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Section 1.0 Introductions

1.1 Authority

Whereas the Town Board of Newark, Rock County, Wisconsin, has heretofore been directed, on April 3, 1962, at an annual Town meeting of the qualified electors to exercise all powers relating to and conferred upon villages, and whereas these regulations are adopted under the authority granted by Sections 60.10(2)(C), 60.22(3), 60.65, 60.61 and 60.62 of the Wisconsin Statutes. Therefore, the Town Board of Newark, Rock County, Wisconsin, does ordain as follows:

1.2 Purpose

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community.

1.3 Intent

It is the general intent of this Ordinance to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, number of stories and size of buildings and other structures, population distribution and density, and to stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; implement the community's comprehensive plan for plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

1.4 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.5 Interpretation

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

1.6 Severability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

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 said judgment.

1.7 Repeal

All other ordinances, maps, or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.8 Title

This Ordinance shall be known as, referred to, or cited as the "TOWN OF NEWARK COMPREHENSIVE ZONING ORDINANCE ROCK COUNTY, WISCONSIN."

1.9 Effective Date

This Ordinance shall be effective after a public hearing, adoption by the Town Board and posting as provided by law. Changes or amendments to the text of this Ordinance or the "Official Zoning Map" shall be effective after the provisions of Section 10 have been compiled with and the change or amendment has been published or posted as provided by law.

Section 2.0 General Provisions

2.1 Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the Town.

2.2 Compliance

No land or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. The duty of the Town Board shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Town Board may enter any public or private lands or waters to make inspection. If the Town Board is refused entry, they may apply for, obtain, and execute a special inspection warrant for said premises pursuant to §66.0119, Wis. Stats. The Town Board may set time limits and conditions for the correction of violations.

2.3 Restrictions

The following Use restrictions and regulations shall apply:

- 1) Permitted Uses. Only those principle uses specified for a district, their essential services, and uses listed in items 2-5 (below) shall be permitted in each district.
- 2) Accessory Uses and Accessory Structures are permitted in any district but not until principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except when allowed as a permitted use or under an approved conditional use permit. Accessory uses include incidental repairs; storage; parking facilities; gardening; private swimming pools, and private emergency shelters.
- 3) Conditional Uses and their accessory uses are considered as special uses, requiring review, public hearing, and recommendation by the Plan Commission and issuance of a conditional use permit by the Board of Supervisors in accordance with Section 5 of this Ordinance.
- 4) Unclassified or Unspecified Uses may be permitted by the Plan Commission provided that such uses are similar in character to the principle uses permitted in the district.
- 5) Temporary Uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be recommended by the Plan Commission with final approval by the board of supervisors.
- 6) Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.
- 7) Soil Restrictions. Certain soil types in the Township, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the U.S. Soil Conservation Service is

hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a soil scientist from the Rock County Soil Conservation Service by either the township or the applicant.

2.4 Penalties

Any person, firm or corporation who fails to comply with, or violates, the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$50 not more than \$500 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

2.5 Violations

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

2.6 Civil Enforcement

Appropriate actions and proceedings may be taken by Law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the Penalties described above.2.7.

Section 3.0 Administration

3.1 Town Board

- (1) Intent. The intent of this section is to allow the town board, in addition to all other rights and powers, to act for the government and good order of the town, for its commercial benefit and for the health, safety, welfare and convenience of the public.
- (2) Adoption of ordinance. The town board has the specific authority, powers and duties noted in chapters 60 and 61, Wis. Stats., to exercise Town board powers pursuant to §§ 60.22 and 61.34, Wis. Stats., and subject to the conditions established in § 60.22, Wis. Stats..

3.2 Building Inspector

There is herewith created the position of Building Inspector. The Building Inspector shall be appointed by the Town Board and shall hold office until replaced by the Town Board. Duties and compensation shall be determined by the Town.

The Building Inspector shall prepare building permit forms, assist applicants, and advise applicants as to Town and State requirements. The Building Inspector shall have authority to issue building permits which are in strict compliance with the requirements of this Ordinance and the Wisconsin uniform dwelling code as adopted. The Building Inspector shall have authority to inspect all structures requiring building permits. The Building Inspector will determine when inspections will be performed and issue approval, corrections or stop orders as necessary. Whenever there is a question other than the requirements of this Ordinance, it is to be brought directly to the attention of the Town Board Chairman.

3.3 Town Plan Commission

The Town Plan Commission of the Town of Newark, Wisconsin, will be governed by Sections 60.62, 61.35, and 62.23 of the Wisconsin Statutes and Town Ordinance creating the Plan Commission.

- (1) Officers and Committees
 - (a) How Constituted. The Town Plan Commission shall consist of five members nominated by the Town Chairperson and approved by the Town Board. At least three of the members shall be citizen members who are not Town officials. Other members may be members of the Town board. The Town Chairperson shall appoint the presiding officer of the Plan Commission.
 - (b) Terms of Office. The members of the Plan Commission shall be appointed to hold office for a period of three years, except that of those first appointed, one person shall serve for a term of one year, two persons shall serve for a term of two years and two persons shall serve for a term of three years. Appointments shall be made by the Town Chairperson subject to approval of the Town Board during the month

of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

- (c) The Chair of the Commission will be appointed by the Town Chair, who will preside at the meetings of the Commission, supervise the work of the Secretary, and decide all points of procedure unless otherwise directed by a majority of the Commissioners present.
- (d) The Vice-Chair will be appointed by the Chair at the first meeting of the Commission in May of each year.
- (e) A Secretary will be appointed by the Chair at the first meeting of the Commission in May of each year. The Secretary will prepare all correspondence for the Commission; receive and file all referrals, applications, papers, and records; prepare, publish, and mail, all notices required; and prepare and keep all minutes and records of the Commission's proceedings.
- (f) The Town Zoning Administrator or Building Inspector will attend all meetings for the purpose of providing technical assistance when requested by the Commission.
- (g) Special Committees may be appointed by the Chair for Plan Committee, otherwise the Board appoints.

(2) Meetings

- (a) Meetings Will Be Held Monthly, if needed.
- (b) Special Meetings may be called by the Town Board, Town Plan Commission Chair, or upon the written request of three members of the Commission to the Chair. Notice of special meetings will be provided to all Commission members and posted at least 24 hours prior to the special meeting.
- (c) All Meetings will be open to the public.
- (d) Closed Sessions. The Commission may go into closed session for the purposes enumerated in Section 19.85 of the Wisconsin Statutes.
- (e) A Quorum will be three members.
- (f) Minutes of the proceedings and a record of all actions will be kept by the Secretary, recording all motions, the vote of each member upon each motion, the reasons for the Commission's determination, and its findings. These records will be immediately filed with the Town Clerk and will be a public record.

(3) Hearings

- (a) Notice of the time, date, and place of hearings required for petitions for changes and amendments to the Town's comprehensive plan, plan components, zoning ordinance text or map, official map, subdivision ordinance, and applications for conditional use permits or subdivision approval will be published in the official newspaper or posted, as required by State Statutes, and will be provided per state

statute to Commission members, the Zoning Administrator, applicant, and those parties specified in the applicable Town ordinance.

- (b) **Appearances.** The applicant may appear in person or be represented by an agent. In the absence of an appearance by the applicant or agent for or against any petition or application, the Commission may table or take action to deny, authorize, or make the recommendation to deny or grant the petition or application.
- (c) **Form.** The final disposition of all petitions or applications will be in the form of a written resolution signed by the Commission Chair and Secretary and attached to the minutes. Such resolution will show the reasons for the Commission's determination and its findings.
- (d) **Conditions imposed with respect to any conditional use permit** will be stated in the minutes embodying the Commission's decision and will also be set forth upon the permit. Such permit will be valid only as long as the conditions upon which it is granted are observed.

SECTION 4.0 ZONING DISTRICT

4.1 Establishment

For the purpose of this ordinance the Town of Newark is hereby divided into the following Zoning Districts.

- Agricultural District One (A-1)
- Agricultural District Two (A-2)
- Agricultural District Three (A-3)
- Local Business District One (B-1)
- Lowland and Highland Conservancy Overlay District (C-1)
- Mobile Home Park District (MHP)
- Special Purpose District (SP)
- Light industrial District (M-1)
- Public Institutional District (P-1)

4.2 Zoning Map and District Boundaries

The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Newark, Rock County Wisconsin," as amended, and is made a part of this Ordinance. Such boundaries shall be construed to follow town and corporate limit lines; topographic lines; centerlines of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended, unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and is correct only as of the day of passage of this Ordinance. The Town Clerk shall keep a revised version of said map reflecting any and all changes of zoning boundaries.

4.3 General District Regulations

The following regulations set forth requirements that are applicable to one or more districts. Any petitions to amend the zoning ordinance, including the zoning map, application for a conditional use permit or application for any other permit issued under this zoning ordinance will not be granted unless all delinquent taxes, assessments and forfeitures from town ordinance violations owed to the Town of Newark are paid in full, and the following conditions are met:

1. Erection of No More Than One Principal Structure on a Lot will be allowed. Mobile homes only when in a mobile home park.
2. Accessory buildings, including buildings clearly incidental to the Residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit.
3. Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

4. Automotive vehicles or trailers or buses of any kind or type without current license plates and/or which are non-operable on public streets and highways in their current condition, or which appear to have been abandoned shall not be parked or stored on any zoned property other than in completely enclosed buildings. Camping-type trailers cannot be occupied. Mobile homes require a Conditional Use Permits to be stored under this section.
5. In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.
6. All dwelling units shall have a minimum of 1,250 square feet of living area above grade. "Living area" shall be defined to include dining room, living room, bathrooms, kitchen, bedrooms, and family or recreation room. A breezeway or screened in porch shall not count as living area.
7. Vacation of Public Streets, Alleys and Right-of-Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land lies.
8. Districts adjacent to Agricultural Districts are to recognize that agriculture is necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. Criteria used in reviewing this situation shall consider which land use has existed for longest period of time, and what land use existed at the time the adjacent land use was created.
9. Utility lines which will serve individual lots to include electric lines under 12,000 volts, cable T.V., telephone, natural gas, etc. shall be installed underground within the utility easements shown on the map required by the Building Permit.
10. No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
11. Mobile Homes unless allowed as a conditional use, no mobile homes shall be permitted, whether or not occupied, within the Town unless they are located in a mobile home park.
12. The minimum residential building width shall be twenty-four (24) feet.
13. No wireless communications facility and towers as defined in Section 13.2 (13) and (15) may be located in any district except as specifically permitted.
14. Reduction or Joint Use No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions 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.

15. Double-wide modular homes with Federal HUD labels or other State of Wisconsin labels indicating they are mobile dwelling units are considered mobile homes and shall meet Conditional Use Permit requirements.
16. Prefabricated homes with UDC (Wisconsin Uniform Dwelling Code) labels shall be considered to be conventional dwellings and therefore shall adhere to this Ordinance and Town of Newark Building Codes.
17. A certified soil percolation test shall be required for any proposed division of any land. Exceptions to this requirement shall be when an existing home is on land which is being subdivided which has a properly maintained and operating septic system, or when land is being acquired by an adjoining owner.
18. A certified survey of land shall be required for all land divisions.
19. All fences shall be a minimum of thirty-three (33') feet from the centerline of any town road within the town of Newark.
20. All swimming pools to be installed in the Town of Newark shall be installed in accordance with and as required by all state and county regulations and ordinances.
21. Land Zoning Conversion. All land converted from A-1 zoning is subject to the State Conversion Fee and the Town, County conversion Fee. All fees will be collected by the Town and State fee will be submitted to the State DATCP.

Driveways.

1. All access driveways shall be at least twenty (20') feet wide where it meets the road.
2. Driveway shall have a minimum of 650 feet of clear sight distance in both directions along the intersecting public road to promote safe ingress and egress from the access.
3. Edge of the entrance, at the center of the highway ditch, shall not be closer than 20 feet from the edge of another entrance.
4. All access driveways shall be located outside of the "clear vision triangle" area as referenced in Section 8.0.
5. All access driveways must be approved by a Town Building Inspector for Town roads, a County Engineer, and Town Building Inspector for County roads and by a State Engineer and Town Building Inspector for State roads.
6. All access driveways leading to improved properties should be cleared of trees, brush, obstructions, wires and overhead signs at least eighteen (18') feet wide and sixteen (16') feet high. Address signs must be prominently posted at the driveway entrance. A cleared turn-around area is recommended and will greatly aid emergency medical/fire vehicles.
7. All dwellings shall have their own driveway access. No shared driveways.

8. Safe Passage. Driveways measuring one thousand (1000) feet or more in length shall include a minimum of one bump-out that is a minimum of twenty-four (24) feet in width, and a sixteen (16) foot height restriction for branches shall be maintained, for forty (40) feet, to allow for safe passage of vehicles. In addition, the following applicable requirements shall be satisfied:
9. Cul-de-Sac. At the end of any driveway more than one thousand (1000) feet in length, a minimum thirty-six (36) foot radius cul-de-sac shall be provided. This regulation may be met with a like area of a dooryard providing the same safe turnaround capabilities.

4.4 Agricultural District One (A-1)

The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Development Guide. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provision of essential public services. Agricultural soils are predominant in this district and are to be very sparsely developed to protect the community's economic base and tax base.

Permitted Uses.

1. Apiculture (beekeeping).
2. Barns, silos, sheds, storage bins, and similar buildings and structures used in farm operations, but not including dwellings.
3. Dairy farming on parcels or contiguous parcels under common ownership of 35 acres or larger.
4. Essential services.
5. Floriculture (cultivation of ornamental flowering plants).
6. Keeping, raising, grazing, or pasturing of livestock on parcels or contiguous parcels under common ownership of 35 acres or larger, not to exceed 500 animal units.
7. Orchards.
8. No more than three (3) dogs shall be allowed per dwelling unit.
9. Plant nurseries.
10. Poultry raising and egg production.
11. Raising of grain, grass, mint, and seed crops.
12. Raising of tree fruits, nuts, and berries.
13. Sod farming.
14. Vegetable raising.
15. Viticulture (grape growing).
16. Home Occupation
17. One single-family dwelling to be occupied by the farm operator, owner or which is incidental to the farm.

Accessory Uses

1. Garages or carports.
2. One roadside stand for farm products produced on the premises and not exceeding 150 square feet in floor area.
3. Forest and game management.
4. Solar collectors on an engineered structure that do not fall under the control of the Solar Ordinance.

Conditional Use.

A conditional use in this district is to permit the following uses only after a public hearing held by the Plan Commission and approval by the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this only after

finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, which are therefore permitted only subject to the fulfillment of conditions which effectively ensure that no such problems will be created.

1. Churches, veterinary hospitals, community parks and recreational areas.
2. Water storage facilities, gas and electric utility use not requiring authorization under SS. 196.491 Wis. Statutes, provided they are enclosed by an eight-foot or more protective fence.
3. Fur farms, veterinary services, more than 3 dogs, commercial or wholesale greenhouses, , confinement operations for feedlots with more than 300 large animal units or more than 10,000 poultry animals, any processing of large animal units or poultry animals and other agricultural uses that may cause noxious odors or noise
4. Riding stables, riding schools, and shooting preserves as secondary uses to agriculture.
5. Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; alcohol, fuel distilleries; feed mills; and similar agricultural activities, provided they are adjacent to Arterial or Collector roads as defined by this Ordinance (Section 8).
6. Telephone, telegraph and electric transmission lines, buildings, or structures.
7. Agriculture related airport or air strip not open to the public which is accessory to the farm use.
8. Wireless Communications Facility and Towers as defined in Section 13.
9. Community living arrangements shall be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1%) of the town's population.
10. No community living arrangement may be established which is located within 2500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Town Board and if both comprise essential components of a single program.

Requirements for Permitted Uses

Within the A-1 District the following standards shall apply:

1. Minimum Lot Size: 35 acres
2. Maximum Building Height: 35 ft. residential structure- no maximum on agriculture structures
3. Minimum Front Yard Setback: 50ft.
4. Minimum Rear Yard: Setback 50 ft.
5. Minimum Side yard:
 - a. Principal buildings: Twenty (20) feet on each side
 - b. Accessory Buildings: Fifty (50) feet on each side
6. Minimum Lot Frontage on Public Road and Minimum Lot Width at Any Point of Lot: 400 ft.

7. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.

4.5 Agricultural District Two (A-2)

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Community's Development guide. This district is designed to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units.

Permitted Uses.

1. General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish, or offal.
2. Forestry, grazing, hatcheries, nurseries, Orchards, paddocks, truck farming, stables, and other agricultural pursuits.
3. One roadside stand for farm products produced on the premises and not exceeding 150 square feet in floor area.
4. One residential building (dwelling) per parcel.
5. Home Occupation

Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing held by the Plan Commission and approval by the Town Board. The Plan Commission will review the applicable fact pertaining to the proposed conditional use as found in Section 5 of this ordinance and will recommend approval of the conditional use by the Town Board only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

1. Churches, veterinary hospitals, community parks and recreational areas.
2. Water storage facilities and power stations provided they are enclosed by an eight-foot or more protective fence.
3. Fur farms, more than 3 dogs, insect- breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, feedlots, and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Plan Commission.
4. Riding stables, riding schools, and shooting preserves.
5. Poultry operations over 1,000 animal units.

6. Supportive agribusiness activities to include grain elevators; seed, fertilizer, and farm chemicals sales; alcohol fuel distilleries; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads as defined by this Ordinance (Section 8).
7. Telephone, telegraph and electric transmission lines, buildings or structures.
8. Sale of agricultural products not produced on premises.
9. Wireless Communications Facility and Towers as defined in Section 13.
10. Community living arrangements may be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1%) of the town's population.
11. No community living arrangement may be established which is located within 2500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Town board and if both comprise essential components of a single program.

Requirements for Permitted Uses

Within the A-2 District the following standards shall apply:

1. Minimum Lot Size: 10 acres
2. Maximum Lot Size 35 acres
3. Maximum Building Height: 35 ft. residential structure- no maximum on agriculture structures
4. Minimum Front Yard Setback: 50ft.
5. Minimum Rear Yard: Setback 50 ft.
6. Minimum Side yard:
 - a. Principal buildings: Twenty (20) feet on each side
 - b. Accessory Buildings: Fifty (50) feet on each side
7. Animals per acre
 - a. No more than one animal unit over six months of age shall be kept for each 1 acre or
 - b. No more than 1000 poultry, over two months of age, shall be kept or
 - c. Combinations of the above shall be apportioned to the total acreage.
 - d. If contiguous parcels under common ownership, or under lease exceed 35 acres, A-1 zoning requirements are utilized for the purpose of animal units.
8. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.
9. Minimum Lot Frontage on Public Road and Minimum Lot Width at Any Point of Lot: 400 ft.

4.6 Agricultural District Three (A-3)

Purpose and Intent

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Development Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use. The intent of the A-3 District is that it is to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District is to consist of soils which do not have on- site sewer limitations and not prime agricultural soils.

Permitted Uses

The following uses are permitted in this district:

1. One single family dwelling per lot.
2. General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish, or offal.
3. One roadside stand for farm products produced on the premises and not exceeding 150 square feet in floor area.
4. Gardening, including truck gardens, nurseries and the keeping of small animals to include up to 50 domestic poultry, or fowl, 3 dogs.
5. Governmental buildings, except sewage disposal plants, garbage, incinerators and buildings for the repair or storage of road building or maintenance machinery.
6. Public parks, playgrounds, recreational and community center buildings and grounds.
7. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
8. Water storage facilities and their accessory structures.
9. Home Occupation
10. Uses customarily incidental to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance
11. Accessory buildings, including buildings clearly incidental to the residential use of the property

Conditional Use

A conditional use in this district is to permit the following use only after a public hearing held by the Plan Commission and approval by the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use as found in Section 5

of this ordinance and will recommend approval of the conditional use by the Town Board only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

1. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
2. Fur farms, more than 3 dogs, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, feedlots and other agricultural uses that may cause noxious odors or noise provided that written permissions be obtained from the Town Board on the recommendation of the Plan Commission.
3. Telephone, telegraph and electric transmission lines, buildings or structures.
4. Churches and their affiliated uses.
5. Community living arrangements shall be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1%) of the town's population.
6. No community living arrangement may be established which is located within 2500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Town board and if both comprise essential components of a single program.

Requirements for Permitted Uses

1. Minimum Lot Area 5 acres
2. Maximum Lot Size 10 acres
3. Maximum Building Height 35 ft.
4. Minimum Front Yard Setback: 50 ft.
5. Minimum Rear Yard Setback: 50 ft.
6. Minimum Side yard Setback: Twenty (20) feet on each side
7. Minimum Lot Frontage on Public Road and Minimum Lot Width At Any Point of Lot 400 ft.
8. Animals per Acre. Due to higher infrastructure to land ratio in this zoning district, the following restrictions are in place:
 - a. No more than one animal unit over 6 months of age shall be kept for each 2 acres;
or
 - b. No more than 50 poultry or fowl, over 2 months of age, shall be kept
9. Combinations of the above shall be apportioned to the total acreage.
10. If contiguous parcels under common ownership, or under lease that exceed 10 acres but under 35 acres, A2 zoning requirements are utilized for the purpose of animal units.

11. If contiguous parcels under common ownership, or under lease that exceed 35 acres, A1 zoning requirements are utilized for the purpose of animal units.
12. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.

4.7 Local Business District (B-1)

Purposes and Intent

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Development Guide. The intent of this district is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

Permitted uses.

1. Governmental and cultural uses such as fire and police stations, community centers, public emergency shelters, parks, and playgrounds.

Conditional Uses

A conditional use in this district is to permit the following uses only after a public hearing held by the Plan Commission and approval by the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will recommend approval in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are thereof permitted only subject to the fulfillment of conditions which effectively ensure that no such problems will be created.

1. Stores and shops in which items are sold directly to the public to include grocery; hardware; clothing and apparel stores; drug and beverage stores; bakeries; magazine and tobacco stores; coffee shops; laundry and `dry cleaners; gift shops; gas stations; parking areas and the similar retail establishments normally found in neighborhood shopping centers.
2. Professional offices for physicians, dentists, attorneys, real estate, insurance sales, libraries and similar professional services in which services are offered to the general public on the premises.
3. Personal services to include barbershops, beauty salons, tailor shops, and coin operated Laundromats.
4. Single family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employees, or caretaker located in the same building as the business.
5. Lodges and fraternal buildings, nursing and retirement homes, nursery and daycare centers, restaurants, and taverns.
6. All public utility facilities, sewage treatment facilities.
7. Animal hospitals and clinics, excluding open kennels and exercise yards.
8. Wireless Communication Facility and Towers as defined in Section

9. 13.2(13) and (15). (K)Community living arrangements shall be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1%) of the town's population.
10. Community living arrangements shall be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1 %) of the town's population.
11. No community living arrangement may be established which is located within 2500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Town board and if both comprise essential components of a single program.

Requirements for Permitted Uses

1. Maximum Building Height 35 ft.
2. Minimum Lot Frontage on Public Road and Minimum Lot Width At Any Point of Lot 400 ft.
3. Maximum Floor Area 3,000 sq. ft.
4. Parking Requirements
 - a. One 300 sq. Ft. Parking space for each 300 Sq. Ft. of building.
5. Minimum Lot Area 5 acres
6. Setbacks
 - a. Front Yard 50 ft.
 - b. Rear Yard 50 ft.
 - c. Side Yard 20 ft.
7. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.

4.8 Conservancy Overlay District (C-1)

Purpose and Intent

The intent of this district is to conserve areas which have physical limitations for development because of being in areas with potential for flooding, soils with low bearing capacity, soils that are wet and other environmental considerations that indicates this land should be used for open land use, agricultural uses, recreational uses and other uses which do not require construction of extensive building.

Per Rock County recommendation, the overlay is designed to alert owners and the Town to potential issues related to these conditions to avoid or manage unexpected complications associated with development in the district. Development options are site specific and must be considered when applying for permits.

The Lowland Conservancy shall be identified as any of the following with the location of said areas reflecting the most current and best data and information available to the Town at the time of administration and enforcement of this chapter:

1. Floodplain: Lands identified as floodplain by the Federal Emergency Management Agency, as delineated in accordance with the most current FEMA floodplain maps adopted by the Rock County Board of Supervisors;
2. Hydric soils: Lands with soils identified as hydric;
3. Shorelands: Lands identified within 75 feet of the ordinary high-water mark of a surface water feature;
4. Wetland: Lands identified as wetland, as delineated by the Wisconsin Department of Natural Resources or another qualified entity.

Highland Conservancy shall be identified as any of the following with the location of said areas reflecting the most current and best data and information available to the Town at the time of administration and enforcement of this chapter:

1. Groundwater protection areas: Lands identified as groundwater protection areas.
2. Shallow bedrock: Lands identified with bedrock within 20 inches of the surface.
3. Steep slopes: Lands identified with slopes 20% and greater.

4.9 Mobil Home Park District (MHP)

Purposes and Intent

The purpose of the MHP District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The intent of the MHP District is to provide for the location of mobile home parks and establish regulations governing their construction and use for the health and well-being of the residents of the community.

Conditional Uses

All such uses shall be conditional uses and subject to the consideration and approval of the Town Board upon the recommendation of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for users of nearby areas. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regards to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively ensure that no such problem will be created. The Board may require special facilities as a condition of approval such as, but not limited to, fences, trees, shrubbery, barriers, and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment. Restoration plans and performance bonding may be required for proposed land uses covered by this section as deemed necessary by the Town Board.

Procedures and Applications

1. Approvals Required. No person shall construct, expand, or operate a mobile home park within the Town unless he holds a valid license issued annually by the Town Clerk.
2. Any person owning or controlling a mobile home park in existence on the effective date of this ordinance may apply for and receive an annual license for his existing park by complying with (3) thereof.
3. The Town Clerk shall issue an initial license only after the following actions have taken place;
 - a. The land has been zoned mobile home park by the Town Board.
 - b. The applicant completes application form and submit s it to the Town Clerk together with the required license fee.
 - c. The Town Board approves the license.

Fees and Expiration Date (per Wisconsin Statutes §66.0435).

1. Fee Schedule
 - a. Initial mobile home park license fee \$100.00 per lot
 - b. Annual mobile home park license fee \$100.00 per lot
 - c. Mobile home court license transfer fee \$100.00
2. Expiration.

- a. All such licenses are to expire on the 30th day of June of each year and shall be renewed annually. There shall be no prorated fees.

Initial License Application

1. Application for an initial license shall be made to the Town Clerk on an initial license application form. Such application form shall be for a conditional use permit and the initial license. Fees as provided in (I)(B)(I) above are required prior to taking action on each of the approval steps listed herein.
2. Preliminary Plan. The applicant shall apply for preliminary plan approval to the Plan Commission. Such applicant shall submit six (6) copies of the preliminary plan. Such preliminary plan shall be drawn on a topographic map with a scale of not less than 200 feet per inch, showing two-foot contours, the area, location and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Plan Commission shall be in concept only, which will enable the applicant to prepare final plan.
3. Final Plan. Upon approval by the Plan Commission of the preliminary plan, the applicant shall submit to the Town Clerk a \$25.00 review fee and six (6) copies of the General Development Plan which shall include:
 - a. Three (3) prints of a certified survey map or subdivision plat of the property showing existing features of the property.
 - b. A complete plan of the park drawn to a scale of not less than 100 feet per inch.
 - c. The number, location, and dimensions of all mobile home lots.
 - d. The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.
 - e. The location of automobile parking areas and service buildings, if provided.
 - f. The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.
 - g. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park, including a detailed sketch of a typical mobile home lot.
4. Upon submission of the final plan to the Plan Commission, the Plan Commission shall set a public hearing on the final plan and after hearing any interested party, any staff report, recommendation, or information, the Plan Commission shall make a recommendation and report to the Town Board concerning such plan after determining the following:
 - a. That uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in foreseeable manners substantially impaired or diminished by the establishment, maintenance, or operation of the intended park.
 - b. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - c. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public street.

5. Approval By Town Board After receiving the final plan and the recommendation and report from the Plan Commission, the Town Board may grant a permit for a conditional use after a public hearing and thereafter grant the initial license.
6. Such permit shall not be issued until the health requirements of this section have been fulfilled. After the conditional use permit is issued, the Town Clerk is authorized to issue an initial license upon payment of the required fee.
7. Procedure After Permit Granted. Upon approval of a conditional use permit, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin a certified survey map or plat (per § chapter 236) of the gross land area including the final approved plans and the deeding to the Town those land and easements called for in the plans submitted to the Plan Commission and Town Board containing a statement that the land is to be developed pursuant to the approved conditional use permit. Upon the submission of proof of such recording to the Town Clerk, said Clerk shall issue the initial license allowing said owners or their successors to develop the land according to the conditional use permit and recorded plans. Construction pursuant to such permit must commence within one (1) year of the date of the license issuance or the license shall become null and void.
8. Annual License Application. The applicant shall apply to the Town each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a fee as provided in (1)(B)(l) above.
9. Transfer of License. A transfer of license application shall be applied for and may be approved by the Town Board in the same manner as an application for a renewal license. The fee for such a transfer license is provided in (1)(c) above under Fees and Expiration Date.

Administration

1. Town Board. It shall be the responsibility of the Town Board to enforce the provisions of this ordinance by authorizing and directing inspections to be made of all mobile home parks.
2. Violations. Whenever the Town Board determines violations of pertinent regulations exist, they shall notify the licensee or permit holder of such alleged violations. Such notice shall be in writing.
3. Include a statement of the violations enumerated.
4. Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed 90 days.
5. Revocation of License. Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such park or camp is subject to revocation by the Town Board as provided in Section 66.0435(2)(D) of the Wisconsin Statutes unless the alleged violation is corrected within the period specified by the Town Board.
6. Emergency Order. Whenever the Town Board finds that an emergency exists which requires immediate action to protect the public health, safety and/or welfare, the board may, without notice or hearing, issue an order reciting the existence of such an

emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the license. Said order shall be in writing, shall be notwithstanding any other provisions of this ordinance, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to the revocation of the mobile home park license.

Duty of License Holder.

1. It shall be the duty of the license holder to file with the Town Clerk a monthly report containing the following information on a form sheet:
 - a. Name of mobile home park, name and address of owner, agent, or operator.
 - b. A tabulation of mobile home park occupancy listing lot designation, occupants' names, monthly tax and date of departure or arrival.
2. Within five (5) days of the arrival of each new mobile home, occupant, the license holder shall submit in duplicate to the Town Assessor Form I 30-2 of the Wisconsin Department of Revenue Mobile Home.
3. Restrictions on Occupancy of Mobile Homes.
 - a. No mobile home shall be occupied for dwelling purposes unless it is properly placed on a mobile home lot and connected to water, sewerage, electrical and other utilities and complies with all provisions of this ordinance.

General Provision Applicability. Every mobile home park built or added to after the effective date of this ordinance shall conform to and be governed by the provisions of this ordinance.

1. No area shall be rezoned to Mobile Home Park District unless it is planned for residential use on the Development Plan Map.
2. Every mobile home park developed and governed by this ordinance shall first have an approved conditional use permit prior to being licensed.
3. It shall be unlawful to permit a mobile home to be located in a park unless it is placed in a designated stand in a license park.
4. Parking of Mobile Homes.
 - a. Only one (1) mobile home shall be placed on a lot.
 - b. Each mobile home lot shall abut upon a roadway within an approved park.
5. Non-Residential Uses. No part of any park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of court residents and for the management and maintenance of the park as approved by the Town Board.
6. Signing. No signs shall be permitted except the following:
 - a. One non-flashing identification ground-mounted sign or a wall sign stating only the name of the park may be permitted, provided the sign does not project into the public way.
 - b. Any necessary regulatory signs such as street name signs, and entrance and exit signs, etc. Signs and their installation shall comply with all other applicable codes and regulations.

7. Parking. At least two (2) off-street hard-surfaced parking spaces shall be provided for each mobile home lot. The size of each space must be at least 9 ft. by 20 ft.
8. Street parking on both sides of the street shall be permitted if the roadway width is at least 36 feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least 30 feet wide.
9. Screening. There shall be provided a screening buffer strip along a boundary of the mobile home park where it abuts a residential district. Such screening shall be at least five (5) feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a breeze to pass.
10. Recreation Requirements. Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele the court is designed to serve. Not less than ten percent (10%) of the total gross park area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.
11. Tenant Storage. One storage building accessory to a mobile home will be permitted on a mobile home lot provided that the storage building does not exceed 400 cubic feet and does not exceed eight (8) feet in height. Such storage building shall be fully enclosed and located on the mobile home lot. All storage buildings in the mobile home court shall be uniform in size.
12. Fuel Supply. All fuel shall be distributed to individual lots by an underground distribution system from a common underground fuel storage facility installed in conformity with the rules and regulations of the Department of Industry, Labor and Human Relations of Wisconsin.
13. Additions and Alterations
 - a. Permit Required. A permit issued by the Town Building Inspector shall be required before any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile home. No permit is required for addition of steps, awnings, skirting, window s, doors, or tenant storage structures.
 - b. Size of Expansion. No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.
 - c. Conform to Setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall have the same setbacks as the existing mobile home.
14. Skirting Required. Vented skirting of nonflammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that insulation be provide inside the skirting to prevent the freezing of pipes.
15. Utilities shall be installed underground and shall meet County and State of Wisconsin Statutes and Codes.
16. Electrical Requirements.

- a. Each mobile home and travel trailer lot shall be connected to the park electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment. The minimum service per each mobile home lot shall be 120-240 volts, AC, 100 amperes.
 - b. Adequate lights shall be provided in mobile home parks to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one (1) foot candle shall be provided for safe pedestrian and vehicle movement.
17. Sewer Service. All mobile home parks shall be served by common sewer. Each mobile home lot shall be equipped with at least a four (4) inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage.
18. Water. Common water shall be provided by separate lateral at each mobile home lot.
19. Fire Protection. Fire hydrants shall be located within five hundred (500) feet of any mobile home or service building.
20. Mobile Home Stand, Patio, and Tie Downs
 - a. A mobile home stand shall be a continuous four-inch concrete single slab or an approved alternate to support the mobile home.
 - b. The mobile home stand shall be provided with six anchors and tie-downs, such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors or other devices securing the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.
21. Roadways
 - a. All roadways created by a mobile home park shall be hard- surfaced according to standards established by the County Highway Department.
 - b. The minimum pavement width of roadways shall be 30 feet. The minimum pavement diameter of cul-de-sacs shall be 40 feet.
 - c. The alignment and gradient shall be properly adapted to topography; to safe movement of types of traffic anticipated, and to satisfactorily control of surface water and ground water.
 - d. The names of roadways within the park shall not duplicate the names of streets within Rock County.
22. Lot Markers. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.
23. Fences and Hedges. Fences and hedges may be permitted in a mobile home park provided they do not exceed a height of three (3) feet in the front yard or corner side yard and six (6) feet in height in all other yards.
24. Garbage and Rubbish Storage Areas. Garbage and rubbish shall be stored in flight-tight, watertight, approved container stored within a completely enclosed building or may be permitted outside the building provided that such storage area is effectively screened from view.

25. Community Centers. Each mobile home park shall have a community center which shall be easily accessible to all park residents for their exclusive use. Such centers shall include kitchen facilities, restroom facilities for men and women; meeting room space of at least 1,000 square feet; a basement which shall be built to provide adequate protection to all park residents in the event of severe weather.
26. Community living arrangements shall be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1%) of the town's population.
27. No community living arrangement may be established which is located within 2500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Town board and if both comprise essential components of a single program.
28. Parking of Boats, Trailers, Campers, Snowmobiles or Other Recreational Vehicle shall be restricted to an area (or areas) provided by the management specifically for that purpose within an enclosed (fenced in), locked area. At least one (1) parking space of 200 sq. ft. shall be provided for each three (3) mobile home lots.
29. The Town Board may require that a bond be executed by the mobile home park developer to ensure that all required improvements will be made.

Mobile Home Parks

1. Standards
 - a. Min. Acreage 8
 - b. Maximum density of 5.0 units per gross land acre
2. Minimum Number of Lots.
 - a. There shall be a minimum of twenty-five (25) mobile home lots completed and ready for occupancy before first occupancy is permitted.
3. Length of Residential Occupancy.
 - a. No lot shall be rented for residential use of a mobile home in any such mobile home park except for periods of thirty (30) days or more.
4. Compliance with Code Standards.
 - a. No mobile home shall be admitted in any mobile home park unless it can be demonstrated that it meets the requirements of American Standards for Installation in Mobile Homes of Electrical, Heating, and Plumbing Systems or M.H.M.A. (Mobile Homes Manufacturers Association) Mobile Home Standards for Plumbing, Heating, and Electrical Systems.

Minimum Lot Width and Setback Standards

Setback Standards

	Home	Structures
1. Front Setback	10 ft.	10 ft.
2. Side Setback	8 ft.	5 ft.
3. Rear Setback	8 ft.	5 ft.
4. Corner Street Side Yard	8 ft.	8 ft.

5. Yard abutting Open
Areas From any public street R.O.W 25 ft. 25 ft.
6. Minimum Lot Frontage on Public Road and Minimum Lot Width At Any Point of Lot
400 feet.
7. Minimum Lot Area 6,000 sq. Ft.

4.10 Special Purpose District (SP)

Purpose and Intent

The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. The SP District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanse of land; those which afford hazards to health, safety, or other aspects of the general welfare; those for which it is desirable to have a limited number of a given land use within the community.

Conditional Uses

All such uses shall be conditional uses and subject to the consideration and approval of the Town Board upon the recommendation of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for users of nearby areas. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regards to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problem will be created. The Board may require special facilities as a condition of approval such as, but not limited to, fences, trees, shrubbery, barriers, and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment. Restoration plans and performance bonding may be required for proposed land uses covered by this section as deemed necessary by the Town Board.

1. Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
2. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other paving or road surfacing or building materials.
3. Airport opened to the public, hangers, or accessory structures.
4. Cemeteries when they comply with the provisions of Section 157.06 of the Statutes.
5. Racetracks; sewerage treatment facilities.
6. Accessory structures required by the principal use.
7. Junkyards and automobile salvage yards.
8. Sand and gravel operations provided that the Town Board has approved restoration plans. Such restoration plans shall be developed with the aid of the County Parks and Planning
9. Departments. Such restoration, plans shall include grading and slope requirements, topsoil preservation, ground cover planting, erosion control, fencing, removal of structures, equipment, and stockpiles and any other measures which are deemed necessary to protect the public health, safety, comfort, convenience, or general welfare. If on-site mining or processing operations are not carried out continuously for one (1) year

at any location, the same shall be considered to have been abandoned, and, prior to any further excavation or processing, a new permit shall be required.

10. Community living arrangements shall be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1%) of the town's population. Community living arrangements shall be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1%) of the town's population. Community living arrangement may be established which is located within 2500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Town board and if both comprise essential components of a single program.

Requirements For Conditional Uses

1. Minimum Lot Area 5 acres
2. Minimum Front Yard Setback 50 feet
3. Minimum Side Yard Setback 20 feet
4. Minimum Rear Yard Setback 25 feet
5. Minimum Lot Frontage on Public Road and Minimum Lot Width at Any Point Of Lot 400 ft.
6. Off Street Parking
7. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Federal, State and County Roads.
8. Sand and Gravel Operations
 - a. Minimum Lot Area 5 acres
 - b. Setback from existing street or Highway 100 feet
 - c. Setback from right-of-way public utility 30 feet
 - d. Setback from boundary or zoning district 100 feet
 - e. Fencing and screening. All access to any mining operation within one-half mile radius of any residential district shall be barred by chain link or similar fencing no less than six (6) feet high.
 - f. No dumping shall be allowed anywhere on the site.
 - g. Restoration Plan to be developed with aid of County Agricultural Agent, Soil Conservation Service, County Parks Department, and County Planning Department and approved by Town Board.

4.11 Light Industrial District (M-1)

Purpose and Intent

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the community's Development Guide. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for industry. This district is to facilitate the establishment of light industrial areas which are consistent with the community's Development Plan which considers the economic production and distribution of goods manufactured in the community as in relation to regional and national competitions.

Conditional Use Permitted

A conditional use in this District is to permit the following uses only after a public hearing held by the Plan Commission and approval by the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will recommend approval of the conditional use by the Town Board only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

1. Public or private offices or office buildings.
2. Warehousing, or wholesaling of manufactured goods, except that live animals, explosives, or flammable gases or liquids or toxic materials shall require a conditional use permit issued by the Town Board.
3. Public Utility facilities.
4. Police, Fire and Postal stations.
5. Truck, bus, or rail terminals.
6. Automotive upholstery and body repair shops, laundries and dry-cleaning plants, not including personal and individual drop-off and pick-up service.
7. Commercial bakeries, greenhouses, printing, and publishing.
8. Distributors and food locker plants.
9. Radio, television and communication transmitting or relay towers and facilities.
10. Railroad switching yards.
11. Accessory use that includes a septic tank and field system which shall not exceed 5,000 gallons per day flow, serving an individual building or use. The provisions of Wisconsin Administrative Code NO 214 shall be complied with at all times.
12. Living quarters for watchmen and caretaker.
13. Farm machinery plants and machine shops.
14. Manufacture, fabrication, packing, packaging, and assembly of products utilizing as a primary resource furs, glass, metal, paper, leather, plaster, plastics, textiles and wood.
15. Research laboratories, and facilities.
16. Manufacturing or processing of explosives.
17. Terminal facilities for flammable gases or liquids.

18. Warehousing, storage, or wholesaling of live animals, explosives, or flammable gases or liquids.
19. Manufacture and bottling of nonalcoholic beverages.
20. Storage and sale of machinery and equipment.
21. Manufacture, fabrication, processing, packing, and packaging of confections, cosmetics, electrical appliances, electronic devices; instruments; jewelry, pharmaceuticals, tobacco; toiletries; and food, except cabbage, fish, and fish products, meat, and meat products, and pea vining.
22. Building contractor's storage yard.
23. Commercial service facility and sewerage disposal plants.
24. Wireless Communication Facility and Towers as defined in Section 13.2(13 and 15). (I) Community living arrangements shall be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1%) of the town's population.
25. Community living arrangements shall be permitted as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed one percent (1 %) of the town's population.
26. No community living arrangement may be established which is located within 25,000 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Town board and if both comprise essential components of a single program.

Requirements for Permitted Uses.

1. Maximum Building Height 35 feet
2. Minimum Lot Area 5 acres
3. Minimum Front Yard Setback 50 ft. (75 ft. If parking is permitted in front yard)
4. Minimum Rear Yard Setback 40 ft. (50 ft. When abutting a residential area.)
5. Minimum Side Yard Setback 20 ft. (50 ft when abutting a residential area)
6. Minimum Lot Frontage on Public Road and Minimum Width At Any Point of Lot 400 ft.
7. Minimum Parking Provided 1 space per 2 employees
8. Every structure for building containing at least 5,000 square feet of gross floor area shall provide off-street loading space measuring not less than ten (10) feet by forty (40) feet and having height, clear of all obstructions, of fourteen (14) feet, according to the following schedule:

Gross Floor Area	Number of Loading Spaces
5000 sq. ft to 24,000 sq. ft	1
24,000 sq. ft. to 60,000 sq. ft.	2
60,000 sq. ft to 96,000 sq. ft.	3
96,000 sq. ft. to 144,000 sq. ft	4

144,000 sq. ft. to 192,000 sq. ft	5
192,000 sq. ft. to 240,000 sq. ft	6
240,000 sq. ft. to 297,000 sq ft.	7
297,000 sq. ft. 348,000 sq. ft.	8
For each additional 54,000 sq. ft.	1 additional space

9. The Town Board may permit the required loading spaces to remain undeveloped until it decides that they are needed.
10. Not more than twenty percent (20%) of the lot containing any use permitted in this District may be used for open storage of raw material, or any other material. Such storage shall be effectively screened from non-industrial uses or districts by a solid wall or fence.
11. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Federal, State and County roads.

SECTION 5.0 Conditional Use Permits

5.1 General Provisions

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

5.2 Required Information

Applications for a Conditional use Permit shall include the following:

1. Name and Addresses of the applicant, owner of the site, architect, professional engineer, contractor,
2. Description of the Subject Site by lot, block and recorded subdivision or by metes and bound, address of the subject site, type of structure, proposed operation or use of the structure or site, number of employees, and the zoning district within which the subject site is located.
3. Site Plan showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures; existing and proposed easements; streets, and other, public ways; off-street parking, loading areas, driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the Site Plan shall show the location, elevation and use of any abutting lands and their structures within forty (40) feet of the subject site.
4. Additional Information as may be required by the Plan Commission or Town Board.

5.3 Standards Applicable to All Conditional Uses

In reviewing or recommending a Conditional Use Permit application, the Plan Commission and Town Board shall consider the following factors:

1. The location, nature, and size of the proposed use.
2. The size of the site in relation to it.
3. The location of the site with respect to existing or future roads giving access to it.
4. Its compatibility with existing uses on land adjacent thereto.
5. Its harmony with the future development of the district.
6. Existing topography, drainage, soils types and vegetative cover.
7. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
8. In relationship to animals, the number of animals and type of animals shall be listed.
9. The potential for conflict with agricultural use.
10. The need of proposed use for a location in an agricultural area.

11. The availability of alternative locations.
12. Compatibility with existing or permitted uses on adjacent lands.
13. The productivity of the lands involved.
14. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
15. The need for public services created by the proposed use.
16. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
17. The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

5.4 Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Plan Commission and/or Town Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purpose of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

5.5 Notice and Public Hearing.

Before making a recommendation to the Town Board on a Conditional Use Permit, the Plan Commission shall hold a public hearing. Notice of such public hearing specifying the time, place and matters to come before the Plan Commission shall be given as a Class 2 notice as referred to in the Chapter 985 of the Wisconsin Statutes.

5.6 Conditional Use Permit Fee

1. The applicant, upon filing of this application, shall pay a fee to the Town Clerk in accordance with a schedule set by resolution of the Town Board.
2. The Conditional Use Permit issued within thirty (30) days of approval by the Town Board of the Town of Newark.
3. Conditional use permits are to be renewed on an annual basis, with a renewal fee paid prior to December 1 in an amount determined by resolution of the Town Board. If the fee is paid after December 1, a late fee in the amount of twice the renewal fee will be imposed.
4. Quarter 4 applications will not owe the renewal fee for the following year.

SECTION 6.0 BUILDING PERMITS

6.1 Permits Required to Comply with Zoning Ordinance

No person, firm or corporation shall locate, erect, re-construct, extend, enlarge, structurally repair or structurally alter any structure until the owner of the land on which such structure is or is to be located has obtained a building permit issued by the Town Building Inspector, from the Town Building Inspector/ Town Clerk, unless otherwise exempt pursuant to this ordinance. No permit pertaining to the use of land, building or structures shall be issued unless application for such permit has been examined in accordance with this Ordinance and it has been signed, indicating that the proposed use of land, buildings, or structure complies with all provisions of this Ordinance. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

6.2 Building Permits

1. Building Permit Required for:
 - a. All new construction including dwellings, houses, garages, business buildings, outbuildings and other structures of any kind sized over 120 square feet.
 - b. All alterations, remodeling (exterior or interior), additions or changes sized over 120 square feet to existing structures.
 - c. Rebuilding of or repair to damaged structures
 - d. All electrical services: including new and upgrades
 - e. Any type of electrical, heating or plumbing work except minor repairs
2. Building Permit Not Required
 - a. Maintenance or repair that does not alter the structure, such as the replacement of windows, painting, replacement of siding and replacement of roof shingles.
 - b. For any improvements or alterations to an existing building sized as 120 square feet or less which shall not effect a structural change in use or encroach upon any yard or open space.
3. Demolition Permit Required for any demolition of any and all existing buildings per Town Demolition Ordinance.

6.3 Application for Building Permit

An application for a Building Permit shall be made to the Town Clerk upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

1. Site Plan, in duplicate and properly dimensioned showing:
 - a. The boundaries of the property involved.
 - b. The location of the centerline of any abutting streets or highways.
 - c. The location on the property of any existing buildings proposed additions or proposed new buildings, including the measured distances in feet between such buildings, and from the lot lines and from the centerline of any abutting roads or highways to the nearest portion of such buildings.

- d. The high-water line of any stream or lake upon which the property abuts.
 - e. A set of plans for the structure to be built including electrical, plumbing and other construction data as may be required by the Building Inspector.
- 2. Where the use involves human occupancy, a plan of the proposed water system and sewage system, which, if not connected to an approved municipal water system or municipal sewage system shall conform to the requirements set forth in Comm 83 of the Wisconsin Administrative Code and approved by Rock County Health Department which are hereby made by reference a part of this Ordinance. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots.
- 3. The application for a Building Permit for a new residential building which is not accompanied by a petition for a zoning change and/or a petition for a land division shall be forwarded by the Town Clerk to the Town Building Inspector. The Building Inspector may then issue a Building Permit. Any application for a Building Permit accompanied by a petition for a zoning change and/or petition for a land division shall be forwarded by the Town Clerk to the Plan Commission. Following its review of the zoning change and/or a petition for a land division, the Plan Commission shall forward its recommendation concerning the zoning change and/or a petition for a land division to the Town Board which will rule on the zoning change and/or a petition for a land division issue which needs to happen prior to issuing a Building Permit

6.4 Building Permit Fee

The applicant, upon filing of the Building Permit with the Town Clerk, shall pay a fee to the Town Clerk in accordance with a schedule set by the Town Board.

6.5 Penalty for Failure to Obtain a Permit.

Failure to obtain a building permit prior to commencing construction where such permit is required by the provisions of this Ordinance, will result in an additional fee being charged by the Town of Newark in an amount equal to the building permit fee. Payment of such additional fee shall not excuse the applicant from full compliance with the provisions of this Ordinance. Such additional fee shall not be in lieu of the penalties provided for in Section 2.4 through 2.6 of this Ordinance.

SECTION 7.0 STANDARDS FOR EVALUATING CONDITIONAL USES,

The following information may be used by the Plan Commission or Town Board prior to or during proceedings where conditional use permits, zoning district changes or variances are being considered. Conditional use permits must also conform to section 5.0 Conditions of approval can be attached by the Plan Commission or Town Board to address issues which relate to the purpose of this ordinance. The following guidelines are not all inclusive.

7.1 Site Design and Physical Characteristics

1. Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
2. Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
3. Where public sewers are not available, the percolation characteristics of the soil.
4. Adequacy of the proposed internal circulation system, including safety consideration.
5. Access to sites from the internal circulation system.
6. The costs of providing various public services.
7. Appearance-how the area will look.

7.2 Site Location Relative to the Public Road Network

1. Convenient access to a public road network - safety of access points.
2. Visibility from the proposed road and the need of visibility.
3. Location to provide access primarily by right-hand turning movements.

7.3 Land Use

1. Compatibility with existing or proposed uses in the area.
2. Relation to any existing land use plan.
3. Relation to existing or proposed development at nearby interchanges.

7.4 Community Effects

1. Intermediate and long-range tax base.
2. Access to market or service area.
3. Relation to scenic or recreation values.
4. Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.
5. Compliance with the Development Plan's Goals and Objectives.

7.5 Other Relevant Factors

1. See Performance Standards in Section 11 of this Ordinance.
2. Additional Impacts.

SECTION 8.0 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

8.1 Classification and Setbacks

For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the Township are hereby divided into the following classifications according to the Wisconsin Department of Transportation 1980 Functional Classification System or a locally adopted Transportation Plan.

1. Arterial Highways
 - a. The setback line for Arterial Highway shall be 250 feet from the center line of the highway or 100 feet from the right-of-way line, whichever is greater.
 - b. Frontage roads to Arterial Highways shall be considered as local roads for the purpose of determining the setback along said service roads.
 - c. Minimum road right-of-way shall be 100 feet.
2. Collector Roads
 - a. The setback for the collector roads shall be 90 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 80 feet.
3. Local Roads
 - a. All local roads shall have a minimum setback of 85 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 66 feet.
4. Lesser setbacks may be permitted by the Town Board after review by the Plan Commission in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.
5. Special Width Road Right-Of-Ways
 - a. Road rights-of-way which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements and in the division of land.

8.2 Vision Clearance at Intersections

In each quadrant of every public street, road or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road centerlines and line connecting points on said centerlines at a specified distance from their point of intersection, in the manner illustrated on the following page and titled Basic Illustration of Clear Vision Triangles.

The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.

The term "centerline" in this section shall be interpreted as follows:

1. Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.
2. Where there is a divided pavement within a right-of-way, the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection 3 below.
3. Where there is a divided pavement within a right-of-way, and the distance between the centerline of the pavements, measured along the centerline of the intersecting street or road, is 60 feet or greater, the centerlines of the pavements shall be used separately, in the manner illustrated on the following page, and entitled Illustration Of Designation Of Centerline For Clear Vision Triangles, to designate the clear vision triangles.

The distance specified from the point of intersection of the centerlines to the aforesaid points on the centerlines shall be as specified in the table as follows:

Classification	Triangle Side Distance
Arterial	300 ft.
Collector	200 ft.
Local	150 ft.

Within the clear vision triangle, no object shall be allowed above a height of two and one-half (2-1/2) feet above the average elevation of the streets at the aforesaid points on their respective centerlines if it substantially obstructs the view across the triangle.

In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. In a like manner, this restriction shall not apply to the posts and wire fences, provided that they do not obstruct visibility across the clear vision triangle.

8.3 Objects Permitted Within Setback Lines and Vision Triangles

1. Open fences.
2. Telephone, telegraph and power transmission poles, lines and portable equipment that is readily removable in its entirety.
3. The planting and harvesting of field crops, shrubbery, and trees, except that no trees, crops or shrubbery shall be planted within a vision clearance triangle so as to obstruct the view.

8.4 Traffic Generation

1. Amount of daily and peak-hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.
2. Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
3. Expected composition of site-generated traffic by vehicle types.
4. Effect of site-generated traffic on the operation of the area.
5. Safety and convenience to future users.

8.5 Access Control.

No shared driveways shall be allowed in any district.

SECTION 9.0 NONCONFORMING USES, STRUCTURES AND LOTS

Existing lawful nonconforming uses, structures, and lots shall meet the provisions of this Section, and those located within floodplains, shorelands, and shoreland-wetlands shall also comply with the County floodplain, shoreland, and shoreland-wetland regulations, whichever is more restrictive.

9.1 Existing Nonconforming Uses

The lawful nonconforming use of land or water; or a lawful nonconforming use in a conforming or nonconforming structure; or a lawful nonconforming use on a conforming or nonconforming lot that existed at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

1. Only That Portion of the structure, fixture, land, or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, reconstructed, substituted, or moved except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
2. Discontinuance. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, fixture, or premises shall conform to the provisions of this Ordinance.
3. Abolishment or Destruction. When a nonconforming use or a structure with a nonconforming use is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity, the use may be restored to the current square footage as long as the work to restore is started within 12 months from the date of the damaging event.
4. Substitution of New Equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.

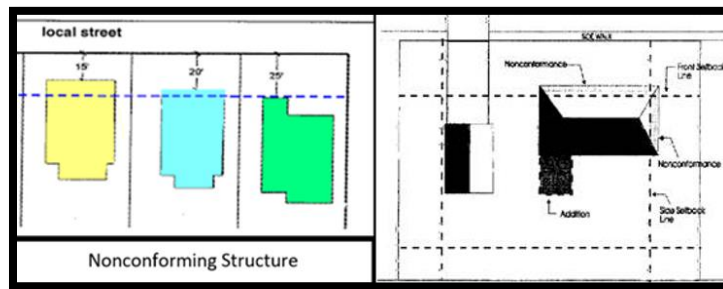
9.2 Conforming Structures on Nonconforming Lots

The conforming use of a conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the lot area and/or width does not conform to the requirements of this Ordinance.

1. Additions and Enlargements to such structures are permitted provided they conform to the established yard/setback, height, parking, loading, access provisions, and other Development Regulations of this Ordinance, other than minimum lot dimensional requirements.
2. Existing Structures on Nonconforming Lots that are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be reconstructed provided they conform to the established yard/setback, height, parking, loading, access provisions, and other Development Regulations of this Ordinance, other than minimum lot dimensional requirements.

9.3 Nonconforming Structures on Conforming or Nonconforming Lots

1. A Nonconforming Structure with a conforming use lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform to the Development Regulations of this Ordinance.
2. Nonconforming Structures with a conforming use may be repaired, maintained, renovated, rebuilt, or remodeled, subject to building code and other applicable requirements. No prohibition or limits based on cost may be imposed on the repair, maintenance, renovation, or remodeling of such structures.
3. Additions and Enlargements to existing nonconforming structures with a conforming use are permitted and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Ordinance. Existing buildings and their additions shall not be permitted to encroach further upon established yard/setback and height requirements than the enlargements are applicable only if the lot is served by public sanitary sewer or, if relevant, conforms with existing sanitary code requirements for private onsite sewage treatment systems (POWTS).



4. Existing Nonconforming Structures may be moved and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Ordinance.
5. A Nonconforming Structure with a Conforming Use that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements. No limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size immediately before the damage or destruction occurred only if necessary for the structure to comply with applicable State or Federal requirements. Any reconstruction shall conform to the Development Regulations of this Ordinance, to the extent practicable, and existing sanitary code requirements, and shall commence within 12 months of the date of damage or destruction, unless an extension is granted by the government agency having authority.

9.4 Vacant Nonconforming Lots

1. Development. The Zoning Administrator may issue a zoning permit for development of a vacant lot which does not contain sufficient area to conform to the lot dimensional requirements of this Ordinance to be used as a building site provided that the use is allowed in the zoning district in which it is located; the lot is of record in the County

Register of Deeds Office prior to the effective date of this Ordinance or amendment thereof.

- a. Nonconforming lots to be served by POWTS shall be at least 100 feet wide and 40,000 square feet in area.
 - b. Lots with smaller dimensions than mentioned above shall not be developed unless a variance is granted by the Town Board of Supervisors.
2. Development of vacant nonconforming lots granted permits under this Section shall be required to meet the yard/setback, height, parking, loading, access provisions, and other Development Regulations, except lot size requirements unless otherwise specified, of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above may be issued only after a variance is granted by the Town Board of Supervisors.

9.5 Shoreland-Wetland Nonconforming Structures

The repair, reconstruction, renovation, remodeling, restoration, or expansion of a legal nonconforming structure, or any environmental control facility related to such structure located in shoreland-wetlands and in existence at the time of adoption or subsequent amendment of this Ordinance may be permitted in accordance with the provisions of Section 61.351(5) and (5m) of the Wisconsin Statutes and Rock County Chapter 4 shoreland – wetland ordinance.

9.6 Floodplain Nonconforming Uses and Structures

Modifications or additions to nonconforming uses and structures in floodplains shall comply with the nonconforming regulations in Section Rock County Chapter 4 of floodplain ordinance.

9.7 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform to the requirements of this Ordinance, it shall not revert back to a nonconforming use or structure. The Board of Zoning Appeals may permit the substitution of a more restrictive nonconforming use for an existing nonconforming use. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted more restrictive nonconforming use shall be subject to all the conditions required by the Board of Zoning Appeals.

9.8 Substandard Lots

If two or more substandard lots with continuous frontage have the same ownership, the lots involved, for the purpose of animal units, may be considered to be a single parcel.

In any residential or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Ordinance.

All the district requirements shall be in compliance with insofar as practical but shall not be less than the following:

1. Minimum Lot Size 7,500 sq. ft. (except in shoreland areas)

2. Minimum Width 50 ft.
3. Yard Street Minimum 35 ft.; the second street yard on corner lots shall be not less than 10 ft.
4. Rear Minimum 20 ft.
5. Side Minimum 10 percent (10%) of the frontage, but not less than 5 ft or greater than 20 ft.

Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a building permit.

SECTION 10.0 CHANGES AND AMENDMENTS

10.1 Authority

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance when the amendment is consistent with an adopted development plan.

Such Change or Amendment shall require the review and recommendation of the Plan Commission.

10.2 Initiation

A change or amendment may be initiated by the Town Board, Plan Commission, or by a petition from the owners or an agent of property proposed to be changed.

10.3 Petitions

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

1. Plot Plan drawn to a scale of one (1) inch equals 100 feet, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within one thousand (1,000) feet of the area proposed to be rezoned.

2. Owners' Names and Addresses of all adjoining property owners and all properties lying within one thousand (1,000) feet of the area proposed to be rezoned.
3. Additional Information as required by the Plan Commission, or Town Board.
4. The applicant, upon filing of the petition with the Town Clerk, shall pay a fee to the Town Clerk in accordance with a schedule set by resolution of the Town Board.

10.4 Recommendations

The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town board.

10.5 Hearings

The Plan Commission shall conduct a public hearing. The Town Clerk shall notify all property owners within one thousand (1,000) feet of the land in question, and after publishing a Class 2 Notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed. The Town Clerk shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

10.6 Town Board's Action

Following such hearing and after careful consideration of the Town Plan Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

10.7 Protest to Proposed Change

In the event of protest against a proposed district change or amendment to the ordinance, duly signed and acknowledged by the owners of twenty percent (20%) or more of the frontage proposed to be altered, or by the owners of at least twenty or more of the frontage proposed to be altered, or by the owners of at least twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed by the Town Board of Supervisors unless recommended by a majority vote of the Plan Commission.

SECTION 11.0 PERFORMANCE STANDARDS

11.1 Compliance

This Ordinance 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 their district regulations and with the following performance standards.

11.2 Air Pollution

No activity shall emit 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 other forms of property. No activity shall 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 Ringelmann Chart described in the United States Bureau of Mines Information Circular 7718.

11.3 Fire and Explosive Hazards

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials 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. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash Point	Gallons
Over 187 F.	400,000
105 F. to 187 F.	200,000
Below 105 F.	100,000

11.4 Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall not be construed as a nuisance outside their premises.

11.5 Liquid or Solid Wastes

No activity shall 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. This Section does not apply to Agriculture Districts for agriculture activities.

11.6 Noise

No activity shall produce a sound level outside the M-1 District boundary which exceeds the following sound level measured by a sound meter and associated octave band filter.

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1,200	53
1,200 to 2,400	47
2,400 to 4,800	41
Above 4,800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness. This Section does not apply to Agriculture Districts to agriculture activities.

11.7 Odors

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be NR 429.03, Wisconsin Administrative Code. Agriculture odors associated with normal agricultural activities are exempted from this section.

11.8 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.

11.9 Vibration

No activity in any district shall emit vibrations which are discernible without instruments outside its premises.

11.10 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that would be likely to run off, seep, percolate, or wash into surface or subsurface water so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no activity shall include the discharge of any liquid, gaseous or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code for all navigable waters.

This section applies to both surface and ground waters. If the Town Board of the Town of Newark has a reasonable cause to suspect an activity on a site within the Town of Newark is

causing contamination, pollution or harm to surface or ground waters, either because of a complaint or upon its own independent investigation, the Town Board may require the owner or occupant of such site to test the surface or ground water for bacteria and nitrates, and for such other items or materials which the Town Board of the Town of Newark may determine from time to time are necessary in order to insure the health and safety of the occupants and residents of the Town of Newark. Such testing shall be done by a qualified testing lab and the results of such testing shall be submitted to the Town Clerk of the Town of Newark within such time as may be determined by the Town Board with the cost of such testing to be borne by the owner or occupant of the site.

SECTION 12.0 SIGNS

12.1 Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a conditional use permit, and approval by the Plan Commission and Town Board except those signs permitted under Section 12.2, and without being in conformity with the provisions of this Ordinance, Section 84.30 of the Wisconsin Statutes, and Chapter Trans 201 of the Wisconsin Administrative Code. The sign shall also meet all the structural requirements of local and state building codes.

12.2 Signs Permitted in All Districts Without a Zoning Permit

The following signs are permitted in all zoning districts without a permit subject to the following regulations:

- (1) Sign Over Show Windows or Doors of a business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and two (2) feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed eight (8) square feet in display area on all sides for any one farm.
- (3) Real Estate Signs, not to exceed eight (8) square feet in the display area, which advertises the sale, rental, or lease of the premises upon which said signs are temporarily located.

- (4) Name, Occupation, and Warning Signs not to exceed two (2) square feet in display area located on the premises.
- (5) Bulletin Boards of public, charitable, or religious institutions not to exceed sixteen (16) square feet in display area located on the premises.
- (6) Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official Signs, such as traffic, control, parking restrictions, information, and notices.

Political signs are to comply with Wis. Stat. Sec. 12.04 and Wis. Adm. Code TRANS 201.16.

- (8) Temporary Signs or banners not to exceed 30 days.

12.3 Signs Permitted in All Business and Industrial Districts

A Conditional Use Permit is required for all signs in the business and Industrial Districts with a permit and are subject to the following regulations:

- 1. Wall Signs placed against the exterior wall of a building shall not extend more than twelve (12) inches from the wall and shall not extend above the roof line. The maximum area of all wall signs shall not exceed an area equal to one (1) square foot for each lineal front foot of building.
- 2. Protecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more than six (6) feet in any required yard; shall not be less than ten (10) feet from all lot lines; shall not extend above the roof line; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.
- 3. On-Premise Ground Signs in Business and Industrial Districts shall be limited to one sign for each individual business premises and advertise the business name, services offered or products sold, shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides for any on premises, shall have a maximum height of thirty (30) feet, and shall be at least fifty (50) feet from the boundary of any residential district.
- 4. Two of the above signs shall be permitted for each business or industrial use. The total area for both signs shall not exceed the greatest maximum area allowed.
- 5. Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the signs are displayed.

6. Off-Premises Ground Signs shall require a conditional use permit from the Town Board. Such signs shall not be located within fifty (50) feet of the existing or proposed right-of-way of any state or country trunk highway or any town road measured horizontally along a line perpendicular to the center of the highway; shall not be located within one thousand (1,000) feet of any other off premise ground sign located on the same side of the road; shall not exceed thirty (30) feet in height; shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides; shall conform to all yard and setback requirements of the district in which it is located; and shall not be located within 500 feet of a residential district.

12.4 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause a glare or impair driver visibility upon public ways.

12.5 Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 9.0 shall apply.

12.6 Moveable or Temporary Signs

Except for as provided in 12.2.9 no moveable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to real estate. Any motor vehicle used on a regular basis for a bona fide business purpose other than advertising is exempted from the above prohibition.

12.7 Lighting of Signs

Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights shall be allowed as part of a sign after the effective date of this ordinance.

12.8 Roof-mounted Signs.

Signs erected on the roof of a building shall be prohibited by this ordinance.

12.9 Areas of Special Control

Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

- (1) Architectural, historic, or scenic areas whose special and unique characteristics or whose natural beauty requires special sign regulations to ensure that all signs used within the area are compatible with each other and with the area.
- (2) Integrated centers of intensive business areas over 5 acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this ordinance.

12.10 Permit Fees

The applicant, upon filling of the application for a Sign Permit with the Town Clerk shall pay a fee to the Town Clerk in accordance with a schedule set by resolution of the Town Board.

SECTION 13.0 WIRELESS COMMUNICATIONS FACILITIES.

13.1 Statement of Purpose and Intent.

The purpose of this ordinance is to provide standards and criteria for the placement, construction, and maintenance of wireless communication facilities in the Town of Newark. The intent of this ordinance is to:

1. Strike a balance between the interests of the wireless communications service providers, the consumers of those services and the Town of Newark.
2. Restrict the location of towers to nonresidential areas and minimize the total number of towers throughout the Town.
3. Protect residential areas and land uses from potential adverse impact of towers and antennas.
4. Encourage co-location of new antennas on existing towers.
5. Encourage users of towers and antennas to locate them, to the maximum extent possible, in areas where the adverse impact on the township is minimal.
6. Encourage users of towers and antennas to configure them in a way that minimizes their adverse visual impact by careful design, siting, landscaping, screening and camouflaging techniques.
7. Protect property values and public health, safety and welfare.
8. Avoid potential damage to adjacent properties from tower failure through careful engineering and siting of tower structures.
9. Enable wireless communication service providers to provide their services to the township in a prompt, effective and efficient manner.
10. Create clear and objective approval criteria.
11. Ensure that all wireless communication providers are given an equal opportunity to compete in the local market.

13.2 Definitions.

When used in this chapter, the following words and phrases shall have the meanings indicated:

1. Alternative Tower Structure: An existing man-made structure which is used as an alternative to a tower and to which an antenna and/or an antenna support structure is attached.
2. Antenna: An outdoor apparatus designed to send or receive wireless communications.
3. Antenna Support Structure: A structure which is attached to an alternative tower structure, and which is designed to support an antenna at a height sufficient to permit effective receipt or transmission of wireless communications.

4. Co-location: The location of more than one (1) antenna on a single tower or alternative tower structure.
5. Equipment Facility: A building, cabinet, or other enclosure used to house and protect the electronic equipment necessary for processing wireless communications at a wireless communications facility.
6. FAA: Federal Aviation Administration.
7. FCC: Federal Communications Commission.
8. Governing Authority: The Town of Newark.
9. Height: The distance from the ground at the base of the tower, or alternative tower structure, to the highest point of the tower or any fixture attached to it, whichever is highest.
10. Operator: A person, corporation, partnership, association, or other organization which:
 - a. Provides wireless communication services, either directly or through one or more agents, employees, subsidiaries, or affiliates.
 - b. Controls or is responsible for the management and operation of a wireless communications facility.
11. Points of Visual Interest: Views of waterways, open spaces, historic buildings, architecturally significant structures, or other scenic views.
12. Pre-Existing Towers and Antennas: Any tower or antenna for which a building permit or condition use permit had been properly issued prior to the effective date of this chapter.
13. Tower: A freestanding, self-supporting structure which rests upon or is embedded into the ground and that is designed and constructed primarily for the purpose of supporting wireless communication antennas. "Tower" does include structures supported by anchored guy wires.
14. Tower Sites: The parcel of land where a tower and associated wireless communication structures, fixtures, and equipment are located.
15. Wireless communications facility: All of the wireless communication devices located at a single wireless communication site. The term "wireless communications" is synonymous with the terms "telecommunications facility" and "communications facility".
16. Wireless Communications Service: The provision of wireless communication services for consideration. The Wireless communication services include, but are not limited to, Cellular Communications Service (CCS), Personal Communication Service (PCS), Specialized Mobile Radio Service (SMR), Enhanced Specialized Mobile Radio (ESMR), paging services and other similar Wireless Communication Services. Telecommunications service does not include wireless over the air broadcasts to the public at large or citizen band radio broadcasts.

13.3 Applicability of Regulations.

1. Facilities Regulated by this Chapter: Except as provided in subsection (2)(a) of this section, the regulations contained in this chapter shall apply to all wireless communication facilities in the Town of Newark.

2. Facilities Exempt from Other Provisions of this Chapter.
 - a. The following wireless communication facilities are exempt from the provisions of this chapter, except the regulations contained in subparagraph (b) of this subsection.
 - i. A single ground or building mounted tower used to hold internet antenna or receive-only radio or television antenna including any mast, for the sole use of the occupant of a residential parcel on which the radio or television antenna is located: within an antenna height not exceeding 50 feet.
 - ii. Ground or building mounted internet antenna or receive-only radio or television satellite dish antenna, which does exceed eight feet (8) in diameter, for the sole use of the occupant of a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the roof line of the primary structure on said parcel.
 - iii. Microwave dishes for private home use.
 - iv. 2-way radio antenna which does not exceed 10' higher than your highest structure
 - v. Mobile communication services providing public information or coverage of news events of a temporary nature.
 - vi. Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.
 - vii. Governmentally owned and operated receive and/or transmit telemetry station antenna for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding 50'.
 - viii. Antennas and equipment and other apparatus, completely located within an existing structure whose purpose is to enhance or facilitate communication functions of other structures on the site.
 - ix. Towers and antennas that existed prior to the enactment of this chapter.
 - b. Regulation of Exempt Facilities: Notwithstanding subparagraph (a) of this section, exempt facilities shall be subject to the following rules and regulations:
 - i. In residential districts:
 1. There shall be no more than one (1) antenna support structure per tax parcel.
 2. Satellite dishes shall not exceed 8 feet in diameter.
 - ii. Exempt towers shall be designed to prevent children and other trespassers from climbing on the structure. Ladder rungs shall be at least 20 feet above the ground immediately below.
 - iii. The tower and antenna shall be constructed and maintained in accordance with the provisions of sections 13.4 and 13.5 of this chapter.

- c. Other Codes Apply; Notwithstanding the provisions of subsection (2)(A) of this section, towers and antennas constructed and maintained in the Town of Newark shall comply with all other applicable local, state and federal laws.

13.4 Building Permits:

1. Building Permit Required: No person shall construct, install or alter any wireless communication facility including any equipment facility or other associated structures in the Town of Newark without first obtaining a building permit
2. Application for Building Permit:
 - a. Form and Contents: The application for a building permit shall be made on a form prescribed by the Building Inspector. The application for a building permit will not be considered until the application is fully completed and signed by the applicant. When completed the application shall be filed with the Building Inspector.
 - b. Approval by Landowner: if the applicant for a permit to build a wireless communication facility is the owner of the land, the applicant should so indicate. If the applicant is not the owner of the land upon which the communication facility will be erected, the owner of the land shall sign the application form along with the applicant. The application shall provide proof of ownership at the time the application is filed.
3. Building Permit Fees: The fees for the tower, antenna support structure, antennas, buildings and equipment will be set forth on a schedule on file in the office of the Town Clerk.
4. Conditions Precedent to Issuance of the Building Permit:
 - a. Compliance With Zoning Ordinance: No building permit shall be issued for a wireless communication facility unless such facility is permitted by the zoning code or unless a conditional use permit is issued pursuant to that code.
 - b. Conditional Use Permit: No building permit shall be issued for a wireless communication facility for which a conditional use permit is required until such conditional use permit has been issued.
 - c. General Requirements: No building permit shall be issued to the applicant until each of the following requirements has been met:
 - i. Plans Specifications and Statements: The applicant for a permit to construct a new tower or equipment facility shall provide the following to the Clerk.
 1. Wisconsin Professional Engineer stamped plans and Specifications for construction of the tower.
 2. A written statement by an electrical engineer licensed to practice in the State of Wisconsin that the reception and transmission functions of the proposed tower, antenna or equipment facility will not interfere with the usual and customary transmission and

reception of radio, television or other services on adjacent properties.

3. A copy of the FAA determination, the FCC license and the State of Wisconsin Department of Commerce building plan
4. For towers, a written statement from the applicant's engineer licensed in the State of Wisconsin indicating:
 - a. The types of antennas that may be accommodated by the tower.
 - b. The tower's capacity for such antennas.
 - c. The failure characteristics of the tower; and
 - d. The adequacy of its setback in the event of failure.
- ii. Site and Landscape Plans: The applicant shall provide the Building Inspector with site plans and landscape plans drawn to one inch scale of one inch = 20 feet. Those plans should specify the location of any tower, building, parking, landscaping, fencing and other accessory uses. The landscape plans shall indicate the size, spacing and type of plantings for the proposed site.
- iii. List of Other Antenna Facilities: The applicant shall provide the Clerk with a list of the applicant's existing towers and antennas located within the Town of Newark. The list should identify the location, height and design of each tower and location of each antenna. The Building Inspector may share such information with other applicants applying for a building permit to construct, install or alter wireless communication facilities.
- iv. Affidavit Regarding Other Towers: The applicant for a permit to construct a new tower shall execute an affidavit stating whether any other wireless communication tower is located within a radius of 1 mile from the location of the proposed new tower.
- v. Co-Location Statement for Towers: The applicant shall demonstrate to the reasonable satisfaction of the Building Inspector, that no existing tower or alternative tower structure can accommodate the applicant's proposed antenna. Upon showing that any one of the following circumstances exists, the applicant shall be deemed to have satisfactorily demonstrated the need for new tower:
 1. No tower or alternative tower structure exists in a geographic area where it is necessary to place an antenna in order to provide effective wireless communication services.
 2. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
 3. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4. Applicant's proposed antenna would cause interference with another antenna already located on an existing tower or structure would cause interference with applicant's proposed structure.
5. The charges for use of an existing tower or alternative tower structure are unreasonable. Charges for use of an existing tower or structure shall be deemed unreasonable if those charges exceed the cost of constructing a wireless communication facility or the costs of constructing such facility cannot be recaptured over a period of five (5) years.
6. The applicant demonstrates that there are other factors that render an existing tower or alternative tower structure unsuitable.

13.5 Other Requirements

1. Height:
 - a. Towers: No tower shall exceed 200 feet in height.
 - b. Antenna Support Structure:
 - i. General Rule: Except as provided in subparagraph (2), no antenna support structure, including any antenna or other device attached thereto, shall extend more than 15 feet above the highest point of the building or structure to which the antenna support structure is attached.
 - ii. Exception: An antenna support structure, including any antenna or other device attached thereto, may extend to a height of 70 feet, if the antenna support structure is located on the roof of a commercial industrial, professional, or institutional building, and:
 1. The building is not altered to accommodate the alternative support structure; and
 2. The alternative support structure complies with all applicable local, state, and federal laws, rules, and regulations.
2. Advertising Signs Prohibited: No person shall place any advertising sign on any tower, antenna support structure or antenna. Nor shall anyone place any flag, decorative sign, streamer, pennant, ribbon, spinner or other moving object on a tower, antenna support structure or antenna.
3. Lighting: No tower, antenna support structure or antenna shall be artificially illuminated, unless such lighting is required by local, state, or federal law. This subsection does not prohibit the use of motion detectors and associated lighting or the use of outdoor lights when the wireless communication provider's personnel are present. This subsection is not intended to prohibit any lighting required by any local, state, or federal law or rule of regulation. If lighting is required by such law, rule of regulation, the operator and owner shall choose the lighting which causes the least disturbance to the occupants of adjacent properties.

4. Traffic: Traffic that is associated with the wireless communication facility shall not adversely affect abutting streets or neighboring properties.
5. Setbacks: All towers and wireless communication facilities shall be subject to the same set back, yard, lot, width and lot area requirements as other structures located in the towers, or wireless communication facilities Zoning District.
6. Tower Separation: No new tower shall be constructed within 1 mile of an existing tower unless a conditional use permit is granted. The distance shall be measured in a straight line between the base of the existing tower and the proposed location for the base of the new tower.
7. Tower Color: The tower shall have galvanized steel finish or shall be painted in a neutral color so as to reduce visual obtrusiveness or to camouflage the tower, unless such a color is required by local, state, or federal law, rule or regulation. Antennas and antenna support structures shall be a neutral color which is identical to, or closely compatible with the color of the tower or alternative support structure.
8. Ladders: Ladder rungs on towers shall not be placed within 20 feet of the ground.
9. Fencing: A wireless communication facility shall be enclosed by a security fence not less than 8 feet in height and secured so that it is not accessible by the general public. Fence design, materials, and colors shall reflect the character of the surrounding area as determined by the Town Board.
10. Landscaping: A buffer of plant materials to effectively screen the site from public view and from adjacent properties shall be provided.
 - a. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the wireless communications facility.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible. In some cases, such towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
 - d. All landscaping requirements detailed here shall be properly maintained for the life of the conditional use permit or while the tower is present.
11. Buildings, Enclosures, and other Associated Devices:

- a. Location: All buildings, enclosures, equipment and other associated devices shall be placed near to the base of the tower located on the wireless communication site. If the wireless communications facility does not have a tower, the buildings, equipment and other associated devices shall be placed near to the alternative tower structure. If the wireless communication facility has a roof mounted antenna support structure, an equipment enclosure may be located on the roof provided that such enclosure is placed as unobtrusively as possible and in compliance with all applicable building and zoning rules and regulations.
- b. Security: All buildings and equipment enclosures shall be kept locked at all times. Each building and enclosure shall have a label attached to it. The label shall give the name, address, and telephone number of the person who should be contacted in the event of an emergency.

13.6 Annual Registration:

- 1. Facilities to be Registered: The owner or operator of a wireless communication facility shall obtain an annual registration for the operation of each wireless communication facility and addition located in the Town of Newark.
- 2. Application for Registration:
 - a. Form and Contents: The owner or operator of a wireless communication facility shall complete an application for registration on a form prescribed by the Clerk. The application form shall be signed by the owner or operator of the wireless communication facility and by the owner of the property on which the facility is located. The application form shall be submitted to the Town Clerk.
 - b. Issuance of a Registration Certificate: Upon receipt of a fully completed application, the Clerk shall issue a registration certificate to the owner or operator of the wireless communication facility. Issuance of the registration certificate is subject to review and approval by the Building Inspector for compliance with all provisions of the ordinance as well as all applicable state and federal regulations. Registration: The registration certificate shall be issued annually for the period beginning January 1 and ending December 31. Registration certificates may be prorated on a monthly basis. Registration Fees: The annual registration fee for the tower, antenna support structures, antennas, equipment facilities and associated equipment and devices are as set forth on the schedule on file in the office of the Town Clerk.
 - c. Suspension, Revocation/Refusal to Renew Registration: The Town Board may suspend, revoke or refuse to renew a registration certificate issued pursuant to this section for failure to comply with any of the provisions of this ordinance, including any specific requirements of the Town Board in connection with issuance of a Conditional use Permit.

- i. Appeal: Any person aggrieved by a decision of the Town Board to suspend, revoke or refuse renewal of a registration certificate may appeal that decision by Writ of Certiorari to the Circuit Court for Rock County.

13.7 Maintenance and Operational Requirements:

1. General Requirements: The wireless communication facility shall be maintained in accordance with all applicable local, state, and federal regulations. Access to the wireless communication facility shall be properly maintained for emergency personnel in the form of maintained roadways. If the Building Inspector concludes that a tower or any part of a wireless communication facility fails to comply with such codes and constitutes a danger to persons or property in the vicinity, the Building Inspector shall notify the owner or operator of the wireless communication facility of such fact. The notice shall be in writing and shall require the owner or operator to bring the facility into compliance with such codes within 30 days of the date of the service notice. If the owner or operator fails to bring the wireless communication facility into compliance within the time provided, the Town's Building Inspector may order the tower or other wireless communications facility removed to the extent necessary to protect persons or property in the vicinity. The cost of removing the tower or other portion of the wireless communication facility shall be at the owner's expense. The owner and operator shall be responsible to maintain the premises upon which the wireless communication facility is located in a clean and sanitary condition.
2. Outdoor Storage Prohibited: No person shall store any vehicles, equipment, or other goods on the wireless communications facility except in an enclosed building. This section does not apply to overnight storage of vehicles or equipment necessary for the repair of the wireless communication facility.
3. Hours of Operation: Non-emergency maintenance and service visits to the wireless communication facility are limited to regular business hours (7:00 a.m. to 6:00 p.m., Monday through Friday). Emergency repairs necessary to keep the wireless communication service in operation may be performed 24 hours a day, 7 days a week.

13.8 Abandoned Towers and Antennas:

1. Evidence of Abandonment: An antenna or tower shall be deemed abandoned if any of the following shall occur:
 - a. The antenna or tower is not operated for six (6) continuous months.
 - b. The owner or operator has notified the Town of Newark that it has ceased operations of the antenna tower.
2. Notification of Abandonment: The owner or operator of a wireless communication facility shall notify the Town Clerk whenever an antenna or tower is abandoned, or its use

discontinued. Such notice shall be given to the Clerk within thirty (30) days of such abandonment or discontinuance.

3. Removal of Abandoned Towers and Antennas: The owner and operator of an abandoned tower or antenna shall remove it from the wireless communications facility within six (6) months after the tower or antenna is abandoned or its use discontinued, If the owner fails to remove the antenna or tower at the owner's and operator's expense. In the event that the cost of removal is not paid, the Town may assess the cost of such removal against the property upon which the wireless communication facility is located as a special charge pursuant to Wis. Stat. 66.0627.
4. Site Restoration: Whenever a tower is removed from a wireless communication facility, the remainder of the site shall be restored to its preexisting condition and all buildings, equipment and other devices accessory to the tower shall be removed from the site.

SECTION 14.0 Appeals

14.1 Authority.

1. The Zoning Board of Appeals for the Town of Newark is hereby granted the authority to hear appeals and applications and to grant variances and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of the Zoning Ordinance.
 - a. Powers. The Zoning Board of Appeals shall have the following powers:
 - i. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Plan Commission or its delegates in the enforcement of codes, regulations, or ordinances under their jurisdiction.
 - ii. Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances and self-imposed hardships shall not be granted.
 - iii. Substitutions. To hear and grant applications for a substitution of a more restrictive nonconforming use for an existing nonconforming use provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - iv. Assistance. The Board may request assistance from other town and county officials, departments, commissions, and boards.
 - v. Oaths. The Clerk shall administer oaths, and the Zoning Board of Appeals Board Chairman may compel the attendance of witnesses.
 - b. Appeals and Applications. Appeals may be made by any person aggrieved or by an officer, department, board or commission of the Town. Such appeals shall be filed with the Town Clerk within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Town Clerk. Such appeals and applications shall include the following:
 - i. Name and Addresses of the appellant applicant and all adjoining property owners, and all owners of property within one thousand (1,000) feet of the property which is the subject of the appeal or application.
 - ii. Site Plan showing all of the information required under Section 5.2 for a Conditional Use Permit.
 - iii. Additional Information required by the Zoning Board of Appeals or Zoning Administrator.
 - c. Hearings. The Zoning Board of Appeals shall fix as reasonable time and place for the hearing, give Class 2 notice thereof, and give written notice to all abutting and

opposite property owners of record. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

- d. Findings. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
 - i. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the zoning ordinance should be changed.
 - ii. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - iii. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- e. Decision. The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing in compliance with the requirements of Wis. Statute Section 19.83, Open Meetings Law, and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Plan Commission.
- f. Approvals granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- g. Review by Court of Record. Any person or persons aggrieved by any decision of the Zoning Board of Appeals may commence an action in the court of record seeking the remedy available by certiorari. Such action shall be commenced within thirty (30) days after the filing of the decision in the office of the Zoning Board of Appeals.

SECTION 15.0

15.1 DEFINITIONS

1. For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."
3. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

15.2 Words and Terms Defined

A

Accessory Building. Any building except the principal building on a lot. In the case of a house and detached garage lot. In the case of a house and detached garage on a lot, the accessory building is a garage.

Accessory Structure. A structure constructed on a mobile home lot apart from the basic mobile home unit, including awnings, cabanas, storage cabinets (or sheds).

Accessory Use. Any use of land, water, or air on a lot, except the principal use, not to take place prior to establishment of said principal use on the lot.

Addition. An extension or increase in floor area or height of a building or structure.

Airport Not Open to the Public. Any airport on privately owned land used solely by the property owner.

Airport Open to the Public. Any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.

Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.

Alteration. Any construction or renovation to an existing structure other than repair or maintenance.

Animal Unit. Any one horse, one head of cattle, one pony, two llamas, two emus, four sheep, four goats, four hogs or eight rabbits.

Applicant. The owner of the land or his representative. If a representative, consent shall be required in writing from the legal owner of the premises.

Arterial Roads & Highways. Serve inter-community travel within and outside the area and provide a high level of urban mobility with little variation in operating conditions and form a continuous system with other arterials.

Automotive Vehicle. A vehicle that is self-propelled except a snowmobile unless specifically referred to as a motor vehicle herein.

B

Barn. A farm building for sheltering harvested crops and livestock. Basement. A story partly underground.

Boarding House. A building other than a hotel where meals or lodging and meals are provided for compensation for three or more people, not members of the owner's family.

Bond. Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in the amount and form satisfactory to governing body. All bonds shall be approved by the Town Board wherever a bond is required by these regulations.

Building. Any structure used, designed, or intended for the protection, shelter, enclosure or support of people, animals or property.

Building Area. Total ground coverage in square feet of all buildings and structures including garages carports, and other attached or accessory structures.

Building Height. The vertical distance from the top of the building roof to the top of the basement or to the foundation whichever is less.

Building Inspector. An individual employed by the Town who shall administer and enforce this ordinance and shall be certified by the Wisconsin Department of Safety and Professional Services (DSPS), as specified by 101.66(2), Wis. Stats., in the category of Uniform Dwelling

Code Construction Inspector. Additionally, this or other assistant Code Officials shall possess the required certifications to lawfully inspect all work within this Code.

C

Collector Roads and Highways. Serve intermediate to long trips within an area, collect and distribute traffic to and from local roads and adjacent land within the areas, provide fair mobility and from a generally continuous pattern when combined with the arterial system.

Committee. The Town Plan Commission.

Community. A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.

Community Living Arrangement. Means any of the following licensed operated or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under §48.60, group foster homes for children under §48.02(7) and community-based residential facilities under §50.01 of Wisconsin Statutes; but does not include any day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.

Conditional Use. A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively ensure that no such problems will be created.

D

Density. The number of living units per acre allowable under a schedule of district regulations.

Developer. The owner of land proposed for subdivision or his representative. Consent shall be required from the legal owner of the premises.

Development Guide. The Town's Development Plan (segment of the County Development Plan) (§59.69) or the incorporated municipality's Master Plan (§62.23).

Development Regulations. Those portions of this Ordinance pertaining to lot area, lot width, structure size, yard/setback, frontage, height, parking, loading, or separation distance requirements.

Dooryard. The terminal end of a driveway which opens up into an area usually surrounded by the main access points of the various farm buildings such as the main house, and the barn.

Driveway. A minor private way used by vehicles and pedestrians for access to a lot or facilities. A driveway shall include all access points from a town, county or state road to buildings and farm fields.

Dwelling, Single-Family. A detached building designed for, or occupied exclusively by, one family or household.

Dwelling, Two-Family (duplex). A detached or semi-detached building designed for, or occupied by, two or more families or households.

Dwelling Unit. A structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by two or more people maintaining a common household, to the exclusion of all others.

E

Earthwork / Duck scrapes. The moving of more than 2 cubic yards of any type of soils.

Easement. Authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property.

Emergency Shelter. Public or private enclosures designed to protect people from floods, windstorms, fire, riots, or invasions, and from aerial, radiological, biological, or chemical warfare.

Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas. Electricity, steam, water, sanitary sewerage, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

Expressway. A divided arterial street or highway, either with full or partial control of access, and with or without grade separated intersections.

F

Family. A group of people related by blood or marriage and living together as a single housekeeping entity.

Farm Building. Buildings and structures that are on a farm premises and used exclusively for farming purposes, provided any use of the building or structure by the public consists only of consumers directly receiving farm commodities, substantially all of which have been planted or produced on the farm premises. In this application, "substantially all" means at least 90% of the commodities were planted or produced on the farm premises.

Floodplain. Those lands, including the floodplains, floodways, and channels, subject to inundation by the one percent annual probability (100-year recurrence interval) flood, or, where such data is not available, the maximum flood of record.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Freeway. An expressway with full control of access and with fully grade separated intersections.

Frontage. The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Garage, Private. Any accessory building for the storage of not more than three (3) motor vehicles per dwelling unit. Garage, Public. Any building, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored. Garage, Storage. Any building used for storage.

G

H

Home Occupation. Any employment activity designed to generate a profit and taking place in a residence, or garage or accessory building thereof, with the production and sale of any products or services so generated undertaken by the occupants of the residence subject to all of the following:

1. The activity shall be clearly secondary and incidental to residential use and shall not occupy more than 30% of the square footage of the residence.
2. The activity shall not significantly alter the character or appearance of the residence or property on which the activity is located, with storage or display of materials, goods, supplies or equipment related to the activity not visible outside any building or structure located on the property.
3. The activity shall not unreasonably interfere with residential occupancy of other adjacent or proximate properties.

4. The activity shall not create environmental, safety, or health hazards such as noise, light, odors, vibrations, electrical emissions, or other fire or safety hazards that are noticeably out of character with those produced by normal residential occupancy or agricultural activity?
5. The activity shall not generate significantly more traffic than that which is customary to adjacent and proximate residences and shall not involve the use of commercial vehicles for more than an occasional delivery to or from the property, nor the use of mechanical equipment other than that allowable for purely residential purposes.

The activity shall not display items outdoors for sale nor contain more than one sign used to identify the activity, with said sign to be non-illuminated and no more than three square feet.

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.

Household Pet. Tame animals which have been traditionally kept in the home, to include dogs, cats, rabbits, birds, hamsters, and other animals which in their adult life do not exceed 250 pounds, or 4 feet in height at normal posture.

Household Unit. The body of people who live together in one dwelling unit as a single housekeeping unit.

I

Intensive Soils Survey. The testing of soil at a particular geographic location as to its individual assets and limitations.

Interchange. A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

J

K

L

License. A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations issued hereunder.

Loading Area. A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Local Roads & Highways. Serve primarily to provide direct access to adjacent land, provide for short distance travel within the area, and provide access to the Collector and Arterial systems. Through traffic movement on locals is generally discouraged.

Lodging House. A building other than a hotel where only lodging is provided for compensation for not more than twelve (12) people, not members of the owner's family.

Lot. A parcel of land described in a recorded plat or deed.

Lot, Corner. A lot abutting on two or more streets at their intersection.

Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Depth. The mean horizontal distance between the front and rear lot lines.

Lot Width. The width of a parcel of land measured at the rear of the specified street yard.

M

Master Plan. A comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Minor Structure. Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four (4) feet in height.

Mobile Home. A structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and is designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.

Mobile Home Lot. A parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile Home Park. A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more mobile homes,

including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities; except that a mobile home subdivision shall not be deemed a mobile home park.

Mobile Home Stand. The part of an individual lot which has been reserved for the placement of one mobile home unit.

Mobile Home Subdivision. A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single mobile home and its facilities. ·

Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

N

Nonconforming Lot. A lot, the area, dimensions, or location that existed at the time of the effective date of this Ordinance or an amendment thereto that does not conform to current regulations of this Ordinance. Such nonconforming lots are also referred to as substandard lots.

Nonconforming Use. A use of structure (including buildings), fixture, or premises (land or water) that existed at the time of the effective date of this Ordinance or an amendment thereto that does not conform to the current use restrictions of this Ordinance.

Nonconforming Structure. A dwelling, building, or other structure that existed lawfully at the time of the effective date of this Ordinance or an amendment thereto that does not conform to one or more of the Development Regulations of this Ordinance. Any such structure conforming with respect to use (containing a conforming use) but not in respect to Development Regulations shall be considered a nonconforming structure and not a nonconforming use.

Nondependent Mobile Home. A mobile home which has complete bathroom facilities.

O

Ordinance. Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Overlay District. A zoning district established by this ordinance, which is created for the purpose of imposing special uses and regulations in designated areas to accomplish the stated purposes that are set forth in each overlay district. Overlay districts shall be in addition to and shall overlap and overlay all other zoning districts within the lands placed in each district, so that any

parcel of land lying in an overlay district shall also lie in one or more of the zoning districts provided for by this ordinance. The most restrictive provision of the district shall prevail.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to and sufficient proprietary interest in the land.

P

Paddock. A small, usually enclosed field near a stable or barn for pasturing or exercising animals. An enclosure in which horses are saddled and mounted before a race.

Park Management. The person who owns or has charge, care or control of mobile home park.

Park Street. A private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

Permit. A written building permit or certification issued by the Town Board permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.

Permitted Use. Uses listed under this heading are permitted as of right. This means that an applicant for a building permit must be given a permit if he meets the other requirements of the ordinance, e.g., yards, setbacks, and so forth.

Person. Any individual, firm, trust, partnership, public or private association or corporation.

POWTS. Commonly referred to as a septic system. A **Private Onsite Wastewater Treatment System (POWTS)** is a system that treats domestic wastewater, typically discharging effluent below the surface of the ground into subsurface soil absorption fields and is regulated by the Wisconsin Department of Natural Resources.

Principal Building. The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. For property, which is classified as, Agricultural District One (A-1), Agricultural District Two (A-2) or Agricultural District Three (A-3) or Mobile Home Park District (MHP), the Principal Building shall be a dwelling. In all other zoning districts, the Principal Building shall be a commercial building or dwelling, according to the permitted use or conditional use requirements of the zoning district.

Q

R

Recreational Area. A parcel of land or portion of such parcel which has its "use" as that term is defined in this Ordinance, organized activities for the purpose of amusement or relaxation. This shall include but is not limited to off road vehicle use (including motorcycles, snowmobiles and all-terrain vehicles), dog trails or shows, equestrian events, archery or firearm events and other activities similar to those listed.

Repair. The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.

Residential Garage. A freestanding structure accessory to a dwelling used for storing motorized vehicles that has any more than two sides completely enclosed.

Rooming House. A building other than a hotel where lodging only is provided for compensation from three or more people, not members of the owner's family.

S

Service Building. A structure housing toilet, washing and bathing facilities and such other facilities as may be required by this ordinance.

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

Shoreland. The land lying within the following distances: 1,000 feet from the ordinary high-water mark or elevation of navigable lakes, ponds, or flowages; or 300 feet from the ordinary high-water mark or elevation of navigable streams, or to the landward edge of the floodplain, whichever is greater. Shorelands shall not include lands adjacent to farm drainage ditches where:

- (a) such lands are not adjacent to a natural navigable stream or river;
- (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) such lands are maintained in nonstructural agricultural use.

Sign. A structure or devise on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

Standards. The setbacks, vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this ordinance.

Standard Soil Survey. A soils survey of Rock County by the Soil Conservation Service, U.S. Department of Agriculture.

Story. That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there be no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street. All property dedicated or intended for public or private street purposes or subject to public easements 21 feet or more in width.

Street Right-of-Way Line. The dividing line between a lot, tract or parcel of land and an abutting street.

Structure. Anything constructed or erected, having location on the ground.

Structural Alteration. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of residential or nonresidential division or development of residential or nonresidential zoned land, whether by deed, metes and bounds, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision, Major. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of five (5) or more lots, or any subdivision requiring any new street or extension of local governmental facilities, or the creation of any public improvements.

Subdivision. Minor. Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, development plan, official map, zoning ordinance, or these regulations.

T

Taper. Point at which the access road to or from a highway interchange meets another intersecting road.

Temporary Structure. A removable structure designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

Tenant Storage Area. An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.

Turning Lane. An existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

U

Unclassified use. Means a use possessing characteristics of such unique and special form as to make impractical its being made automatically and consistently permissible in any defined classification or zone.

Use. (Land Use) That which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of the adoption of the ordinance.

V

Variance. Is authority granted to the owner to use his property in a manner which is prohibited by the zoning ordinance. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.

(a) **Area Variance:** Is one which does not involve a use which is prohibited by the zoning ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations, and yard requirements.

(b) **Use Variance:** Is one which permits a use of land other than that which is prescribed by the zoning ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the ordinance. A Use Variance shall not be granted under this ordinance.

Vision Clearance Triangle. An unoccupied triangular space at the corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

W

Waterline. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 percent of the length of such water line shall be on, or on the landward side of, the normal high-water mark of such stream.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

X

Y

Yard. The space on the same lot with a principal structure, between such structure and the street line and the lot lines, unoccupied and unobstructed from the ground upward except for vegetation, and with the exception of allowed accessory structures.

Yard, rear "Rear yard". Means 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., subject to the following:

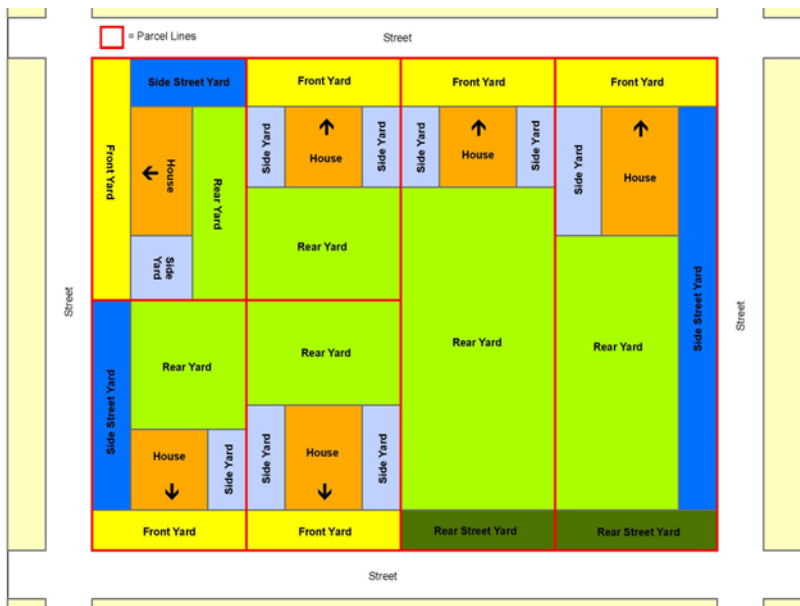
- (a) as to Corner Lots, the Rear Yard shall exclude the portion of the lot constituting the side street yard; and
- (b) as to Through Lots, use of the structures otherwise permitted in a Rear Yard shall be restricted to that portion of the Rear Yard lying between the rear of the principal structure and the rear street yard.

Yard, shore. "Shore yard". Means a yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lots at the same angle and containing the point of the high-water elevation of a pond, stream or lake nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

Yard, side "Side yard". A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Yard, Rear Street, “Rear Street Yard”. Means a yard extending the full width of the lot on Through Lots, the depth of which shall be the minimum horizontal distance between the line of the street abutting the rear of the lot and a line drawn parallel thereto at a horizontal distance equal to the minimum required street yard setback for the district in which such lot is located.

Yard, Street (Front Yard) "Street Yard" or “Front Yard". Means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards abutting the front of the lot and a line parallel through the nearest point of the front of the principal structure. Corner Lots shall have two (2) Street Yards, a Front Street Yard and a Side Street Yard. Through Lots shall have a front Street Yard and a Rear Street Yard.



Z

Zoning Administrator. A zoning administrator is a local government official responsible for implementing and enforcing the zoning ordinance, serving as a primary point of contact for zoning inquiries, and providing technical expertise to planning bodies.