in this Ordinance except for the following uses and as defined in Section 2-2 Use, consistent with Agricultural.

- (A) Any use permitted in the R-1 and RR-2 Districts.
- (B) General farming, truck gardening, dairy farming, livestock operations and greenhouses, except for farms and operations operated for the disposal of garbage, rubbish and offal.
- (C) Operations related to the collection of farm produce or merchandise or manufacturing operations related thereto such as creameries, mill condensing, pea vineries and cheese factories.
- (D) Livestock and fowl

**6-7.02 Conditional use:**

- (A) None.

**6-7.03 Lot and Building Regulations:**

Lots	
Area	Portions of land in the Agricultural District which are used for residential purposes shall be at least 5 acres. (217,800 square feet)
Width	Minimum 100 feet unless greater restriction as specified by Adams County Land Division Ordinance.
MGCA per sect. 5-9.01	20% or 8,712 sq. ft., whichever is less.

**6-8.00 F-1 FORESTRY DISTRICT**

**6-8.01 Permitted Use:**

- (A) The harvesting of wild crops such as wild hay, ferns, moss, berries and nuts, fruits and seeds.



- (B) Hunting and fishing, including trapping.
- (C) The practice of forest management in accordance with scientific silviculture practices.
- (D) The practice of wildlife and fish management.
- (E) Communication and power transmission lines and necessary structures under 50 feet in height.

6-8.02 Conditional Use:

- (A) Television and Communication structures 50 feet or greater in height.
- (B) Animals, including exotic animals and fowl, subject to the following:
  - (1) The number of animals or fowl shall be commensurate with the size of the parcel and compatible with surrounding land uses.
  - (2) The premises shall be adequately fenced to prevent animals and fowl from straying on neighboring premises
  - (3) The premises shall be maintained in a clean and sanitary condition free of rodents, vermin and objectionable odors.
  - (4) In the event the above restrictions and regulations are not complied with, the permit may be revoked by the Board of Appeals.

6-8.03 Prohibited Use:

- (A) Overnight camping or campfires of any kind.

**6-9.00 WC WETLAND CONSERVANCY DISTRICT**

6-9.01 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 hydrophilic vegetation and where soils are indicating of wet conditions

6-9.02 Intent: This district is intended to regulate such lands whether they fall within or outside Shoreland areas as defined by state statute.

6-9.03 Permitted Principal Uses:

- (A) 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.
- (B) Fishing.
- (C) Grazing in dry conditions.
- (D) Hunting if permitted under other Town laws.
- (E) Preservation of scenic, historic and scientific areas.

- (F) Public fish hatcheries.
- (G) Public or private parks, where left in a natural, undeveloped, open space use.
- (H) Sustained yield forestry if conducted under a US Soil Conservation Service management plan.
- (I) Stream, bank and lakeshore protection.
- (J) Water retention and wildlife preserves.

6-9.04 Permitted Accessory Uses:

- (A) 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.

6-9.05 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.

6-9.06 Special Regulations:

- (A) On-site Well and Sewage Disposal Prohibited. No private well used to obtain water for human consumption or soil absorption sewage effluent treatment system or holding tank shall be placed within this district.

6-9.07 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.

**6-10.00 PDD PLANNED DEVELOPMENT DISTRICT**

- 6-10.01 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 and Land Use Ordinance and with the Town's Comprehensive Plan. Developers can propose use or combination of use and configurations of intensity and density of development. Through a process of Plan Commission 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 Quincy. 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.

- 6-10.02 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 Quincy 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 PD District except as may be provided in an approved final development plan.
- 6-10.03 Pre-Application Conference. Prior to filing an application for approval of a preliminary Planned Development District, the developer shall consult with the Plan Commission 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.
- 6-10.04 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 PD District requires approval of a PDD general development plan and final development plan as provided in this chapter
- 6-10.05 Criteria for Zoning Change to Apply PD District. The Town Board shall decide an application to apply the PDD District and shall approve the zoning 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.

6-10.06 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.

6-10.07 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.

6-10.08 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.

6-10.09 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 Quincy 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.

6-10.10 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 PSSS or PGWTS 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 PSSS or PGWTS.
- (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 PSSS or PGWTS.

6-10.11 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.

6-10.12 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 required 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.

#### 6-10.13 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 detailing 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.

6-10.14 Emergency Access. The configuration of buildings, driveways, and other improvements shall allow convenient and direct emergency vehicle access.

6-10.15 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.

6-10.16 Development Phasing. The applicant may provide in the general development plan for development of the project in phases, if approved by the Town Board.

6-10.17 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.

6-10.18 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. Eight (8) 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.

6-10.19 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.

- 6-10.20 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.
- 6-10.21 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.

**6-11.00 PSO PUBLIC AND SEMI-PUBLIC DISTRICT.**

6-11.01 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.

6-11.02 Conditional Uses: The following uses may be permitted after review and approval by the Plan Commission.

- (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.

6-11.03 Lot, Yard and Building Regulations:

Lots	
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Area	Minimum 35,000 square feet
Width	Minimum 150 feet unless greater restriction as specified by Adams County Land Division Ordinance.
MGCA per sect. 5-9.01	50%
Buildings/Structures:	
Building Height	Maximum 35 feet
Garage/Carport Width	Minimum 20 feet
Wall Height	Maximum 12 feet from finished floor
Peak Height	Maximum 20 feet from finished floor
Accessory Building:	
Area	Maximum 150 square feet
Peak Height	Maximum 12 feet

#### **6-12.00 LNO LANDFILL NOTIFICATION OVERLAY.**

6-12.01 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.

6-12.02 Permitted Uses: All permitted and accessory uses as allowed by the underlying zoning, provided necessary state permits for well water usage have been obtained.

6-12.03 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.

## **SECTION 7 – MANUFACTURED HOME PARKS AND CAMPGROUNDS**

### **7-1.00 GENERAL PROVISIONS.**

7-1.01 Purpose and Intent: It shall be unlawful to locate, place, park or maintain any Modular Home, Manufactured Home, Mobile Home, Recreational Vehicle and or Camping Unit in the Town of Quincy except in accordance with the provisions of this Ordinance.

7-1.02 Location.

- (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 Plan Commission 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.
- (C) All the allowable uses listed in Section 7-3.02(A) shall be subject to the restrictions set forth in this Ordinance applying to Conditional Use, including those specifying consideration and recommendation by the Plan Commission.

7-1.04 Driveways: Refer to Quincy Driveway Ordinance Z4.

7-1.05 through 7-1.08 Reserved

7-1.09 Permits:

- (A) Mobile Home and Recreational Vehicle Parks. It shall be unlawful for any person to construct, alter, or extend any mobile home park or recreational vehicle park within the Town of Quincy unless he/she holds a valid permit issued by the Town in the name of such person for the specific construction, alteration, or extension proposed.
  - (1) All applications for permits shall contain the following:
    - (a) All the information requested for a conditional use permit, Section 4-5.02.
    - (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 Plan Commission.
  8. Location of tornado/storm shelter.
- (c) All applications for permits shall be reviewed by the Plan Commission or designee.
- (d) 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.
- (e) When, upon review of the application, the Plan Commission is satisfied that the proposed plan meets the requirements of this Ordinance, a permit shall be issued.
- (f) 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.
- (2) Inspection of Mobile Home and Recreational Vehicle Parks.
- (a) The Plan Commission is hereby authorized and directed to make inspections as are necessary to determine satisfactory compliance with this Ordinance.
- (b) The Plan Commission 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 Plan Commission 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.

## **7-2.00 RESERVED**

## **7-3.00 MOBILE HOME PARKS.**

### **7-3.01 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 7-1.09 of this Ordinance.
- (C) All mobile home parks established in the Town of Quincy shall comply with the design, system, and other requirements set forth hereunder, and those contained in Wisconsin Statutes and SPS 326.

7-3.02 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.

7-3.03 Permitted Uses:

- (A) 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.
- (B) Parks, playgrounds, and open-space uses.
- (C) The following commercial uses when they are for the exclusive use of park residents:
  - (1) Mobile home park office.
  - (2) Clubhouse and facilities for private social or recreation clubs.
- (D) Signs pertaining to the lease, hire, or sale of individual mobile homes, not more than 2 square feet in area. Refer to Quincy Sign Ordinance #5-2005, as revised.
- (E) One mobile home park identification sign not more than 32 square feet in area, to be located in proximity to the park entrance. Refer to Quincy Sign Ordinance #5-2005, as revised.

7-3.04 Mobile Home Parks and Lots, Density Controls, and Standards:

- (A) 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.
  - (1) 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:

	w/ PSSS/PGWTS	w/o PSSS/PGWTS
Area	5,000 square feet	10,000 square feet
Width (at mobile home)	50 feet	100 feet
Depth	100 feet	100 feet

- (2) No mobile home park shall have an overall density greater than six mobile homes per any one acre.
- (3) 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.

#### 7-3.05 Required Setbacks

All mobile homes shall meet the setback requirements in Section 5-7.

##### (A) 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                                      20 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 120 feet, and a pavement diameter of at least 90 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.

#### 7-3.06 Parking Requirements:

- (A) 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.
- (B) Visitor Parking: A minimum of one space for every four mobile home lots shall be provided for visitor parking purposes.



(C) Parking Space: Each parking space shall contain a minimum of 180 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.

(D) 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.

7-3.07 Illumination Requirements: All parks shall be furnished with dark sky “full cut-off” lighting units so spaced and designed to provide safe movement of pedestrians and vehicles at night. Lighting units shall be placed at the following:

(A) Park streets.

(B) Public walkways.

(C) Entrances to public buildings.

(D) Any potentially hazardous location.

7-3.08 Tenant Storage:

(A) 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.

(B) 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.

7-3.09 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.

7-3.10 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

#### **7-4.00 RECREATIONAL VEHICLE PARKS.**

7-4.01 A recreational vehicle park may be established within a C-1 Commercial District subject to the provisions of this Ordinance.

7-4.02 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.

7-4.03 Use Standards:

- (A) No Recreational Vehicle or Camping Unit maybe used as a permanent dwelling.
- (B) No Recreational Vehicles and or Camping Unit in poor condition shall be permitted in the Town.
- (C) All Independent Camping Units shall be maintained in a sanitary manner and or be removed to an approved dumping station after a maximum of 5 days use.
- (D) Every Recreational Vehicle and or Camping Unit must meet the minimum standard of an Independent Camping Unit.

### **SECTION 8 – SPECIAL REGULATIONS**

#### **8-1.00 HOME OCCUPATION / PROFESSIONAL HOME OFFICE.**

A Home Occupation/ Professional Home Office is any home occupation/profession carried on by a member of the immediate family residing on the premises, which meets all of the following conditions:

8-1.01 The home occupation/profession shall be conducted only within the enclosed area of the dwelling unit or accessory building thereto.

8-1.02 There shall be no exterior or interior alterations or additions to the dwelling unit or accessory building in connection with the home occupation/profession. There shall not be any evidence of any kind visible from the exterior of the dwelling or accessory building that indicate it is being used in part for any purpose other than that of a dwelling or allowed accessory use except for those signs permitted in such residential district.

8-1.03 No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation/profession shall be visible outside the dwelling or accessory building located on the premises.

8-1.04 The home occupation/profession must not create environmental, safety or health hazards such as smoke, odor, glare, noise, dust, vibrations, fire hazards, electrical

interference, admissions or any other nuisance not normally associated with the residential use of the District.

- 8-1.05 The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises, and traffic generated by the home occupation may not exceed that which is customary to residential occupancies in the neighborhood.
- 8-1.06 A home occupation shall not occupy more than 25% of the floor area of one story of the dwelling that is devoted to such home occupation/profession.
- 8-1.07 Persons employed by home occupation/profession shall be limited to resident family members and not more than one non-resident employee.
- 8-1.08 Under no circumstances shall a vehicle repair or vehicle body work business qualify as a home occupation/profession.
- 8-1.09 The home occupation/profession must be clearly secondary and incidental to the residential use of the property.
- 8-1.10 The home occupation/profession must not interfere with residential occupancy of other parcels in the District
- 8-1.11 Signage by the home occupation will be governed by the Town's sign ordinance. One sign shall be permitted, which sign shall be attached to the building or the accessory building, and shall not exceed four (4) sq. ft. and shall not be lighted at night.
- 8-1.12 Garage sales as a type of home occupation are allowable in all residential districts provided that not more than two are held on a single premise per year and that each such sale shall not exceed four (4) days in duration.
- 8-1.13 Daycare is allowable as a home occupation/profession in a residential district where such use falls within the definition "family daycare home" as defined in section 66.304(1) Wis. Stats., and any amendment or revision thereof.
- 8-1.14 No on-site production shall be permitted which is typically only permitted in the industrial zoning districts.
- 8-1.15 No mechanical or electrical equipment shall be installed or maintained other than as is customarily incidental to residential use.
- 8-1.16 Traffic generated by the home occupation/profession may not exceed that which is customary to residential occupancies in the District.
- 8-1.17 The use is to be clearly incidental to the use of the dwelling unit for residential purposes.

## **8-2.00 FENCES AND HEDGES**

8-2.01 Fences Defined. For the purpose of this section refer to Section 2-2, fence definitions.

(A) No fence shall be constructed of unsightly materials or materials that would constitute a nuisance. For the purpose of this section, the term "fence" shall include plantings, such as hedges and shrubbery.

8-2.02 Height of Fences Regulated.

- (A) Except as provided in Section 5-7.06, a fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding eight (8) feet above the ground level, except that no such fence, wall, hedge, or shrubbery that is located in a required front or corner side yard shall exceed a height of four (4) feet. Where such lot line is adjacent to non-residentially zoned property, there shall be a ten (10)-foot limit on the height of a fence, wall, hedge or shrubbery along such lot line.
- (B) Fences, walls, hedges or shrubbery shall be erected, placed, maintained, or grown along a lot line on any business or industrially zoned property, adjacent to residentially zoned property, to a height not less than eight (8) feet.
- (C) In any residential district, fences, walls, hedges or shrubbery erected, constructed, maintained, or grown shall not exceed two and one-half (2 1/2) feet above the street grade within the vision triangle of the intersection of any street lines or of street lines projected per Section 5-7.06.

8-2.03 Setback for Residential Fences. Fences in or adjacent to a residential property shall have a minimum six (6)-inch side and rear yard setback unless the adjacent property owner consents, in writing, to the entrance upon such owners land for the purpose of maintaining said fence. Maintenance includes cutting the grass.

8-2.04 Security Fences. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of open type similar to woven wire or wrought iron fencing.

8-2.05 Fences to Be Repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

8-2.06 Temporary Fences. Fences erected for the protection of planting, or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4)-foot intervals. Such fences shall comply with the setback requirements set forth in this section. Said fences shall not be erected for more than forty-five (45) days. Snow fence which does not conflict with Section 5-7.06 may remain in place for the winter snow season (generally November 15 thru April 15).

8-2.07 Nonconforming Fences and Hedges. Any fence or hedge existing on the effective date of this ordinance and not in conformity with this section may be maintained, but no alteration, modification or improvement of said fence shall comply with this section.

### **8-3.00 TELEVISION AND COMMUNICATION TOWERS.**

#### **8-3.01 Radio or Television Antenna Towers.**

- (A) No radio or television antenna tower shall be erected or installed within the front or side yard. The rear setback and the side setback in rear yards shall be that for the principal structure within the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Zoning Administrator.

- (B) No radio or television tower shall exceed a height of twenty (20) feet above the roof line of the building on the property upon which the antenna is located or sixty (60) feet above the ground measured at grade level, whichever is less.
- (C) Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code, Federal Communications Commission and the instructions of the manufacturer; in cases of conflict the stricter requirements shall govern.

#### 8-3.02 Wireless Communication Systems.

(A) Purpose and intent: The purpose of this section is to regulate by zoning permit:

- The siting and construction of any new mobile service support structure and facilities;
- With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and
- With regard to a class 2 collocation, collocation on an existing support structure and mobile service facilities; and
- Radio broadcast facilities.

(1) It is intended that the Town shall apply these regulations to accomplish to the greatest degree possible the following:

- (a) Minimize adverse effects of mobile service facilities and mobile service support structures.
- (b) 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 and provided to serve the community, as well as serve as an important and effective part of the Town/County's police, fire, and emergency response network.
- (c) Provide a process of obtaining necessary permits for mobile service facilities and support structures while at the same time protecting the legitimate interests of the Town citizens.
- (d) Encourage the use of alternative support structures, co-location of new antennas on existing support structures, camouflaged mobile service support structures, and construction of support structures with the ability to locate three or more providers.
- (e) Furthermore, this section is not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, it is not intended to regulate satellite dishes/antennas whose regulation is prohibited by sec. 59.69(4d), or its successor sections, of the Wisconsin statutes or as permitted by federal law.

(B) Definitions:

- (1) All definitions contained in s. 66.0404(1), Wisconsin statutes are hereby incorporated by reference.
- (2) For the purpose of this section, the following terms and phrases shall be defined as:
  - (a) Camouflaged mobile service support structure: any mobile service support structure that due to design or appearance hides, obscures, or conceals the presence of the mobile service support structure.
  - (b) Satellite dish: a device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.
- (C) Exempt from permitting: The following shall be exempt from the requirement to obtain a land use permit, unless otherwise noted.
  - (1) The use of all receive-only television antenna and satellite dishes.
  - (2) Amateur radio and/or receive-only antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive-only purposes.
  - (3) Mobile services providing public information coverage of news events of a temporary or emergency nature.
- (D) Siting and construction of any new mobile service support structure and facilities and class 1 collocation:
  - (1) Application process
    - (a) A land use permit is required for the siting and construction of any new mobile service support structure and facilities and for class 1 collocation.
    - (b) A written permit application must be completed by any applicant and submitted to the Plan Commission. The application must contain the following information:
      - (1) The name and business address of, and the contact individual for, the applicant.
      - (2) The location of the proposed or affected support structure.
      - (3) The location of the proposed mobile service facility.
      - (4) 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.

- (5) 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.
  - (6) 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 service support structure attesting 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.
- (c) A permit application will be provided by the Plan Commission upon request to any applicant.
- (2) Completed applications. If an applicant submits to the Plan Commission an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Plan Commission shall consider the application complete. If the Plan Commission does not believe that the application is complete, the Plan Commission 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.
- (3) Town responsibilities. Within 90 days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Plan Commission may agree in writing to an extension of the 90 day period:
- (a) Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinances.
  - (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 decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (4) Disapproval. The Plan Commission may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's

search ring and provide the sworn statement described under paragraph (D)(1)(b)(6).

- (5) Application of setback/fall zone. If an applicant provides the Plan Commission with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, the zoning ordinance does not apply to such structure unless the Plan Commission provides the applicant with substantial evidence that the engineering certification is flawed.
- (6) Fees. See Section 4.
- (7) Limitations. Zoning permits for siting and construction of any new mobile service support structure and facilities and land use permits for class 1 collocations shall only be granted provided the following conditions exist:
  - (a) If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.
  - (b) The applicant has obtained federal communications commission (FCC) license numbers and registration numbers if applicable.
  - (c) The applicant and/or agent have copies of findings of no significant impacts (FONI) statement from the federal communications commission (FCC) or environmental assessment or environmental impact study (EIS), if applicable.
  - (d) The applicant and/or agent have copies of the determination of no hazard from the federal aviation administration (FAA) including any aeronautical study determination or other findings, if applicable.
  - (e) The applicant and/or agent have plans indicating security measures (i.e. Access, fencing, lighting, etc.).
  - (f) For new mobile service support structures, the applicant has obtained a report prepared by an engineer licensed by the state of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
  - (g) The applicant and/or agent have proof of liability coverage.
  - (h) The applicant and/or agent have copies of an affidavit of notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail.
  - (i) The facility or collocation is designed to promote site sharing, such that space is reasonably available to collocators and such that telecommunication towers and necessary appurtenances, including but



not limited to parking areas, access road, and utilities, are shared by site users whenever possible.

(E) Class 2 collocation

(1) Application process

- (a) A zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use, but still requires the issuance of the permit.
- (b) A written permit application must be complete by any applicant and submitted to the Plan Commission. The application must contain the following information:
  - (1) The name and business address of, and the contact individual for, the applicant.
  - (2) The location of the proposed or affected mobile service support structure.
  - (3) The location of the proposed mobile service facility.
- (c) A permit application will be provided by the Plan Commission upon request to any applicant.

(2) Requirements. A class 2 collocation is subject to the same requirements for the issuance of a zoning subject to the same requirements for the issuance of a zoning permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a zoning permit shall be \$500. See Section 4.

(3) Completed applications. If an applicant submits to the Plan Commission an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Plan Commission shall consider the application complete. If any of the required information is not in the application, the Plan Commission shall notify the applicant in writing, within 5 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.

(4) Town requirements. Within 45 days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Plan Commission may agree in writing to an extension of the 45 day period:

- (a) Make a final decision whether to approve or disapprove the application.
- (b) Notify the applicant, in writing, of its final decision.
- (c) If the application is approved, issue the applicant the relevant permit.
- (d) If the decision is to approve the application, include with the written notification substantial evidence which supports the decision.

- (5) Fees. The fee for the permit is as set forth in Section 4, except that the maximum fee for the zoning permit shall be \$500.
- (F) Information report. The purpose of the report under this subsection is to provide the Town with accurate and current information concerning the mobile service facility owners and providers who offer or provide mobile services within the Town, or that own or operate mobile service facilities within the Town, to assist the Town in enforcement of this subsection, and to assist the Town in monitoring compliance with local, state and federal laws.
- (1) Information report. Every year beginning in 2015 every owner of any mobile service support structure shall submit to the Plan Commission a telecommunications facility information report (the "report") on or before January 31, or within forty-five (45) days of receipt of a written request from the Plan Commission. The report shall include the mobile service support structure owner's name(s), address(es), phone number(s), contact person(s), and proof of liability insurance and bonding as security for removal. The support structure owner shall also supply the mobile service support structure height or current occupancy, if applicable, the number of collocation positions designated, occupied or vacant. This information shall be submitted on the Town form provided and designated for such use, and shall become evidence of compliance.
- (G) Removal/security of removal.
- (1) It is the express policy of the Town and this code that mobile service support structures be removed once they are no longer in use and not a functional part of providing mobile service and that it is the mobile service support structure owner's responsibility to remove such mobile service support structures and restore the site to its original condition or a condition approved by the Town Plan Commission. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the mobile service support structure down to 5 feet below the surface. After a mobile service support structure is no longer being used for mobile service that is in operation, the mobile service support structure owner shall have one hundred eighty (180) days to effect removal and restoration unless weather prohibits such efforts. Permittee shall record a document with the 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.
- (2) Security for removal. The owner of any mobile service support structure other than a municipality or other unit of government shall provide to the Town, prior to the issuance of the zoning permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or twenty thousand dollars (\$20,000), whichever is less, to guarantee that the mobile service support structure will be removed when no longer in operation. The Town will be named as obligee in the bond and must approve the bonding company. The Town may require an increase in the bond amount after five (5) year intervals to reflect increases in the

consumer price index, but at no point shall the bond amount exceed twenty thousand dollars (\$20,000). The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days, after the Town's request. A permittee may submit a letter of credit in the amount set forth above, or, in the alternative, a permittee with several sites in the Town may submit a master bond to cover all of said sites. A master bond or a letter of credit may, in the committee's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount used as the master bond or letter of credit covers any other site in the Town.

(H) Structural, design and environmental standards

- (1) Mobile service support structure, antenna and facilities requirements. All mobile service facilities and mobile service support structures, except exempt facilities as defined in subsection (c), shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below:
  - (a) Mobile service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the Town to be otherwise.
  - (b) Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.
  - (c) Equipment compounds shall be constructed of non-reflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
  - (d) Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with the state of Wisconsin uniform building code, national electrical code, uniform plumbing code, uniform mechanical code, and uniform fire code, the Town subdivision ordinance, the Town sanitation ordinance, electronic industries association (EIA), American National Steel Institute standards (ANSI), and American National Standards Institute (ANSI) in effect at the time of manufacture.
  - (e) Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or supervisory controlled automated data acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the Town.
- (2) Site development. A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment

compounds shall be located so as to permit expansion for mobile service facilities to serve all potential collocators.

(3) Vegetation protection and facility screening.

- (a) Except exempt facilities as defined in subsection (c), all mobile service facilities shall be installed in a manner to as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation.
- (b) Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site.

(4) Fire prevention. All mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.

(5) Noise and traffic. All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile service facilities, except exempt facilities as defined in subsection (c):

- (a) Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 am and 6:00 pm, except in times of emergency repair and,
- (b) Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes.

(6) Separation requirements. Mobile service support structures shall be separated by a minimum of 2640 feet, except that:

- (a) Two (2) mobile service support structures may be permitted to be located within 100 feet of each other subject to approval of the Town Plan Commission.
- (b) Camouflaged mobile service support structures are exempt from the separation between mobile service support structures requirement listed above.

(I) Compliance/penalties

- (1) Abandonment. Any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the committee may extend the time limit to abandon once for an additional twelve-month period. Such extension shall be based on the finding that the owner or

permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:

- (a) The owner of such antenna, mobile service facility or mobile service support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Plan Commission notifying the owner of such abandonment. If removal to the satisfaction of the Plan Commission does not occur within said ninety (90) days, the Town Zoning Administrator may order removal utilizing the established bond as provided under subsection (g) and salvage said antenna, mobile service facility or mobile service support structure, including all supporting equipment and building(s). If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.
  - (b) The recipient of a zoning permit allowing a mobile service support structure and facility under this section, or the current owner of operator, shall notify the Town Plan Commission within 45 days of the date when the mobile service facility is no longer in operation.
- (2) Penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be subject to the penalty provisions set forth in Section 4 of this code.
- (J) Radio broadcast services facilities and structures
- (1) Application procedure
    - (a) Zoning permit is required for:
      - 1) The modification of a pre-existing facility or structure if the modification is inconsistent with the original zoning permit
      - 2) The construction of any new radio broadcast service facility or structure.
    - (b) The department will provide an applicant with a zoning permit application form and a zoning permit application form upon request.
    - (c) An applicant's zoning permit application will be processed as provided for in Section 4.
    - (d) An applicant must submit a written application for a zoning permit to the department. The application must contain the following information:
      - 1) The name and business address of the applicant, along with the name of a contact person.
      - 2) The location of the proposed facility and structure.

- 3) A construction plan describing the existing or proposed facility and structure and the equipment and network components, including antennas, base stations, cabling, power supplies, receivers, transmitters, and related equipment to be placed on or around the new facility and structure.
- (e) An application that contains all of the information required under this ordinance will be considered to be complete. If the department does not believe that the application is complete, it shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification must specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (f) Within 90 days of receipt of a complete application, the Commission shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Commission may agree in writing to an extension of the 90 day period:
  - 1) Review the application and determine whether it complies with all applicable aspects of the Town's zoning ordinances, subject to the limitations in Wis. Stat. § 66.0404.
  - 2) Make a final decision whether to approve or disapprove the application.
  - 3) Notify the applicant, in writing, of its final decision.
  - 4) If the decision is to disapprove the application, the written notification must set forth the substantial evidence that supports the decision.
- (g) A party who is aggrieved by the Commission's final decision may appeal the action to the Board of Adjustment.

#### **8-4.00 NON-METALLIC MINERAL EXTRACTION.**

8-4.01 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.

8-4.02 Conditional Uses. 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) An Adams County Land and Water Conservation Department approved Reclamation Plan must be in effect during the entire duration of the permit.
- (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 shall be required for each initial application, and a filing fee 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.

8-4.03 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.

## **8-5.00 ADULT ENTERTAINMENT ESTABLISHMENTS.**

8-5.01 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 Quincy. Being mindful of the effects of adult entertainment upon Town residents 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.

8-5.02 Establishments. Adult Establishments includes bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios, cabarets, and video stores providing materials or services not intended for minors.

- (A) Adult Bookstore. An establishment having 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 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 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 or specified anatomical areas.
- (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.
- (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 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 or an establishment with a segment or section devoted to the sale, display or rental of such material.

8-5.03 Conditional Use. An adult entertainment establishment shall be a conditional use only within lands zoned I-1 Industrial District. Any of the types of establishments in Section 8-5.02 may be permitted after review and approval by the Plan Commission.

8-5.04 Number of Establishments. In addition to all other applicable requirements of this Ordinance, all adult entertainment uses shall meet the following standards:

- (A) 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 residential dwelling, or within two thousand five hundred (2,500) feet of any school, library, church, park, playground, or daycare facility.
- (B) There shall be no sale of intoxicating beverages in the Adult Entertainment Establishment.
- (C) Signs advertising any of the adult entertainment uses defined herein shall conform with Section 5-15 with the following exceptions:
  - (1) No tower or portable signs or billboards shall be permitted on the premises;
  - (2) Signs will not depict or describe specified anatomical areas or specified sexual activities;
  - (3) There shall be no flashing or traveling lights located outside the building;

- (4) 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.
- (D) Adequate parking per Section 5-14 shall be provided in a lighted area.
- (E) There shall be no display windows on the premises.
- (F) 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.
- (G) 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.
- (H) 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.
- (I) 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.
- (J) In the event of non-compliance with any condition imposed on the adult entertainment establishment use, the conditional use permit may be revoked.

#### **8-6.00 PERFORMANCE STANDARDS.**

- 8-6.01 Purpose. This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards. In all cases, the more restrictive regulations between this chapter and state and federal requirements will be required.
- 8-6.02 Air Pollution. No activity or operation shall be established or maintained which by reason of its nature causes emission of any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. In no case shall any activity emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines' Information Circular 7718, as revised, in any industrial district.
- 8-6.03 Fire and Explosive Hazards. All activities involving the manufacturing, utilization, processing or storage of flammable and explosive material shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be

manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

- 8-6.04 Garbage. All waste material, debris, refuse or garbage which cannot be properly disposed of through the public or private sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of garbage.
- 8-6.05 Glare and Heat. No unsanctioned activity shall emit glare or heat this is visible or measurable outside its premises, except activities in the industrial district which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- 8-6.06 Junk: For the purpose of this section, any premises used for the storage, gathering, recycling, or sale of junk (see Section 2-2) except as specified below, is a Junkyard or Salvage Yard.
- (A) Junk, as defined in this chapter, may be stored on any premises provided that it is stored solely for use on the premises or is being accumulated for disposal, and that all junk is at all times stored in a manner securing it from public view within an enclosed building and that in the A-1 district all applicable requirements of Chapter 91, Wisconsin Statutes are met.
  - (B) One inoperable motor vehicle may be stored without securing it from public view.
  - (C) Farm machinery and equipment including operable and inoperable semi-trailers that are used for agriculture purposes on a farm does not need to be secured from public view and are not considered junk and the farm is not considered a junkyard or salvage yard.
- 8-6.07 Liquid or Solid Wastes. No activity shall result in a discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.
- 8-6.08 Noise and Vibration. No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise in such levels as to be detrimental to or endanger the public health and safety or cause injury to property or business. In no case shall any activity emit noise or vibration over seventy-five (75) decibels, emanating from any activities, beyond the boundaries of the immediate site.
- 8-6.09 Odors. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.

8-6.10 Radioactivity and Electrical Disturbances. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

#### **8-7.00 FIRE AND SAFETY.**

8-7.01 Purpose. The purpose of this Ordinance is to adopt regulations to prevent, detect and suppress the fire and related fire hazards.

8-7.02 Prohibition Against Storing or Keeping Combustible Refuse. No Person, corporation or other entity shall permit combustible waste material, any dead trees or limbs, or other combustible refuse to be stored or kept on property owned or occupied by that person or entity in such a way as to create a fire hazard.

8-7.03 Authority to enter premises. The Town Chairman, or such other persons as designated by said Town Chairman may, at all reasonable hours, enter any building or premises for the purpose of making any inspection, or investigation which, they may deem necessary in the enforcement of this ordinance.

The Town Chairman or designee shall be permitted by the owner, lessee, manager, or operator of any building or premises to enter and inspect their building or premises at any reasonable hour.

8-7.04 Orders to Eliminate Hazardous Conditions. Whenever the Town Chairman or designee shall find in any building or upon any premises combustible waste material, any dead trees or tree limbs, or other combustible refuse being stored or kept in such a way as to create a fire hazard, contrary to Section 2 of this Ordinance, they may order such hazardous conditions or materials to be removed or remedied, in such manner as may be specified by said Chairman or designee, within 20 days from the date such Order is delivered to any owner or any occupant of such building or premises. A copy of this Ordinance shall be attached to any such Order.


8-7.05 Service of Order. The service of any Order under this Ordinance shall be made upon any owner or any adult occupant of such premises either by delivering a copy of the same to any such person or entity or by leaving it with any adult person in charge of the premises. Further, in case no such person is found upon the premises, then service may be made by affixing a copy of the Order in a conspicuous place on the premises and mailing a copy to the last known address of the owner(s) of such premises according to the most current Town records, in which case service shall be deemed to have been made on the date of mailing. Service on any owner or occupant as provided in this section shall be deemed to be sufficient service on all owners or occupants of such premises and the Town shall be required only to serve the Order on one owner or occupant.


8-7.06 Appeals. The owner or occupant of any premises subject to an Order issued under this Ordinance may appeal such Order to the Town Board of the Town of Quincy within 7 days after such Order is served under Section 8-7.05 of this Ordinance.

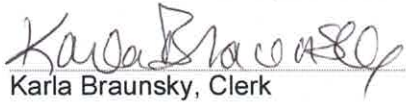
8-7.07 Penalty. Any failure to comply with this section after a twenty (20) day written notice shall subject the property owner to a fine. Each day shall constitute a separate offense.

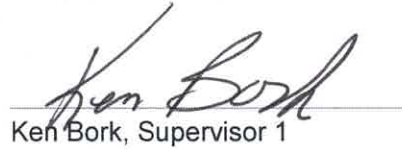
EFFECTIVE DATE. This Ordinance shall be in force the day after its approval by the Adams County Board and shall supersede all previous Ordinances of the Town of Quincy.

QUINCY TOWN BOARD

  
Jesse Pittsley, Chairman

  
Sharon Treszniak, Supervisor 2

  
Karla Braunsky, Clerk

  
Ken Bork, Supervisor 1

Date of Public Hearing: August 22, 2024

Date of Adoption: August 22, 2024

Date of Adams County Approval:

Date of Enforcement: 10/2/24