

**CODE OF ORDINANCES  
OF THE  
TOWN OF AHNAPÉE  
KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 10:  
ZONING ORDINANCE**

*DATCP Certification  
October 10, 2017*

*Town Board Adoption  
December 13, 2017*

Official zoning map is on file with the Town of Ahnapee Zoning Administrator

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## **APPENDIX**

### Farmland Preservation Zoning DATCP Certification Materials

## **10.0100 INTRODUCTION**

### **10.0101 Title**

This ordinance shall be known, cited and referred to as: ZONING ORDINANCE FOR THE TOWN OF AHNAPÉE, KEWAUNEE COUNTY, WISCONSIN.

### **10.0102 Authority**

Whereas the Town Board of the Town of Ahnapee, Wisconsin, has proceeded under the provisions of Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes and whereas these regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Ahnapee, Kewaunee County, Wisconsin, does ordain as follows:

### **10.0103 Purpose**

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Town of Ahnapee, Wisconsin.

### **10.0104 Intent**

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and water; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as: to lessen congestion in the streets; to secure safety from fire and other dangers; to provide adequate light, air, including access to sunlight for solar collectors and to wind for wind energy systems, and open space; to maintain the aesthetic appearances and scenic values of the Town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to implement those comprehensive plans or components thereof adopted by the Town of Ahnapee; and to foster a more rational pattern of relationship between residential, business, commercial, agricultural and recreational uses for the mutual benefit of all.

### **10.0105 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 law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

### **10.0106 Interpretation**

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

**10.0107 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

**10.0108 Repeal**

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

**10.0109 Effective Date**

This Ordinance shall take effect the day following the publication or posting of the adopting ordinance, as provided in Section 60.80(3) and Section 66.0103 of the Wisconsin Statutes.



## **10.0200 DEFINITIONS**

### **10.0201 Construction of Language**

In interpreting the various contents of the Ordinance, the following rules of construction shall apply.

- A. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - 1. “And” indicates that all connected words or provisions shall apply.
  - 2. “And/or” indicates that the connected words or provisions may apply singly or in any combination.
  - 3. “Or” indicates that the connected words or provisions may apply singly or in any combination.
  - 4. “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination.
- B. In case of conflict between the text and a diagram or graphic, the text controls.
- C. All references to departments, committees, commissions, boards, or other public agencies are to those of the Town, unless otherwise indicated.
- D. All references to public officials are to those of the Town, and include designated deputies of such officials, unless otherwise indicated.
- E. The term “building” includes the word “structure.” A “building” or “structure” includes any part thereof.
- F. The term “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. The term “dwelling” includes the word “residence” and the word “lot” includes the words “plat” or “parcel.”
- H. All references to “Title”, “Chapter”, or “Section” shall refer to this Zoning Ordinance unless another meaning is clear from the context of the reference.
- I. The words “shall,” “will,” and “must” are always mandatory and not discretionary. The word “should” indicates that which is recommended but not required; and the word “may” is permissive.
- J. The present tense includes the past and future tenses, and the future tense includes the past.
- K. The singular number includes the plural, and the plural number includes the singular.
- L. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
- M. Any words not herein defined shall be presumed to have their customary dictionary definitions.

## 10.0202 Words Defined

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

ACCESSORY BUILDING: a building, or any portion of a building, that is subordinate to the principal building and that is used for a purpose incidental to the permitted use of the principal building or the premises.

ACCESSORY USE – any use that is subordinate to the principal use and that is incidental to the principal use.

AGRICULTURAL ACCESSORY USE - means any of the following land uses on a farm:

A. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:

1. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
2. A facility used to keep livestock on the farm.
3. A facility used to store or process inputs primarily for agricultural uses on the farm.
4. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
5. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
6. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
7. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

B. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

AGRICULTURAL USES - any of the following activities conducted for the purpose of producing an income or livelihood:

- A. Crop or forage production.
- B. Keeping livestock.
- C. Beekeeping.
- D. Nursery, sod, or Christmas tree production.
- E. Floriculture.
- F. Aquaculture.
- G. Fur farming.
- H. Forest management.
- I. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

AGRICULTURE-RELATED USES - a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

- A. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services (e.g., seed, fertilizer, and farm chemical sales) directly to farms.
- B. Storing, processing or handling raw agricultural commodities obtained directly from farms. Examples include feed mills and grain elevators.
- C. Slaughtering livestock.
- D. Marketing livestock to or from farms.
- E. Processing agricultural by-products or waste received directly from farms.

AIRPORT - any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings, or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

ALLEY - a public or private right-of-way primarily designed to serve as secondary access to abutting properties.

ANIMAL UNIT - the value used to establish the maximum number of animals permitted on a tract of land in the A-1 and A-2 zoning districts. Animal units are calculated by multiplying the number of animals of a particular type by the appropriate Animal Unit Factor for that type of animal. The Animal Unit Factor for each type of livestock is set by the Wisconsin Department of Agriculture, Trade and Consumer Protection and published at Wis. Admin. Code ch. NR 243.05.

ASSISTED LIVING FACILITIES - facilities for persons who need some level of care monitoring services but choose to live in a setting without 24-hour access to nursing services. Assisted living facilities (i.e., Community Based Residential Facilities, Residential Care Apartment Complex, and Adult Family Homes) are regulated by the Wisconsin Department of Health and Family Services.

ADULT FAMILY HOME - a place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.

COMMUNITY BASED RESIDENTIAL FACILITY - a place where 5 or more unrelated people live together in a community setting. Services provided include room and board, supervision, support services, and may include up to 3 hours of nursing care per week.

RESIDENTIAL CARE APARTMENT COMPLEX - a place where 5 or more adults reside that consists of independent apartments, each of which has: an individual lockable entrance and exit, a kitchen, including a stove, individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than 28 hours per week of services that are supportive, personal and nursing services. Residential care apartment complex does not include a nursing home or a community-based residential facility.

AUTOMOBILE WRECKING YARD: Any premises on which more than three (3) automotive vehicles, not in operating condition, are stored in the open.

BANQUET HALL / DANCE HALL - a facility/room used for hosting a party, reception, or other social event.

BASEMENT - a story partly underground, which, if occupied for living purposes, shall be counted as a story for the purposes of height measurement.

BED AND BREAKFAST - any place of lodging that provides four or fewer rooms for rent, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

**BUILDABLE AREA** - the ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a permitted building and any attached accessory structures is permitted by this ordinance.

**BUILDING** - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

**BUILDING, HEIGHT OF** - the vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of gambrel, hip or pitch roof.

**BUILDING LINE** - a line measured across the width of the lot at that point where the Main Wall of the Principal Building is in accordance with setback provisions.

**CAMPING UNIT**: means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

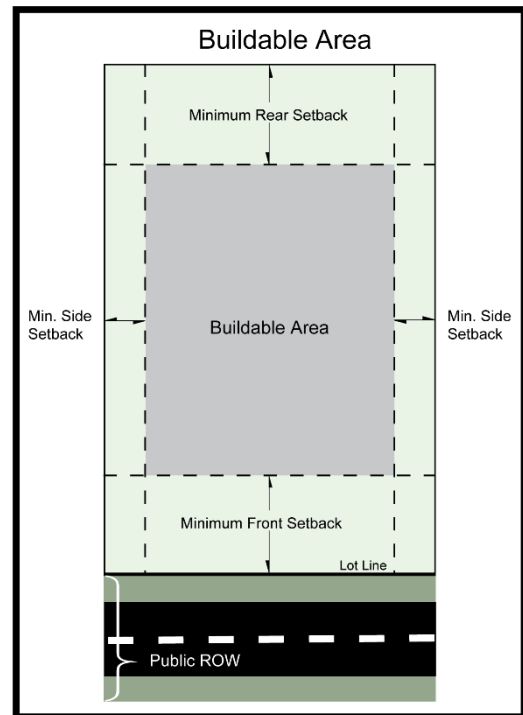
**CAMPS AND CAMPGROUNDS** – see Recreation camps and resorts.

**CLINIC, MEDICAL OR DENTAL** - an organization of specializing physicians or dentist, or both, who have their offices in a common building. A clinic shall not include in-patient care.

**CLINIC, VETERINARY** - an establishment for the examination and treatment of animals, which may or may not have provision for keeping such animals overnight on the premises. A veterinarian's office, whether or not a part of his home, shall be considered a veterinary clinic.

**COMMERCIAL** - the offering or purchase of goods and services with the intention of making a profit.

**COMMERCIAL STORAGE** – storage facilities that are rented or sometimes leased to individuals, usually storing household goods; or to small businesses, usually storing equipment, excess inventory, or archived records.



COMMON OWNERSHIP - means ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. Common ownership includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

COMMUNITY LIVING ARRANGEMENT - a facility licensed and operated under the authority of the State of Wisconsin including group homes for children, foster homes, treatment foster homes, adult family homes, and Community Based Residential Facilities, but not including nursing homes or day care facilities. Also see “Assisted Living Facilities.”

CONDITIONAL USE - means a use that is not permitted by right. Rather, its allowance is subject to the discretionary judgment of the Town Plan Commission, as described in Section 10.0500, Conditional Use Permits.

CONTIGUOUS - means adjacent to or sharing a common boundary. A lot, parcel, or tract is contiguous with another lot, parcel, or tract if they have all, part, or any point of any boundary line in common. Lots, parcels, or tracts that are separated by a pipeline, private road, public road, railroad, right-of-way, river, section line, stream, transportation easement, transmission line, or transmission right-of-way are contiguous.

DEER/GAME FARM - An area of land devoted to the production of deer, game animals, game birds, and fur animals licensed by the Wisconsin Conservation Department under § 29.573 to § 29.578, Wis. Stats. in which the animals are housed and fed under artificial conditions.

DENSITY: The number of dwelling units permitted per acre within the gross tract area.

DISTRICT, ZONING - divisions of the town, each area being accurately defined to boundaries and locations on the Official Zoning Map and in the Zoning Ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

DISTRICT, OVERLAY - provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

DRIVEWAY: a minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.

DWELLING: A building designed or used exclusively as a residence or sleeping place, but does not include boarding houses, motels, hotels, tents, cabins, or mobile homes. Occupancy of more than 30 days is required to qualify as a dwelling.

DWELLING UNIT – one (1) or more rooms which are arranged, designed for use as living quarters.

DWELLING UNIT, SINGLE FAMILY – a building designed to be occupied exclusively by one (1) family.

DWELLING UNIT, TWO FAMILY – a building designed to be occupied exclusively by two (2) families.

DWELLING UNIT, MULTI-FAMILY – a building used and designed as a residence for three (3) or more families.

ESSENTIAL SERVICES - means 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, electrical, steam, water, sanitary sewerage, stormwater 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 not including buildings, wind energy conversion system facilities, wind farms, transmission towers, and wireless communication towers.

FAA - means the Federal Aviation Administration.

FARM - means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

- A. A majority of the land area is in agricultural use
- B. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.

FARM CONSOLIDATION - Means the combination of two or more farms to create a smaller number of farms.

FARM OPERATION - means an activity conducted primarily for the production of one or more agricultural products or commodities, for home use or for sale, in a quantity sufficient to contribute to the operator's support.

FARM RESIDENCE – meaning any of the following structures that is located on a farm:

- A. A single-family or two-family dwelling that is located on a farm and occupied by any of the following:
  - 1. An owner or operator of the farm.
  - 2. A parent or child of an owner or operator of the farm.
  - 3. An individual who earns more than 50 percent of his or her gross income from the farm.

FENCE, OPEN: A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 80 percent of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.

FENCE, ORNAMENTAL: A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences have more than 80 percent of their surface area open for free passage of light and air. Ornamental fences are often of the rail or wrought iron type.

FENCE, SECURITY: A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed 6 feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.

FENCE, SOLID: A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 80 percent or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences

FISH HATCHERIES – Establishments devoted to hatching, raising or rearing fish.

FORESTATION - Planting trees or shrubs on burned over land, cut over land or land that was never covered by forest, consisting of five (5) or more acres.

GARAGE, PRIVATE – An accessory structure to the main building which provides for the storage.

GARAGE, PUBLIC AND STORAGE - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

GROSS FARM REVENUE - means the gross receipts from all agricultural uses, less the cost or other basis of livestock and other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the land owner.

GROUP HOME - any facility operated by a person required to be licensed by the State of Wisconsin under § 48.625, Wis. Stats. for the care and maintenance of 5 to 8 residents under 18 years of age.

GUEST HOUSE - an accessory building or portion of a main building used to house guests of the occupants of the main building. The square footage shall be no greater than one-half the square footage of the principal building. The guest house shall not be rented or offered for rent independent of the main building.



HOME OCCUPATION – means a gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises, except such as is produced by such occupation, and that no stock in trade is kept or sold, that no sign other than one unlighted name plate no more than three feet square is installed and that only one person other than a member of the immediate family living on the premises is employed.

HOTEL – A building in which lodging, with or without a meal, is offered transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.

HUNTING AND FISHING CABINS - means a building or structure without permanent toilet or other plumbing fixtures, intended for hunting, fishing or other outdoor recreation and only for temporary occupancy.

JUNK YARD OR SALVAGE YARD – An area where junk, waste, or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used machinery, used building material and similar materials. A salvage dealer license is required under Wis. Stat. § 218.205.

KENNEL - any lot or premises on which household animals are boarded, bred, groomed, sold, or trained on a regular basis for commercial purposes.

LIMITED FORESTATION - Planting trees or shrubs on burned over or cut over land or land that was never covered by forest, consisting of 5 (five) or less acres.

LIVESTOCK - means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids (e.g., llamas, alpacas), ratites (e.g., ostrich, emu), and farm-raised fish.

LIVESTOCK FACILITY - a feedlot, dairy farm, or other operation where livestock are, or will be fed, confined, maintained or stabled. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. (Also refer to *Chapter 11: Livestock Facility Siting and Licensing Ordinance* of the Town of Ahnapee Code of Ordinances).

LOT – a parcel of land abutting on a public road or other officially approved means of access, having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory buildings together with the open spaces required by this ordinance.

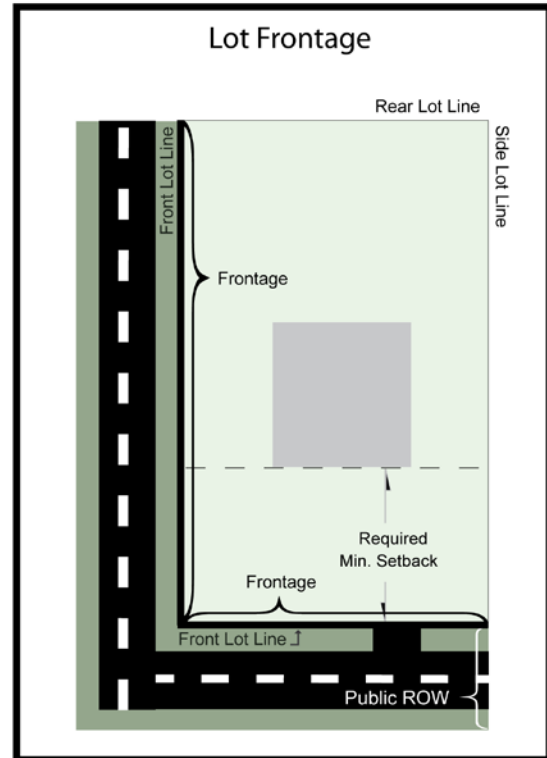
LOT, FRONTAGE – The side of a lot abutting on a road or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

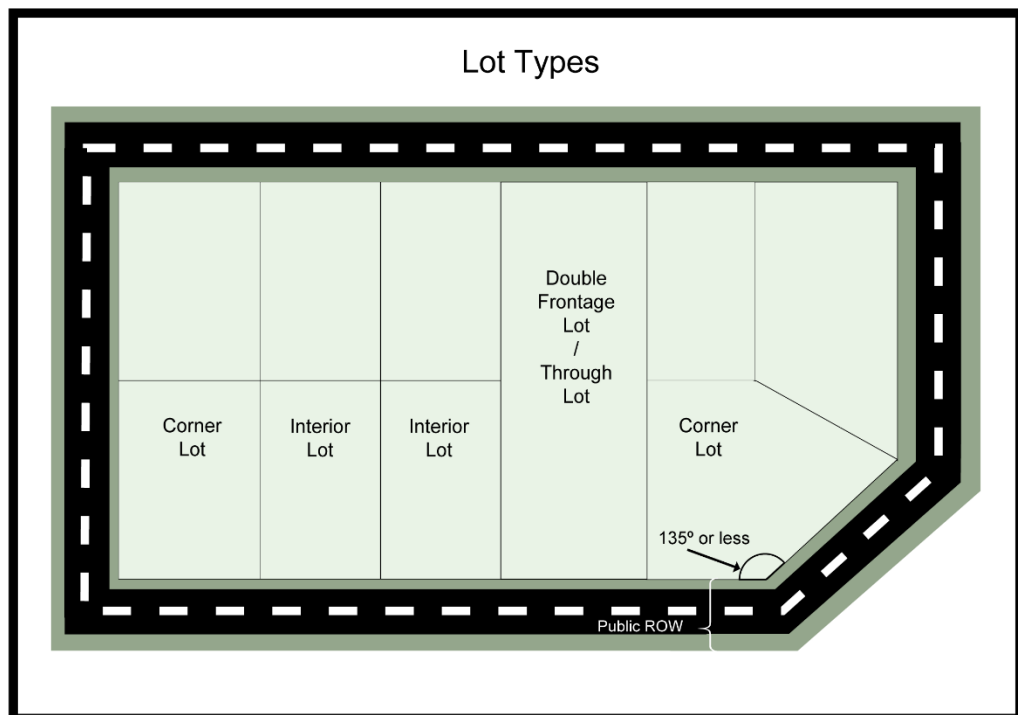
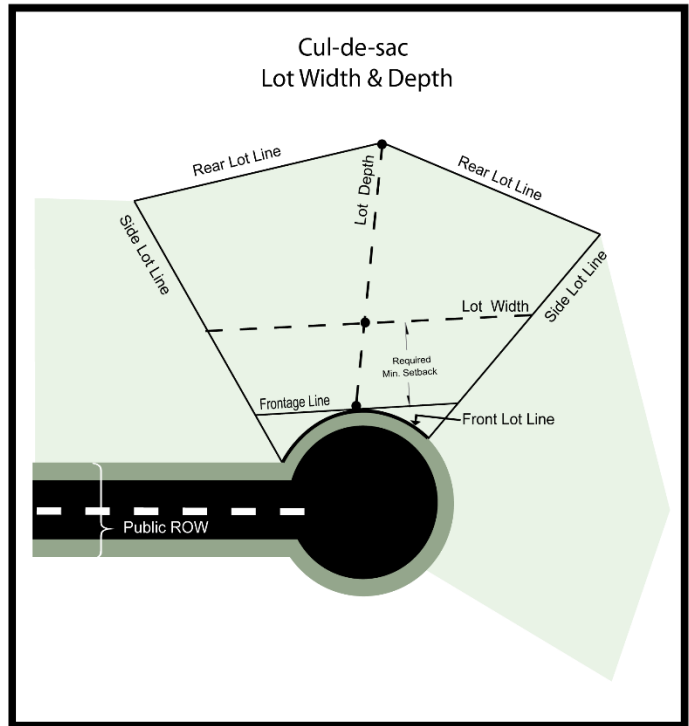
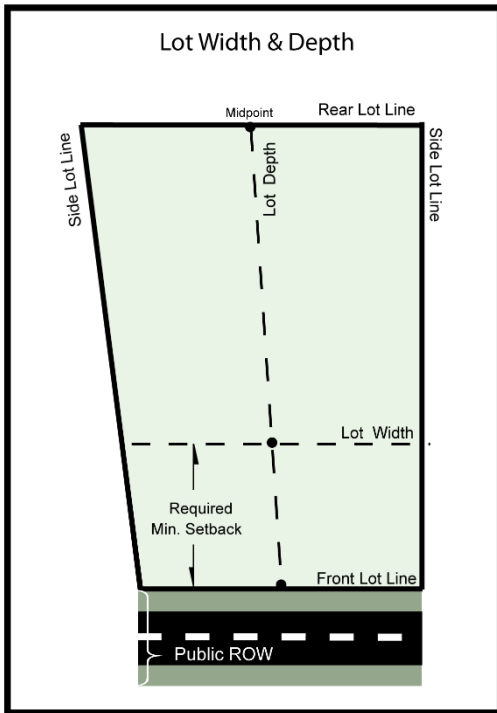
LOT, CORNER – A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

LOT, DEPTH OF – the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT LINES AND AREA – the peripheral boundaries of a parcel of land including the road right-of-way lines and the total area lying within such boundaries.

LOT, WIDTH OF – the horizontal distance between the side lot lines.





LOT OF RECORD – a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Kewaunee County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this Ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Kewaunee County.

MAIN WALL - means any exterior wall of a building or structure.

MANMADE POND - a pond created or constructed by human activity, such as excavating gravel, sand, stone, or topsoil from a property, but does not include a family swimming pool and manure storage pit.

MANUFACTURED HOME - means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426.

MANUFACTURED HOME PARK - means -any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two (2) or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Mobile Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

MOBILE HOME – means a structure, transportable in one or more sections built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

MOTEL - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

MOTOR HOME – a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

NURSING HOME – a place which provides 24-hour services including board and room to three (3) or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess of seven (7) hours a week, unless the facility has been designated as a community based residential facility. Nursing homes shall be licensed under Chapter 50 of the Wisconsin State Statutes.

OPEN SPACE AREA OR OPEN SPACE PARCEL - means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

ORDINARY HIGH WATER MARK (OHWM) - the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic. Source: WDNR.

PARKING SPACE, OFF-STREET - For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriated to the circumstances of the case, and in accordance with all the ordinances and regulations of the Town.

PERMIT - means a written authorization made by the Town Zoning Administrator or Town Plan Commission to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

PERMITTED USE – means a use permitted by right, provided all requirements of this Ordinance are met.

PRELIMINARY PLAT - A map indicating the proposed layout of a development and related information that is submitted for preliminary review.

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. On agricultural zoned property the principal building may include barns and structures essential to the operation of a farm.

PRIOR NONCONFORMING USE - means a land use that does not comply with this zoning ordinance, but which lawfully existed prior to the application of this ordinance.

PROFESSIONAL OFFICE – the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in any residential district, a professional office shall be incidental and subordinate to the residential occupation; and only one (1) resident person is employed.

PROTECTED FARMLAND - means land that is any of the following:

- A. Located in the A-1 zoning district certified under ch. 91, Wis. Stats.
- B. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
- C. Covered by an agricultural conservation easement under Wis. Stat. § 93.73.
- D. Otherwise legally protected from nonagricultural development.

PUBLIC HUNTING & FISHING GROUNDS - land purchased or held in compliance with applicable state and federal government statutes and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statutes and regulations.

REASONABLE ACCOMMODATION - a deviation from the strict requirements of this ordinance which is necessary to provide equal housing opportunity for a disabled person or persons. An accommodation is reasonable if it does not cause an administrative burden, fiscal burden, or undue hardship on the town and does not undermine the basic purpose of this ordinance.

RECREATION CAMPS AND RESORTS – means an area, premises, or parcel of land on which is provided facilities for overnight or short term camping in tents, bedrolls, travel trailers, pick up coaches, motor homes, or camping trailers, as defined in Chapter DHS 178 of the Wisconsin Administrative Code. Recreational camps include accessory buildings and service facilities required by the State Board of Health together with a residence or living quarters for the owner or caretaker on the premises. Recreational camps shall mean and be synonymous with camps and campgrounds for the purposes of this Ordinance.

RECREATION VEHICLE - any unit other than a mobile or manufactured home, whether self-propelled, mounted on, or towed by another vehicle, that is used for recreational purposes. It includes, but is not limited to, an all-terrain vehicle, boat, camper, folding tent trailer, motor home, park trailer, snowmobile, travel trailer, or truck camper.

RENTAL CABINS OR COTTAGES – buildings designed for seasonal uses and occupancy by persons other than the owner upon periodical payment.

ROAD - a right-of-way, that is dedicated to, intended to, subject to a public easement for, or that provides a roadway for general vehicular circulation and is the principal means of vehicular access to abutting properties, regardless of whether it has been developed. A road may include space for drainage, pedestrian walkways, sidewalks, and utilities.

ROADSIDE STAND – A structure not permanently fixed to the ground and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one lot.

**SANITARY LANDFILL**: means sanitary landfill operations are usually performed by depositing refuse in a natural or manmade depression or trench, or dumping it at ground level, compacting it to the smallest practical volume, and covering it with compacted earth or other material in a systematic and sanitary manner.

**SALVAGE YARD** - see *Junkyard*

**SEASONAL COTTAGE** – a dwelling occupied less than 181 days per year.

**SETBACK** – the distance from a lot line or other specified line to a structure or other specified point on a lot as measured perpendicularly to the lot line or other specified line.

**SHOOTING PRESERVE** - Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.

**SHORELAND ZONING** - under an ordinance enacted by Kewaunee County under Wis. Stat. § 59.692, shoreland zoning limits or prohibits the construction or placement of buildings or structures.

**SIGN**: Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

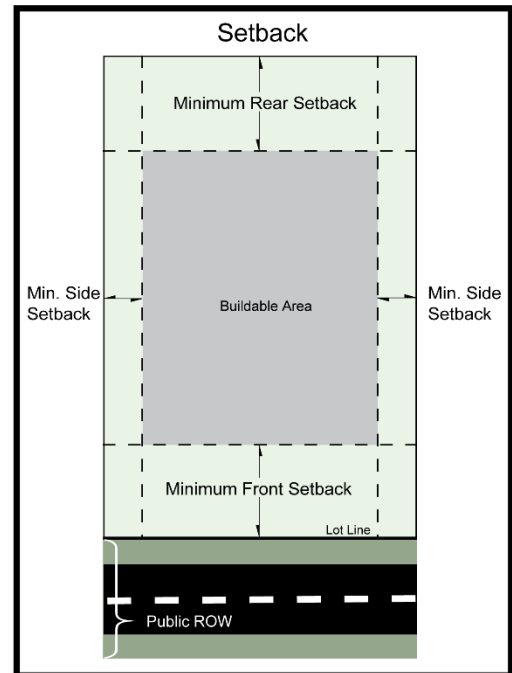
**SIGN, AWNING**: Any sign or other graphic material attached or inscribed on an awning.

**SIGN, DIRECTIONAL**: A non-commercial sign limited to directional messages (e.g. enter, exit, drive through lane, or no smoking). Logos or business names will be permitted as needed to complete the directional message.

**SIGN, GROUND**: Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

**SIGN, POLE**: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 6 feet or more above grade.

**SIGN, PORTABLE**: Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without any structural support changes.



**SIGN, PROJECTING:** Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.

**SIGN, ROOF:** A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**SIGN, TEMPORARY:** A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a period of 30 days or less.

**SIGN, WALL:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

**SIGN, WINDOW:** Any sign printed, attached, glued, or otherwise affixed to or behind a window and visible to the public.

**SOLAR ENERGY SYSTEM** - means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

**STORAGE SHED OR TOOL SHED:** means an accessory building used to store items customarily used in family living including but not necessarily limited to the following: lawn and garden equipment, boats, and associated equipment, sporting goods, campers. It is not to be used for residential or business purposes.

**STORY** – The portion of a building included between the surface of a floor and surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one half or more of its height above grade shall be deemed a story for purposes of height regulations.

**STRUCTURAL ALTERATIONS:** any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

**STRUCTURE** - means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

**SUBSTANDARD LOT** - means a lot which is recorded with the Register of Deeds prior to the adoption of this Ordinance, and is located in a zone requiring greater area, width, or other characteristics.

**TEMPORARY USE** - A use established for a limited duration with the requirement to discontinue such use within 18 months.



UTILITIES - Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, wireless communication facilities, shops, and storage yards.

VACATION HOME RENTAL - means a dwelling unit that is advertised or held out to the public as a place where sleeping accommodations are furnished to the public for a period of less than 1 month at a time; that is not a bed and breakfast, hotel, motel, or resort; and that is not the owner's primary residence.

VARIANCE – An authorization granted by the Zoning Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with or contrary to the dimensional standards (height, area, and size of structure; or size of yards and open spaces) contained in this Ordinance. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformity's in the district or uses in an adjoining district.

VISION CLEARANCE - An unoccupied triangular space at the intersection of two or more streets or highways which is bounded by the street lines or highway right-of-way lines and a setback line connecting points specified by measurement from the corner on each street or highway line.

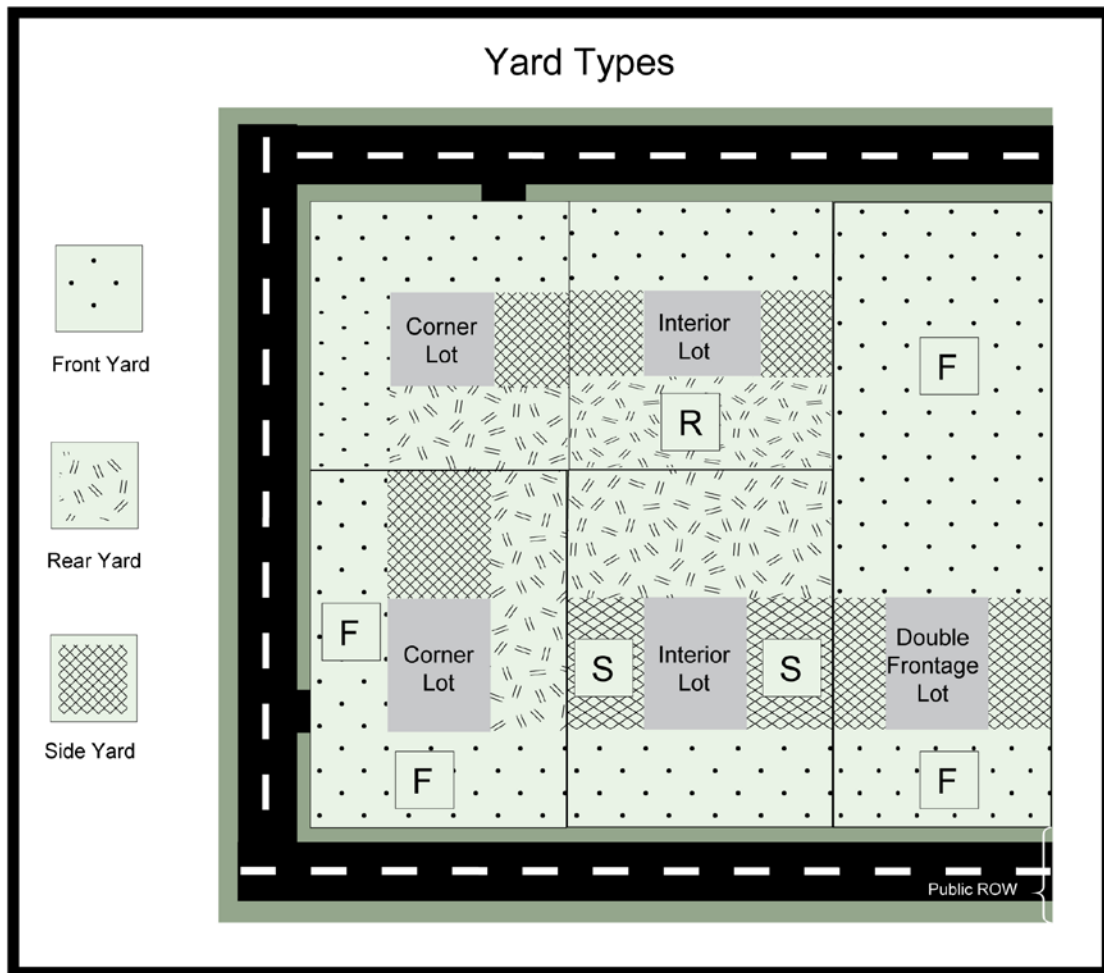
WIND GENERATING EQUIPMENT - is the conversion of wind energy into a useful form of energy, such as using wind turbines to make electricity, windmills for mechanical power, windpumps for water pumping or drainage.

YARD-related definitions:

- A. YARD - an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation.
- B. YARD, FRONT - 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 road or highway right-of-way and a line parallel thereto through the nearest point of the Main Wall of the Principal Building. Corner lots shall have two such yards.
- C. YARD, REAR - a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
- D. YARD, SIDE - a yard extending from the front 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.

**ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

**ZONING ADMINISTRATOR:** The officer appointed by the Town Board to administer this zoning ordinance and to issue Building Permits and, following a determination by the Town Board or Zoning Board of Appeals, respectively, conditional use permits and variances.



## **10.0300 GENERAL PROVISIONS**

### **10.0301 Jurisdiction**

The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the unincorporated limits of the Town of Ahnapee.

### **10.0302 Compliance**

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with all of the regulations herein specified for the district in which it is located and not without the issuance of the required building permit.
- B. No building or other structure shall hereafter be erected or altered:
  - 1. to exceed the height or bulk;
  - 2. to accommodate or house a greater number of families;
  - 3. to occupy a greater percentage of lot area;
  - 4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance

### **10.0303 Site Restrictions**

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Town of Ahnapee Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which they base their conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if so desired. Thereafter the Town Board may affirm, modify, or withdraw the determination of unsuitability.

- A. Private Sewer and Water. In any district where public sanitary sewer is not available, the width and area of all lots shall be sufficient to Permit the use of a private onsite waste treatment system designed in accordance with Chapters SPS 383 and SPS 385 of the Wisconsin Administrative Code. An individual landowner will be required to follow all regulations established by the Ahnapee Town Board pursuant to this provision of the Ordinance.
- B. Public Access. No building permit shall be issued for construction unless the main body of the lot upon which the building or structure is to be erected fronts on a public street for **a minimum distance of 66 feet**. For cluster development, access may be taken from a public or private street.

- C. All Structures shall be located on a lot; and **only one (1) principal structure shall be located, erected, or moved onto a lot.** The Town Board may permit more than one structure per lot where more than one structure is needed for the orderly development of the parcel. Where additional structures are allowed, the Town Board may impose additional yard requirements, landscaping requirements, parking requirements, or require a minimum separation distance between principal structures.
- D. No Building permit shall be issued for a lot which abuts a street dedicated or reserved to only a portion of its proposed width and located on the side from which the required dedication has not been secured.
- E. Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- F. Preservation of Topography. In order to preserve the natural topography as much as possible and in order to protect against dangers and damage caused by man-made changes to the existing topography, and to avoid unsightly and hazardous exposed earth sections, no lots or portions of lots nor any parcels of land shall be excavated or filled unless the following conditions are met:
1. If the difference in grade between 2 contiguous lots along a lot line is to be not greater at any point than 2 feet, this difference in levels may be sloped toward or away from the lot line at a gradient of one foot vertical to 2 feet horizontal, and as soon as practical must be covered adequately with top soil and sodded to prevent erosion; or a retaining wall of stone or other suitable masonry material shall be constructed to retain the higher ground. Within a single lot, any excavation or fill not exceeding 2 feet, and not involving an area in excess of 4,000 square feet, shall be subject to the aforesaid requirements.
  2. If a difference in grade between 2 adjacent lots along a lot line is to be greater at any point than 2 feet, the following procedure shall be followed:
    - (a) No slope to be covered with sod, grass seed, or other natural plant material may exceed a gradient of one foot vertical to 2 feet horizontal.
    - (b) A slope protected by riprap construction may not exceed a gradient of one foot vertical to one foot horizontal.
    - (c) A difference in grades may be protected by a retaining wall providing that the wall is engineered in such a manner as not to collapse.
    - (d) Approval of any of the aforesaid methods shall be obtained in the following manner:

- (1) The applicant shall furnish a topographic survey showing existing elevations on the subject lot and on adjacent lands within 25 feet of the area to be filled or excavated.
- (2) The applicant shall furnish a map showing existing drainage patterns and existing soil types on the subject lot and on adjacent land within 25 feet of the area to be filled or excavated.
- (3) The applicant shall furnish a plan showing a typical cross-section of the proposed slope, riprap, or retaining wall; the proposed drainage pattern; a planting or sodding schedule; and the proposed means of preventing erosion during construction. If a retaining wall is to be constructed, a registered professional engineer shall certify that the wall will not collapse.
- (4) The Zoning Administrator shall transmit the applicant's plans to the Town Board for review and comment, and the permit shall be issued only after receipt of the Town Board's written report.
- (5) The applicant shall complete the proposed work in strict accordance with the approved plan and the time schedule specified in the permit.

#### **10.0304 Compliance with the Americans with Disabilities Act**

Modifications to requirements of this Ordinance may be granted by the Plan Commission for the purpose of complying with the requirements of Title II, "Public Services," and Title III, "Public Accommodations and Commercial Facilities," of the Americans with Disabilities Act. Such compliance may require waiving or modifications to yard/setback requirements, parking requirements, sign requirements and site design and landscaping requirements. Modifications granted by the Plan Commission shall be limited to the minimum extent necessary to make structures and uses accessible and barrier free.

#### **10.0305 Use Restrictions**

The following use restrictions and regulations shall apply:

- A. Permitted Principal Uses, Permitted Accessory Uses, and Conditional Uses are limited to only the uses indicated for the respective zoning districts.
- B. Accessory Uses and structures are permitted, subject to the requirements of Section 10.0803 of this Ordinance, but **not until their principal structure is present or under construction**. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional offices as defined in this Ordinance.

- C. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Ahnapee Town Board following a recommendation by the Ahnapee Plan Commission in accordance with Section 10.0500 of this Ordinance.
- D. Unclassified or Unspecified Uses may be permitted by the Town Board after review and public hearing provided that such uses are similar in character to the permitted uses allowed in the district.
- E. Temporary Uses, such as real estate sales or rental field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted for a period of up to 18 months by the Town Board. Temporary use permits may be renewed if the Board deems such renewal appropriate.
- F. The Accumulation or Storage of Equipment, such as refrigerators, furnaces, washing machines, stoves, wood, brick, concrete block, or other unsightly debris which may depreciate property values in the area or create a nuisance or hazard shall not be permitted on any lot or parcel of land within the Town of Ahnapee, except within a permitted salvage yard operated under a Conditional Use Permit, or elsewhere if completely housed and out of public view, or in accordance with Section 10.0604 of this Ordinance.
- G. A Temporary Mobile Home may be permitted in any district by the Zoning Administrator as temporary or emergency shelter. Emergencies justifying the placement of a mobile home shall include destruction of the permanent home on a lot by wind, fire, or other disaster. A mobile home may be permitted as temporary shelter during the construction of a permanent home or business (See Section 10.0511(A)(1)). A temporary or emergency mobile home permit may be issued for a period not to exceed two (2) years and may be renewed for one six-month period. In authorizing the temporary use permit, the Zoning Administrator shall require that the mobile home be oriented in a manner that is compatible with adjacent land uses. Appropriate landscape screening may also be required.

#### **10.0306 Lot Reduction or Joint Use**

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- B. 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.

## **10.0400 ZONING DISTRICTS**

### **10.0401 Establishment of Districts**

For the purpose of this ordinance, the Town of Ahnapee, Kewaunee County, Wisconsin, is hereby divided into the following zoning districts:

- A-1 Prime Agricultural Land District
- A-2 Agricultural Land District
- C-1 Upland Conservancy District
- C-2 Lowland Conservancy District
- Rs-1 Single Family Residential District
- Rm-1 Multi-Family Residential District
- B-1 Community Business District
- B-2 Highway Business District
- M-1 Light Manufacturing District
- M-2 Heavy Manufacturing District
- P-1 Park District

### **10.0402 Zoning Map**

Boundaries of the aforementioned zoning districts are hereby established as shown on the official zoning map entitled "Farmland Preservation Zoning Map for Town of Ahnapee, Kewaunee County, Wisconsin" which accompanies and is incorporated as a part of this ordinance. All legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the zoning map, are as much a part of this ordinance as though they were specifically described herein.

### **10.0403 Interpretation of District Boundaries**

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning Map for the Town of Ahnapee.

- A. District boundary lines are the center lines of highways, streets, alleys, and pavements; or rights-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.

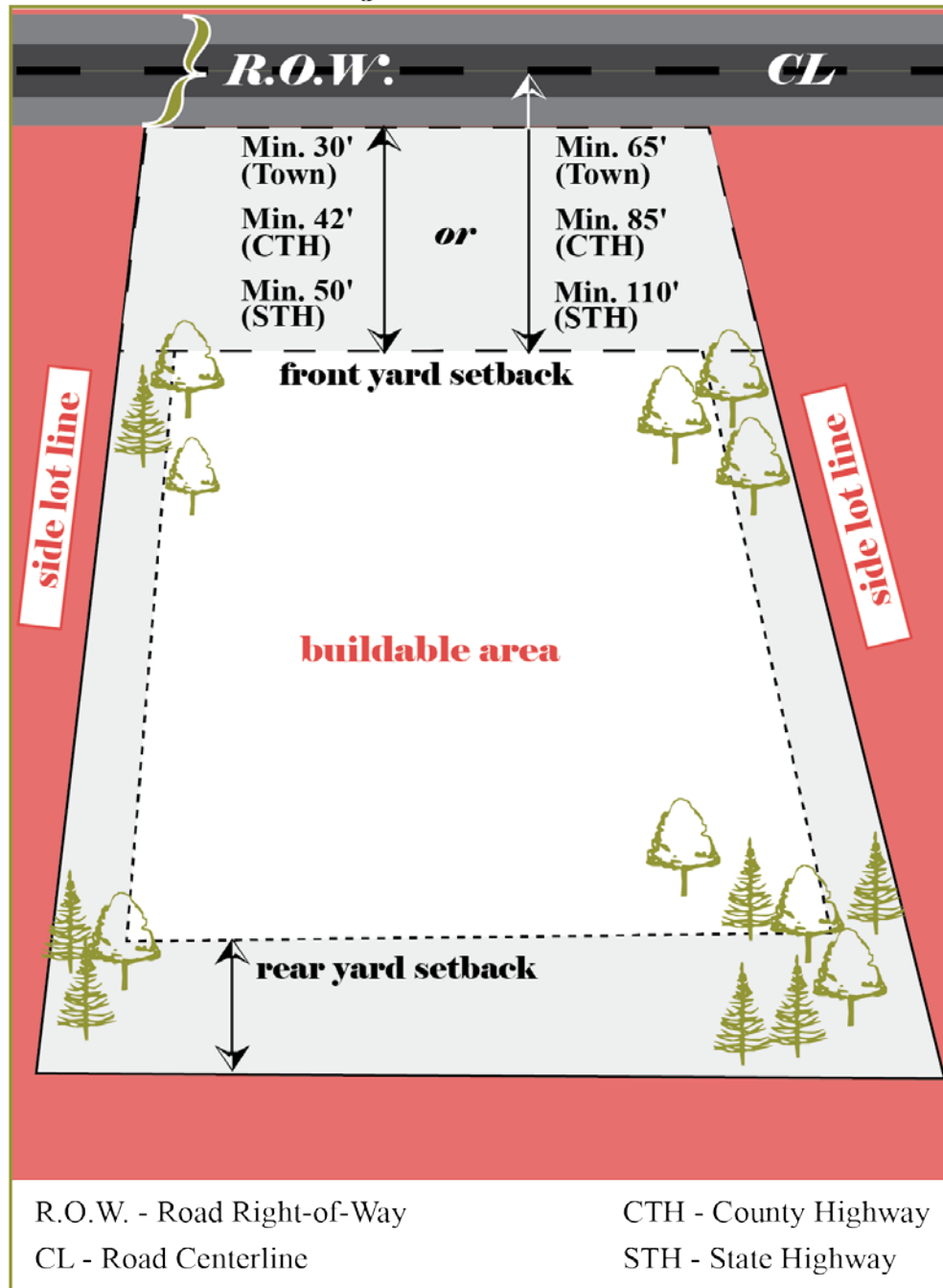
- C. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Town Board, after due hearing may extend the regulation for either portion of such lot.

#### 10.0404 Yard Setbacks for All Districts

Figure 10.1: Yard Requirements Applying to All Zoning Districts in the Town of Ahnapee.

##### **Front Yard setback requirements for all zoning districts.**

*Diagram is not to scale*





## **10.0405 A-1 Prime Agricultural Land**

The prime purpose of this district is to maintain, preserve and enhance agricultural lands historically exhibiting high crop yields. Such lands are generally classified as Prime Agricultural Lands and as Lands of Statewide Importance as rated by the U.S. Department of Agriculture, Natural Resources Conservation Service, and shall include farmland of local significance where it is contiguous to either of the above, or part of a farming operation with either of the above. As a matter of policy, it is determined that the highest and best use of these lands is agriculture.

\*\* This district serves as a Farmland Preservation Zoning District for the Town of Ahnapee.

### **A. Permitted Principal Uses**

1. Agricultural uses (see Section 10.0202).
2. Essential services consistent with Wis. Stat. § 91.44.
3. Livestock facility, less than 500 animal units.
4. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
5. Undeveloped natural resource and open space areas.
6. Unlimited forestation (tree or shrub planting)

### **B. Permitted Accessory Uses**

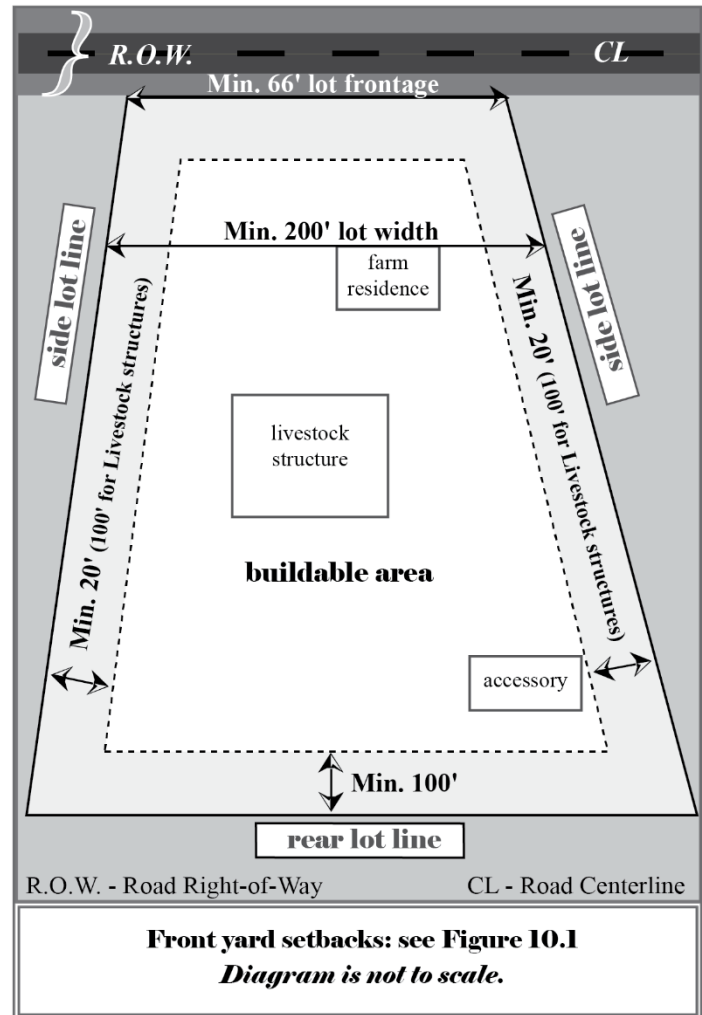
1. Agricultural accessory uses (see Section 10.0202), except:
  - (a) Aircraft facilities, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, require a Conditional Use permit under Section 10.0405(C)(2).
  - (b) Farm structures consistent with 91.01(1)(a), that are used as hunting and fishing cabins providing no water or sewage facilities are included, require a Conditional Use permit under Section 10.0405(C)(5).
  - (c) Livestock facilities with 500 or more animal units require a conditional use permit under Section 10.0405(C)(7).
2. Farm residence, one single family or one two family dwelling.
3. Roadside stand, one per farm, consistent with Wis. Stat. § 91.01(1).
4. Home occupations, conducted within the primary farm residence, and that are incidental to the farm operation.

C. Conditional Uses (Also see Section 10.0500)

1. Agriculture-related uses (see Section 10.0202).
2. Airfields, airports, and heliports, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, however are not open to the public.
3. One additional farm residence, single family dwelling.
4. Transportation, communications, pipeline, electric transmission, utility, or drainage uses consistent with Wis. Stat. § 91.46(4).
5. Farm structures consistent with 91.01(1)(a), that are used as hunting and fishing cabins providing no water or sewage facilities are included.
6. Institutional, governmental uses, and religious uses consistent with Wis. Stat. § 91.46(5) such as: colleges, universities, schools (elementary, junior high and senior high), hospitals, churches and other religious institutions, cemeteries, public parks, public recreation sites, and public golf courses.
7. Livestock Facility, 500 or more animal units (See *Chapter 11: Livestock Facility Licensing Ordinance of the Town of Ahnapee Code of Ordinances*).
8. Signs.
9. Storage, processing, and bagging of peat, and the construction of buildings for these purposes.
10. Quarries, sand, and gravel pits and non-metallic mining consistent with Wis. Stat. § 91.46(6).
11. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  - (a) It is conducted on a farm by an owner or operator of that farm.
  - (b) It requires no buildings, structures, or improvements other than a building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use; or a farm residence.
  - (c) It employs no more than 4 full-time employees annually.
  - (d) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

D. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the A-1 district:

<b>Prime Agricultural Land (A-1)</b>	
<b>Lot Size:</b>	
Minimum lot area	30 acres
Minimum lot width at building line	200 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	100 ft.
Minimum side:	20 ft.
Minimum side for Livestock Structures	100 ft.
<b>Structure Height:</b>	
Maximum Farm Residence:	35 ft.



E. Farm Consolidation

Notwithstanding any area requirements to the contrary, farm dwellings that existed prior to February 9, 2005 and related farm structures remaining after farm consolidation may be separated from the farm lot provided, however, that the parcel created conforms with all regulations set forth in this Ordinance, except that no such parcel shall be less than 1.5 acres in area.

F. A-1 District Nonconforming Parcels

Any A-1 parcels under 30 acres that existed prior to the adoption of this Ordinance are allowed to continue as A-1 nonconforming substandard parcels subject to the provisions contained in Section 10.1205.

G. Rezoning Land Out of the A-1 Prime Agricultural Land District.

1. Town of Ahnapee may not rezone land out of the A-1 zoning district unless the town does all of the following prior to the rezoning:
  - (a) Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
    - (1) The rezoned land is better suited for a use not allowed in the A-1 zoning district.
    - (2) The rezoning is consistent with any comprehensive plan, adopted by the local community which is in effect at the time of the rezoning.
    - (3) The rezoning is substantially consistent with the Kewaunee County farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
    - (4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
2. By March 1 of each year, the Zoning Administrator shall provide a report to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) identifying the number of acres that the Town has rezoned out of the A-1 zoning district during the previous calendar year and a parcel map that clearly shows the location of those acres.
3. By March 1 of each year, the Zoning Administrator shall submit a copy of the information that it reports to DATCP under Section 10.0405(G)(2) to Kewaunee County.

## **10.0406 A-2 General Agricultural Land**

The purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas for rural residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soils, topography, or severance from larger agricultural parcels.

### **A. Permitted Uses**

1. Agricultural Operations Permitted in the A-1 District
2. Greenhouses
3. Home occupations
4. Once a residence has been established on a particular lot in this district, detached garages, storage sheds, and tool sheds, shall be permitted on that same lot
5. Orchards
6. Plant nurseries
7. Roadside stands not exceeding one per farm or residence
8. Unlimited forestation (tree or shrub planting)
9. Vegetable raising

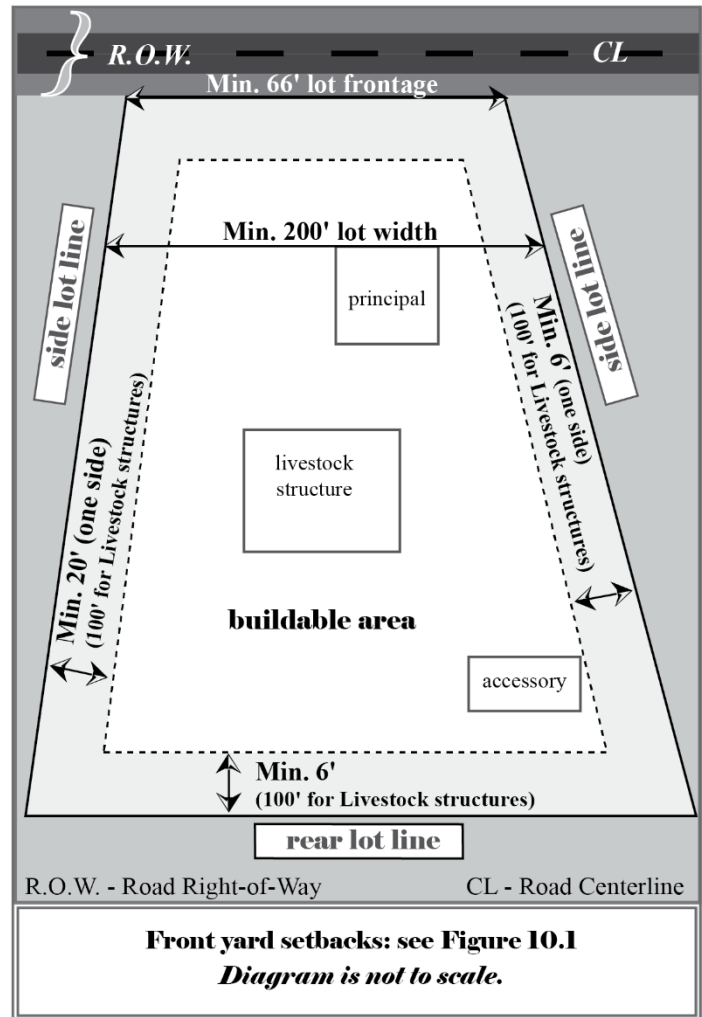
### **B. Conditional Uses (Also see Section 10.0500)**

1. Campgrounds or sites
2. Cemeteries and mausoleums
3. Detached garages
4. Governmental and cultural uses, such fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
5. Hunting and fishing cabins
6. Junk yards and salvage yards
7. Mobile home parks as provided in Section 10.0511 of this Code
8. Public hunting and fishing grounds or shooting preserves and hunting and fishing clubs
9. Recreational uses (See Section 10.0515)
10. Sand, gravel, and stone extraction
11. Sanitary landfill
12. Schools and churches
13. Sewage disposal plants

14. Signs (See Section 10.0700)
15. Single family dwellings
16. Storage sheds or tools sheds
17. Storage, processing, and bagging of peat, and the construction of buildings for these purposes
18. Utilities
19. Wind farms
20. Wireless communication tower

C. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the A-2 district:

<b>General Agricultural Land (A-2)</b>	
<b>Lot Size:</b>	
Minimum lot area	1.5 acres
Minimum lot width at building line	200 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	6 ft.
Minimum rear for Livestock Structures	100 ft.
Minimum side:	
Minimum one side	20 ft.
Minimum other	6 ft.
Minimum side for Livestock Structures	100 ft.
<b>Structure Height:</b>	
Maximum Height	35 ft.



D. Dwellings

Four (4) single family dwellings may be located on each 20 acres of land area in the district provided that no more than eight single family dwellings may be located within each quarter-quarter section of land area as established and defined by the official U.S. Government Rectangular System of Survey.

## **10.0407 C-1 Upland Conservancy**

The primary purpose of this district is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, sub marginal farm lands, and abandoned mineral extraction lands within the Town of Ahnapee. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Town, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the Town.

### **A. Permitted Uses**

1. Farming and related agricultural uses when conducted in accordance with the Applicable Conservation Standards.
2. Forest and game management.
3. Forest preservation.
4. Once a residence has been established on a particular lot in this district, home occupations shall be a permitted use.
5. Once a residence has been established on a particular lot in this district, Detached Garages, Storage Sheds, and Tool Sheds, shall be a permitted use on that same lot.
6. Unlimited forestation.

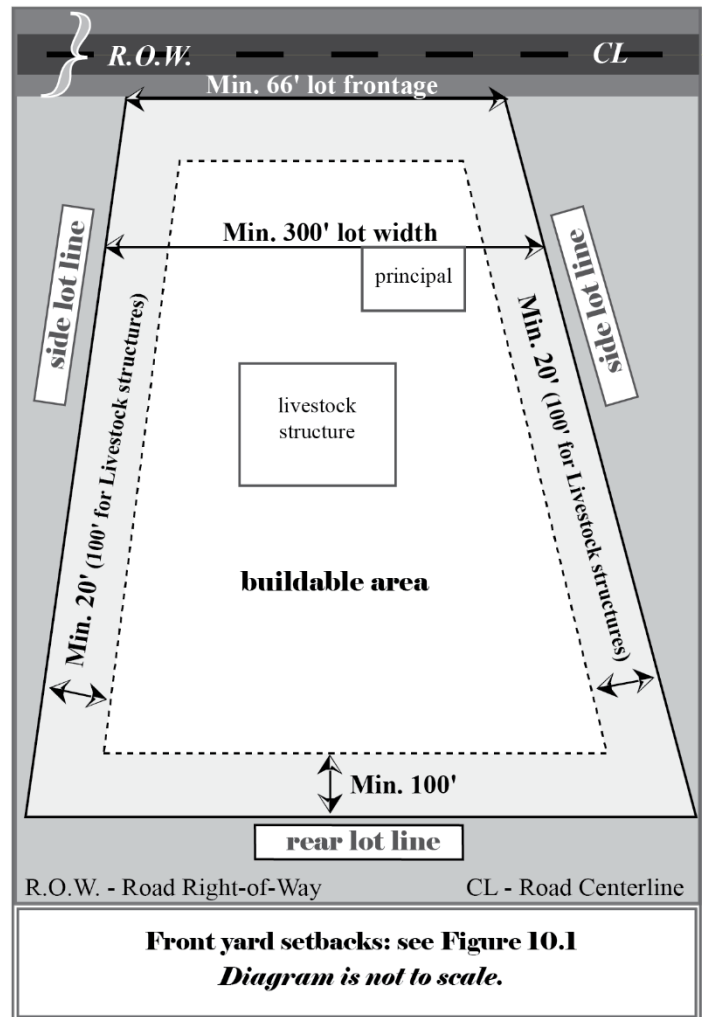
### **B. Conditional Uses (Also see Section 10.0500)**

1. Animal hospitals, shelters and kennels.
2. Detached garages.
3. Golf courses and country clubs.
4. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
5. Hunting and fishing cabins
6. Hunting and fishing clubs.
7. Land restoration.
8. Parks and recreation areas; arboreta; botanical gardens.
9. Planned residential developments.
10. Public or private campgrounds.
11. Recreation camps.
12. Recreational uses (See Section 10.0515)
13. Retail Shops

14. Riding stables.
15. Sewage disposal plants.
16. Signs (See Section 10.0700)
17. Single-family detached dwellings.
18. Ski Hills
19. Stables.
20. Storage sheds or tool sheds.
21. Storage, processing, and bagging of peat and the construction of buildings for these purposes.
22. Utilities.
23. Yachting clubs and marinas.

C. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the C-1 district:

<b>Upland Conservancy (C-1)</b>	
<b>Lot Size:</b>	
Minimum lot area	5 acres
Minimum lot width at building line	300 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	100 ft.
Minimum side:	20 ft.
Minimum side for Livestock Structures	100 ft.
<b>Structure Height:</b>	
Maximum Height	35 ft.





## **10.0408 C-2 Lowland Conservancy**

The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in the Town. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreational resources of the Town.

### **A. Permitted Uses**

The following uses are permitted in this district provided that such uses are conducted in accordance with the Applicable Conservation Standards and do not involve dumping; filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, water courses, water regimen, or topography.

1. Boat landing sites.
2. Drainage.
3. Farming and related agricultural uses when conducted in accordance with Conservation Standards, not including the erection of buildings or structures.
4. Fish hatcheries.
5. Flood overflow and movement of water.
6. Forest and game management.
7. Hiking and nature trails.
8. Hunting and fishing.
9. Impoundments.
10. Navigation.
11. Stream bank protection.
12. Swimming beaches.
13. Wild crop harvesting.
14. Wilderness areas and wildlife preservation and refuges.

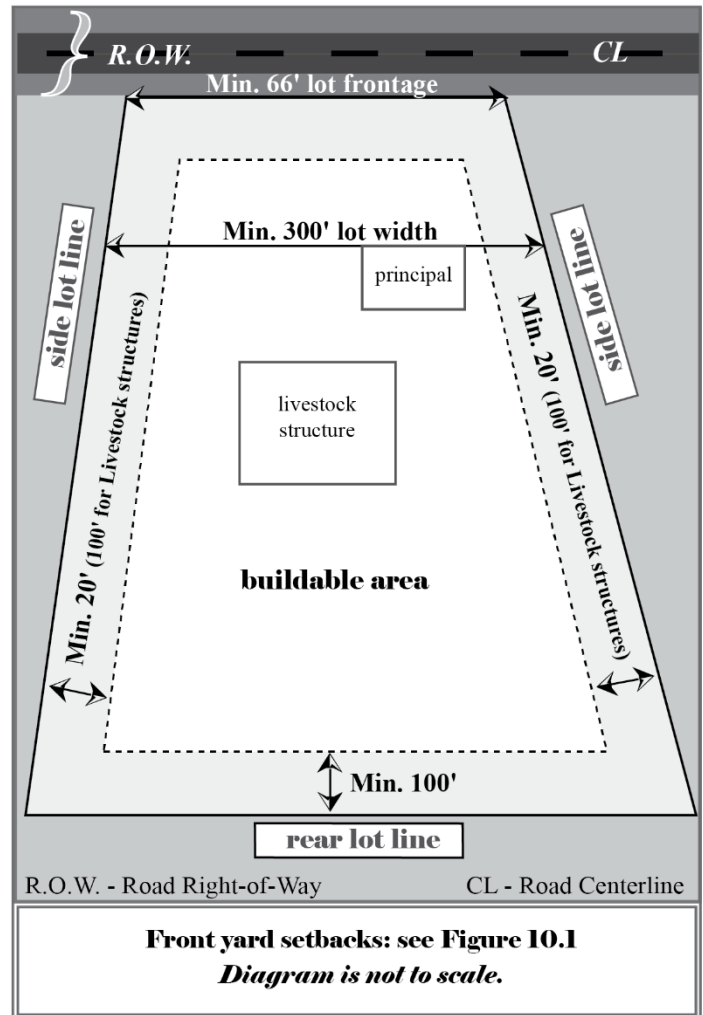
### **B. Conditional Uses (Also see Section 10.0500)**

1. Cottage or recreational structure.
2. Golf courses and country clubs.
3. Hunting and fishing clubs.
4. Land restoration.
5. Park and recreation areas not including the location or erection of buildings or structures.

6. Public or private campgrounds
7. Recreation camps
8. Recreational uses (See Section 10.0515)
9. Signs (See Section 10.0700)
10. Utilities.
11. Yachting clubs and marinas.

C. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the C-2 district:

<b>Lowland Conservancy (C-2)</b>	
<b>Lot Size:</b>	
Minimum lot area	5 acres
Minimum lot width at building line	300 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	100 ft.
Minimum side:	20 ft.
Minimum side for Livestock Structures	100 ft.
<b>Structure Height:</b>	
Maximum Height	35 ft.



## **10.0409      Rs-1 Single Family Residential**

### **A.     Purpose and Intent of the Rs-1 Single-Family Residential District**

The Rs-1 District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses, and in areas that do not infringe on agricultural uses. This district provides for densities with a minimum lot size of 1 ½ acres.

### **B.     Permitted Uses**

The following uses are permitted uses in this District:

1.     Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
2.     Single-family dwellings.

### **C.     Accessory Uses**

The following uses are allowed in this district only when there is a permitted use present:

1.     Customary agricultural operations including a garden, nursery, greenhouse, and usual farm buildings, subject to the following restrictions:
  - (a)    No building in which farm animals are kept shall be closer than 100 feet to any adjoining lot line.
  - (b)    No storage of manure or dust producing substance shall be permitted within 100 feet of any adjoining lot line.
  - (c)    No greenhouse heating plant shall be operated within 50 feet of any adjoining lot line.
  - (d)    No products shall be publicly displayed or offered for sale from any adjoining lot line.
  - (e)    No swine farms or fur farms.
2.     Private garages, carports, and driveways.
3.     Tool houses, sheds and other similar buildings used for the storage of common supplies.

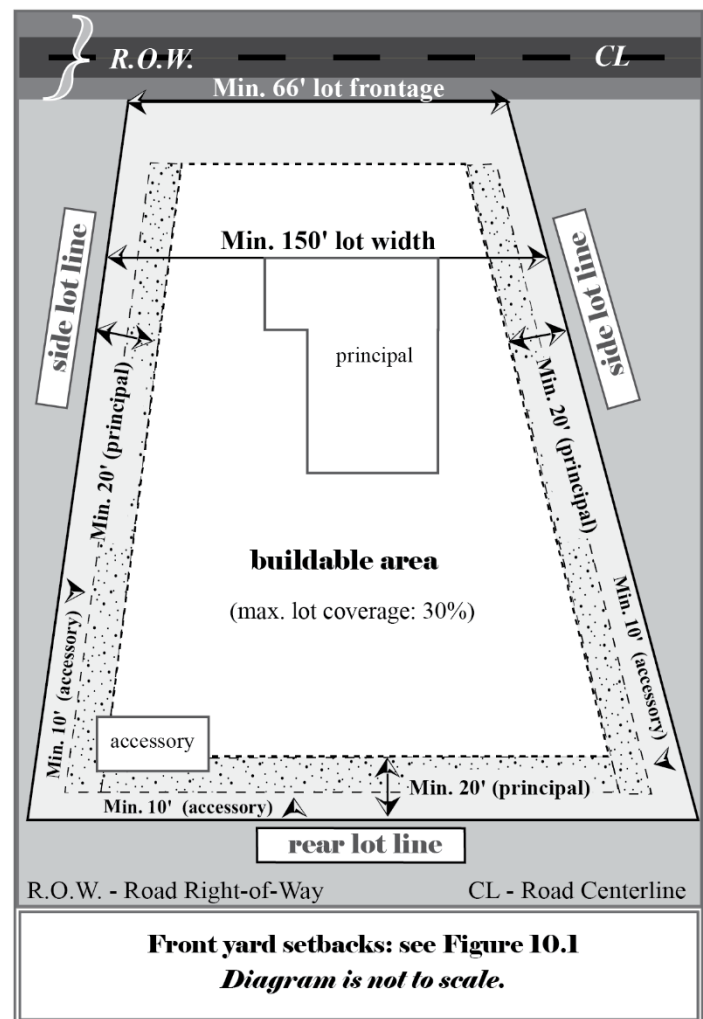
### **D.     Conditional Uses (Also see Section 10.0500)**

1.     Bed and Breakfast establishments, residential.
2.     Cemeteries.
3.     Churches, chapels, temples, synagogues, rectories, parsonages and parish houses.
4.     Community living arrangements with a capacity of 9 or more persons subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.

5. Fire stations, police stations, post offices and other municipal facilities necessary for town operation.
6. Home occupations
7. Professional offices.
8. Public parks, playgrounds and athletic fields.
9. Public recreational and community center buildings and grounds.
10. Public, parochial and private, elementary, junior high and senior high schools.
11. Signs (See Section 10.0700)
12. Transmission lines, substations, telephone and telegraph lines and public utility installments.
13. Two-family dwellings.

E. Area, Height, and Yard Requirements within the Rs-1 district:

<b>Single Family Residential (Rs-1)</b>	
<b>Lot Size:</b>	
Minimum lot area	1.5 acres
Minimum lot width at building line	150 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	
Principal use	20 ft.
Accessory use	10 ft.
Minimum side:	
Principal use	20 ft.
Accessory use	10 ft.
<b>Structure Height:</b>	
Maximum Height	35 ft.



F. Maximum Lot Coverage: 30 percent

## **10.0410 Rm-1 Multi-Family Residential**

### **A. Intent and Purpose**

The primary purpose of the Rm-1 Residential District is to provide for multiple family residential developments at densities of 20,000 square feet per dwelling unit located near or adjacent to existing development.

### **B. Permitted Uses**

1. Community living arrangements with a capacity for 15 or fewer persons and foster homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
2. Multi-family dwellings
3. Two-family dwellings

### **C. Accessory Uses**

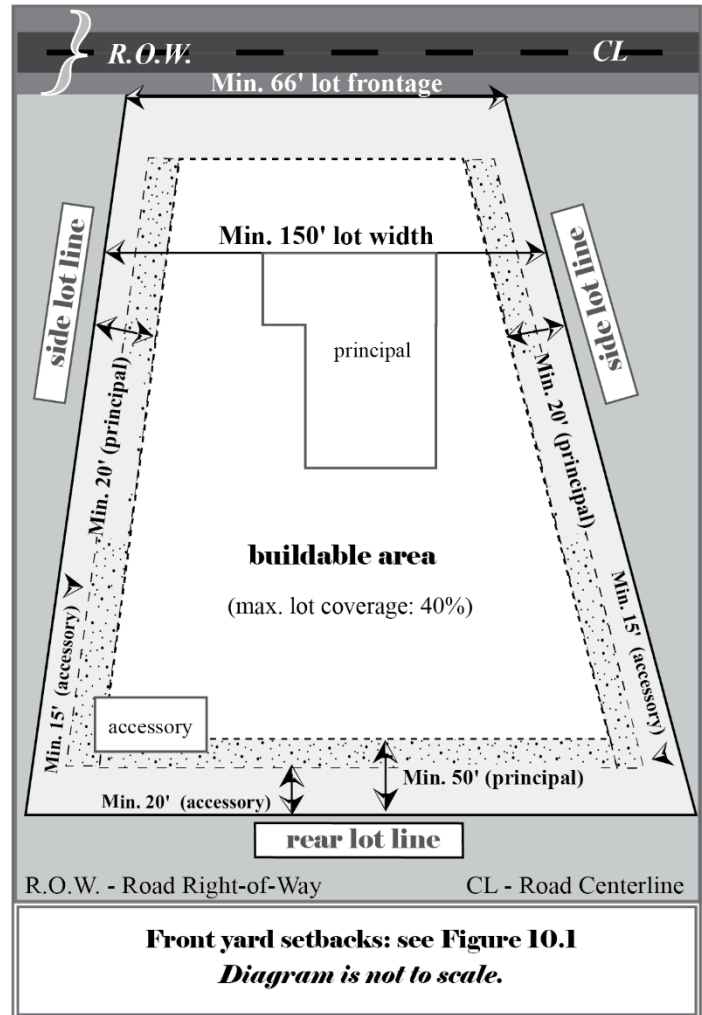
1. Gardening, tool, and storage sheds incidental to the residential use
2. Home occupations and professional offices
3. Private carports
4. Private garages

### **D. Conditional Uses (Also see Section 10.0500)**

1. Bed and Breakfast establishments, residential
2. Community living arrangement with a capacity for serving 16 or more persons, subject to the limitations of Section 60.63 of the Wisconsin Statutes.
3. Day Care Center, Group
4. Day Care Home, Family
5. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums
6. Manufactured or Mobile home park subject to Section 10.0511
7. School and churches
8. Signs (See Section 10.0700)
9. Utilities

- E. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the Rm-1 district:

<b>Multi-Family Residential (Rm-1)</b>	
<b>Lot Size:</b>	
Minimum lot area	1.5 acres
Minimum lot width at building line	150 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	
Principal use	50 ft.
Accessory use	20 ft.
Minimum side:	
Principal use	20 ft.
Accessory use	15 ft.
<b>Structure Height:</b>	
Maximum Height	50 ft.



- F. Floor Area – Minimum 20,000 square feet per dwelling unit.

- G. Lot Coverage: Maximum 40 percent.

## **10.0411 B-1 Community Business**

### **A. Purpose and Intent of B-1 Community Business District**

The purpose and intent of the B-1 district is to accommodate for the orderly attractive grouping at appropriate locations of businesses offering a wide range of retail products and services. The character, appearance and operation of such businesses should be compatible with surrounding uses.

### **B. Permitted Uses**

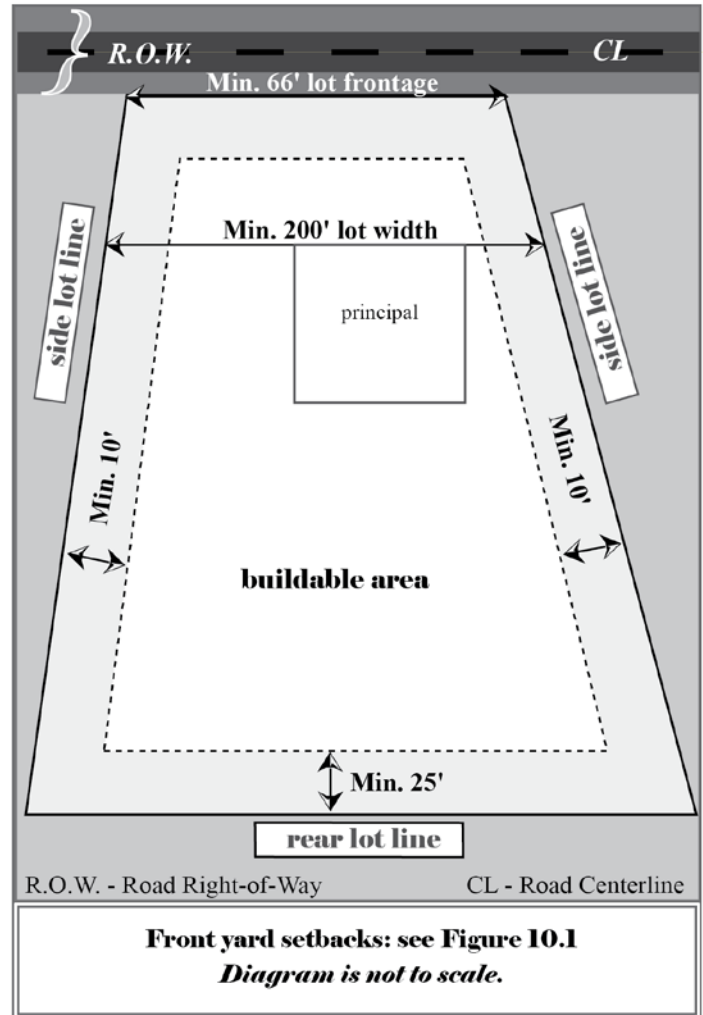
1. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds.
2. Personal services to include barbershops, beauty salons, tailor shops and coin operated laundromats.
3. Professional offices for physicians, dentists, attorneys, real estate, insurance sales and other similar professional services in which services are offered to the general public on the premises.
4. Stores and shops in which items are sold directly to the public to include: gasoline service stations and automotive and farm equipment repair; metal fabricating; grocery; hardware; clothing and apparel stores; drug and beverage stores; bakeries; magazine and tobacco stores; coffee shops; laundry and dry cleaners; gift shops; taverns and restaurants; parking areas and other similar commercial establishments.

### **C. Conditional Uses (Also see Section 10.0500)**

1. All public utility facilities, sewage treatment facilities.
2. Animal hospital and clinics, excluding open kennels and exercise yards.
3. Drive-In Establishments
4. Fireworks sales
5. Funeral Homes and Crematoriums
6. Lodges and fraternal buildings, nursing and retirement homes, nursery and day care centers.
7. Mini warehousing
8. Signs (See Section 10.0700)
9. Single-family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.

D. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the B-1 district:

<b>Community Business (B-1)</b>	
<b>Lot Size:</b>	
Minimum lot area	1.5 acres
Minimum lot width at building line	200 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	25 ft.
Minimum side:	10 ft.
<b>Structure Height:</b>	
Maximum Height	50 ft.



E. Plans and Specifications to be submitted to Plan Commission

To encourage a business environment that is compatible with the rural character of the Town, building permits for permitted uses in the B-1 District shall require the review and approval of the Town of Ahnapee Plan Commission and the review and approval of a site plan in accordance with Section 10.0900 of this ordinance. In addition to the requirements of 10.0900, the Plan Commission said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading, and unloading, landscaping, signs, lighting and open space utilization.



## **10.0412 B-2 Highway Business**

### **A. Purpose and Intent**

The B-2 Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

### **B. Permitted Uses**

1. Essential Services

### **C. Accessory Uses**

1. Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
2. Off-street parking and loading areas.
3. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
5. Satellite dish antennas located on the roof of the principal structure or in the rear yard.

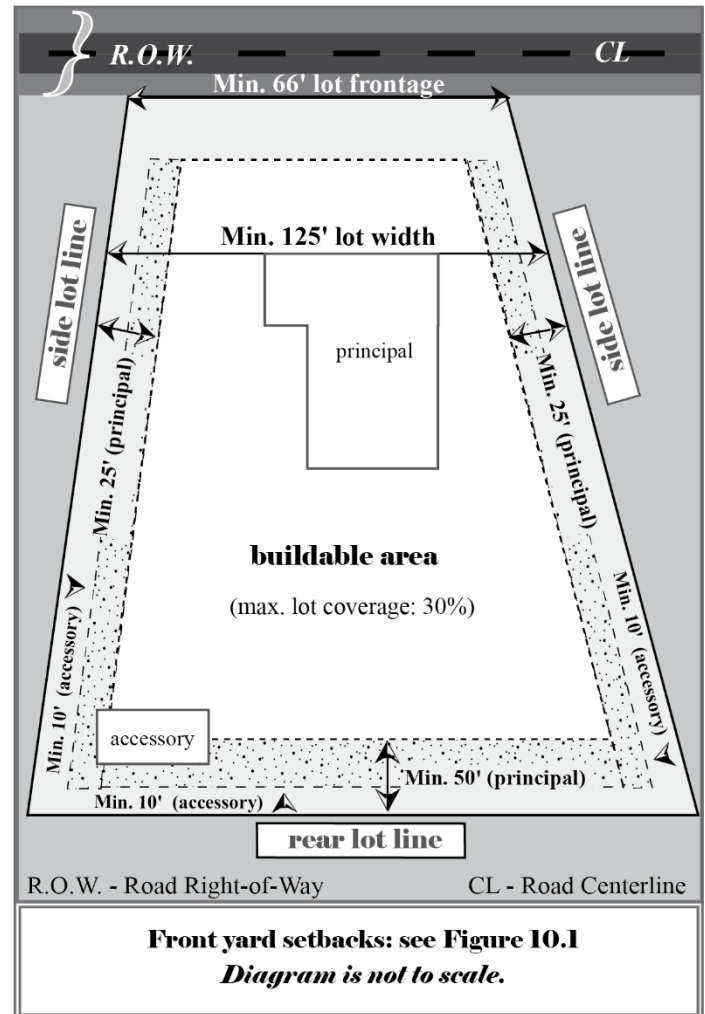
### **D. Conditional Uses (Also see Section 10.0500)**

1. Adult entertainment businesses
2. Attached dwelling unit or residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
3. Auto and home supply stores
4. Barber shops
5. Beauty shops
6. Boat dealers
7. Bowling centers
8. Building materials and garden supplies
9. Business credit Institutions
10. Car dealers, new and used
11. Car wash
12. Computer and data processing service
13. Department stores

14. Depository institutions, banks, credit unions, etc.
15. Drive-In Establishments
16. Eating and drinking places
17. Engineering and architectural services
18. Equipment rental, small
19. Farm equipment and machinery sales and service
20. Fireworks sales
21. Food stores
22. Funeral Homes and Crematoriums
23. Furniture and home furnishings store
24. Gasoline service stations
25. General merchandise stores
26. Gift, novelty and souvenir shops
27. Hardware stores
28. Hospitals
29. Hotels and motels
30. Household appliance stores
31. Insurance agents, brokers and services
32. Insurance carriers
33. Landscape and horticultural services
34. Lawn and garden services
35. Lumber and other building materials
36. Manufactured home sales
37. Medical and dental laboratories
38. Membership organizations
39. Mini warehousing
40. Mortgage bankers and brokers
41. Motion picture theaters
42. Office and clinic of dentists
43. Office and clinic of medical doctors
44. Office and clinic of osteopathic physicians
45. Office of other health practitioners
46. Real estate agents and managers

47. Real estate operators and lessors
  48. Recreation and utility trailer dealers
  49. Recreational uses (See Section 10.0515)
  50. Retail nurseries and garden stores
  51. Shopping centers
  52. Signs (See Section 10.0700)
  53. Transmission lines, substations, telephone and telegraph lines, and public utility installations
  54. Wireless communication tower
- E. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the B-2 district:

<b>Highway Business (B-2)</b>	
<b>Lot Size:</b>	
Minimum lot area	1.5 acres
Minimum lot width at building line	125 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	
Principal use	50 ft.
Accessory use	10 ft.
Minimum side:	
Principal use	25 ft.
Accessory use	10 ft.
<b>Structure Height:</b>	
Maximum Height	50 ft.



- F. Dwelling Living Area – Minimum 980 square feet per dwelling unit.
- G. Lot Coverage: Maximum 30 percent.
- H. Plans and Specifications to be submitted to Plan Commission

To encourage a business environment that is compatible with the rural character of the Town, all permits for uses in the B-2 District shall require the review and approval of the Town of Ahnapee Plan Commission and the review and approval of a site plan in accordance with Section 10.0900 of this ordinance. In addition to the requirements of 10.0900, the Plan Commission said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.

## **10.0413 M-1 Light Manufacturing**

### **A. Purpose and Intent**

The M-1 Industrial District is intended to provide for the orderly development of light manufacturing or light industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as well reasonably ensure compatibility with the surrounding area in this respect.

### **B. Permitted Uses:**

1. Essential Services

### **C. Accessory Uses**

1. Garages for storage of vehicles used in conjunction with the operation of an industry.
2. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
3. Off-street parking and loading areas.
4. Residential quarters for the owner or caretaker.
5. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
6. Satellite dish antennas located on the roof of the principal structure or in the rear yard.

### **D. Conditional Uses (Also see Section 10.0500)**

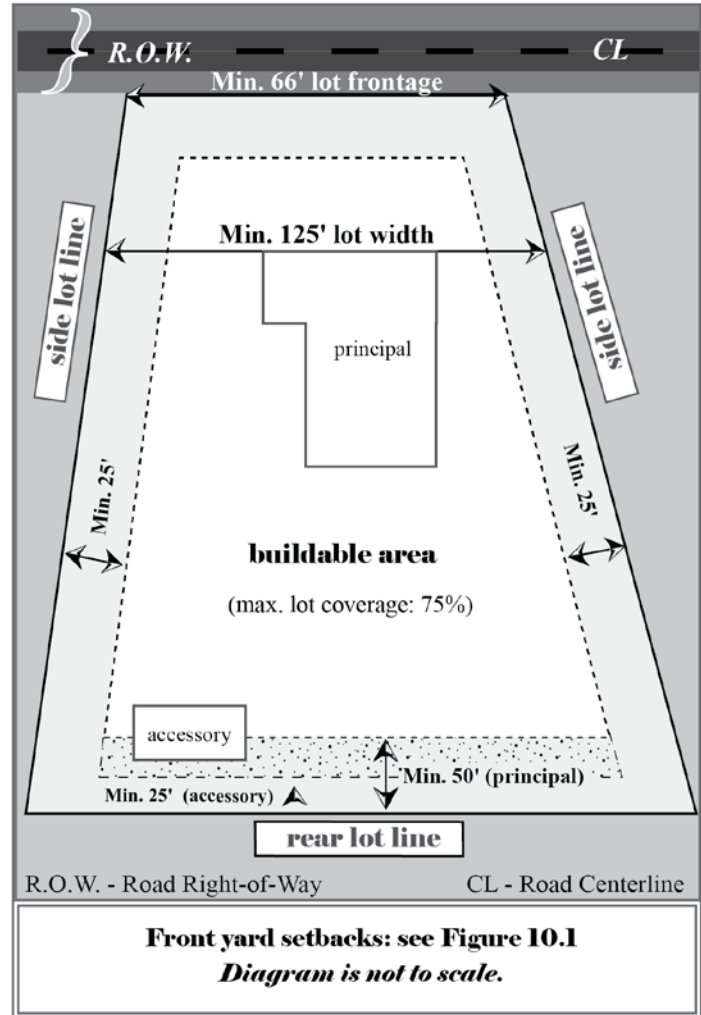
1. Agricultural services
2. Apparel manufacture
3. Appliance repair
4. Automotive repair shops
5. Automotive services, except repair
6. Automotive truck, trailer leasing
7. Blacksmith shops
8. Building cleaning and maintenance services
9. Bus charter service
10. Business services, miscellaneous
11. Communications equipment manufacture
12. Computer and office equipment manufacture

13. Contractors: carpentry and floor work
14. Contractors: concrete work
15. Contractors: electrical
16. Contractors: masonry, stonework, tile, plastering
17. Contractors: painting and paper hanging
18. Contractors: plumbing, heating and air conditioning
19. Contractors: roofing, siding, and sheet metal work
20. Contractors: well drilling
21. Electronic components and accessories manufacture
22. Equipment rental and leasing
23. Farm machinery and equipment, sales
24. Farm machinery repair
25. Farm supplies wholesale
26. Food manufacturing facilities, except slaughtering
27. Footwear manufacture
28. Furniture and fixture manufacture
29. General building contractors, except heavy construction
30. Gloves and mitten manufacture
31. Handbags and other personal leather goods
32. Household audio and video equipment
33. Laundry, cleaning, and garment services
34. Locksmith shops
35. Luggage manufacture
36. Lumber and other building supplies and sale
37. Mailing, reproduction, commercial art supplies
38. Miscellaneous fabricated textile products manufacture
39. Miscellaneous light manufacturing
40. Miscellaneous wood manufacture
41. Motor vehicle parts, used-wholesale and retail (salvage yards)
42. Motorcycle repair shops, including sales
43. Pest control services
44. Photographic equipment manufacture
45. Photography and stenographic services

46. Printing and publishing
47. Printing service industries, typesetting,
48. Professional and scientific instrument manufacture
49. Propane bulk storage, sales and service
50. Recreational uses (See Section 10.0515)
51. Repair services, miscellaneous
52. Retail nurseries, lawn and garden supply stores
53. Re-upholstery and furniture repair
54. Sawmills and planing mills
55. School bus establishment
56. Septic tank cleaning services
57. Sewer cleaning
58. Signs (See Section 10.0700)
59. Special trade contractors, except excavation and demolition
60. Surgical, medical and dental supplies and manufacture
61. Taxidermists
62. Textile mill products
63. Transmission lines, substations, telephone and telegraph lines, and public utility installations
64. Warehousing and storage
65. Watches and clocks manufacture
66. Welding shops
67. Wholesale trade-durable goods
68. Wholesale trade-nondurable goods, except chemicals
69. Wireless communication tower
70. Wood kitchen cabinets manufacture

- E. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the M-1 district:

<b>Light Manufacturing (M-1)</b>	
<b>Lot Size:</b>	
Minimum lot area	1.5 acres
Minimum lot width at building line	125 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	
Principal use	50 ft.
Accessory use	25 ft.
Minimum side:	
Principal use	25 ft.
Accessory use	25 ft.
<b>Structure Height:</b>	
Maximum Height	50 ft.



- F. Dwelling Living Area – Minimum 980 square feet per dwelling unit.

- G. Lot Coverage: Maximum 75 percent.

- H. Plans and Specifications to be submitted to Plan Commission

To encourage an industrial environment that is compatible with the rural character of the Town, all permits for uses in the M-1 District shall require the review and approval of the Town of Ahnapee Plan Commission and the review and approval of a site plan in accordance with Section 10.0900 of this ordinance. In addition to the requirements of 10.0900, the Plan Commission said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.



## **10.0414 M-2 Heavy Manufacturing**

### **A. Purpose and Intent**

The M-2 Manufacturing District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operation characteristics, would not be detrimental to the surrounding area or to the town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

### **B. Permitted Uses**

1. Essential Services

### **C. Accessory Uses**

1. Garages for storage of vehicles used in conjunction with the operation of an industry.
2. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
3. Off-street parking and loading areas.
4. Residential quarters for the owner or caretaker.
5. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
6. Satellite dish antennas located on the roof of the principal structure or in the rear yard.

### **D. Conditional Uses (Also see Section 10.0500)**

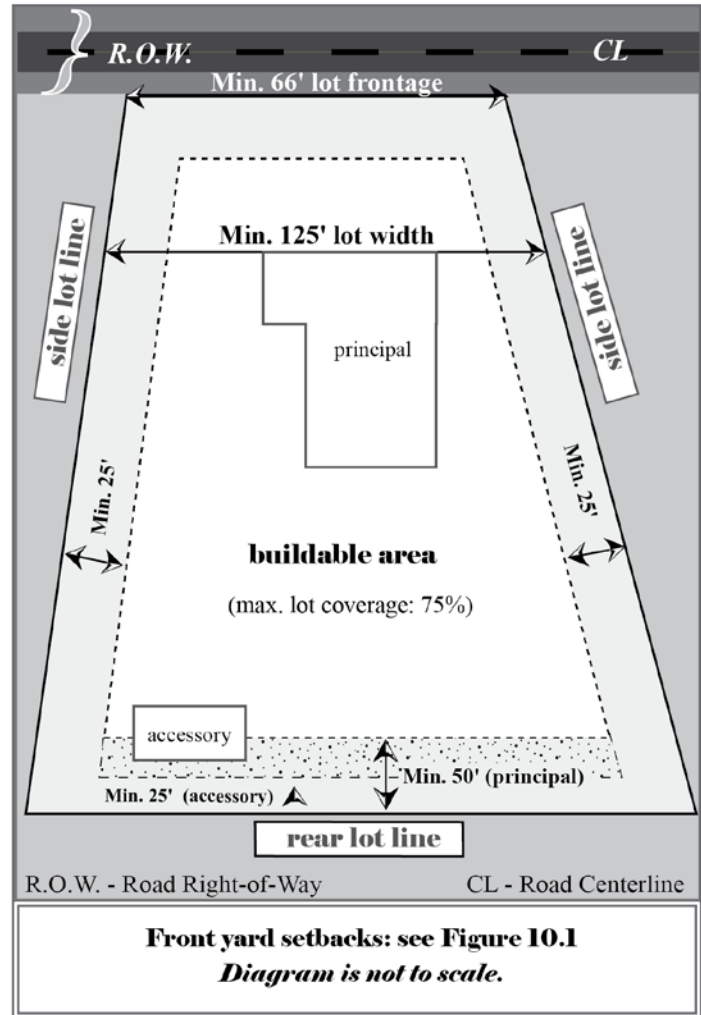
1. Aircraft and parts manufacture
2. Apparel manufacture
3. Asphalt paving and roofing establishments
4. Chemicals and allied product manufacture
5. Computer and office equipment manufacture
6. Converted paper and paper board products and manufacture
7. Electrical power generation facilities
8. Electronic and electrical equipment manufacture
9. Fabricated metal products manufacture
10. Food manufacturing facilities

11. Furniture and fixture manufacture
12. General building contractors
13. Heavy construction contractors
14. Industrial and commercial machinery manufactures
15. Landfill sites
16. Leather and leather products manufacturers
17. Lumber and wood products manufacture
18. Millwork, veneer, plywood and structural wood manufacturers
19. Mining and quarrying of nonmetallic minerals
20. Miscellaneous heavy industry
21. Motor freight terminal and maintenance terminals
22. Motor freight transportation and warehousing
23. Motor vehicle parts used-retail and wholesale (salvage yards)
24. Motor vehicles and motor vehicle equipment manufacture
25. Motorcycles, bicycles and parts manufacture
26. Pallets and skid manufacture
27. Paper and allied products manufacture
28. Paper mills
29. Paperboard containers and box manufacture
30. Petroleum bulk stations and terminals
31. Petroleum refining
32. Power plants
33. Primary metals industries, steel works, foundries, castings
34. Printing, publishing and allied industries
35. Professional and scientific instrument manufacture
36. Propane bulk storage, sales and service
37. Public warehousing and storage
38. Pulp mills
39. Railroad equipment
40. Railroad transportation
41. Recreational uses (See Section 10.0515)
42. Rubber and plastics manufacture
43. Sand and gravel extraction and preparation

44. Sawmills and planing mills
45. Scrap and waste material firms (junk yards, recycling centers)
46. Sewerage systems (wastewater treatment plants)
47. Ship and boat building and repair establishments
48. Signs (See Section 10.0700)
49. Sludge disposal sites
50. Special trade contractors
51. Stone, clay, glass, and concrete products manufacturers
52. Textile mill products
53. Transmission lines, substations, telephone and telegraph lines, and public utility installation.
54. Transportation equipment and manufacturers
55. Trucking and courier services
56. Wholesale trade durable goods
57. Wholesale trade-nondurable goods
58. Wireless communication tower
59. Wood containers manufacturers

- E. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the M-2 district:

<b>Heavy Manufacturing (M-2)</b>	
<b>Lot Size:</b>	
Minimum lot area	1.5 acres
Minimum lot width at building line	125 ft.
<b>Yard Setbacks:</b>	
Front yard:	<i>See Section 10.0404</i>
Minimum rear:	
Principal use	50 ft.
Accessory use	25 ft.
Minimum side:	
Principal use	25 ft.
Accessory use	25 ft.
<b>Structure Height:</b>	
Maximum Height	50 ft.



- F. Dwelling Living Area – Minimum 980 square feet per dwelling unit.

- G. Lot Coverage: Maximum 75 percent.

- H. Plans and Specifications to be submitted to the Plan Commission

To encourage an industrial environment that is compatible with the rural character of the Town, all permits for uses in the M-2 District shall require the review and approval of the Town of Ahnapee Plan Commission and the review and approval of a site plan in accordance with Section 10.0900 of this ordinance. In addition to the requirements of 10.0900, the Plan Commission said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.

## **10.0415 P-1 Park**

The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Town of Ahnapee can be met without undue disturbance of natural resources and adjacent uses.

### **A. Permitted Uses**

1. Essential Services

### **B. Accessory Uses**

1. Accessory structures and uses as specified in Section 10.0803(A) through 10.0803(G).
2. Garages for storage of vehicles used in conjunction with the operation of a principal use.
3. Service buildings and facilities normally accessory to a principal use.

### **C. Conditional Uses (Also see Section 10.0500)**

1. Botanical gardens and arboretums.
2. Campgrounds.
3. Essential services.
4. Exhibition halls.
5. Fairgrounds.
6. Golf courses without country club facilities.
7. Historic monuments or sites.
8. Hiking, biking, and nature trails.
9. Outdoor skating rinks.
10. Parks and playgrounds.
11. Picnicking areas.
12. Playfields or athletic fields.
13. Public art galleries.
14. Sledding, skiing, or tobogganing areas.
15. Swimming beaches and pools.
16. Tennis courts.
17. Energy conservation uses.
18. Golf courses with country club facilities.
19. Public, parochial, and private schools.
20. Religious institutions.

21. Recreational uses (See Section 10.0515)
22. Signs (See Section 10.0700)
23. Utilities.

D. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the P-1 district.

<b>Park (P-1)</b>	
<b>Lot Size:</b>	
Lot Area & Width:	Shall provide sufficient area and width for the principal use and its accessory buildings, off-street parking and loading areas, and required yards.
<b>Yard Setbacks:</b>	
Front yard:	100 ft. from road centerline or 42 feet from road right-of-way, whichever is greater. <i>(See Section 10.0404 for example)</i>
Rear Yard Minimum:	50 ft.
Side Yard Minimum:	50 ft.
<b>Structure Height:</b>	
Maximum Height:	No building or parts of a building shall exceed 35 ft.

E. Plans and Specifications to be submitted to the Plan Commission.

To encourage an environment that is compatible with the rural character of the Town, all permits for uses in the P-1 District shall not be issued without review and approval of the Town of Ahnapee Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

## **10.0500      CONDITIONAL USES**

### **10.0501      Purpose**

The purpose of conditional uses is to place a unique land use characteristic within favorable zoning districts to ease conflicts on neighboring lands and public need.

### **10.0502      Initiation**

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided from in this Ordinance in the zoning district in which the land is located.

### **10.0503      Application**

A.   The application for a conditional use shall be filed with the Town of Ahnapee Zoning Administrator on a form so prescribed by the Town of Ahnapee. The application shall be accompanied by such plans and/or data prescribed by this Ordinance and may include the following:

1.   Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
2.   Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; 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 lies.
3.   Plat of Survey prepared by a registered land surveyor or a location sketch drawn to scale showing all the information required under Section 10.1305 for a Building permit and, in addition, the following: mean and ordinary high water marks on or within 40 feet of the subject premises, and existing and proposed landscaping.
4.   A statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts.
5.   Additional Information as may be required by the Town Board, Town Plan Commission or the Town Zoning Administrator.

B.   Review and Recommendation by Town Plan Commission

Upon receipt of each completed conditional use application, the Zoning Administrator shall refer the application to the Town Plan Commission for review and recommendation to the Town Board.

#### **10.0504      Hearing on Application**

The Town Plan Commission shall hold a public hearing on each application giving public notice as specified in Section 10.1600 of the Ordinance. The Plan Commission shall subsequently recommend to the Town Board issuance of the conditional use permit with appropriate conditions, denial of the permit with reasons, or require the submittal of a modified application.

#### **10.0505      Authorization**

For each application for a conditional use, following the public hearing, the Plan Commission shall submit a written report to the Town Board of its recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Town Board shall subsequently make a final decision regarding the grant or denial of the proposed conditional use.

#### **10.0506      Standards**

- A. No conditional use shall be allowed by the Town Board unless said Board shall find that the conditions comply with the Intent and Purpose of this Ordinance and shall consider the following factors:
  - 1. The location, nature, and size of the proposed use with respect to other uses in the area
  - 2. The size of the site in relation to the proposed use.
  - 3. The location of the site with respect to existing or future roads giving access to the proposed use.
  - 4. The proposed use's compatibility with existing uses on land adjacent thereto.
  - 5. The proposed use's harmony with the existing and future development of the district.
  - 6. Existing topography, drainage, soil types, and vegetative cover.
  - 7. The proposed use's relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
  - 8. Whether the proposed use will adversely affect property values in the area.
  - 9. Whether the proposed use is consistent with the Town of Ahnapee Comprehensive Plan.
  - 10. Provision of safe vehicular and pedestrian access.
  - 11. Provisions for proper surface drainage and erosion control.
  - 12. Whether the proposed use creates noise, odor, and dust that is incompatible with the area.



13. Whether the proposed use creates excessive exterior lighting glare, or spillover onto neighboring properties. (See Section 10.1002 of this Ordinance)

B. The applicant for a conditional use has the burden of showing why the conditional use should be approved.

#### **10.0507 Conditions and Guarantees**

Before issuing a conditional use permit, the Town Plan Commission may recommend and the Town Board may require a stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

#### **10.0508 Public, Semipublic, and Institutional Uses**

The following uses shall only be permitted as herein provided.

- A. Airports, Airstrips, and Landing Fields, including private landing fields, provided the site is not less than 20 acres in area.
- B. Utilities in all districts provided all principal structures and uses are not less than 50 feet from any residential district lot line.
- C. Public, Parochial, and Private elementary and secondary schools in any district provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.
- D. Religious Institutions in any district provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet away from any lot line.

#### **10.0509 Agricultural Uses**

The following agricultural uses shall only be permitted as herein provided. Also refer to the A-1 district (see Section 10.0405) where many of the following uses are already appropriately regulated:

- A. Agricultural Warehousing.
- B. Animal Hospitals and veterinary services provided that no structure or animal enclosure shall be located closer than 100 feet to a property boundary.
- C. Boarding Stables provided that confined housing of horses shall be located not closer than 100 feet to a residential district boundary or a navigable body of water.
- D. Commercial Boat and Commercial Recreational Storage provided that the storage is in a completely enclosed structure.

- E. Commercial Butchering of livestock; the commercial production of eggs; and the hatching, raising, fattening, or butchering of fowl.
- F. Commercial Kennels provided that no structure or animal enclosure shall be located closer than 100 feet to a property boundary.
- G. Commercial Raising, propagation, or boarding of animals, such as deer, elk, dogs, cats, mink, rabbits.
- H. Housing for Farm Laborers, and for seasonal and migratory farm workers.
- I. Large animal feeding operations as defined by Chapter NR 243 of the Wisconsin Administrative Code.

## **10.0510 Residential Uses**

The following residential and quasi-residential uses shall only be permitted as herein provided:

- A. Accessory Structures listed in 10.0803 (B) may be located in any Agricultural or Residential District provided the accessory structure complies with the minimum street yard (setback) required for a principal structure. The Plan Commission may require a greater setback or may require the accessory use be screened.
- B. Bed and Breakfast Establishments in the Rs-1 and the Rm-1 Districts provided that no more than 4 bedrooms are rented; that dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics; that adequate off-street parking is provided; and that any permit required by Section DHS 197.04 of the Wisconsin Administrative Code has been secured. One exterior advertising sign, not exceeding 24 square feet in area, may be erected on the premises.
- C. Circular Driveways on residential lots fronting on local streets. The two ingress/egress points shall be separated by a minimum distance of 30 feet, and the edge of the driveway at the point where it intersects with the street shall be located no closer than 15 feet from an adjoining property line. Teardrop-shaped driveways with one ingress/egress point do not require a conditional use permit. Circular driveways shall be prohibited on residential lots fronting on arterial streets and highways and collector streets.
- D. Home Industries in the A-1 (consistent with Wis. Stat. § 91.01(1)) and A-2 districts, or any residential district. A home industry is similar to a home occupation and shall generally be limited by the standards for home occupations set forth in Section 10.0803 (G). The Plan Commission may, however, permit the conduct of a home industry in an accessory building. The Plan Commission may further permit the assembly and manufacturing of small-scale piecework or the use of non-household appliances and tools when it is deemed not to be disruptive to the neighborhood.

- E. Community Living Arrangements and Community-Based Residential Facilities (CBRF) which have a capacity for 9 or more persons in the Rs-1 District.
- F. Community Living Arrangements and Community-Based Residential Facilities (CBRF) which have a capacity for 16 or more persons in the Rm-1 District.
- G. Nursing Homes, Clinics and Commercial Children's Day Care Centers in any business or residential district provided that all principal structures and uses are not less than 50 feet from any lot line.

## **10.0511 Mobile Homes and Mobile Home Parks**

The purpose of these regulations is to provide for the orderly and well planned development of mobile home parks.

### **A. Mobile Home Regulations**

1. A temporary mobile home use permit may be issued by the Zoning Administrator in any zoning district where a permanent single family dwelling may be built either as a permitted use or conditional use. Such temporary mobile home use permit is intended to provide a place of residence for a temporary period of time not to exceed two years for the owner(s) of the property and the immediate family of the owner (s) while a permanent single family dwelling is being constructed. The temporary mobile home use permit is issuable upon presentation by the owner(s) of the property to the Zoning Administrator of the Town of Ahnapee of a building permit or conditional use permit providing for the construction of a permanent single-family dwelling and requesting the issuance of a permit for use of a specified mobile home for a specific period of time on the property of the owner(s). The mobile home shall be removed from the property of the owners(s) upon completion of the construction of the permanent single-family dwelling or the expiration of the temporary use period not exceeding two years whichever comes first.
2. The following regulations shall apply to the location and placement of mobile homes, within any district where allowed under the Town of Ahnapee Zoning ordinance:
  - (a) A proposed site plan shall be submitted with the application and shall include the size of the mobile home along with the location on the building plot showing all yard measurements and locations of water supply and septic tank filter bed.
  - (b) The mobile home shall have mobile home skirts.
  - (c) The mobile home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2,800 lbs. and the anchors embedded in concrete "or equivalent" to withstand the tie-down strain. The amount of tie-downs shall be

guided by the mobile home manufacturer's recommendations provided there are no less than 4 tie-downs.

(d) All other district regulations shall apply.

**B. General Requirements**

**1. Licensing Authority**

The licensing authority hereunder means and shall be the Town Board of the Town of Ahnapee.

**2. Location Outside Parks**

(a) It shall be unlawful, except as provided in this Section (10.0511) of this code, for any person to park any mobile home on any street, alley, or highway, or other public place, or on any tract of land owned by any person, within the Town of Ahnapee.

(b) Emergency or temporary stopping or parking is permitted on any street, alley, or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitation imposed by the traffic and parking regulations or ordinances for that street, alley, or highway.

(c) No person shall park or occupy any mobile home on any premises which is situated outside an approved Mobile Home Park except as provided in this Section (10.0511) of this Code. The parking of only one unoccupied mobile home in an accessory private garage building, or in a rear yard, is permitted providing no living quarters shall be maintained or any business practiced in said mobile home while such mobile home is so parked or stored.

**3. Permit for Location of Mobile Home Outside Parks**

(a) If no mobile home park exists as defined in Section 10.0202 within the town limits or upon a showing of reasonable cause, and purpose, the Town Board may issue special written permits allowing the location of a mobile home outside of the mobile home park in any district defined and described in Section 10.0400 for a period not to exceed one year but such permit may be extended by the Town Board for additional periods of one year each. The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued. Not more than one mobile home shall be granted a permit to locate on any open premises outside a mobile home park.

(b) Application for the permit shall be made to the Zoning Administrator and shall be accompanied by an inspection fee of \$50.00 and shall state so much of the following information as the Zoning Administrator deems necessary: the name and permanent addresses of the occupants of the mobile home, the license

number of the mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location, the exact location of the premises, the name of the owner and the occupant of any dwelling on the premises, and the owner's and/or occupants' permission to locate, a statement of the nature and location of sanitary facilities, and the permission of the occupant of the dwelling house for their use, and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within 200 feet of the proposed location of mobile home, and a statement of permission from the owner for their use.

4. License for Mobile Home Park. Application and Issuance

- (a) It shall be unlawful for any person to establish, to operate or maintain, or permit to be established, operated or maintained upon any property owner, leased or controlled by him, a Mobile Home Park within the limits of the Town of Ahnapee, without having first acquired a license for each such park from the Town Board pursuant to this section. Such license shall expire one year from the date of issuance but may be renewed under the provisions of this ordinance for additional periods of one year.
- (b) The application for such license or the renewal thereof shall be filed with the Zoning Administrator and shall be accompanied by a minimum annual fee of \$25.00 or a fee of two dollars (\$2.00) for each space, whichever proves to be greater, not to exceed one hundred dollars (\$100.00), and a surety bond in the sum of not less than one thousand dollars (\$1,000.00), nor more than \$10,000.00. This bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in Section 10.0511 (10) and payment of such fees to the Town Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances of said town pursuant to which said license is granted, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person, firm, or corporation who may be injured or damaged by reason of the licensee violating the provisions of this ordinance. A fee of \$10.00 shall be paid for each transfer for a license.
- (c) The application for a license or a renewal thereof shall include the name and address of the title owner of the tract. If the title is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by him to construct or maintain the description of the premises, upon which the Mobile Home Park is or will be located as will readily identify

and definitely locate the premises. The application shall be accompanied by two copies of the park plan showing the following, whether existing or as proposed, (1) the extent and area used for park purposes; (2) roadways and driveways; (3) location of units for mobile homes; (4) plan for electrical lighting of units, and shall clearly show the location of all sewer and water pipes and connections; (5) locations of any service building indicating the contents and facilities therein.

5. Inspection and Enforcement

No mobile home park license shall be issued until the Zoning Administrator shall notify the Town Plan Commission of any initial application, and the Plan Commission shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances, and laws applicable thereto, including issuance of a conditional use permit and report to the Town Board on their recommendations. No license shall be renewed without a re-inspection of the premises by the Zoning Administrator. An authorized Town official or their authorized agents shall have the right and are hereby empowered to enter on any premise on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

6. Location of Mobile Home Parks and Accessory Structures.

- (a) Mobile home parks shall only be located in the A-2 and Rm-1 Districts.
- (b) No occupied mobile home or its accessory building within the limits of the Town of Ahnapee shall be located between the recognized setback line for the zoning district in which such mobile home or accessory building is located and the street or highway, not less than ten (10) feet from any building or other mobile home, or from the boundary line of the premises on which located.

7. Park Plan

- (a) Every mobile home or mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of water or wastes. No mobile home or mobile home park shall be located in any area that is situated so that drainage from any barnyard, or other source of filth can be deposited in its location.
- (b) Mobile home spaces shall be clearly defined and shall consist of a minimum of 2,500 square feet and a width of not less than 26 feet. The park shall be so arranged that all spaces shall face or abut on a driveway of not less than twenty five feet in width, giving

easy access from all units to a public street. Such driveway shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night, and shall not be obstructed.

- (c) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of an ampere capacity required under the State Electrical Code, and a heavy duty outlet receptacle. Electrical outlets shall be weatherproof and no power lines shall be less than 18 feet above ground, or can be installed underground.
- (d) No mobile home unit shall be parked in a park outside of a designated space.
- (e) Every mobile home space shall be furnished with proper facilities for connection to a sewer system, and all plumbing and sewer connections shall comply with state plumbing code.
- (f) For the protection of abutting property owners as well as mobile home owners; a 10 foot buffer strip shall be provided within all property lines of the site, which strip shall not be included in the mobile home space as defined. Said buffer zone shall be used for the planting of shrubbery and trees or if so desired a decorative fence.
- (g) The mobile home park may include plans for an accessory building for each mobile home space or a common storage facility or accessory building to be located within the planned limits of the mobile home park. Any common storage facility or accessory building shall be primarily intended for use by the residents of the mobile home park but may also be used by parties who are not residents of the mobile home park to the extent storage space is available.

## 8. Management

- (a) In every mobile home park there shall be located the offices of the attendant or person in charge of said park, except by special permission granted in writing by the Town Board, the offices of the attendant or person in charge may be located off of the premises of the park. A copy of the park license and of this ordinance shall be posted therein and the park register shall at all times be kept in said office.
- (b) It is hereby made the duty of the attendant or person in charge, together with the licensee, to:
  - (1) Keep a register of all guests, to be open at all times to inspection by state and federal officers and the Zoning Administrator, which shall show for all guests:

- a. Names and addresses.
  - b. Number of children of school age.
  - c. State of legal residence.
  - d. Dates of entrance and departure.
  - e. License numbers of all trailers and towing of other vehicles.
  - f. States issuing such licenses.
- (2) Maintain the park in a clean, orderly, and sanitary condition at all times.
  - (3) Insure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this ordinance or any other violations of law which may come to his attention.
  - (4) Report to the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
  - (5) Maintain in convenient places, approved by the Fire Chief, hand fire extinguishers in the ratio of one to each eight units.
  - (6) Collect the monthly parking permit fee provided for in Section 10.0511 (B)(10) of this Ordinance. A book shall be kept showing the names of the persons paying said service charges and the amount paid.
  - (7) Prohibit the lighting of open fires on the premises.

9. Applicability of Plumbing, Electrical, Building, and Sanitation and Health Codes.

All plumbing, electrical, building and other work on or at any park licensed under this section shall be in accordance with the ordinances of the Town of Ahnapee and the requirements of the state plumbing, electrical, building and health and sanitation codes and the regulations of the State Board of Health. Licenses and permits granted under this section grant no right to erect or repair any structure, to do any plumbing work, or to do any electrical work.

10. Monthly Parking Fees

- (a) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Town of Ahnapee, a monthly parking permit fee determined in accordance with Section 66.0435 (3) of the Wisconsin Statutes, which is hereby adopted by reference and made part of this ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees and



owners of mobile homes permitted to be located on and outside a mobile home park shall pay to the Town Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this section and such regulations as the treasurer may reasonably promulgate. If any such parking permit fee remains delinquent for more than 30 days, the mobile home park operator shall be liable therefore and in addition thereto, the amount of such delinquencies shall be a lien against the property and may be entered in the next succeeding tax role as a charge against such property. The Town Board of the Town of Ahnapee may, at their option, collect the equivalent of the monthly parking fee based upon the assessment of the mobile home as personal property on an annual basis along with other personal property taxes for those individual mobile homes located outside of mobile home parks after the effective date of this ordinance.

- (b) Licensee of mobile home parks and owners of land on which are parked any occupied nonexempt mobile homes shall furnish information to the Town Clerk and Town Assessor on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.0435 (3) of the Wisconsin Statutes.
- (c) Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Town Clerk of their liability for the monthly parking permit fee, shall remit to the Town Clerk a cash deposit of \$25.00 to guarantee payment of such fees when due to the Town Treasurer. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the Town Clerk. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the Town, the Town Clerk shall direct the Town Treasurer to apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

#### 11. Revocation and Suspension

The Town Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this section in accordance with Section 66.0435 of the Wisconsin Statutes.

### **10.0512 Commercial Uses**

The following business uses shall be conditional uses and may be permitted as specified:

- A. Adult Entertainment Businesses.

1. The Town Board finds that adult entertainment businesses require special zoning restrictions in order to protect and preserve the health, safety, and welfare of the Town. In recognition of the protection afforded to the citizens under the 1<sup>st</sup> and 14<sup>th</sup> Amendments, it is not the intent of this subsection to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Town's interest in the present and future character of its community development. Accordingly, adult-oriented uses are permitted in the B-2 Highway Business District, subject to the following:
  - (a) No adult entertainment business or use shall be located within 1,320 feet of any public, parochial, or private school, religious institution, funeral parlor or crematorium, day care center, residence, public park, other adult-oriented establishment or use, or an establishment holding an alcoholic beverage license. The above-noted distance shall be measured in a straight line without regard to intervening structures or objects, from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment or use to the nearest point of the parcel of property or land use district boundary from which the proposed land use is to be separated.
  - (b) Advertisements, displays, pictures, or other promotional materials which are sexual in nature shall not be shown or exhibited on the premises in a manner which makes them visible from pedestrian ways or other public areas. All points of access into such establishments shall be located, constructed, covered, or screened in a manner that will prevent a view into the interior from any public area.
  - (c) All adult entertainment businesses and uses shall comply with all regulations and requirements of this Zoning Ordinance and must comply with all provisions of the zoning district in which the establishment is located. Said establishment and use shall also comply with all other applicable provisions of the Code of Ordinances of the Town of Ahnapee, Kewaunee County, Wisconsin.
- B. Drive-In Establishments serving food or beverages for consumption outside the structure in the B-1, or B-2 Districts.
- C. Funeral Homes and crematoriums in the B-1, or B-2 Districts provided all principal structures and uses are not less than 50 feet from any lot line.

### **10.0513 Manufacturing Uses**

The following manufacturing uses shall only be permitted as herein provided:

- A. Lumber Yards and building supply yards in the M-1 and M-2 Districts.
- B. Transportation Terminals, and truck terminals and freight forwarding services in the M-1 and M-2 Districts.

### **10.0514 Mobile Tower Siting Regulations**

A. Purpose.

The purpose of this ordinance is to regulate by conditional use permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

B. Authority.

The town board has the specific authority under s. 62.23(7) and 66.0404, Wis. Stats., to adopt and enforce this section.

C. Definitions.

All definitions contained in s. 66.0404(1), Wis. Stats., are hereby incorporated by reference.

D. Siting and Construction of Any New Mobile Service Support Structure and Facilities.

1. Application Process

- (a) A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.
- (b) A conditional use application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:
  - (1) The name and business address of, and the contact individual for, the applicant.
  - (2) The location of the proposed or affected support structure.
  - (3) The location of the proposed mobile service facility.
  - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the

equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

- (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) A conditional use application will be provided by the Zoning Administrator upon request to any applicant.
  - (d) If an applicant submits to the town an application for a conditional use permit, per Section 10.0500, to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  - (e) Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
    - (1) Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this section, zoning ordinances.
    - (2) Make a final decision whether to approve or disapprove the application.

- (3) Notify the applicant, in writing, of its final decision.
- (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 10.0514(D)(1)(b)(6).
- (g) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning regulation does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

#### E. Class 1 Collocation

##### 1. Application Process

- (a) A conditional use permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.
- (b) A conditional use application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - (1) The name and business address of, and the contact individual for, the applicant.
  - (2) The location of the proposed or affected support structure.
  - (3) The location of the proposed mobile service facility.
  - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

- (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) A permit application will be provided by the Zoning Administrator upon request to any applicant.
- (d) If an applicant submits to the town an application for a conditional use permit to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (e) Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
  - (1) Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this section, zoning ordinances.
  - (2) Make a final decision whether to approve or disapprove the application.
  - (3) Notify the applicant, in writing, of its final decision.
  - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 10.0514(E)(1)(b)(6).
- (g) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set

back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

- (h) The fee for the permit is listed in the most recent fee schedule adopted by the Town Board.

F. Class 2 Collocation.

1. Application Process

- (a) A conditional use permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the conditional use permit.
- (b) A conditional use application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - (1) The name and business address of, and the contact individual for, the applicant.
  - (2) The location of the proposed or affected support structure.
  - (3) The location of the proposed mobile service facility.
- (c) A permit application will be provided by the Zoning Administrator upon request to any applicant.
- (d) A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject (see Section 10.0514).
- (e) If an applicant submits to the town an application for a permit to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (f) Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
  - (1) Make a final decision whether to approve or disapprove the application.

- (2) Notify the applicant, in writing, of its final decision.
- (3) If the application is approved, issue the applicant the relevant permit.
- (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (5) The fee for the permit is listed in the most recent fee schedule adopted by the Town Board.

**G. Discontinued Facilities**

Carriers shall notify the Town when they place the FCC on notice that a specific facility is being discontinued. Abandoned or unused towers or portions of towers shall be removed within six (6) months of the cessation of operations at the site. In the event that a tower is not removed within six (6) months of cessation of operations at a site, the tower may be removed by the Town and the costs of removal assessed against the property. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

**H. Penalty Provisions**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction, pay a forfeiture of not less than \$500 nor more than \$3,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

## **10.0515 Recreational Uses**

The following recreational uses shall only be permitted as herein provided:

**A. Hunting and Fishing Cabins**

Hunting and fishing cabins are permitted only in the A-1 (consistent with Wis. Stat. § 91.01(1)), A-2, C-1, and C-2 Districts as a conditional use provided that the following shall apply:

1. Shall be screened from view from the public right-of-way and adjacent properties.
2. Shall not be occupied for more than 90 days per calendar year.
3. Shall meet the requirements of the Kewaunee County Sanitary Code.



4. Must have an approved site plan under section 10.0900 of this ordinance.
- B. The following recreational facilities and uses shall be conditional uses and may be permitted in all Districts except Rs-1 and Rm-1 Residential Districts; provided that the lot area is a minimum of 2 acres and that all structures are not less than 50 feet from a lot line:
1. All-terrain vehicle (ATV) parks.
  2. Archery ranges.
  3. Athletic fields.
  4. Skate board parks.
  5. Campgrounds.
  6. Conservatories.
  7. Driving ranges and miniature golfing.
  8. Firearm ranges.
  9. Golf courses with country club facilities.
  10. Go-kart tracks.
  11. Gymnasiums.
  12. Paint ball parks.
  13. Model airplane flying areas.
  14. Music halls.
  15. Public swimming pools.
  16. Swimming beaches.
  17. Skating rinks.
  18. Zoological and botanical gardens.

## **10.0516 Wind and Solar Energy Systems**

### **A. Wind Energy Systems - Wind Farms**

Wind Farms are permitted only in the A-1 (consistent with Wis. Stat. § 91.46(4)) and A-2 Districts as a conditional use provided that the following shall apply:

1. The period and time of construction must be approved by the Town Board.
2. The Town Board may establish separate fees to cover the costs of hearings, attorney's fees, engineering fees and other cost necessary to process the conditional use permit and may establish impact fees.

3. The applicant must address the impact of the project on radio and television reception within a one-mile radius of the proposed project construction.
4. The applicant must address pre and post construction noise levels within a one-mile radius of the proposed project construction and develop a plan to ameliorate objectionable noise levels may not exceed the standards per Section 10.1000 of this ordinance.
5. The applicant must show the proposed pattern and location of the wind generation facilities.
6. The applicant must show how the public roads will be affected during construction, and post construction and ensure that roads will be restored to pre-construction conditions, if the roads are damaged.
7. The applicant must document receipt of all necessary state, county, and federal permits and any conditions imposed by those permits.
8. The applicant must demonstrate that the project will not adversely affect avian bird populations.
9. The applicant must address the removal and repair of wind generation facilities.
10. The applicant must address clean up during and after constructions.
11. The applicant must address erosion control and storm water management.
12. The applicant must address the removal and replacement of trees, shrubbery, and ground cover during and after construction.
13. The applicant must address the adequacy of emergency services during and after construction.
14. The applicant must provide a terrorism protection plan
15. The applicant must provide a natural hazards protection plan.
16. Any storage facility or other building associated with the wind generation facility shall meet the setback requirements for principal building in the district in which it is located. A storage building shall not be classified as an accessory structure.
17. Parking. When a wind generation facility is regularly staffed , a parking space for each such on site staff person shall be provided.
18. Signs and advertising. The use of any portion of a wind generation tower and its appurtenances for signs other than warning or equipment information signs is prohibited.
19. New or modified towers shall be certified by a registered professional engineer to be in accordance with structural standards for the industry.
20. Tower Appearance and Illumination

- (a) Towers shall not be illuminated and shall not display strobe lights except as required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower. However, such lights shall be directional and shall not produce glare into residential areas.
  - (b) A photo simulation that illustrates the appearance of the site once the facility has been constructed. Photos shall be taken from any adjoining street and from any adjacent residential zoning districts from which the facility will be visible and from STH 54 and STH 42 and other roads within the town.
- 21. Interference with Public Safety Telecommunications
  - (a) No new or existing wind generation facility shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems..
- 22. The applicant must plan for the connection of the wind generation facility to the existing power grid.
- 23. The applicant must identify and address the cumulative and secondary impacts of the proposed and existing wind generation facilities in the town and adjacent towns.
- 24. The applicant must present a plan to identify and address post construction impacts.
- 25. Landscaping and Building Materials
 

Landscaping shall be installed or existing vegetation shall be maintained for the purpose of screening the base of towers and their associated buildings. Building materials shall blend with the surrounding environment. The following regulations shall apply:

  - (a) All plants shall meet the minimum standards of the most recent issue of the American Standard for Nursery Stock, by the American Association of Nurserymen, Inc.
- 26. Abandonment
 

Abandoned or unused towers or portions of towers shall be removed within six (6) months of the cessation of operations at the site. In the event that a tower is not removed within six (6) months of cessation of operations at a site, the tower may be removed by the Town and the costs of removal assessed against the property. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

- B. Solar Energy Conversion Systems, commonly referred to as “active” or “passive” solar collection and heating systems and including all systems as defined by Section 13.48(2)(h) of the Wisconsin Statutes when such systems are erected as an accessory structure may be permitted in any district.
1. Application: Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures.
  2. Construction: Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building and zoning codes.
  3. Location and Height: Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this ordinance unless otherwise provided in the conditional use permit issued pursuant to this section.

## **10.0517 Natural Resources**

The following uses are conditional uses and may be permitted as specified:

- A. Reserved

## **10.0518 Regulation of Offensive Material and Conditions**

- A. General Regulations

1. No person or entity shall cause or permit or otherwise encourage the dumping, accumulation or escape of any material which is offensive to the public or constitutes a public nuisance as defined below.
2. The regulations in the following subsections apply to all districts established under this Ordinance and all lands and waters within the Town of Ahnapee.

- B. Specific Regulations

The following acts, omissions, places, conditions and things are hereby specifically declared to be offensive and to constitute public nuisances, but such enumeration shall not be construed to exclude other nuisances coming within the definition given below or otherwise within the regulatory authority of the town.

1. Carcasses of animals, birds, or fowl not intended for human consumption or food which is not burned or otherwise disposed of in a sanitary manner.
2. Accumulations or storage of decayed animal or vegetable matter, offal, dead animals reduction, trash, rubbish, garbage, or any offensive material whatsoever which are not produced on the property on which

it is located and which is not incidental to the customary farm operations of the landowner of the property on which it is located.

3. The escape of smoke, soot, cinders, noxious acids, odors, fumes, gases, fly ash, industrial dust or other atmospheric pollutants in such quantities as to endanger the health of or offend persons of ordinary sensibilities or to threaten or cause substantial injury to property in the town.
4. Any use of property, substance or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.
5. The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial waste or other substances.

C. Public Nuisance

Defined, a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
2. In any way render the public insecure in life or in the use of property;
3. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

D. Application to Farming Operations

1. This section is not intended to unduly or unreasonably interfere with normal and customary farm operations including the accumulation and spreading of manure produced on the farm upon which it is accumulated and spread.
2. This section is not intended to interfere with the operation of farm machinery and equipment at night for normal and customary farm operations.

## **10.0519 Quarries and Mines**

- A. Applicability - The following regulations shall apply to mining operations on activities for the extraction from the earth of mineral aggregates such as stone, sand and gravel; nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; and other natural material; and to related operations or activities such as excavation, grading or dredging; and related processes such as crushing, screening, scalping, dewatering and blending. Quarries and mines, in addition to sand, gravel, and stone extraction are permitted only in the A-

1 (consistent with Wis. Stat. § 91.46(6)), A-2, and M-2 Districts as a conditional use.

B. Exempt Activities - These regulations do not apply to the following activities:

1. Excavations or grading by a person solely for domestic use at his or her residence.
2. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
3. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
4. Excavations for building construction purposes.

C. Permit - The application for a conditional use permit shall be submitted to the Town Zoning Administrator on forms provided by the Town of Ahnapee. The application shall be signed and dated by the applicant and shall be accompanied by information which shall include but not be limited to the following:

1. General Information - The name and address of the operator.
2. Lease(s) - A signed copy of the lease(s) or a letter(s) signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this Ordinance. The expiration date of the lease of agreement shall clearly be indicated thereon.
3. Legal Description - A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.
4. General Map - Two copies of a general map which shall be drawn at a scale of no less than one (1) inch equals 200 feet and shall include the following:
  - (a) Property boundaries of the operator's owned or leased land and the location of other owners' property boundaries at the point where they abut the boundary of the project site.
  - (b) Topography of affected lands at intervals no greater than ten feet.
  - (c) Location and names of all streams and roads, on or within 300 feet of the project site.
  - (d) Location of all structures on or adjacent to the site and the purpose for which each structure and the adjoining land is used.
  - (e) Boundaries of previous excavations on the site.
  - (f) Location and description of mining site boundary stakes and permanent reference point. Boundary stakes may not be required for projects which are to be completed in six (6) months or less.

5. Operational Plan - All horizontal and vertical measurements shall be referenced to a permanent reference point. The operational plan shall include two (2) copies of maps, information about the site, a description of the proposed mining operation, methods and procedures to be used in mining the site and a proposed timetable for completion of various stages of the operation as follows:
- (a) Observed or estimated depth to groundwater.
  - (b) Type of mining and processing.
  - (c) Estimated total volume of materials to be extracted.
  - (d) A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation shall be identified.
  - (e) Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.
  - (f) Plan view drawing and a description of the sequential stages of mining. The drawing shall show the location of the stage boundary stakes, the location and extent of the mining site to include but not be limited to mining refuse dumps, sediment and/or wash ponds, and sediment basins.
  - (g) Two (2) copies of a plan showing temporary erosion control measures to be used during excavation.
    - (1) Temporary stabilization measures shall describe how such things as haul roads and stockpiles will be dealt with to minimize erosion and contamination of surface and groundwater.
    - (2) Temporary stabilization measures may be ordered by field directive by the Town Zoning Administrator or his designee to correct situations which arise out of the operation of a project site.
    - (3) Temporary stabilization may include but need not be limited to the following: Silt fencing, bale check dams, sod strips, rock riprap, hard surfacing through the use of concrete or blacktop, slope or highwall reduction, temporary seeding, erosion mat placement, mulching and sediment basin construction.
  - (h) Proposed truck and machinery access to the site.
  - (i) Types and location of temporary or permanent buildings and structures to be erected on the site.
  - (j) Approximate number of trucks and other types of machinery to be used at the site.

6. Reclamation Plan - A reclamation plan for the nonmetallic mining site as required and approved under Kewaunee Non-Metallic Mining Ordinance.
  7. Other Information - The Plan Commission and the Town Board may require the submittal of such other information as may be necessary to determine the nature of the mining operation and proposed reclamation.
- D. Conditions - These conditions shall apply to the Permit in addition to those established under Section 10.0500.
1. No fixed machinery shall be erected or maintained within applicable district setbacks of any property or street right-of-way.
  2. The following conditions shall apply to reclamation work:
    - (a) Reclamation work shall be done in accordance with the reclamation plan approved under the Kewaunee County Non-Metallic Mining Ordinance.
  3. Standards Applied to all Permits:
    - (a) Right of Access - The filing of an application shall grant the Town the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this Ordinance.
    - (b) Boundary Staking - All excavation and phase boundaries shall be staked or otherwise marked and the operator shall notify the department that the site is staked at least two work days prior to commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the Town. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.
    - (c) Conflicts with other Regulations - It is the responsibility of the operator to obtain any local, state and federal permits or approvals.
    - (d) Compliance with Reclamation - The operator shall comply with progressive and final reclamation plans for the site.
    - (e) Other Standards - The Town may apply such other requirements as are necessary to ensure progressive and final reclamation in a manner consistent with this Ordinance and to limit environmental pollution.
  4. Renewal of Permit
    - (a) Permit renewals may be granted by the Town Board for not more than the duration of the original permit.



- (b) No permit renewal shall be granted unless the project is in reasonable compliance with the terms of the existing permit.
- (c) Permit renewals may be conditioned upon correction of any unanticipated environmental pollution occurring during the original permit.

## **10.0520      Vacation Home Rentals**

- A. The applicant for a conditional use permit for a vacation home rental must include a site diagram, drawn to scale, showing the location and dimensions of the following:
  - 1. The structure used to provide sleeping accommodations;
  - 2. All accessory structures;
  - 3. Any private on-site waste water treatment system;
  - 4. Each parking space; and
  - 5. The on-premises sign.
- B. The application for a conditional use permit must specify:
  - 1. The number of bedrooms in the unit;
  - 2. The maximum number of overnight occupants who will be permitted to stay in the unit; and
  - 3. The number of parking spaces provided.
- C. The application for a conditional use permit must include a report showing that a compliance inspection has been conducted for any private on-site wastewater treatment system (POWTS) and that the system meets all state and local requirements.
- D. The Plan Commission may impose conditions intended to reduce the impact of the proposed use on neighboring properties and nearby bodies of water. The conditions may include, but are not limited to, the installation of a fence or vegetative screening along a property line, the maintenance of native vegetation as a buffer along the shoreline, or the imposition of specified quiet hours.
- E. An on-premise sign must be posted in a conspicuous place near the entrance to the property. The sign must have an area of at least 3 square feet. The sign must be visible from and legible without the need to come on to the property.
- F. The on-premises sign must include the following information:
  - 1. The property's advertised name, if any;
  - 2. The property's address;
  - 3. The name, address, and telephone number of the owner; and

4. The name, address, and telephone number of the owner's agent or the local contact responsible for managing the property, if any.
- G. The owner of a vacation home rental must keep a register detailing the use of the premises. The register must include, at a minimum, the name, address, and telephone number of each guest using the property and the license number of each vehicle that is parked on the property. A copy of the register must be made available to the department upon request.
- H. Only 1 structure on a parcel may be used to provide sleeping accommodations for a vacation home rental. Accessory buildings may not be used to provide sleeping accommodations.
- I. Occupancy is limited to no more than 2 persons per bedroom, plus 2 additional persons, per structure, and may not exceed a total of 12 persons.
- J. It is unlawful for any person to use or allow another person to use a camper, motor home, recreation vehicle, trailer, or any other means to provide overnight accommodations outside of the principal structure on the premises of a vacation home rental.
- K. The owner must provide sufficient off-street parking for all day-time visitors. The owner must provide off-street parking on the parcel for each vehicle that is parked overnight. The maximum number of vehicles that may be parked on the property overnight is 6.
- L. A vacation home rental is subject to the licensing requirements contained in Wis. Admin. Code ch. DHS 195 and the county's Public Health Ordinance.
- M. Any prior nonconforming structure or use of a property for the purpose of providing a vacation home rental that is altered, changed, increased, replaced, or extended after the effective date this ordinance must comply with the requirements contained in this ordinance.

## **10.0600 PARKING, LOADING, DRIVEWAYS, AND ACCESS**

### **10.0601 Traffic Vision Clearances**

- A. Intersections of Two Town Streets: No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2.5 feet and 10 feet above the plane through the mean centerline street grade within the triangular space formed by a line joining points on the right-of-way of two intersecting Town streets at a point located 100 feet from their intersection (See Appendix A).
- B. Vision Clearance Triangles at Intersections with a State or County Trunk Highway shall meet the vision clearance requirements of the Wisconsin Department of Transportation or Kewaunee County, respectively, but in no case shall they be less than those specified in Subsection A above.
- C. Street and Railway Intersections: No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights

of 2.5 feet and 10 feet above the plane through the mean centerline street grade within the triangular space formed by a line joining points on the right-of-way of a street and a railway at a point located 100 feet from their intersection.

#### **10.0602 Loading Requirements**

On every lot on which a business, trade, or industrial use is hereafter established, adequate space with access to a public street or alley shall be provided for the loading and unloading of vehicles off the public right-of-way. At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

#### **10.0603 Parking Requirements**

In all districts and in connection with every use, there shall be provided at the time any use is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- A. Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for single- and two-family dwellings, and a minimum of 24 feet at the property line for all other uses.
- B. The Minimum Dimensions of each parking space shall be 9 feet by 18 feet.
- C. Parking Spaces For Use By Physically Disabled Persons. Accessible parking spaces shall be provided for all uses except residential uses as required by the *Americans with Disabilities Act of 1990* and *ADA Standards for Accessible Design*, (28 CFR Part 36).
  - 1. All parking spaces provided for use by physically disabled persons shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such sign shall comply with the requirements of Sections 346.50, 346.503, and 346.505 of the Wisconsin Statutes.
- D. Location of parking spaces is to be on the same lot as the principal use or not more than 400 feet from the principal use. No parking space or driveway, except in residential districts, shall be closer than 25 feet to a residential lot line or a street right-of-way opposite a residential district.
- E. Surface Drainage. All off-street parking areas shall be so graded and drained as to dispose of all surface water. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked.
- F. Landscaping. All public off-street parking areas which serve 30 or more vehicles and are created or redesigned and rebuilt subsequent to the adoption of this Ordinance shall be provided with accessory landscaped areas totaling not less than 5 percent of the surface area. The minimum size of each landscaped area shall be 100 square feet. Location of landscaped areas, plant materials, protection afforded the plantings, including curbing and provision

for maintenance shall be subject to approval by the Town Board. All plans for proposed parking areas shall include a topographic survey and grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of required minimum landscaped area. Parking areas for 30 or more vehicles which adjoin residential districts shall be visually screened with a solid wall, fence, or evergreen planting of equivalent visual density, or other effective means, built and maintained to a minimum height of 6 feet.

- G. Curbs or Barriers shall be installed at least 4 feet from a property line so as to prevent parked vehicles from extending over any lot line.
- H. The Following Guide Specifies The Minimum Number Of Parking Spaces Required. In the case of structures or uses not specified herein, the number of spaces specified as the general standard for the use class or the number of spaces specified for similar use shall apply. In developments involving the establishment or addition of 2 or more uses on one lot or parcel, the cumulative number of spaces required for each use shall determine the total number of spaces required.
  - 1. Residential Uses:
    - (a) Single-family, two-family, and multiple-family dwellings: 2 spaces per dwelling unit.
    - (b) Housing for the elderly: one space per dwelling unit.
  - 2. Retail sales and customer service uses, and places of entertainment:
    - (a) General standard for the above uses: one space per 150 square feet of gross floor area of customer sales and service, plus one space per employee.
    - (b) Financial institutions: one space for each 150 square feet of gross floor area of customer service, plus one space per employee for the work shift with the largest number of employees. Financial institutions with drive-in facilities shall provide sufficient space for 4 waiting vehicles at each drive-in service lane.
    - (c) Funeral homes: one space for each 4 patrons at maximum capacity, or 25 spaces per chapel unit, whichever is greater.
    - (d) Grocery stores or supermarkets: one space per 150 square feet of gross floor area of customer sales and service area, plus one space per employee for the work shift with the largest number of employees.
    - (e) Convenience grocery stores: one space per 100 square feet of gross floor area.
    - (f) Motels and hotels: one space per room or suite, plus one space per every 2 employees for the work shift with the largest number of

employees, plus one space per 3 persons, based on maximum capacity, for each public meeting room and/or banquet room.

- (g) Lodges and clubs: one space per 3 persons based on the maximum capacity of the facility.
- (h) Restaurants: one space per 100 square feet of gross dining area, plus one space per employee for the work shift with the largest number of employees.
- (i) Restaurants, drive-through or fast-food: one space per 50 square feet of gross dining area, plus one space per 2 employees for the work shift with the largest number of employees. Restaurants with drive-through facilities shall provide sufficient space for 4 waiting vehicles at each drive-through service lane.
- (j) General merchandise repair services: One space per 300 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
- (k) Theaters, auditoriums and other places of public assembly: one space per 3 patrons based on the maximum capacity of the facility.
- (l) Personal services: One space per 200 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
- (m) Taverns, dance halls, night clubs and lounges: One space per 50 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
- (n) Motor vehicle sales establishments: 2 customer parking spaces per salesperson, plus one space per employee for the work shift with the largest number of employees.
- (o) Motor vehicle repair, maintenance, and service stations: 3 spaces per indoor service bay plus one space per employee for the work shift with the largest number of employees.
- (p) Animal hospitals: 3 patron parking spaces per doctor, plus one space per employee for the work shift with the largest number of employees.
- (q) Plant nurseries, and lawn and garden supply stores: one space per 200 square feet of gross indoor sales and display area, plus one space per 500 square feet of gross outdoor sales and display area, plus one space per employee for the work shift with the largest number of employees.
- (r) Shopping centers (gross leasable area of at least 50,000 square feet): 5 spaces per 1,000 square feet of gross leasable area.

3. Offices:
  - (a) Medical, dental and similar professional health service offices: 5 patron spaces per doctor, plus one space per employee for the work shift with the largest number of employees.
  - (b) Government, professional and business offices: one space per 250 square feet of gross floor area.
4. Commercial/Recreational Uses:
  - (a) General standard: one space per 4 patrons based on the maximum capacity of the facility, plus one space per employee for the work shift with the largest number of employees.
  - (b) Bowling alleys: 5 spaces for each lane, plus one space per employee for the work shift with the largest number of employees.
  - (c) Golf courses: 90 spaces per 9 holes, plus one space per employee for the work shift with the largest number of employees.
  - (d) Golf driving ranges: One space per tee, plus one space per employee for the work shift with the largest number of employees.
  - (e) Miniature golf course: 1.5 spaces per hole, plus one space per employee for the work shift with the largest number of employees.
  - (f) Indoor tennis, racquetball and handball courts: 3 spaces per court, plus one space per employee for the work shift with the largest number of employees.
  - (g) Skating rinks, ice or roller: One space per 200 square feet of gross floor area.
5. Industrial and related uses:
  - (a) Manufacturing, processing, and fabrication operations: One space per employee for the work shift with the largest number of employees.
  - (b) Wholesale business: One space per employee for the work shift with the largest number of employees, plus one space per 2,500 square feet of gross floor area.
  - (c) Warehousing: One space per employee for the work shift with the largest number of employees, plus one space per 5,000 square feet of gross floor area.
  - (d) Mini-warehousing: One space per 10 storage cubicles, plus one space per employee for the work shift with the largest number of employees.
  - (e) Extractive and related operations: One space per employee for the work shift with the largest number of employees.

6. Institutional and related uses:
- (a) Churches: One space per 3 seats based on the maximum capacity of the facility.
  - (b) Libraries: One space per 250 square feet of gross floor area or one space per 4 seats based on maximum capacity, whichever is greater, plus one space per employee for the work shift with the greatest number of employees.
  - (c) Museums: One space per 250 square feet of gross floor area, plus one space per employee for the work shift with the greatest number of employees.
  - (d) Rooming and boarding houses, fraternity and sorority houses, dormitories and rectories: One space per bed.
  - (e) Convents and monasteries: One space per 3 residents, plus one space per employee for the work shift with the largest number of employees, plus one space per 5 chapel seats if the public may attend.
  - (f) Nursing homes: One space per 3 patient beds, plus one space per employee for the work shift with the largest number of employees.
  - (g) Hospitals: 2 spaces per 3 patient beds, plus one space per staff doctor, plus one space per employee, excluding doctors, for the work shift with the largest number of employees.
  - (h) Schools:
    - (1) Elementary schools, middle schools, and high schools: One space for each teacher and staff member, plus one space for each 10 students 16 years of age or older.
    - (2) Colleges, universities and trade schools: One space for each teacher and staff member, plus one space for each 2 students during the highest attendance period.
    - (3) Children's nursery schools and day-care centers: One space per employee for the work shift with the greatest number of employees, plus one space per 6 students at the highest class attendance period.

#### **10.0604      Restrictions on Storage of Equipment**

Storage of farm, construction, or building equipment and storage of trucks, tractors, and semi-trailers shall be restricted as follows:

- A.    Storage in Residential and Park Districts. No truck tractor, semi-trailer, commercial or construction vehicle, machinery, equipment or truck with dual rear axles shall be stored on lots in Residential, Conservancy or Park districts. Agricultural vehicles and machinery stored on an operating farm in any of the aforementioned districts are exempt from this restriction.
- B.    Storage in Agricultural, Business, and Manufacturing Districts. Vehicles and machinery used in conjunction with a business or industry may be stored, inside or outside, on the premises provided that when stored outside, they do not block a public right-of-way or obscure clear vision on roadways.
- C.    Storage of Junked Vehicles. Not more than three (3) disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or allowed to remain in the open upon private property in the Town of Ahnapee within 10 days after receiving written notice from the Zoning Administrator to remove or enclose such vehicle unless:
  - 1.    The vehicle is being held as a part of an automotive sales or repair business enterprise located within a district zoned for that purpose; or
  - 2.    The vehicle is in use on the premises as a lawful, unlicensed use; or
  - 3.    Due to individual hardship, a variance has been granted by the Zoning Board of Appeals to store such vehicle. The Zoning Board of Appeals shall not grant such variances for a period of more than one year.

#### **10.0605      Storage of Recreational Vehicles**

No motorhome, travel trailer, recreational vehicle, boat, snowmobile, or other recreational type vehicle shall be stored on any property in an agricultural or residential district except as provided herein:

- A.    Boats and trailers, travel trailer or other recreational vehicles may be stored in the side or rear yard. If more than one recreational vehicle is stored in the side or rear yard, all vehicles, with the exception of one, shall be shielded from view by an opaque screen. The screen may consist of any combination of opaque fencing, vegetation, natural features, or structures.
- B.    Any Number of personal recreational vehicles may be stored within the lot within a fully enclosed structure.
- C.    Storage of Recreational Vehicles shall be limited to recreational vehicles owned and used by the property owner. Conditional use permits to commercially store recreational vehicles shall be reviewed pursuant to 10.0509 (D) of this Ordinance.



## **10.0606 Seasonal Parking of Camping Equipment**

- A. The following regulations shall apply to the location and placement of camping trailers, motor homes, and other camping equipment such as tents, within the districts where allowed under the Town of Ahnapee Zoning Ordinance:
1. Camping trailers, Motor homes, and other camping equipment such as tents shall be permitted in the following districts.
    - (a) A-1 Prime Agricultural Land District
    - (b) A-2 Agricultural Land District
    - (c) C-1 Upland Conservancy District
    - (d) C-2 Lowland Conservancy District
    - (e) Rs-1 Single Family Residential District
  2. The effective time period of the permitted use shall be from May first to December first of a calendar year. All camping trailers, motor homes, and other camping equipment must be removed and stored on or before the first day of December of each year, and must not be set up again until the first of May of the following year except in licensed campgrounds.
  3. No permanent hookups for electricity, sewer, or water will be allowed.
  4. A building permit will not be required for the type of permitted use.
- B. Revocation of Camping rights.
- The Town Board of the Town of Ahnapee is hereby authorized to revoke the right of anyone to set up camp, or to take down and remove camping equipment for any of the following reasons.
1. If camp site obstructs someone else's access to property that person has a right to access for.
  2. If camping equipment blocks visibility to a road or is otherwise a safety hazard.
  3. If equipment of campsite becomes an eye sore or a nuisance as described in Section 10.0518 of this Ordinance.
- C. The Town Board shall have the power to assess a fine on any person violating this section of the Ahnapee Town Zoning Ordinance.

## **10.0607 Driveways**

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

- A. Islands between residential driveway openings shall be provided, with a minimum of 10 feet between all driveways and 5 feet at all lot lines.

- B. Vehicular Entrances and Exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicular sales, service stations, or washing and repair stations or garages shall be located not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly on an adjacent property.

#### **10.0608 Street and Highway Access**

- A. No Direct Private Access shall be permitted to the existing or proposed right-of-way of expressways, state trunk highways, or any controlled access arterial street without permission from the highway agency having access control jurisdiction. Access barriers, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.
- B. Driveways on Arterial Streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Town Board shall determine the driveway location. Said setback shall be measured from the intersection of the rights-of-way of the two streets.
- C. Driveways on Collector or Local Streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Town Board shall determine the driveway location. Said setback shall be measured from the intersection from the rights-of-way of the two streets.
- D. Residential Driveways on Corner Lots shall be located on the least heavily traveled street.
- E. Temporary Access to the above rights-of-way may be granted by the Town Board after review and recommendation by the highway agency having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required by the reviewing agencies, Plan Commission, or Town Board.

## **10.0700 SIGNS**

### **10.0701 Purpose and Intent**

The intent of this Section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the Town as a whole.

### **10.0702 Compliance**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this Ordinance. No signs, with the exception of official signs, shall be placed within the public right of way. No signs shall be located within the vision clearance triangle of any intersection.

### **10.0703 Signs Permitted in All Districts Without a Permit**

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

- A. Real Estate Signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. One real estate sign shall be allowed per parcel.
- B. Name and Warning Signs not to exceed 2 square feet located on the premises.
- C. Home Occupation and Professional Home Office Signs located on premise not to exceed 2 square feet in area.
- D. Election Campaign Signs provided that permission shall be obtained from the property owner, renter, or lessee; and provided that such sign shall not be erected prior to the first day of the “election campaign period” as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within 4 days following the election. Election campaign signs may not be placed within the public right-of-way.
- E. Rummage Sale and Garage Sale Signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
- F. Bulletin Boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises.
- G. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- H. Official Signs, such as traffic control, parking restrictions, information, and notices.

- I. Farm Identification Signs placed on premise showing the name of the owner or corporate affiliation or memberships not to exceed 16 square feet in area.

#### **10.0704 Signs Permitted in All Residential Districts With a Permit**

The following signs are permitted in any residential district and are subject to the following regulations:

- A. Permanent Real Estate Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development, shall meet all the yard requirements of the district in which it is located, and shall be placed as to not impede visibility. The Town Board shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
- B. Temporary Development Signs for the purpose of designating a new building or development, or for the promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Town Board shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

#### **10.0705 Signs Permitted in All Agricultural Districts With a Permit**

The following signs may be permitted in all Agricultural Districts and are subject to the following regulations:

- A. Wall Signs affixed to or painted on farm buildings advertising farm products produced on and/or sold on the premises, or displaying the owner's name shall not exceed a total of 200 square feet.
- B. Ground Signs advertising farm products produced on and/or sold on the premises shall not exceed 15 feet in height above the ground surface, shall meet all yard requirements for the district in which they are located, and shall not exceed a total of 100 square feet on one side or 200 square feet on all sides for any one premises.
- C. Directional Signs indicating the name of a business or other establishment, and the direction and distance to the establishment. No directional sign shall exceed 12 square feet in area. The location and the number of directional signs permitted shall be determined by the Town Board on a case-by-case basis.

## **10.0706 Signs Permitted in All Business and Manufacturing Districts With a Permit**

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

- A. Wall Signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface and shall not extend above the roofline of the building. Wall signage shall be allocated at a maximum of 1.5 square foot of signage allowed for each linear foot of building length.
- B. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than 6 feet into any required yard; shall not extend into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; shall not be less than 10 feet from all side lot lines; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- C. Ground Signs shall not exceed 6 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 32 square feet on one side nor 64 square feet on all sides for any one lot.
- D. Marquee, Awning, or Canopy Signs affixed flat to the surface of the marquee, awning, or canopy are permitted providing that the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding 2 square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.
- E. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings. Window signs shall not be subject to the limitation on number of signs.
- F. Pole Signs shall meet the height requirements for the zoning district in which they are located; shall not be less than 10 feet above a sidewalk and 15 feet above a parking lot, driveway, or other area used by motor vehicles; and shall not exceed 32 feet on one side or 64 feet on both sides. Pole signs shall be set back a minimum of 20 feet from the front or rear property boundary line; may not be placed in any right-of-way or easement; and may not be located closer than 500 feet to another pole sign.

- G. Combinations of any of the above signs, excluding window signs, shall meet all the requirements of the individual sign. The total number of signs on any premises shall be limited as follows:

Floor Area	Maximum Number of Signs Permitted
0 - 5,000 sq. ft	2
5,001 - 20,000 sq. ft	3
20,001 - 50,000 sq. ft	4
More than 50,000 sq. ft	5

#### **10.0707 Signs Permitted in Park District With a Permit**

The following signs are permitted in the Park District and are subject to the following regulation:

- A. Private Park Name Signs when approved by the Town Board.
- B. Public Park Name Signs when approved by the Town Board after receiving a recommendation from the Town Plan Commission.

#### **10.0708 Portable Signs**

The Zoning Administrator may permit the temporary use of a portable sign for advertising purposes in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than 30 days in any 365-day period. The permit required in Section 10.0715 shall be required for portable signs.

#### **10.0709 Facing**

No sign except those permitted in Sections 10.0703 and 10.0704 shall be permitted to face a residence within 100 feet of such residence.

#### **10.0710 Lighting and Color**

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility. Signs may be illuminated but non-flashing. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Town Board approval.

#### **10.0711 Construction and Maintenance Standards**

- A. Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.

- B. Protection of the Public. The temporary occupancy of a side walk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- C. Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- D. Supporting Members or Braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other non-corrosive incombustible material. Every means or device used for attaching any sign shall extend through the walls of the building should the Zoning Administrator determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Zoning Administrator. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Zoning Administrator.
- E. No Signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department servicing the town, as necessity therefore may require.
- F. All signs shall comply with the provisions of Chapter SPS 316 Electrical of the Wisconsin Administrative Code and the Wisconsin State Electrical Code.

#### **10.0712 Nonconforming Signs**

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the size or location does not conform to this Ordinance and shall be subject to the nonconforming use provisions of Sections 10.1200 of this Ordinance.

#### **10.0713 Prohibited Signs**

The following signs shall be prohibited within the Town of Ahnapee:

- A. Roof signs.
- B. Flashing or Animated Signs or signs with intermittent intensity of illumination, except for a sign indicating the time, date, and temperature.
- C. Signs Which Obstruct any door, fire escape, stairway, or any opening intended to provide ingress and egress to or from any building or structure.

- D. Any Sign Which May Obstruct or impair the view in any direction at the intersection of two streets through its placement or illumination.
- E. Signs Which Advertise Activities that are illegal under Federal or State laws or regulations, or County or Town ordinances or resolutions.
- F. Billboards.

#### **10.0714 Flags**

Flags shall be allowed as follows:

- A. National, State, County and Town Flags shall not be subject to regulation.
- B. Businesses will be allowed one flag, not to exceed 15 square feet, identifying the business with text or a logo.

#### **10.0715 Sign Permit**

Applications for a sign permit shall be made on forms provided by the Zoning Administrator or Town Clerk and shall contain or have attached thereto the following information:

- A. Name, Address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- B. Name of Person, firm, corporation, or association erecting the sign.
- C. Written Consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
- D. A Scale Drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- E. A Scale Drawing indicating the location and position of such sign in relation to nearby buildings or structures.
- F. Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections to determine if the sign complies with the Town Electrical Ordinance.
- G. Additional Information as may be required by the Zoning Administrator or Town Board.
- H. Sign Permit Applications shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within 6 months of the date of issuance.



## **10.0716 Measuring Signs**

In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign. For signs located on slopes, height shall be measured from the average finished grade.

## **10.0800 MODIFICATIONS**

### **10.0801 Height**

The height limitations stipulated elsewhere in this Ordinance may be modified as follows:

- A. Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.
- B. Special Structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- C. Essential Services, utilities, water towers, electric power and communication transmission lines, and wind energy conversion systems are exempt from the height limitations of this Ordinance.
- D. Communication Structures, such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas shall not exceed in height their distance from the nearest lot line. See Section 10.0514 for requirements and modifications for wireless communication facilities.
- E. Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 85 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

### **10.0802 Yards**

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- A. Uncovered Stairs, landings, ramps, and fire escapes may project into any yard but shall not exceed 6 feet in width nor be closer than 14 feet to any lot line.

- B. Architectural Projections, such as chimneys, flues, sills, bays, eaves, and ornaments, may project into any required yard, but such projection shall not exceed 2 feet.
- C. Off-Street Parking is permitted in all yards of all districts provided that commercial and industrial parking shall not be located closer than 25 feet to a residential district. All areas designated as parking areas must be surfaced with asphalt, concrete, brick, or crushed stone.
- D. Landscaping and vegetation are exempt from the yard requirements of this Ordinance, provided that such landscaping and vegetation shall not interfere with the vision clearance triangle as set forth in Section 10.0601 of this Ordinance.

### **10.0803 Accessory Use Regulations**

Accessory uses are permitted as specified herein or under the zoning district regulations in Section 10.0400. A building permit shall be required where specifically noted in this Section. The use and/or location requirements stipulated elsewhere in this Ordinance may be modified for accessory uses as follows:

- A. In Rs-1 and Rm-1 Districts accessory structures shall not exceed 2,000 square feet.
- B. Accessory Structures Permitted in the Side or Rear Yard. The following accessory structures may be permitted in the side or rear yard only:
  - 1. Accessory buildings, such as garages, gardening, tool, or storage sheds, or gazebos, upon the issuance of a building permit. Accessory buildings shall be located at least 20 feet from the principal structure; and shall be located not closer than 10 feet to a lot line.
  - 2. Patios, constructed at or below yard grade, may be erected, without a building permit, adjacent to the principal structure, and shall be located not closer than 5 feet to a lot line.
  - 3. Decks located adjacent to a principal structure shall be located not closer to a lot line than the required side yard and rear yard requirements for the district in which they are located.
  - 4. Central air conditioning compressors, children's swing sets, compost piles, and gardens are permitted without a building permit, provided that such uses shall be located at least 5 feet from a lot line.
  - 5. Accessory non-commercial pet kennels may be placed in the rear yard of any residential district upon the issuance of a building permit provided that the kennel is located not closer than 20 feet from a lot line.

6. Private swimming pools, upon the issuance of a building permit, provided that:
    - (a) Swimming pools shall not be constructed directly under or over electric transmission lines or within 15 feet of such lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or surrounding fence.
    - (b) No water drained from swimming pools shall be discharged onto adjacent properties without written consent of the owner, or into a municipal sanitary sewerage system, or directly into a navigable body of water.
    - (c) Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
    - (d) Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than 20 feet to a lot line.
    - (e) No private swimming pool shall be located closer than 20 feet to a lot line. No walkway surrounding a private swimming pool shall be located closer than 5 feet to a lot line.
    - (f) No lighting installed around swimming pools shall throw any rays onto adjacent properties.
  7. Private tennis courts and private volleyball courts accessory to a residential use may be placed in the side or rear yard in any residential district provided that the use is located not closer than 3 feet to any rear or side lot line; and provided that no lighting installed around a private recreation facility shall throw rays onto adjacent property.
- C. Accessory Uses Permitted in Any Yard. The following accessory uses and structures may be placed in any yard without a building permit provided that such use does not interfere with the vision clearance triangle as set forth in Section 10.0601 of this Ordinance; shall not be located closer than 5 feet to a side or rear lot line and shall not exceed 15 feet in height: basketball hoops, bird baths, fountains, lawn furniture, religious statues, and wishing wells. Flag poles shall not be located closer than 5 feet to a side or rear lot line and shall not exceed the height limitation for the zoning district in which they are located.
- D. Rummage Sales may be conducted in any district provided that the rummage sale does not exceed 4 consecutive days in length and is not conducted more often than 3 times per year. Rummage sales do not require the issuance of a building permit. Rummage sale signs shall be limited as provided in Section 10.0703 E of this Ordinance.

- E. Fences are a permitted accessory use in any district and may be erected upon the issuance of a building permit, unless otherwise specified. No solid fences shall be located within 100 feet of a highway or street centerline or within 15 feet of the pavement on the street side yard of a corner lot. All fences shall comply with the following requirements:
1. Fences in the A-1 Agricultural District are permitted up to the lot line. All fences in the agricultural district erected in a street yard shall be “open fences” as defined in Section 10.0202 of this Ordinance. Barbed wire and electric fences are permitted in the A-1 zoning districts. No permit is required for agricultural fences in the A-1 district.
  2. Residential Fences are permitted up to the lot line in the side and rear yards of residential districts, but shall not exceed a height of 6 feet, and shall not extend into the street yard. Residential fences may be “solid fences” as defined in Section 10.0202 of this Ordinance. Residential fences shall be constructed in such a manner that the “finished” side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.
  3. Ornamental Fences, as defined in Section 10.0202 of this Ordinance, are permitted in the street yard in any district, but shall not be erected in a street right-of-way and shall not exceed a height of 4 feet. Ornamental fences shall comply with the traffic visibility requirements set forth in Section 10.0601 of this Ordinance. Ornamental fences shall be constructed in such a manner that the “finished” side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.
  4. Security Fences or screening fences are permitted up to the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be “open fences” as defined in Section 10.0202 of this Ordinance when located in the street yard. Security fences may include up to 4 strands of barbed wire on the top of the fence provided that the barbed wire is at least 8 feet above grade with the vertical supports for the barbed wire slanting inward away from the property line. Security and screening fences shall comply with the traffic visibility requirements set forth in Section 10.0601 of this Ordinance. Security fences shall be constructed in such a manner that the “finished” side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.
- F. Antennas. The Town of Ahnapee recognizes that the development of various antennas, including satellite dish antennas, and their increased use poses questions of regulation not often addressed in local zoning ordinances. In developing antenna regulations, the interest of the antenna owner in the use of the device must be balanced with the interest of adjoining property owners and the general public. To protect the health and safety of all citizens, as well as the aesthetic values embodied in this Ordinance, the following regulations

shall apply to all terrestrial and satellite dish antennas, with the exception of satellite antennas with a diameter of 2 feet or less:

1. Terrestrial antennas and satellite dish antennas may be located in the side or rear yard or on the roof of the principal structure in all zoning districts.
2. All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located, except as provided in Section 10.0801 of this Ordinance.
3. All free standing terrestrial antennas shall be located not less than one foot from a lot line for each one foot of height above the surrounding grade.
4. Roof mounted antennas may be mounted one foot above the roofline for each one foot from the nearest lot line.
5. All satellite dish antennas shall be located not less than 5 feet from a side or rear lot line.
6. All antennas, including satellite dish antennas, shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.
7. All antennas, including satellite dish antennas, shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
8. Satellite dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
9. Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed 2 weeks at any one location.
10. In the event the property owner of a parcel of land located in a residential district determines and documents that the placement of an antenna in a side or rear yard would prevent its use for its intended purpose, the property owner may apply to the Zoning Board of Appeals for a variance to allow for the installation of the antenna in a front yard location. The procedure for issuing the variance shall follow the procedure set forth in Section 10.1400 of this Ordinance.

- G. Home Occupations and Professional offices are permitted accessory uses in any residential district, not requiring a building permit, provided that:
1. The use of the residential dwelling for the home occupation or professional home office shall be clearly incidental and subordinate to its residential use.
  2. No home occupation or professional home office shall be located in or conducted in an accessory structure.
  3. No person other than members of the family residing on the premises shall be employed or engaged in such home occupation or professional home office.
  4. No traffic shall be generated by the home occupation or professional home office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided off the street and other than in the required street yard.
  5. On-site retail sales shall be limited to goods made on the premises.
  6. No outdoor storage of equipment or products shall be permitted.
  7. Home occupations, which comply with the conditions set forth above, may include, but are not limited to babysitting, barber or beauty shops for no more than 2 customers, canning, crafts, dance studios, desktop publishing and other computer services, dressmaking, insurance or real estate agencies, laundering, millinery, photographic studios, piano teaching, telephone marketing, and word processing.
  8. Home occupations shall not include auto body or engine repair or construction trades.

#### **10.0804 Additions**

Additions in the front yard of existing structures shall not project beyond the average of the existing setbacks on the abutting lots or parcels.

#### **10.0805 Corner Lots**

Corner lots shall provide a street yard on each street that the lot abuts. The remaining yards shall be a rear yard behind the main entrance to the structure and one side yard.

## **10.0900 SITE PLAN REVIEW AND APPROVAL AND ARCHITECTURAL CONTROL**

### **10.0901 Purpose and Intent**

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a permit for new construction or additions without first obtaining the approval of the Zoning Administrator of a site plan as set forth in this section.

The Zoning Administrator shall insure that such construction is in accord with the official map, subdivision ordinance and comprehensive plan of the Town of Ahnapee and other applicable codes and ordinances of the town of Ahnapee.

If a Conditional Use Permit is required, the Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

### **10.0902 Fee**

All site plans submitted to the Town of Ahnapee for review and approval shall be accompanied by a review fee as established from time to time by the Town Board.

### **10.0903 Principles**

To implement and define criteria for the purposes set forth in Section 10.0901, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

- A. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- C. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- D. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the town.

- E. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.

#### **10.0904 Site Plan Materials**

If a Conditional Use Permit is required, four copies of the site plan shall be submitted to the Zoning Administrator who shall transit all applications and their accompanying plan to the Plan Commission for their review. Plan data to be submitted with all review applications shall include the following:

- A. Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.
- B. Name of project noted.
- C. Owner's and/or developer's name and address noted.
- D. Architect and/or engineer's name and address noted.
- E. Date of plan submittal.
- F. Scale of drawing noted on plan.
- G. North arrow shown.
- H. Existing and proposed topography.
- I. The characteristics of soils related to contemplated specific uses.
- J. Total number of parking spaces noted including location and dimension.
- K. Dimensions of lot.
- L. The type, size, and location of all structures with all building dimensions shown including setbacks.
- M. Indicate height of building(s).
- N. Existing and proposed street names indicated.
- O. Indicate existing and proposed rights-of-way and widths.
- P. Locate existing and general location of proposed sanitary disposal systems.
- Q. Locate any proposed storm water management facilities, including detention/retention areas.
- R. Locate existing trees and wetlands.
- S. Note location, extent, and type of proposed plantings.
- T. Note location of pedestrian sidewalks and walkways.
- U. A graphic outline of any development staging which is planned is required to be shown on the site plan.
- V. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
- W. A certified survey may be required by the Plan Commission.



#### **10.0905      Review and Findings**

If a Conditional Use Permit is required, the Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

#### **10.0906      Sureties**

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule. The Plan Commission may further require a fee equal to the cost of any legal, engineering, administrative, or fiscal work undertaken by the Town in their review of a development project.

## **10.1000 PERFORMANCE STANDARDS**

### **10.1001 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 lot lines or district. All structures, land, air, and waters shall hereafter, in addition to their use and site regulations, comply with all federal and state performance standards concerning air pollution, fire and explosive hazards, glare and heat, water quality protection, noise, odors, radioactivity and electrical disturbances and vibration.

### **10.1002 Lighting**

No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spill over on operators of motor vehicles, pedestrians, and uses of land in abutting lots or public rights-of-way. These requirements shall not apply to lighting placed in a public right-of-way for public safety. Accent lighting and low voltage lighting (12 volts or less) are exempt from these requirements.

- A. Orientation. No exterior lighting fixture shall be oriented so that the lighting element (or a transparent shield) is visible from a property in a residential district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaires, or luminaires with cutoff optics, and careful fixture placement is encouraged to facilitate compliance with this requirement.
- B. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candles, exclusive of approved anti-vandal lighting.
- C. Intensity of Illumination. The intensity of illumination, measured at the property line, shall not exceed 0.5 foot-candles.
- D. Flashing, Flickering, and other Distracting Lighting which may distract motorists is prohibited.
- E. Nonconforming Lighting. All lighting fixtures approved prior to the adoption of this Ordinance not meeting the above criteria shall be treated and regulated as legal nonconforming uses under Section 10.1200.

### **10.1003 Administration**

Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person using normal senses and no mechanical equipment, to those requiring substantial technical competence and complex equipment. It is the intent of this ordinance that the methods to be used in determining compliance shall be the responsibility of the Zoning Administrator subject to the following procedure:

A. Approval of Building Permits.

Prior to approving a building permit for any industrial use or any change thereof, the Zoning Administrator shall have received from the applicant evidence or assurance that the proposed use or changing use will satisfy all the standards of this ordinance.

B. Violation of Standards.

Whenever the Zoning Administrator has reason to believe the standards of this ordinance have been violated, written notice shall be made by certified mail to the person or persons responsible for the alleged violation. Such notice shall describe the alleged violation and shall require an answer or correction of the alleged violation within thirty (30) days. Failure to reply or correct the alleged violation within thirty (30) days may cause lawful action to be taken to cause correction as provided in this ordinance or referral of the alleged violation to the appropriate authorities.

## **10.1100 EROSION CONTROL**

The Town of Ahnapee finds that runoff from construction sites may carry a significant amount of sediment and other pollutants to the waters of this state and the waters of the Town of Ahnapee.

It is the purpose of this Section to preserve natural resources; to protect the quality of the waters of the state and the Town of Ahnapee; and to protect and promote the health, safety, and general welfare of the people of the Town of Ahnapee, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands.

## **10.1101 Applicability**

Any land disturbing activity shall be subject to the erosion and sediment control provisions of this Section, if:

- A. Subdivision Plat requiring review and approval by the Town of Ahnapee would result, or if construction of buildings on platted lots results.
- B. Certified Survey Map, requiring review and approval by the Town of Ahnapee would result, or if construction of buildings on certified survey map lots results.
- C. An Area of 4,000 square feet or greater, excluding agricultural plowing, tilling, or similar activity, will be disturbed by excavation, grading, filling, or other earth-moving activities, resulting in a loss or removal of protective ground cover, vegetation.
- D. Excavation, fill, or any combination thereof, will exceed 400 cubic yards.
- E. Any Public (State, County, or Town) street or highway is to be constructed, enlarged, relocated or substantially reconstructed.

- F. Any Water Course is to be changed, enlarged, or materials are removed from a stream or lake bed.

## **10.1102 Control of Erosion and Pollutants during Land Disturbance and Development**

Any landowner, land occupier, or land user performing an activity described in Section 10.1101 above shall comply with the following standards and criteria.

- A. General Erosion Control Standard. All erosion control measures required to comply with this Section shall meet the design criteria, standards, and specifications identified by the Town of Ahnapee.
- B. Maintenance of Control Measures. All sediment basins and other control measures necessary to meet the requirements of this Section shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.
- C. Site Draining. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upslope chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest pumping rate. If the water is demonstrated to have no particles greater than 100 microns during draining operations, then no control is needed before discharge, except as determined by the Town. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
- D. Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of in a timely manner, and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- E. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- F. Site Erosion Control. The following criteria apply only to land development and land disturbing activities that result in runoff leaving the site:
  - 1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in this Section. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 feet per second across the disturbed area for the set of one year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. Guidelines of the U. S. Natural Resources Conservation Service for allowable velocities in different types of channels should be followed.

2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare ground exposed at any one time.
3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subparagraphs a or b below:
  - (a) For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1 percent of the area draining to the basin and at least 3 feet of depth, and shall be constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of 3 feet. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of one-year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
  - (b) For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

## **10.1200 NONCONFORMING USES AND STRUCTURES**

### **10.1201 Purpose and Intent**

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

### **10.1202 Nonconforming Uses of Land / Structures**

Land uses or uses of structures which were established prior to the Effective Date of this Ordinance which are nonconforming as to use in this Ordinance may be continued provided that:

- A. Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the Effective Date of adoption or amendment of this ordinance.
- B. Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the Effective Date of adoption or amendment of this Ordinance.
- C. No additional structure in connection with such nonconforming use shall be erected.
- D. No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use that is a permitted or conditional use in the district in which it is located.
- E. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the Effective Date of adoption or amendment of this ordinance. Any nonconforming use that occupied a portion of a building not originally designed or intended for such use shall not be extended to any part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.
- F. There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
- G. If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of that land use or structure shall conform to this Ordinance.

### **10.1203 Nonconforming Structures**

Any nonconforming building or structure which existed lawfully at the time of the adoption of this Ordinance is subject to the regulations which follow:

- A. Buildings under Construction. An uncompleted structure for which a Building Permit was issued and construction commenced may be completed if the completed structure complies with the ordinance in effect at the time the permit was issued, even if the structure does not conform to the requirements of this ordinance at the time construction is completed, and the completed structure will be deemed a nonconforming structure.
- B. Repairs and improvements of a maintenance nature are allowed.
- C. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.
- D. The total structural repairs or alterations in such nonconforming structures are allowed provided that they do not exceed 50 percent of full market value of the structure or building.

#### **10.1204 Existing Structures and Uses: Other Standards and Requirements**

Restoration of Certain Nonconforming Structures. In accordance with Wis. Stat. § 60.61(5m), a nonconforming structure that is damaged or destroyed by fire, flood, ice, infestation, mold, snow, vandalism, or violent wind may be restored to the size, location, and use that it had immediately before the damage or destruction occurred. The size of the nonconforming structure may be enlarged, but only to the extent necessary for the structure to comply with applicable state and federal requirements.

#### **10.1205 Nonconforming Lots of Record.**

- A. A nonconforming lot of record may be developed even though it does not meet the minimum lot size and lot width requirements of this ordinance if the proposed use is a single family dwelling or a principal or accessory use in the district in which it is located, except for the A-1 district. A nonconforming lot of record is subject to all other requirements contained in this ordinance.
  - 1. Compliance with the standards of the Kewaunee County Sanitary Code shall be a condition for the granting of a building permit.
  - 2. Nonconforming lots of record granted permits under this section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance is issued by the Zoning Board of Appeals.
- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by

this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

## **10.1300 ADMINISTRATION**

### **10.1301 General**

This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this Ordinance.

- A. This ordinance hereby establishes a Town Zoning Administrator and Town Plan Commission.
- B. This article shall provide for the authority and necessary requirements for issuance of building permits, appeals, fees, and violations and penalties.

### **10.1302 Zoning Administrator**

A Zoning Administrator designated by the Town Board shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Town Board may direct. The Zoning Administrator shall have the following duties:

- A. Issue all building permits and make and maintain records thereof.
- B. Issue all rezoning certificates and make and maintain records thereof.
- C. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance.
- D. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
- E. Forward to the Town Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
- F. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this Ordinance.
- G. Maintain permanent and current records of this Ordinance including, but not limited to: All maps, amendments, conditional uses, variances, appeals and applications thereof.
- H. Initiate, direct, and review, from time to time, a study of the provisions of this Ordinance, and to make reports of his recommendations to the Town Board.



### **10.1303 Town Plan Commission**

- A. The Town Plan Commission shall perform the duties of the Town Plan Commission as set forth in Wis. Stats. 62.23. (Also see Section 2.0401 of this Code)
1. The Town of Ahnapee Plan Commission shall have the power to carry out the following duties under this Ordinance.
    - (a) To review all applications for conditional use permits and report said findings to the Town Board in accordance to the provisions of this Ordinance.
    - (b) To review all zoning changes and amendment requests to this Ordinance and report said findings and recommendations to the Town Board.
    - (c) To receive from the Zoning Administrator recommendations as related to the effectiveness of this Ordinance and report his/her conclusions and recommendations to the Town Board.
    - (d) To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Plan Commission and shall be issued for a period not to exceed 18 months. Compliance with all other provisions of this Ordinance shall be required.

### **10.1304 Public Information**

To the fullest extent possible, the Plan Commission and its staff shall make available to the public all reports and documents concerning the Town Comprehensive Plan and any component thereof. In addition:

- A. All Available Information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed.
- B. The Plan Commission may set fees necessary to recover the costs of providing information to the public.

### **10.1305 Building Permit Required**

- A. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. The application for a building permit shall include information as lawfully may be required by the Town Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number

of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. Every building permit shall state that the use complies with the provisions of this Ordinance.

- B. Application for said building permit shall be made in writing to the Ahnapee Zoning Administrator by the land owner or his authorized agent.
- C. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit will be forwarded in writing by the Town of Zoning Administrator to the applicant.
- D. All applications for building permits for commercial and industrial uses shall be accompanied by the following:
  - 1. A plat, in duplicate, of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn at a minimum scale of 1 inch to 100 feet showing the actual dimension, as certified by a "registered land surveyor" or a "registered professional engineer", the piece or parcel, lot, lots, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.
  - 2. A plat in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.
- E. Said plat material shall be submitted to the Zoning Administrator. Required plat material shall be submitted in conjunction with an application for a building permit.

**10.1306 Conditional Use Permit Required**

See Section 10.0500.

**10.1307 Temporary Use Permit Required**

See Sections 10.0305 and 10.0511 of this Ordinance.

**10.1308 Sign Permit Required**

See Section 10.0700.

**10.1309      Permits that Authorize "Reasonable Accommodations": for a Disabled Person(s).**

- A. The Zoning Administrator will use a Building Permit that waives specified Zoning Ordinance requirements, if the Zoning Administrator determines that both of the following conditions have been met.
  - 1. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation is:
    - (a) Necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and
    - (b) The minimum accommodations that will give the handicapped or disabled persons adequate relief.
  - 2. The accommodation will not unreasonably undermine the basic purposes the Zoning Ordinance seeks to achieve.
- B. If the Zoning Administrator issues either to a handicapped or disabled person, or to the owner of a place of public accommodation, a Building Permit waiving compliance with specified zoning requirements, the Building Permit must:
  - 1. State that issuance of the Building Permits required by Federal Fair Housing Act, the Wisconsin Open Housing Law, or the Americans with Disabilities Act, or any combination of them; and
  - 2. Include the condition that the building addition or other structure (such as entrance ramps) authorized by the Building Permit must be constructed to make it easily removable when the handicapped or disabled person no longer occupies the property, unless the Town Zoning Administrator specifies in writing, reason for not including the condition. If the Building Permit includes this condition, the property owner must notify the Zoning Administrator not more than 30 days after the handicapped or disabled person vacates the property.
- C. In cases where the Zoning Administrator issues a handicapped or disabled person a Building Permit conditioned on removal of the building addition or other structure when the handicapped or disabled person no longer occupies the property, the Building Permit will not become effective until the property owner:
  - 1. Signs an affidavit that includes the legal description of the property and acknowledges that the building addition or other structure authorized by the Building Permit is authorized for only the period a handicapped or disabled person who requires the structure occupies the property, and
  - 2. Records the affidavit with the Town Clerk.

### **10.1310 Other Permits**

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or county agency. This includes, but is not limited to, building, electrical, plumbing, and HVAC permits from the Town's building or other applicable inspector to ensure architectural plans and specifications comply with the Wisconsin Uniform Dwelling Code pursuant to Chapters SPS 320 to 325 of the Wisconsin Administrative Code; water use permits from the Wisconsin Department of Natural Resources (DNR) pursuant to Chapters 30 and 31 of the Wisconsin Statutes; and a wetland fill permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act and/or a Water Quality Certification from the DNR.

### **10.1311 Kewaunee County Shoreland Zoning Ordinance**

The Town recognizes that Kewaunee County has adopted a Shoreland Zoning Ordinance in compliance with Wisconsin Statutes. Accordingly, the Zoning Administrator for the Town shall refer to Kewaunee County all applicants seeking Building Permits for structures or uses which are proposed to be located or conducted within the shoreland area subject to county regulations. If the Zoning Administrator determines that any Town Building Permit is required for such project, a Permit will not be issued within Shoreland Zoning until approval from Kewaunee County has been granted.

### **10.1312 Permit Fees**

All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Zoning Administrator to help defray the cost of administration, investigation, advertising, and processing of permits and variances. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate.

### **10.1313 Double Fee**

A Double Fee shall be charged by the Town Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

### **10.1314 Violations and Penalties**

#### **A. Complaints Regarding Violations**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

B. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of the Town of Ahnapee. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$10.00 and not more than \$500.00 or in lieu of payment thereof be imprisoned for not more than 30 days and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Town of Ahnapee from taking such other lawful action, such as, but not limited to an action seeking or including injunctive relief, as is necessary to prevent or remedy any violation.

## **10.1400 ZONING BOARD OF APPEALS**

There is hereby established a Zoning Board of Appeals for the Town of Ahnapee for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance.

### **10.1401 Board Membership**

- A. The Zoning Board of Appeals shall consist of five (5) members appointed by the Ahnapee Town Chairman and subject to confirmation by the Ahnapee Town Board.
- B. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and two (2) for two (2) years; and two (2) for three (3) years, but not more than one (1) member, of the Town Board shall be a member of the Zoning Board of Appeals and all members shall reside in the Town.
- C. The members serve at the pleasure of the Town Board.
- D. Vacancies shall be filled for the unexpired term of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Ahnapee.

### **10.1402 Meetings and Rules**

- A. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman of the Board, and at such times as Zoning Board of Appeals may determine.
- B. The Zoning Board reserves the right, as provided by law, to conduct meetings or portions of meetings in closed session.
- C. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.
- D. Notice of the time and place of such public hearing shall be published as provided by the State Law on Planning and Zoning and applicable to the Town of Ahnapee.
- E. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- F. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
- G. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.

- H. The Board shall adopt its own rules and procedure, not in conflict with this ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.

#### **10.1403 Jurisdiction**

The Zoning Board of Appeals is hereby entrusted with the jurisdiction and authority to:

- A. Errors: Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made under the provisions of this Ordinance.
- B. Variances: To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured
- C. Interpretations: To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Board has made a review and recommendation.
- D. Substitutions: To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application
- E. Permits: The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
- F. Assistance: The Board may request assistance from other Town officers, departments, commissions, and boards
- G. Hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

#### **10.1404 Appeals and Applications**

Appeals from the decisions of the Zoning Administrator and Town Plan Commission concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, or board of the Town. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator and Town Plan Commission. Applications for other determinations by the Board of Appeals provided by this Ordinance 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 secretary. Such appeals and applications shall include the following information:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of the record.
- B. If required, a plat of survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required under Section 10.1305 for a Building permit.
- C. Additional Information required by the Town Board, Town Plan Commission, Zoning Board of Appeals or Zoning Administrator.

#### **10.1405 Hearings**

The Zoning Board of Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in Section 10.1600 of this Ordinance. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

#### **10.1406 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.

- A. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated principal use, accessory use, or conditional use in that particular district.
- B. 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 of 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.
- C. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- D. Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

#### **10.1407 Decision**

A Majority Vote of members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official; grant a variance; make an interpretation; and permit a substituted use.



#### **10.1408      Review by Court of Record**

Any person or persons aggrieved by any decision of the Zoning Board of Appeals shall have the right to court review by commencement of an action seeking the remedy available by certiorari in accordance with and as provided for by the provisions of Section 62.23 (7)(e) 10, Wis. Stats.

## **10.1500 AMENDMENTS**

### **10.1501 Authority**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Town Plan Commission and shall be consistent with the Purpose and Intent of this Ordinance.

### **10.1502 Initiation**

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

### **10.1503 Petitions**

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

- A. Plot Plan drawn to a scale of one 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 200 feet of the area proposed to be rezoned.
- B. Owner's Names and Addresses of all properties lying within 500 feet of the area proposed to be rezoned.
- C. Additional Information required by the Town Plan Commission or Town Board.

### **10.1504 Recommendations**

- A. The Plan Commission shall make a written report and shall submit the same, together with its recommendations, to the Town Board prior to the public hearing.
- B. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall make recommendations based upon the evidence presented to it in each specific case with respect to the following matters:
  - 1. Existing uses or property within the general area of the property in question.
  - 2. Zoning classification of property within the general area of the property in question.

3. Suitability of the property in question to the uses permitted under the existing zoning classification.
4. Trend of development, if any in the general area of the property in question, including changes if any, which have taken place in its present zoning classification.
5. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
6. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

#### **10.1505 Hearings**

The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published and provided per Section 10.1600 of this Ordinance.

#### **10.1506 Town Board Action**

- A. The Town Board shall not act upon proposed amendment to this ordinance until it has had the public hearing and has given careful consideration to the Plan Commission's written report and recommendations on the proposed amendment.
- B. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, be duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent, extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.
- C. If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

## **10.1600 NOTICE OF PUBLIC HEARING**

### **10.1601 Notice of Public Hearing**

- A. Notice of Any Public Hearing which the Town Board, Town Plan Commission or Zoning Board of Appeals is required to hold under the terms of this Ordinance shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once each week for 2 consecutive weeks and the hearing shall not be held until at least 7 days following the last publication.
- B. Notice of the Public Hearing shall be mailed to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition, and the owners of all lands included in the petition and all lands adjacent to or bordering the lands included in the petition. Failure to give any notice to any property owner shall not invalidate the action taken by the Town Board, Town Plan Commission or Zoning Board of Appeals.

**APPENDIX:**

**FARMLAND PRESERVATION ZONING  
DATCP CERTIFICATION MATERIALS**

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**STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

<b>TOWN OF AHNAPEE, KEWAUNEE COUNTY FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP).</b>	<b>DARM Docket No. 061-00600-O-17 F-0917  ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2027</b>
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**INTRODUCTION**

The Town of Ahnapee in Kewaunee County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed revision of the town’s formerly certified farmland preservation ordinance text, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

**FINDINGS OF FACT**

(1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin’s farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28.

(2) The Town of Ahnapee is a town in the State of Wisconsin. The Town of Ahnapee is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.

(3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.

(4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the *county’s* certified farmland preservation *plan*.

(5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision’s application, but DATCP may conduct its own review and verification as it deems appropriate.

(6) DATCP may make its certification contingent upon the political subdivision’s adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county’s certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

(7) The Town of Ahnapee previously had a certified farmland preservation zoning ordinance. The ordinance expired December 31, 2016.

(8) Kewaunee County has a certified farmland preservation plan. This plan is currently certified through December 31, 2026.

(9) On September 13, 2017, DATCP received an application from the Town of Ahnapee, in which the county asked DATCP to certify the Town's farmland preservation ordinance. The Town of Ahnapee submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(10) The farmland preservation zoning ordinance is part of the general Town of Ahnapee General Zoning Ordinance, and is intertwined with other provisions of that zoning code. The ordinance includes an ordinance text, together with an ordinance map.

(11) On September 18, 2017, DATCP confirmed by letter that the Town of Ahnapee certification application was complete, and that DATCP would proceed to review the complete application.

(12) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an ordinance may not exceed 10 years. See s. 91.36(2)(b), Wis. Stats.

## **CONCLUSIONS OF LAW**

(1) Based on the representations made by the Town of Ahnapee in its application for certification of a farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed Town of Ahnapee farmland preservation ordinance, consisting of a proposed ordinance text dated September 22, 2017, and map dated September 12, 2017, meet certification requirements under s. 91.38, Wis. Stats.

(b) DATCP may certify the proposed ordinance pursuant to s. 91.36, Wis. Stats.

(2) Pursuant to s. 91.36(2)(b), Wis. Stats., DATCP should certify the proposed ordinance through December 31, 2027.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Town of Ahnapee adopting the ordinance, in the form certified, before December 31, 2017.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

## **ORDER**

NOW, THEREFORE, IT IS ORDERED THAT:



(1) The proposed Town of Ahnapee farmland preservation ordinance, consisting of the proposed ordinance text dated September 22, 2017, and map dated September 12, 2017 are hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning district for the Town of Ahnapee is the A-1 Prime Agricultural Land district.

(3) This certification is contingent upon the Town of Ahnapee adopting the ordinance, in the form certified, before December 31, 2017.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2027.

Dated this 10th day of October, 2017

STATE OF WISCONSIN,  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
Jeff Lyon, Interim Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

**Town of Ahnapee**

Copies to:

Sharon Grosbeier  
Ahnapee Town Zoning Administrator  
N9043 Ash Drive  
Ahnapee, WI 54201

Prepared by:



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