

SUBCHAPTER 5: GENERAL STANDARDS & REGULATIONS

SUBCHAPTER 5: GENERAL STANDARDS AND REGULATIONS**22.500 PURPOSE**

The purpose of this Subchapter is to set forth various general requirements applicable to all development for all land uses in all zoning districts within the jurisdiction of this Chapter. These requirements cover a broad array of issues which are important for the promotion and protection of the safety and general welfare of the public, including (but not limited to) requirements for density, intensity, bulk, access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring in the Town.

22.501 RESERVED FOR FUTURE USE**22.502 DENSITY AND INTENSITY STANDARDS**

(1) **PURPOSE:** The purpose of these standards is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this Chapter. The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district in which the site is located; 4) the development option(s) the site is developed under; and 5) the use(s) considered for development. ADensity@ and AIntensity@ are defined in Section 22.125

Rationale: These standards regulate the development potential of all property within the jurisdiction of this Chapter. They are designed to ensure the implementation of many goals and objectives of the Master Plan. (See also, Section 22.103). Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such conventional approaches often prove to be inflexible and often permit the needless destruction of sensitive natural resources. The approach employed herein, relying on Maximum Gross Densities (MGDs) and minimum Green Space Ratios (GSRs) for residential development, and minimum required Landscape Surface Ratios (LSRs) in combination with maximum permitted Floor Area Ratios (FARs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district), results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals and objectives.

(2) **STANDARDS:**

(a) **Where Found:** The standards which determine the maximum amount of development permitted on any given site are found in Subchapter 2. Each zoning district found in Subchapter 2 contains specific Density and Intensity requirements. Furthermore, for convenience, some of the Density and Intensity Standards are summarized in chart form in Appendix 2 ALot Development Worksheet@

(b) **How To Calculate Requirements:** These standards recognize the inherent differences between residential and nonresidential land uses, and thus regulate their development in slightly different manners. In determining the standards applicable to a particular lot, it is recommended that the AGeneral Instructions For Following Zoning Ordinance@ contained in Appendix 1 be consulted, along with the steps described below for each standard.

(3) **MINIMUM ZONING DISTRICT AREA (MZA):** In Subchapter 2, within each zoning district, there are standards which establish a Aminimum zoning district area@ (MZA). This term is defined in Section 22.125. The lot in question must be part of a zoning district area which meets or exceeds this minimum standard, which is intended to prevent Aspot zoning@. Compliance with the MZA standard is determined as follows:

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- Step 1: Consult the Official Zoning Map to determine the total contiguous area which is currently zoned and/or proposed to be zoned under the same zoning district as the proposed development.
- Step 2: Review the requirements for MZA found in Subchapter 2 under the particular land use which applies to the lot in question.
- Step 3: Compare the number calculated in Step 1 above with the MZA found in Step 2, to determine if the amount of zoning district area proposed for the lot complies with the standard. Modify, if necessary, the zoning district boundaries to comply with the standard.

- (4) MINIMUM LOT AREA (MLA):** In Subchapter 2, within each zoning district, there are standards which establish a minimum lot area (MLA). This term is defined in Section 22.125. The lot in question must meet or exceed this MLA. Compliance with the MLA standard is determined as follows: (For assistance, use a Lot Development Worksheet, Appendix 2)

Step 1: Calculate the size of the lot in question.

Step 2: Review the requirements for Minimum Lot Area found in Subchapter 2 under the particular land use which applies to the lot in question.

Step 3: Compare the number calculated in Step 1 above with the Minimum Lot Area (Step 2) established for the particular zoning district, to determine if the size of the lot complies with the standard. Modify, if necessary, the size of the lot in question to comply with the standard.

- (5) MAXIMUM BUILDING COVERAGE (MBC):** In Subchapter 2, within each zoning district, there are standards which establish a maximum building coverage (MBC) (i) for principal buildings, (ii) for accessory buildings, and (iii) for all buildings combined. MBC is defined in Section 22.125. These standards limit the total percentage amount of a lot which can be covered by principal buildings and accessory buildings. These percentages are determined as follows: (For assistance, use a Lot Development Worksheet, Appendix 2)

Step 1: Calculate the size of the lot in question in square feet.

Step 2: Calculate the size (footprint) of the proposed principal buildings and all existing principal buildings in square feet.

Step 3: Divide the total size of all the principal buildings (Step 2) by the size of the lot (Step 1) to obtain the percentage.

Step 4: Review the maximum building coverage requirements found in Subchapter 2 under the particular zoning district which applies to the lot in question. Modify, if necessary, the size of the proposed principal building to comply with the standard.

Step 5: Repeat the foregoing steps to determine the maximum building coverage for accessory buildings and for all buildings (principal and accessory combined).

- (6) MAXIMUM BUILDING SIZE (MBS):** In Subchapter 2, within each zoning district, there are standards which establish a maximum building size (MBS) for any building on a lot. MBS is defined in Section 22.125. All buildings on a lot must not exceed this standard, which is determined as follows: (For assistance, use a Lot Development Worksheet, Appendix 2)

Step 1: Calculate the total gross floor area in square feet of all floors (except crawl spaces and attics) of the building.

Step 2: Review the maximum building size requirements found in Subchapter 2 under the particular zoning district which applies to the lot in question. Modify, if necessary, the size of the proposed building to comply with the standard.

- (7) MAXIMUM GROSS DENSITY (MGD):** In Subchapter 2, within each zoning district, there are standards which establish a maximum gross density (MGD) for residential dwelling units on a lot. MGD is defined in Section 22.125. MGD limits the number of dwelling units permitted on a lot. The number of dwelling units is determined as follows: (For assistance, use a Lot Development Worksheet, Appendix 2).

Step 1: Calculate the size of the lot in question in square feet.

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- Step 2: Determine the total amount of dwelling units proposed for the site.
- Step 3: Divide the size of the lot (Step 1) by the total number of proposed dwelling units (Step 2).
- Step 4: Review the MGD requirements found in Subchapter 2 under the particular zoning district which applies to the site in question. Reduce, if necessary, the number of proposed dwelling units to comply with the standard.

- (8) MAXIMUM GROSS INTENSITY:** In Subchapter 2, within each zoning district, there are intensity standards which establish a maximum **Floor Area Ratio** (FAR) for nonresidential uses on a lot. This term is defined in Section 22.125. The total gross floor area of all the nonresidential buildings on the lot in question must not exceed this FAR. The FAR is determined as follows: (For assistance, use **Lot Development Worksheet**, Appendix 2).

- Step 1: Determine the total Gross Floor Area (GFA) of all buildings on the site. **Gross Floor Area** is defined in Section 22.125.
- Step 2: Calculate the size of the lot in question in square feet.
- Step 3: Divide the GFA (Step 1) by the lot size (Step 2) to obtain the Floor Area Ratio (FAR).
- Step 4: Review the nonresidential intensity requirements found in Subchapter 2 under the particular land use which applies to the site in question.
- Step 5: Compare the number calculated in Step 3 above with the FAR standard established for the particular zoning district, to determine if the amount of floor area proposed for the site complies with the standard. Modify, if necessary, the amount of GFA to comply with the standard.

- (9) MINIMUM LANDSCAPE SURFACE RATIO (LSR):** In Subchapter 2, within each zoning district, there are standards which establish a minimum **Landscape Surface Ratio** (LSR). This term is defined in Section 22.125. This standard requires a minimum amount of landscaped area on a lot. The minimum LSR is calculated as follows: (For assistance, use **Lot Development Worksheet**, Appendix 2).

- Step 1: Determine the total area in square feet of the site that will be preserved as landscaped area. **Landscaped area** is defined in Section 22.125.
- Step 2: Calculate the size of the lot in question in square feet.
- Step 3: Divide the total landscaped area (Step 1) by the lot area (Step 2) to obtain the Landscape Surface Ratio (LSR).
- Step 4: Review the minimum landscape surface ratio requirements found in Subchapter 2 under the particular zoning district which applies to the site in question. Modify, if necessary, the amount of landscaped area to comply with the standard.

22.503 RESERVED FOR FUTURE USE

22.504 BULK REGULATIONS

- (1) PURPOSE:** The purpose of this section is to indicate the requirements for building height, size and location in both residential and nonresidential developments. The provisions of this section interact closely with the provisions of the previous section regarding Density and Intensity Regulations.
- (2) GENERAL STANDARDS:**
- (a) Where Found:** The standards which impose the Bulk Regulations for height, size and location of development on any given site are found in Subchapter 2. Each zoning district in Subchapter 2 contains specific residential and nonresidential bulk requirements.
- (b) Residential Development:** All residential lots created or existing under the provisions of this Chapter shall comply with the Bulk Regulation of this Section and with the Bulk Regulations of the zoning district in which they reside.

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- (c) **Nonresidential Development:** All nonresidential lots created or existing under the provisions of this Chapter shall comply with the Bulk Regulation of this Section and with the Bulk Regulation of the zoning district in which they reside.

(3) **YARD SETBACK ADJUSTMENTS:**

- (a) **General Standards:** The minimum setback requirements found in each zoning district shall establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

1. **Reductions:** No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
2. **Lots Separate:** No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
3. **Bufferyards:** In instances where the required bufferyard width (per Section 22.610) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.
4. **Front Yards:** With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.

- (b) **Permitted Intrusions Into Required Front or Street Yards:** The following intrusions are permitted into front or street yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than five feet into the required yard.
2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 22.514 and provided they do not locate closer than five feet from the front or street property line.
3. Terraces, steps, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 20 feet from any street right-of-way.
4. Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way. Permitted fence types shall comply with the provisions of Section 22.533.
5. Landscape areas.

- (c) **Permitted Intrusions Into Required Side or Rear Yards:** The following intrusions are permitted into rear or side yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than five feet into the required yard.
2. Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 22.533.
3. Fire escapes (on residential buildings) which do not extend more than five feet into the required yard.
4. Landscape areas.
5. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one foot above grade; provided they do not locate closer than twenty feet to the rear lot line

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6. In neighborhoods that were platted before adoption of this Code (01/30/02), driveways may be located within the side yard setback and/or may extend across side yard property lines (e.g. shared driveways) provided that a written agreement,
- a. executed by the adjacent property owners, and
 - b. in a form recordable with the Register of Deeds, and
 - c. addressing the issues of storm water run-off, snow removal, parking, outside storage, and driveway maintenance, and
 - d. addressing any additional issues which, in the discretion of the Zoning Administrator, are created by the unusual characteristics of the property, is presented to and approved by the Zoning Administrator pursuant to the process for the issuance of zoning permits for permitted uses under 22.904. Upon approval of any such agreement, it shall be recorded with the Register of Deeds.

(4) EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS:

- (a) Permitted Exceptions:** The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses.
- (b) Conditional Use Exceptions:** Any building or structure not otherwise accounted for by (a), above, may exceed the maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.

22.505 ACCESS STANDARDS

- (1) PURPOSE:** The purpose of this Section is to alleviate and/or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access from private property onto to public rights-of-way.
- (2) PERMIT REQUIRED:** Each access drive onto a Town road or right-of-way shall have a permit issued by the Town. Each access onto a County Highway shall obtain a permit from Juneau County and shall comply with this ordinance and all applicable County ordinances. Each access onto a State Highway shall obtain a permit from the DOT and shall comply with this ordinance and all state regulations.
- (3) NUMBER OF ACCESS POINTS:**
- (a)** Each parcel in the RR and SF Districts shall have not more than one access drive onto any adjacent highway(s). Each parcel in the AG, MF, GB, LI and HI Districts may have more than one drive, but not more than two access drives onto any adjacent highways(s).
 - (b)** In no instance shall any lot be permitted more than one access drive onto any one highway if its frontage on said highway is less than 100 linear feet (as measured along the right-of-way line).
 - (c)** In certain areas experiencing, or expected to experience, congestion and/or safety problems, access drives may be required to be located on adjacent property, or another highway, or on a frontage road.

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- (4) **DRIVEWAY REGULATIONS:** See section 15.202 for additional regulations regarding the location, design, construction, and maintenance of all driveways in the Town, including driveways onto County and State Highways.

22.506 RESERVED FOR FUTURE USE**22.507 VISIBILITY STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to alleviate or prevent accidents and to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (2) **VISION CLEARANCE TRIANGLE:** In order to provide a clear view for motorists at all intersections, there shall be a triangular area of clear vision formed by the two intersecting highway rights-of-way and a chord connecting said rights-of-way, as determined by the Zoning Administrator. Generally, the following standards shall apply:

Table 22.508: Vision Clearance Triangle Standards

Intersection Type	Distance from Right-of Way Intersection
2 State Highways	Est. by State
State Highway & Co. Trunk Highways	Est. by State and County
State Highway & Town Road	50 feet
County Trunk Hwy & Town Road	50 feet
2 Town Roads	50 feet

- (3) **RESTRICTIONS IN TRIANGLE:** Within said vision clearance triangular area:
- (a) no signs, parking spaces, or structures shall be permitted,
 - (b) no earthwork in excess of 30 inches in height shall be permitted,
 - (c) no vegetation, fencing, nor other such obstructions, which exceed 30 inches in height above either of the centerline elevations of said two streets, shall be permitted.

22.508 OFF-STREET PARKING AND TRAFFIC CIRCULATION STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites. (Also see, Section 22.528, Drainage Standards, and Chapter 8, Subchapter 3, Storm Water Drainage Ordinance).
- (2) **DEPICTION ON REQUIRED SITE PLAN:** Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 22.908.) Except as permitted by a conditional use permit, each and every on-site parking space designed to serve as required parking shall not be located farther than 300 feet from the access point to the primary area(s) it is designated to serve, as measured along the shortest walking distance between the access point and the parking space. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.

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- (3) **USE OF OFF-STREET PARKING AREAS:** The use of all required off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts, required off-street parking spaces shall only be used by operable cars and trucks.
- (4) **TRAFFIC CIRCULATION AND TRAFFIC CONTROL:** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and driving on the site. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
- (5) **INSTALLATION AND MAINTENANCE:** All off-street parking and traffic circulation areas shall be completed, including surfacing, prior to building occupancy. Extensions within which to complete surfacing may be granted by the Zoning Administrator or the Plan Commission, when weather or other special circumstances warrant an extension. All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 22.512.
- (6) **DESIGN STANDARDS:**
- (a) **Signage:** All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Subchapter 8.
- (b) **Handicapped Parking Spaces:** Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.
- (c) **Snow Storage:** Required off-street parking and traffic circulation areas shall not be used for snow storage.
- (d) **Landscaping:** Parking lot landscaping (if required) shall comply with the requirements of the paved area landscaping requirements in Section 22.604(3).
- (7) **CALCULATION OF MINIMUM REQUIRED PARKING SPACES:**
- (a) **General Guidelines for Calculating Required Parking Spaces:** The requirements of Subsection (c), below, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by Subsection (c), below. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.
- (b) **Joint and Off-Site Parking Facilities:**
1. Parking facilities which have been approved by the DPW to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for

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each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.

2. Each parking space designed to serve as joint parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, from the access to all of the various areas it is designated to serve. See Section 22.410(1).
3. The applicant(s) for approval of a joint parking facility shall demonstrate to the DPW's satisfaction that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve.
4. A legally binding instrument, approved by the City Administrator, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office, and filed with the City Clerk. A fee shall be required to file this instrument (see Section 22.935).

- (c) **Minimum Off-Street Parking Requirements for Land Uses:** The off-street parking requirements for each land use are listed in Subchapter 4.

22.509 RESERVED FOR FUTURE USE**22.510 OFF-STREET LOADING STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) **APPLICABILITY:** All loading facilities shall comply with the regulations of this Section.
- (3) **LOCATION:** All loading berths shall be located 50 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with Section 22.506. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.
- (4) **ACCESS TO LOADING AREA:** Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic per Section 22.509, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (5) **SURFACING AND MARKING:** *(No requirements at this time).*
- (6) **USE OF REQUIRED LOADING AREAS:** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used for parking spaces or storage space.
- (7) **LIGHTING:** *(No requirements at this time).*
- (8) **SIGNAGE:** All signage located within, or related to, loading areas shall comply with the requirements of Subchapter 8.
- (9) **DEPICTION ON REQUIRED SITE PLAN:** Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 22.908.)

22.511 EXTERIOR PARKING AND STORAGE STANDARDS

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- (1) **PURPOSE:** The purpose of this Section is to control the use of property for exterior storage so as to promote the safety, aesthetics, and general welfare of the public. (See also, Storage and Disposal Land Uses, Section 22.409).
- (2) **DEFINITIONS:** For the purposes of this Section, the following definitions shall apply:
- All-terrain Vehicle (ATV):** The definition of an ATV provided in Section 340.01(2g) Wis. Stats. is adopted by reference, including all amendments thereto.
- Boat:** Boat shall mean motor boats (whether or not a motor is actually on the boat), house boats, row boats, canoes and kayaks.
- Store:** To “store” shall mean to leave an item in one position or location on the property for more than 72 hours. It is not the intent of this ordinance to regulate the temporary parking of vehicles which are used by guests visiting the property, or which are regularly used by the occupants of the property.
- Recreational vehicle (RV):** Recreational vehicle shall mean motor homes, motor coaches, pickup campers when not positioned on top of a pickup, camping trailers, travel trailers, pop-up campers, folding campers, and cases or boxes used to transport recreational vehicles or their equipment, and similar equipment and vehicles.
- Trailer:** Trailer shall mean fifth-wheel trailers, utility trailers, boat trailers, snowmobile trailers, race car trailers, and ATV trailers.
- (3) **RV=s, ATV=s, BOATS, SNOWMOBILES, AND TRAILERS:** No person shall park or store, outside of a fully-enclosed building, any RV=s, ATV=s, boats, snowmobiles, or trailers (i) on a parcel in the RR, SF, or MF Districts, or (ii) on a parcel in the GB District unless the parcel is properly permitted to conduct the Outdoor Display of such items, except as provided herein.
- (a) **Number:** The following sets forth the maximum number of RV=s, ATV=s, boats snowmobiles and trailers that can be stored outside on a parcel:
1. One RV, or
 2. Two boats, with or without motors or trailers, or
 3. One snowmobile not on a trailer, or two snowmobiles provided they are on the same trailer, or
 4. One ATV not on a trailer, or two ATV=s provided they are on the same trailer, or
 5. Any two of items a. thru d. above.
- (b) **Location:** No item shall be parked or stored in a front yard.
- (c) **Setback:** No item shall be parked or stored closer than 10 feet to a side or rear lot line.
- (d) **Maintenance:** Each item shall be maintained in working condition, reasonably ready for the effective performance of the function for which it was intended. RV=s and trailers shall be roadworthy. Items which need repair before they are operable may not be stored outside.
- (e) **Licenses:** Items that require license and/or registration shall be properly licensed and/or registered if they are stored outside. Unlicensed or unregistered items may be stored inside.
- (f) **Ownership:** Each item stored outside shall be owned, titled, and licensed by the occupant of the property in question. Items may not be stored outside on the property of a friend or neighbor.

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- (g) **Hidden and Neat:** Each item shall be parked or stored as inconspicuously as possible on the property. The area around each item must be kept weed free and free of accumulation of other storage material and debris (e.g. tires, wood, junk, etc. may not be piled next to these items).
 - (h) **Covers:** If the item is covered, the tarp or other covering material shall be of earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).
 - (i) **Storage:** No RV or boat shall be used for the storage of items unrelated to the primary function of the item (e.g. a camper can be used to store camping equipment, but it can not be used to store wood, fertilized, lawn mowers, clothing, etc).
- (3) **AUTOMOBILES AND TRUCKS:** No person shall park or store, outside of a fully-enclosed building, any automobile or truck (i) on a parcel in the RR, SF, or MF Districts, or (ii) on a parcel in the GB District unless the parcel is properly permitted to conduct the **Outdoor Display** of automobiles or trucks, except as provided herein.
 - (a) **Number:** *(No restrictions at this time).*
 - (b) **Location:** *(No restrictions at this time).*
 - (c) **Setback:** No item shall be located closer than 10 feet to a side or rear lot line.
 - (d) **Maintenance:** Each item shall be maintained in working condition and shall be roadworthy. Items which need repair before they are operable may not be parked or stored outside.
 - (e) **Licenses:** Items shall be registered and currently licensed if they are stored outside. Unlicensed or unregistered items may be stored inside.
 - (f) **Ownership:** No item shall be parked or stored outside unless it is owned, titled and licensed by the occupant of the property in question. Items may not be stored outside on the property of a friend or neighbor.
 - (g) **Hidden and Neat:** The area around each item shall be kept weed free and free of accumulation of other storage material and debris.
 - (h) **Covers:** If the item is covered, the tarp or other covering material shall be an earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).
 - (i) **Storage:** No item shall be used for the storage of items not typically kept in a vehicle (e.g. an automobile can not be used to store clothes, animals, lawn tools, etc).
- (4) **FIREWOOD:** No person shall place or store, outside of a fully-enclosed building, any firewood (i) on a parcel in the RR, SF, or MF Districts, or (ii) on a parcel in the GB District unless the parcel is properly permitted to conduct the **Outdoor Display** of firewood, except as provided herein.
 - (a) **Front Yard Prohibited:** No person shall store firewood in the front yard in the GB District. Firewood may be stored in the front yard in the RR, SF, or MF Districts, only if the firewood can not be reasonably stored in a side yard or rear yard.
 - (b) **Stacking:** Firewood shall be neatly stacked, and shall not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a

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fence where firewood can be stacked against the fence as high as the fence. Fences, as used in this Section, shall not include hedges and other vegetation.

- (c) **Debris Removal:** All brush, debris and refuse from the processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) **Diseased Wood:** Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and shall be promptly and properly disposed of, and may be abated pursuant to the provisions of this Code.
- (e) **Volume Limitation:** *(None at this time).*
- (f) **Covers:** If the wood is covered, the tarp or other covering material shall be an earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).

22.512 RESERVED FOR FUTURE USE

22.513 EXTERIOR LIGHTING STANDARDS *(None at this time).*

22.514 VIBRATION STANDARDS *(None at this time).*

22.515 RESERVED FOR FUTURE USE

22.516 NOISE STANDARDS *(None at this time. See Nuisance Ordinance, Chapter 13).*

22.517 AIR POLLUTION STANDARDS *(None at this time).*

22.518 ODOR STANDARDS *(None at this time).*

22.519 RESERVED FOR FUTURE USE

22.520 ELECTROMAGNETIC RADIATION STANDARDS *(None at this time).*

22.521 GLARE AND HEAT STANDARDS *(None at this time).*

22.522 RESERVED FOR FUTURE USE

22.523 FIRE AND EXPLOSION STANDARDS *(None at this time).*

22.524 TOXIC OR NOXIOUS MATERIAL STANDARDS *(None at this time).*

22.525 WASTE MATERIAL STANDARDS *(None at this time).*

22.526 RESERVED FOR FUTURE USE

22.527 DRAINAGE STANDARDS *(None at this time).*

22.528 EXTERIOR CONSTRUCTION MATERIAL STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the use of certain exterior construction materials so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and the property value of certain zoning districts.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities, except for permitted land uses within the AG District and except as otherwise provided in this Section.

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- (3) **MATCHING BUILDINGS:** With the exception of farm buildings, accessory buildings shall be constructed and finished in a complimentary architectural style and with material and colors that are similar to or complimentary to the principal structure. Buildings should look like they belong together, and present a unified design theme.

22.529 ROOF AND EAVE STANDARDS

- (1) **ROOFS:** The roof on all principal residential buildings shall have a minimum roof pitch of 4 :12, except the roofs over the following parts of residential structures may have a lesser pitch: porches, decks, dormers, and breezeways.
- (2) **EAVES:** All residential structures shall have a minimum eave width of 12 inches (not including the width of any gutter or other apparatus affixed to the eave or roof edge).

22.530 RESERVED FOR FUTURE USE**22.531 HAZARDOUS MATERIALS STANDARDS** *(None at this time).***22.532 FENCING STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities, except for fences in the AG and RR Districts.
- (3) **STANDARDS:**
- (a) **Materials:**
1. **SF & MF Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, polyethylene and similar materials approved by the Zoning Administrator, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wiring fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall not exceed a maximum of 60% opaque.
 2. **GB, LI, & HI Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, wire mesh, polyethylene and similar materials approved by the Zoning Administrator, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wire fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall not exceed a maximum of 60% opaque.
 3. **Temporary Fencing:** Temporary fencing (i) for the purposes of limiting snow drifting between November 1 and April 1, (ii) for the protection of excavation and construction sites, and (iii) for the protection of plants during grading and construction, is permitted for up to 180 consecutive days or the period of construction, whichever is longer.
 4. **Snow Fences:** Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.
- (b) **Location:** Fences may be located on property lines.

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- (c) **Maximum Height:** The maximum height of any fence, landscape wall, or decorative post shall be the following:
 - 1. 3 feet within a front yard or street yard setback;
 - 2. 6 feet when located on any residentially zoned property, but not within a front yard or street yard setback; and
 - 3. 8 feet when located on any nonresidentially zoned property, but not within a front yard or street yard setback, except that security fences may exceed this height by conditional use.
- (d) **Orientation:** Fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property (i.e. the good looking side of the fence must face the neighbor who did not erect the fence).
- (e) **Maintenance:** Fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

22.533 RESERVED FOR FUTURE USE**22.534 SIGNAL RECEIVING ANTENNAS (SATELLITE DISHES) STANDARDS** (None at this time).**22.535 WIND ENERGY CONVERSION SYSTEMS (WECS) STANDARDS**

- (1) **CONSTRUCTION OF WIND ENERGY SYSTEMS:** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.
- (2) **PERMITS REQUIRED:**
 - (a) A zoning permit shall be obtained to allow construction of a WECS.
 - (b) A WECS permit shall be obtained from the Zoning Administrator for the construction of all WECS.
- (3) **APPLICATION REQUIREMENTS:** An application for a permit to build a wind energy system shall include the following:
 - (a) The property lines of the proposed site of construction.
 - (b) Proposed location of the WECS.
 - (c) Location and description of all structures located on the property where the WECS site is proposed.
 - (d) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
 - (e) Location of all underground utility lines on the property where a WECS site is proposed.
 - (f) Dimensional representation of the structural components of the tower construction including the base and footings.
 - (g) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 - (h) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 - (i) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- (4) **BLADE CLEARANCE:** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

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- (5) **CLIMBING TOWERS, TOWER ACCESS:** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No Trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.
- (6) **TOWER CONSTRUCTION:** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wisconsin Administrative Code, and any future amendments, additions, and/or revisions to the same.
- (7) **UTILITY INTERCONNECTION:** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
- (8) **SETBACK REQUIREMENTS:**
- (a) No WECS shall be constructed in any setback, dedicated easement, or dedicated roadway.
 - (b) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.
- (9) **NOISE:** *(See Nuisance Ordinance, Chapter 13)*
- (10) **INTERFERENCE WITH NAVIGATIONAL SYSTEMS:** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- (11) **ELECTRICAL DISTRIBUTION LINES:** All WECS electrical distribution lines shall be located underground.
- (12) **REQUIRED SAFETY FEATURES:**
- (a) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (b) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.
 - (c) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
 - (d) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.
- (13) **MAINTENANCE:** The Zoning Administrator or his representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his judgment, there exists a deficiency in the structural stability of the system.
- (14) **INSPECTIONS:** A yearly inspection, at a fee to be determined from time to time by resolution of the Town Board, shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.
- (15) **BOND:** A bond or other security shall be posted with the Town to guarantee demolition and removal of all WECS which are not operational.

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22.536 SWIMMING POOL STANDARDS *(None at this time).***22.537 RESERVED FOR FUTURE USE****22.538 SUBSTANDARD LOT REGULATIONS**

- (1) **PROHIBITION:** Upon and after the effective date of this Chapter, no lot shall be created which does not meet (i) the Minimum Zoning District Area (MZA) requirements, the Minimum Lot Area (MLA) requirements, and the lot dimension requirements of this Chapter.
- (2) **PRE-EXISTING LOTS:** A lot of record existing upon the effective date of this Chapter in a Residential District, which does not meet the Minimum Zoning District Area or the Minimum Lot Area (MLA) requirements of Subchapter 2, or which does not meet the lot dimension requirements of Subchapter 2 may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 50% of the requirements of this Chapter. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.
- (3) **DIVISION OF A LOT:** No recorded lot shall be divided into 2 or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located. (*See also*, Subdivision Ordinance, Chapter 20).

22.539 NONCONFORMING STRUCTURE AND BUILDING REGULATIONS

- (1) **EXISTING STRUCTURES:** Any structure or building that complies with all existing regulations upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (2) **UNSAFE STRUCTURES:** Nothing in this Chapter shall preclude the Town from pursuing remedial or enforcement actions when said structure or building is declared unsafe.
- (3) **MODIFICATIONS:** When any lawful nonconforming structure or building in any district is modified, the portion of the structure or building which is modified shall conform to the provisions of this Chapter.
- (4) **DESTRUCTION OF NONCONFORMING STRUCTURES:** A legal nonconforming building or structure, which is accidentally damaged by fire, tornado or other disaster, may be repaired so that the structural nonconformity is continued thereafter, provided all of the following conditions are met:
 - (a) the total cost of all the repairs (both structural and non-structural) shall not exceed 50% of the assessed value of the building or structure (excluding the assessed value of the land); and
 - (b) the repairs shall be completed within 1 year from the date of disaster which caused the damages, unless extended by conditional use; and
 - (c) the owner demonstrates, through the conditional use process, that the proposed repairs have been designed to eliminate or diminish the structural nonconformities wherever the structural nonconformities can be reasonably eliminated or diminished without causing unreasonable financial hardship to the owner and without causing unreasonable diminution in the utility of the structure. Nothing herein shall be construed to permit the repair of a building or structure which has contained or which is intended to contain a nonconforming “use” after the repairs are completed. (For regulations dealing with Destruction of Non-conforming Uses, see 22.402(6)).

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- (5) **MAINTENANCE AND REPAIRS:** Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming portion of the structure or building.
- (6) **ALTERATIONS:** Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand, or extend without bringing the enlargement, expansion, or extension into compliance with the provisions of the Subchapter unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 22.909.
- (7) **GARAGES:** A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:
- (a) the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure; and
 - (b) the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel); and
 - (c) precautions (determined on a case-by-case basis by the Zoning Administrator) are taken to reduce the possibility of fire damage to nearby structures.
- (8) **ISSUED BUILDING PERMITS:** Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 365 days of the effective date of this Chapter, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building. Extensions to these time limits may be granted by the Plan Commission for good cause.
- (9) **BLANKET VARIANCE FOR NONCONFORMING RESIDENCES:** A variance for any and all requirements of this Subchapter is hereby automatically granted to all legal nonconforming residential dwellings in their configuration existing as of the effective date of this Chapter. However, after the effective date of this Chapter, the nonconforming portion of such structures shall not be permitted to enlarge, expand, or extend without bringing the enlargement, expansion, or extension into compliance with the provisions of the Subchapter unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 22.909. Rationale: This "blanket variance" is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved which did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of this provision ensures that residential structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.

22.540 ADMINISTRATION & ENFORCEMENT OF PERFORMANCE STANDARDS

- (1) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

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- (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the Town or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
 - (b) Where technical complexity or extraordinary expense makes it unreasonable for the Town to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

 - 1. The Zoning Administrator shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
 - 2. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Town.
- (2) Enforcement of the provisions of this Subchapter shall be per Section 22.936.