

ZONING CODE



Town of Fox Lake
Dodge County, Wisconsin

TOWN OF FOX LAKE DODGE COUNTY, WISCONSIN

ZONING CODE

Comprehensively Revised by the Town Board on

Approved by Dodge County Board of Supervisors on _____

Town Board

Town Plan Commission

This Code was prepared for the Town of Fox Lake under the Community Services Planning Program of the Dodge County Land Resources and Parks Department.

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SECTION 15.1 INTRODUCTION

A CODE PROVIDING ZONING AND BUILDING REGULATIONS FOR THE TOWN OF FOX LAKE, DODGE COUNTY, WISCONSIN.

15.1.1 Authority

These regulations are adopted under the authority granted by Section 60.62 of the Wisconsin State Statutes and amendments thereto. The Town Board of the Town of Fox Lake, Dodge County, Wisconsin having been granted village powers pursuant to Section 60.10(2)(c) of the Wisconsin State Statutes.

15.1.2 Purpose and Intent

This Code is adopted for the following purposes:

- To promote and protect the public health, safety, morals, comfort, convenience and general welfare;
- To minimize congestion in the public rights-of-way, promote safety from natural and man-made disasters, provide for adequate light and air, and avoid undue concentration of population;
- To facilitate the adequate, efficient and cost-effective provision of public services and facilities;
- To encourage the use of lands and natural resources in accordance with their character and adaptability by utilizing special land features, such as slope, topography, soils, vegetation, wetland areas and wildlife;
- To conserve the natural scenic beauty and attractiveness of the Town, and to enhance the aesthetic desirability of the environment;
- To divide the Town into districts within which the location, sizes and uses of buildings and minimum open spaces shall be regulated;
- To prohibit the use of buildings, structures and lands that are incompatible with the intended use or development of lands within the specified districts;
- To provide regulations pertaining to pre-existing lots, structures and uses that do not conform to provisions of this Code;
- To provide for the compatible and appropriate use of land throughout the Town;
- To provide for the administration of this Code and its amendments;
- To describe penalties for the violation of provisions of this Code or any of its amendments.

15.1.3 Abrogation and Greater Restrictions

It is not intended by this Code 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 Code imposes greater restrictions, the provisions of this Code shall govern.

15.1.4 Interpretation

The provisions of this Code shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

15.1.5 Severability

If any section, clause, provision or portion of this Code held to be invalid or unconstitutional by a court of competent jurisdiction, or if the application of this Code to any person or circumstances is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Code that can be given effect without the invalid or unconstitutional provision or application.

15.1.6 Repeal

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

15.1.7 Title

This Code shall be known as, referred to or cited as the "Town of Fox Lake Zoning Code".

15.1.8 Effective Date

This Code shall be effective after a public hearing, adoption by the Town Board, approval by the Dodge County Board of Supervisors and publication or posting as required by law.

SECTION 15.2 GENERAL PROVISIONS

15.2.1 Jurisdiction

The jurisdiction of this Code shall include all lands and waters within the boundaries of the Town of Fox Lake. In the shoreland and floodplain areas under the dual jurisdiction of the Town of Fox Lake and Dodge County, this Code and the Dodge County regulations shall be in full effect and all requirements shall be met.

15.2.2 Compliance

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

Where the terms and objectives of this Code have been substantially addressed and fulfilled by the Wisconsin Department of Natural Resources or Dodge County where concurrent jurisdiction with this Code exists, so as to avoid duplication of effort, the terms of this Code shall not be imposed. The concurrent jurisdiction with the Department of Natural Resources only includes land under specific jurisdiction of the Department of Natural Resources, Army Corp of Engineers and Dodge County.

15.2.3 Duties of the Zoning Administrator

The Town Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Code. The Zoning Administrator may be a person or a business entity that is appointed for a one (1) year renewable term by the Town Chairman. The duty of the Zoning Administrator shall be to interpret and administer this Code and to issue all permits required by this Code.

- (1) The Zoning Administrator shall further:
 - A. Maintain Records of all permits issued, inspections made, work approved, and other official actions.
 - B. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Code.
 - C. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters; give notice of all violations of this Code to the owner, resident, agent, or occupant of the premises; and report uncorrected violations to the Town Board.
 - D. Assist the Town Board in the prosecution of Code violations.
 - E. Access to premises and structures shall be permitted during reasonable hours to make those inspections as deemed necessary by the Zoning Administrator to ensure compliance with this Code. If, however, the Zoning Administrator is refused entry after presentation of his identification, he/she may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
 - F. Prohibit the use or erection of any structure, land or water until the Zoning Administrator has approved such use or erection.

- G. Attend meetings of the Town Plan Commission and the Town Board of Appeals as requested.
- H. At the request of the Town Board, Town Board Chair, Plan Commission or Board of Appeals, present to such persons or bodies facts, records or reports that may assist them in making decisions, or assist them in any way as requested.

15.2.4 Land Use Permit Required

No structure, land or water shall be used and no structure shall hereafter be located, erected, moved, reconstructed, enlarged, or structurally altered until after the owner or their agent has secured a land use permit from the Zoning Administrator, unless otherwise exempted pursuant to Section 15.2.5 of this Code.

(1) Applications for a land use permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

- A. Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- B. Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Location sketch drawn to scale showing the location, boundaries, dimensions, elevations, or where deemed appropriate by the Zoning Administrator, a plat of survey prepared by a registered land surveyor. The sketch or plat shall show uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and drive-ways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location and use of any abutting lands and their structures within 40 feet of the subject site.
- D. Place stakes at the exterior corners of the proposed building on the lot in which the applicant desires to build.
- E. A Photocopy of any Necessary Permits secured from the Dodge County Land Resources and Parks Department or Wisconsin Department of Natural Resources.
- F. Proposed Water Supply Plan, showing the location of any private well, if municipal water service is not available.
- G. Additional Information as may be required by the Town Board, Plan Commission, or the Town Zoning Administrator or Building Inspector.

(2) A Land Use Permit shall be granted or denied in writing by the Zoning Administrator within 45 calendar days of a complete application. If the application cannot be processed in 45 days, the Zoning Administrator may extend the review process for an additional 15 days. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. Land Use Permits shall expire one year after issuance unless substantial work has commenced. Any permit issued in conflict with the provisions of this Code shall be null and void. Building construction shall be in a location in accordance with the approved application and scaled drawing or plat of survey, otherwise the permit shall be null and void.

(3) Fees in the amount set from time to time by resolution of the Town Board.

15.2.5 Uses Not Requiring a Land Use Permit

Any work that qualifies for an exemption under this section shall be required to comply with the applicable setback, yard, height, and other requirements set forth in this Code. No Land Use Permit shall be required for any of the following:

(1) For Building an Accessory Building less than 100 square feet in area.

(2) For Any Improvement or alteration to an existing building that is less than 100 square feet in area which does not effect a change in use.

(3) For Repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.

(4) Portable Structure.

15.2.6 Letter of Zoning Compliance

(1) No land or building, or addition thereto, constructed after the effective date of this Code and no addition, alteration, reconstruction, extension, enlargement, conversion or structural alteration to a previously existing building shall be occupied or used for any purposes unless in conformity with the plans and specifications upon which the Land Use Permit was issued. A Letter of Zoning Compliance may be issued by the Zoning Administrator upon request of the applicant. Every Letter of Zoning Compliance shall state that the use or occupancy complies with all the provisions of this Code.

(2) Any person, firm, or corporation having a legal or equitable interest in a property which is a legal nonconforming use may request a Letter of Zoning Compliance. The applicant shall present documentary proof that said use was a permitted use at the time it originated and was made nonconforming by the adoption of this Zoning Code or amendment thereto. After verifying that the use in question is in fact a legal nonconforming use, the Zoning Administrator shall issue a Letter of Zoning Compliance stating the use in question and the zoning of the property.

15.2.7 Land Use Permit Required for Signs

A land use permit is required for any signs regulated under Section 15.7 of this Code.

15.2.8 Other Permits

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or county agency.

15.2.9 Site Restrictions

- (1) All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.
- (2) No Land Use Permit shall be issued for a lot which abuts a public road dedicated to only a portion of its proposed width and located on that site thereof from which the required dedication has not been secured.
- (3) Dimensions of Building Sites:
 - A. Lots not served by Public Sewer:
 1. Minimum Area and Width: Except as otherwise specifically required or permitted the minimum lot area shall be 40,000 square feet and a minimum lot width of 125 feet at the building setback line and 125 feet at the water's edge.
 2. Side Yards: There shall be a ten (10) foot minimum side yard for each principal structure. Side yards for substandard lots may be reduced to a minimum aggregate width of both side yards of 40 percent of the lot width and a minimum width of one side yard of 40 percent of the aggregate.
 - B. Lots served by Public Sewer:
 1. Minimum Area and Width: Except as otherwise specifically required or permitted the minimum lot area shall be 10,000 square feet and a minimum lot width of 80 feet at the building setback line and 80 feet at the water's edge.
 2. Side Yards: There shall be a ten (10) foot minimum side yard for each principal structure. Side yards for substandard lots may be reduced to a minimum aggregate width of both side yards of 40 percent of the lot width and a minimum width of one side yard of 40 percent of the aggregate.
 - C. Floor Area. A one story single family dwelling, including manufactured homes located outside of a mobile home park, shall have at least 1,400 square feet of floor area. A multi-story dwelling shall have at least 1,600 square feet of total floor area. All homes shall be placed on a permanent foundation.
- (4) Rear yards: There shall be a 25 foot minimum rear yard for each principal structure.
- (5) Height Limitations: The maximum height for all residential structures shall be forty (40) feet. The maximum height for all commercial and industrial structures shall be sixty (60) feet. The maximum height for all non-farm accessory structures shall be twenty (20) feet. Agricultural Structures, such as barns and silos are exempt from the height limitations of this Code.
- (6) Street yard setbacks: All new structures shall have a street yard in accordance with Section 15.5 of this Code.

(7) Street Grade: Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Zoning Administrator or Building Inspector as being in satisfactory relationship with the existing street grade, with particular consideration for proper drainage and safe vehicular access.

15.2.10 Use Restrictions

The following use restrictions and regulations shall apply:

(1) Principal Uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in the district.

(2) Accessory Uses. Accessory uses and structures are permitted in any district, 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 home offices as defined in this Code.

(3) Conditional Uses. Conditional Uses and their accessory uses are those which require review, public hearing, and approval by the Town Board in accordance with Section 4.0. The only conditional uses and structures permitted by this Code shall be those enumerated in the District Regulations.

(4) Temporary Uses. Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator through the issuance of a Certificate Zoning Compliance for a period not to exceed six (6) months. This temporary certificate may be renewed semi-annually, but in no case shall the effective time span of the Certificates exceed two years.

(5) Household Pets Dogs and cats are permitted in any district. In platted residential subdivisions no animals other than household pets shall be allowed. In all zoning districts, household pets shall be allowed provided that not more than three (3) dogs are kept on any one premise, except for an authorized kennel. However, offspring of permitted household pets may be kept and sold from the premises for a period of up to six (6) months.

(6) Animals Other Than Household Pets. Except on an operating farm, the number of animals kept on any one premise shall not exceed the ratio of one animal unit for each acre of land owned or leased. (See Animal Unit Definition)

(7) Outdoor Storage of Inoperable Vehicles. Any motor vehicle that is without a current, valid license or which is incapable of being driven shall not be stored on any premises except in a properly authorized salvage yard, within an enclosed structure or unless it is not visible from a public road or adjacent dwelling. This provision shall apply to any vehicle subject to the above provisions regardless of when it was placed on the premises, but shall not apply to farm equipment.

The Dodge County Circuit Court may, upon the petition of and at the request of the Town, order removal of the violating vehicle(s), at Town expense. The Town shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) days, the Town may place the amount of the invoice on the tax rolls as special assessment against the property in question.

The Zoning Administrator may submit any such case in question to the Town Board for its determination.

(8) Gas and Electric Utility Uses which have been issued a Certificate of Public Convenience and Necessity pursuant to Section 196.491(3) of the Wisconsin Statutes are exempt from the requirements of this Code, and shall not be required to obtain a Land Use Permit.

15.2.11 Performance Standards.

Standards listed in Section 15.12 shall be complied with by all uses in all districts.

15.2.12 Reduction of Joint Use.

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension, so as not to meet the provisions of this Code. No part of any lot, yard, parking area, or other space required for a principal use and accessory structure(s) or use shall be used jointly or for any other structure or use, unless otherwise approved herein.

15.2.13 Violations

It shall be unlawful to construct any structure or building or to use any structure, building, land or water in violation of any of the provisions of this Code. In case of any violation, the Town of Fox Lake, The Zoning Administrator, or any property owner who would specifically be damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Code.

15.2.14 Penalties

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

SECTION 15.3 ZONING DISTRICTS

15.3.1 Establishment

For the purpose of this Code, the following primary use districts are hereby established with the Town of Fox Lake.

PRIMARY USE DISTRICTS

- | | | | |
|-----|-----|---|---------------------------|
| (1) | A-1 | - | Farmland Preservation |
| (2) | A-2 | - | General Agricultural |
| (3) | R-1 | - | Single Family Residential |
| (4) | R-2 | - | General Residential |
| (5) | C-1 | - | Commercial |
| (6) | I-1 | - | Industrial |

15.3.2 Official Zoning Map

A certified copy of the official zoning map is adopted and approved with the text of this Code. Said map and any certified amendments or changes thereto are as much a part of this Code as this text and shall have full force and effect on the adoption of this Code.

The boundaries of the zoning districts enumerated in Sec. 15.3.1 are hereby established as shown on the Official Zoning Map of the Town of Fox Lake, Dodge County, Wisconsin adopted and incorporated herewith by reference. The Official Zoning Map shall be on file and available for public inspection at the office of the Town Clerk, Town of Fox Lake. The Official Zoning Map shall be revised promptly upon the approval of any zoning map amendment requests.

15.3.3 Interpretation of District Boundaries

When uncertainty arises concerning the boundaries of the zoning districts, the following rules shall apply:

- (1) Where district boundaries are depicted as approximately following the centerlines of streets, highways, or road right-of-way lines, or centerlines of streams or drainage ways, such center, road right-of-way lines shall be constructed to be such boundaries.
- (2) Where district boundaries are depicted as approximately following lot lines, such lot lines shall be constructed to be such boundaries.
- (3) Where district boundaries are depicted as running parallel to centerlines of streets, highways or road right-of-way lines, such parallel lines shall be constructed to be such boundaries at a distance from the centerlines that fulfills the intent of drawing such lines.
- (4) Where boundaries do not follow property lines and distances are not specified, boundaries shall be reviewed and interpreted by the Fox Lake Town Board.

15.3.4 Uses Regulated

No building, structure or use of land shall hereafter be initiated or altered except in conformity with the regulations specified for the district in which it is located. Uses not specified in this Code may, nonetheless, be allowed by the Town Board after application, only if such uses are substantially similar in character to specific permitted or conditional uses in the applicable district.

Uses and structures may be subject to Dodge County shoreland-wetland and floodplain regulations, where applicable. In addition, Army Corp of Engineers and Wisconsin Department of Natural Resources regulations may apply in wetland and floodplain areas.

15.3.5 District Regulations

(1) A-1 Farmland Preservation Zoning District

The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland and to allow participation in the state's farmland preservation program.

A. Permitted Uses

1. Agricultural uses, except livestock facilities housing more than 500 animal units of cattle, poultry, swine, sheep, or goats or any other animal confinement facilities housing other types of animals (e.g. mink).
2. Accessory uses that qualify under Wis. Stats. 91.01(1), except farm residences.
3. A home occupation, subject to the requirements of Accessory Use under Wis. Stats 91.01(1).
4. Prior legal nonconforming uses that were in existence as of **[enter date of Code adoption]**, subject to the nonconforming use provisions of this Code.
5. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.
6. Personal wind energy systems.
7. Undeveloped natural resource and open space areas.

B. Conditional Uses

1. Livestock Facilities with 500 or more animal units that meet the siting standards in Wis. Adm. Code ch. ATCP 51 and other animal confinement facilities.
2. Agriculture-related uses.
3. Farm residences.
4. Governmental, institutional, religious, or nonprofit community uses that qualify under Wis. Stats. 91.46 (5).
5. Non-metallic mineral extraction that qualify under Wis. Stats. 91.46 (6).
6. Transportation, communications, pipeline, electric transmission, wind energy systems, utility, or drainage uses that qualify under Wis. Stats. 91.46 (4).

C. Area, Height and Yard Requirements: See Section 15.2.9

(2) **A-2 General Agricultural Zoning District**

The purpose of this district shall be to promote an area for uses of a generally agricultural nature on lands of good agricultural quality.

A. Permitted Uses

1. Road side stands for the sale of farm products produced on the premises.
2. Professional home office.
3. Uses permitted in the A-1 Farmland Preservation Zoning District.

B. Conditional Uses

1. Livestock Facilities with 500 or more animal units that meet the siting standards in Wis. Adm. Code ch. ATCP 51 and other animal confinement facilities.
2. Agriculture-related uses.
3. Governmental, religious, or cultural uses such as town halls, police and fire stations, libraries, churches, cemeteries, schools, and parks.
4. New nonfarm single family residences and duplexes, subject to the requirements of Section 15.4.6 of this Code and the density standards and requirements of Section 15.6.6 of this Code.
5. Non-metallic mineral extraction.
6. Transportation, communications, pipeline, electric transmission, wind energy systems, or utility uses.
7. Bed and breakfast establishments.
8. Commercial greenhouse, landscape and nursery business.
9. Dog kennels.
10. Self-service storage facility.
11. Trap and sporting clay shooting facilities, archery and gun shooting ranges; gun clubs.
12. Veterinary clinics.
13. Wireless communication facilities.
14. Horse boarding and riding facilities.
15. Campgrounds.
16. Golf courses.
17. Aircraft landing fields and hangars.
18. Boat launching facilities.
19. Day care facilities.
20. Any similar use subject to Town Board approval.

C. Area, Height and Yard Requirements: See Section 15.2.9

(3) **R-1 Single Family Residential Zoning District**

The primary purpose of this district shall be exclusive single-family residential nature.

A. Permitted Uses

1. Single family dwellings and accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided that no such accessory buildings may be used as dwelling units;
2. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.

B. Conditional Uses

1. Governmental, religious and cultural uses such as fire and police stations, schools, churches, cemeteries, libraries, and parks.
2. Home occupations.
3. Professional home offices.
4. Planned unit developments.
5. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements: See Section 15.2.9.

4) **R-2 General Residential Zoning District**

The primary purpose of this district shall be to promote an area of mixed residential uses.

A. Permitted Uses

1. Uses permitted in the R-1 Single Family Residential District.
2. Duplexes.

B. Conditional Uses

1. Uses conditionally allowed in the R-1 Single Family Residential District.
2. Bed and breakfast establishments.
3. Group living facilities.
4. Mobile home parks.
5. Multi-family dwellings.
6. Day care facilities.
7. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements: See Section 15.2.9.

(5) **C-1 Commercial Zoning District**

The purpose of this district shall be to promote an area for retail and service oriented establishments.

A. Permitted Uses

1. Parking lots.
2. Personal and business service establishments, excluding motor vehicle and farm equipment repair, with no more than 3,500 square feet of floor space.
3. Professional offices with no more than 3,500 square feet of floor space.
4. Retail businesses, excluding motor vehicle and farm equipment sales, with no more than 3,500 square feet of floor space.
5. Restaurants.
6. Taverns.
7. Sale of bait for fishing and sporting goods and supplies.
8. Commercial greenhouse, landscape and nursery business.
9. Self-service storage facility.
10. Personal wind energy system.
11. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.

B. Conditional Uses

1. Retail businesses, professional offices and personal and business service establishments exceeding 3,500 square feet in floor space;
2. Contractors storage yard.
3. Farm equipment sales and service.
4. Hospitals, clinics and nursing homes.
5. Motor vehicle sales and service.
6. Residential quarters for the owner, commercial tenant, employee or caretaker located in the same building as the business.
7. Motels, hotels, and resorts.
8. Planned unit Developments.
9. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements: See Section 15.2.9.

(6) I-1 Industrial Zoning District

The purpose of this district shall be to promote an area for manufacturing and industrial operations.

A. Permitted Uses

1. Manufacturing establishments engaged in the fabrication, processing, assembly or packaging of a product which is not specified as a conditional use in the Industrial District.
2. Automobile repair facilities.
3. Contractors office and/or storage yard.
4. Farm machinery sales, service and storage facilities.
5. Food storage warehouses.
6. Freight yards and trucking terminals.
7. Gas stations.
8. Governmental uses such as but not limited to, police or fire stations, or buildings used for the storage or repair of road maintenance equipment.
9. Nurseries, greenhouses and landscaping businesses.
10. Parking lots.
11. Printing and publishing establishments.
12. Processing and packaging of food products.
13. Processing and packaging of recyclable materials.
14. Recycling collection point.
15. Self-service storage facility.
16. Warehousing, except the storage of chemicals, explosives, flammables and radioactive materials.
17. Wholesale establishments.
18. Retail sale of products if accessory to and in the same structure as the principal use.
19. Boat storage, sale of boats, motors, fuel, marine supplies, servicing of boats and motors and the manufacture of boats or motors.
20. Personal wind energy system.
21. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.

B. Conditional Uses and Structures

1. Manufacturing, processing, packaging or storage of chemicals, explosives, batteries, asphalt, cement, flammables, paint, poison, rubber, dyes, and plastics.
2. Airports, aircraft landing fields and hangars.
3. Waste disposal areas.
4. Feed mills, granaries and elevators.
5. Incinerators.
6. Non-metallic mineral extraction.
7. Sewage treatment facilities.

8. One single-family residence per site for the owner or proprietor, caretaker and their family, which is incidental to a permitted or conditional use.
9. Adult-entertainment establishment.
10. Planned Unit Developments.
11. Wind energy systems.
12. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements: See Section 15.2.9.

SECTION 15.4 CONDITIONAL USES

15.4.1 Permit

The Town Plan Commission of the Town of Fox Lake may authorize the Zoning Administrator to issue a Conditional Use Permit for conditional uses after review and public hearing by the Plan Commission, provided that such conditional uses or structures are in accordance with the purpose and intent of this Code, and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

15.4.2 Application

Applications for Conditional Use Permits shall be made to the Zoning Administrator on forms provided by his or her office. Copies of such applications shall be forwarded to the Plan Commission by the Zoning Administrator. Such applications shall be preceded by an application for a Land Use Permit including all the information as required in Section 15.2.4 for a Land Use Permit.

Additional Information as may be required by the Plan Commission, Zoning Administrator or other boards, commissions, or officers.

Fee in the amount set from time to time by resolution of the Town Board.

15.4.3 A. Review and Approval

When evaluating a Conditional Use Permit, the Plan Commission shall evaluate the proposed use on:

- (1) The maintenance of safe and healthful conditions;
- (2) The prevention and control of water pollution including sedimentation;
- (3) Existing topographic and drainage features and vegetation cover of the site;
- (4) The location of the site with respect to flood plains and floodways of rivers or streams;
- (5) The erosion potential of the site based upon degree, and direction of slope, soil type and vegetation cover;
- (6) The location of the site with respect to existing or future access roads;
- (7) The location of the site with respect to wetlands;
- (8) Its compatibility with uses on adjacent land;
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal system;
- (10) Consistency with the Town of Fox Lake Comprehensive Plan.

15.4.3 B. Conditions

The Town Plan Commission may attach such conditions, in addition to those required elsewhere in this Code, that it deems necessary in furthering the purpose of this Code. Violation of any of these conditions shall be deemed a violation of this Code. Such conditions may include specifications for, without limitation because of specific enumeration; type of shore cover; increased set back and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; hours of operation; operational control; sureties; deed restrictions; locations of piers, docks, parking, and signs; type of construction or any other requirement necessary to fulfill the purpose and intent of this Code.

In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a land use permit, the following information:

- (1) A plan of the area showing contours, soil types, highwater mark, ground water conditions, bedrock, slope and vegetative covers
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
- (3) Plans for buildings, sewage disposal facilities, water supply systems, and arrangements of operations;
- (4) Specifications for areas of proposed filling, grading, or dredging;
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this Code.

The Plan Commission in evaluating each application may request assistance from other local, county, state or federal agencies.

15.4.3 C. Public Hearings

Public hearings shall be held by the Plan Commission within 45 days of receiving a complete conditional use permit application. There shall be a published Class one (1) notice as provided in Chapter 985 of the Wisconsin Statutes. The Plan Commission Secretary shall notify all abutting or opposite property owners as listed by the applicant in the original application of the time, date and subject matter of the hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

15.4.3 D. Timeframe for Action

Within 60 days after the public hearing, the Plan Commission shall approve, deny, or approve with conditions the conditional use permit application, unless an agreement with the applicant is made to extend such time period. Failure to act within the specified time period shall be deemed as an act to grant the Conditional Use Permit.

15.4.3 E. Compliance

Compliance with all other provisions of this Code, such as lot width, and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses except as modified by this Section. Variances shall only be granted as provided in Section 15.9 of this Code. No permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, odors, noise, vibration, lighting, health, hazards, or possibly of accident.

15.4.3 F. Expiration of Conditional Use Permits

A conditional use permit shall expire one year after its issuance date or at such alternate time as specified in the approval unless:

- (1) Construction has been diligently pursued;
- (2) A Certificate of Zoning Compliance has been issued;
- (3) The use is established; or
- (4) The Conditional Use Permit is renewed by the Plan Commission for a period not to exceed one year.

A conditional use permit also shall expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

15.4.4 Planned Unit Development

Planned unit developments (PUD) are permitted as conditional uses in the Residential Zoning Districts and the C-1 Commercial and I-1 Industrial Zoning Districts. PUD is intended to permit the development of planned developments containing not less than five (5) contiguous acres under one ownership or control.

Within such planned communities, the location of all residential, commercial, industrial and governmental uses, school sites, parks, playgrounds, recreation areas, parking areas and other open spaces shall be controlled in such a manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another.

- (1) The procedure for obtaining a permit for the development of a PUD shall be as outlined in Section 15.4.1, 15.4.2, and 15.4.3 of this Code, except that the following requirements shall also apply:
 - A. The applicant shall provide proof that the site under consideration contains a minimum land area of not less than five (5) acres under one ownership or control. Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for additional land shall be the same as if an original application was filed, and all of the requirements of this article shall apply except the minimum acreage requirement of 5 acres.

- B. The applicant shall furnish with his application 12 copies of a preliminary plan, prepared or certified by a surveyor or engineer duly authorized by the State to practice as such, showing the proposed general layout, the general location of the various types of land uses, the proposed densities of population in residential areas, a major thoroughfare plan, a public utility plan if public utilities are proposed or required, a storm drainage plan and a plan showing the location of recreation spaces, parks, schools and other public or community uses.

(2) Following approval by the Plan Commission of a preliminary plan, the applicant shall furnish 12 copies of a final plan, prepared or certified by a surveyor or engineer duly authorized by the State to practice as such, showing the layout of all major and local thoroughfares and local streets, the location of all buildings, parking areas, pedestrian ways, utility easements, lot lines, open spaces, parks, recreation areas, school sites, playgrounds, the proposed use of all buildings and the metes and bounds of all dedicated areas and lots including any recommendations or conditions of the Plan Commission. The applicant shall also furnish a proposed deed of dedication including restrictions safe guarding the use of open spaces and preventing encroachment upon open spaces between buildings. The applicant shall furnish a deed, or deeds, to land determined by the Town to be needed for public elementary and intermediate school purposes. When the final plan and deed of dedication shall have been approved by the Plan Commission as being in conformity with this section and with any changes or requirements of the Plan Commission on the preliminary plan and it has been determined that the applicant has complied with the requirements of the Dodge County Land Use Code whether or not it is a subdivision, it shall be approved for recordation and recorded. Thereafter, no modification may be made in any final plan except by an amended final plan submitted as provided for the original plan. The Plan Commission shall determine if bonding is necessary.

(3) In granting a permit for the development of a PUD the Plan Commission shall make the following determinations:

- A. That the uses shall be as shown on the preliminary plans as required by Section 15.4.4;
- B. That the location of all structures and designated building envelopes shall be as shown on the final plans as required by Section 15.4.4. Building envelopes must be protected by adequate covenants, running with the land, conveyances or dedications;

The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. Open spaces between structures shall be protected where necessary by adequate covenants, running with the land, conveyances or dedications. There shall be no minimum lot size, no minimum setback lines, and no minimum lot width in a PUD.

- C. That the owner and contractors have been bonded to make the required improvements within a reasonable length of time.

15.4.5 Conditional Uses in the A-1 Farmland Preservation Zoning District

The Town Plan Commission may issue a Conditional Use Permit for those conditional uses listed under Section 15.3.5(1)(B) of this Code, provided that such conditional uses are in accordance with Section 15.4 of this Code and Wis. Stats. 91.46.

15.4.6 Residential Uses In The A-2 General Agricultural District

In granting a Conditional Use Permit for residential uses in the A-2 General Agricultural District, the Commission shall make the following determinations:

1. The proposed residential uses will not adversely affect agricultural operations in surrounding areas or be situated that future inhabitants of such residence might adversely be affected by agricultural operations in surrounding areas;
2. That the site(s) of the proposed residential uses are not well suited for agricultural use by virtue of wooded areas, topography, shape of parcel, soil characteristics, and similar factors;
3. That the site(s) proposed for residential use is particularly well suited for such use as indicated by rolling topography, wooded areas, soil types, vistas, proximity to lakes or streams, or other similar factors, proximity to school bus routes, traffic access and safety and adequacy of area schools to accommodate increased enrollment that might result from such development.
4. The proposed residential use would be in conformance with the Town of Fox Lake Comprehensive Plan.

15.4.7 Mobile Home Parks

In granting a permit for the development or improvement of a mobile home park, the Plan Commission shall make the following determinations:

1. The Plan Commission shall determine that the Town Board has issued a Mobile Home Park License for the proposed mobile home park and that not more than three mobile park licenses exist in the Town as of the date on which the conditional use permit is considered.
2. The minimum size of a mobile home park shall be ten (10) acres;
3. The maximum number of mobile homes shall be 8 per acre;
4. Unless adequately screened by existing vegetative cover it shall be screened by:
A temporary planting of fast growing materials, capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar; and a permanent evergreen planting, such as White or Norway Pine, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.
5. No mobile home site shall be rented for a period of less than 30 days;
6. In addition to the requirements of Section 15.5.2 of this Code, there shall be a minimum yard setback of forty (40) feet from all lot lines of the mobile home park;
7. All drives, parking areas and walkways shall be hard surfaces;
8. It shall conform to the requirements of Code H77, Wisconsin Administrative Code which shall apply until amended and then apply as amended, except where the provisions of this Code are stricter;
9. Minimum dimensions of a mobile home site shall be fifty (50) feet wide by eighty-five (85) feet long;
10. Each mobile home shall be situated on a site so that there is a minimum of 15 feet of yard space between the home and each adjacent site;
11. "Skirting", fire resistant material enclosing all area between the lower edge of the outside walls of a mobile home and the ground, shall be installed on each mobile home within one hundred twenty (120) days after placement on a site;
12. There shall be two (2) surfaced automobile parking spaces for each mobile home.

15.4.8 Wind Energy Systems

Wind Energy systems, including small wind energy systems shall be installed in accordance with Wis. Adm. Code Chapter PSC 128, Wis. Stat. 66.0401 and 66.0403. However, wind energy systems that are less than 75 feet in overall height are considered personal wind energy systems and are exempt from the conditional use provisions of the Code. Personal wind energy systems shall be limited to one for each property and shall be setback a distance equal to the total height from the nearest property line at a minimum. All other wind energy systems shall require a conditional use permit in accordance with Section 15.4 of this Code.

SECTION 15.5 SETBACKS AND OFF-STREET PARKING

15.5.1 Highway and Road Setbacks

For the purpose of determining the distance structures shall be setback from highways and roads, the following setbacks shall apply unless the yard regulations or modifications allow a lesser yard or setback requirement.

Underground structures not capable of being used as foundations for future above ground structures may be placed between the setback line and the road or highway.

This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the sectors at intersections shall be obstructed.

(1) Highway and Road Setback Distances

The setback distance shall be as follows:

- A. Town Roads - Minimum seventy-five (75) feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever distance is greater.
- B. State or County Highways - Minimum one hundred (100) feet from the centerline of the highway or sixty-seven (67) feet from the edge of the right-of-way, whichever distance is greater.
- C. Urbanized Highways or Roads – Minimum sixty (60) feet from the centerline of the highway or road or twenty seven (27) feet from the edge of the right-of-way, whichever distance is greater. The urbanized highway or road sections in the Town are as follows:

Fox Lake Area

Commencing 1,584 feet south of County Road F, thence westerly on Blackhawk Trail to the junction of County Road A. All of Shorecrest Road, Maple Point Road, Howard Drive, Chief Kuno Trail; Commencing 2,376 feet north of State Road 68, thence northeasterly 1,584 feet on Oaks Road to shore of Fox Lake, All of Delbern Acres, Blackhawk Trail from County Road F southerly 1,584 feet to the beginning of the present urban section of Blackhawk Trail. All of Rainbow Terrace.

Beaver Dam Lake Area

Commencing at the intersection Breezy point road and Dunn Road, thence east on Breezy Point Road to the lake shore. All of Hickory Bay Road west and northwesterly 2,323 feet. All of Spring Road and all of Northern Shores.

Lake Emily Area

All of Lake Drive. County Road A from Lake Drive a distance of .25 miles or 1,320 feet, west side of the highway only. All of Brath Road and all of Sunset Lane.

All of Lake Drive west of County Road A and all of Mich Road.

15.5.2 Building Setbacks from the Water

The Dodge County Shoreland Protection Ordinance shall apply.

15.5.3 Loading Requirements

Adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading do not project into traffic lanes,

15.5.4 Driveways

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

1. Islands between driveway openings shall be provided with a minimum of 16 feet between all driveways and 8 feet from side lot lines, measured along a line 10 feet from and parallel to edge of pavements, except for shared driveways. Shared driveways shall only be allowed after obtaining approval from the Plan Commission.
2. Openings for vehicular ingress and egress shall not exceed 30 feet at the road right-of-way line and 35 feet at the roadway.

15.5.5 Off-Street Parking

Each use shall provide the following minimum off-street parking spaces. Each parking space shall be at least two hundred (200) square feet in area and shall be a minimum of 20 feet in length and 10 feet in width.

- (1) Dwellings - Two (2) spaces for each dwelling unit.
- (2) Restaurants, Taverns and Similar Establishments - One (1) space for each fifty (50) square feet of floor space devoted to patrons.
- (3) Motels and Resorts - One (1) space for each unit.
- (4) Retail Business and Service Establishments - One (1) space for each two hundred (200) square feet of floor area.
- (5) Industrial Uses and Warehouses - One (1) space for each two (2) employees on the premises at a maximum employment on the main shift.
- (6) Convenience Stores - One (1) space for each two hundred (200) square feet of floor area; plus two (2) spaces for each gas pump.
- (7) Any Use Not Specifically Named - shall be assigned to the most appropriate classification by the Zoning Administrator.
- (8) Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.
- (9) Location of off-street parking shall be on the same lot as the principal use or on a lot adjacent to the principal use.

SECTION 15.6. MODIFICATIONS

15.6.1 Height

The district height limitations elsewhere in this Code may be exceeded, but such modification shall be in accord with the following:

- (1) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Code.
- (2) Special Structures, such as elevator leg, gas tanks, grain elevators, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and flag poles, are exempt from the height limitations of this Code.
- (3) Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Code.
- (4) Communication Structures, such as radio and television transmission and relay towers, aerials, cellular telephone towers and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line. In addition, no tower, structure or projecting aerial shall exceed 500 feet in height.
- (5) Public or Semi-Public Facilities, such as schools, churches, hospitals, monuments, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet.
- (6) Agricultural Structures, such as barns and silos shall not exceed in height their distance from the nearest lot line.
- (7) Wind energy systems, including small wind energy systems shall be installed in accordance with Wis. Adm. Code Chapter PSC 128, Wis. Stats. 66.0401 and 66.0403. Wind energy systems shall not exceed a maximum blade tip height of 600 feet and must comply with Wis. Adm. Code PSC 128.13. Small wind energy systems shall not exceed a maximum blade tip height of 600 feet and must comply with Wis. Adm. Code PSC 128.61.

Personal wind energy systems shall not exceed a maximum blade tip height of 75 feet and shall be setback a distance equal to the total height from the nearest property line.

15.6.2 Yards

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

- (1) Uncovered Stairs, Landings, and Fire Escapes may, project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
- (2) Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.
- (3) Residential Fences are permitted within the property lines, but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way. Supporting fence posts must face the fence owner's property.

- (4) Security Fences in Industrial or Commercial zoned areas are permitted on the property lines but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (5) Accessory Uses and Detached Accessory Structures located in platted subdivisions or on lots less than two acres in area are permitted in the rear and side yards of all lots. When located in a side yard, they shall be not closer to the lot line than the minimum required side yard for the principal structure and in any case they shall not be closer than 10 feet to the principal structure, shall not exceed 20 feet in height, shall not occupy more than 10 % of the rear yard area, and shall not be closer than three (3) feet to any lot line.
- (6) Essential Services, utilities, electric power and communication transmission lines are exempt from setback requirements provided that the owner who wishes to locate such facilities within the street yard shall file with the Town Board an agreement in writing to the effect that the owner will remove all new construction, additions, and replacements erected after the adoption of this Code at their expense when necessary for the improvement of the road or highway.
- (7) Landscaping and Vegetation are exempt from the yard requirements of this Code.

15.6.3 Additions

Additions in the street yards of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

15.6.4 Average Street Yards

The required street yards may be decreased to an average of the street yards of the abutting structures on each side, if within two hundred (200) feet of the proposed structure. However, in no case shall a structure be allowed within the road right-of-way.

15.6.5 Noise

Sirens, whistles, and bells, which are maintained and utilized solely to serve a public purpose, are not subject to highway or road setbacks and are not to be enjoined under the performance standards section of this Code (Section 15.12).

15.6.6 Density Standards in the A-1 Farmland Preservation and A-2 General Agricultural Districts

Parent Parcel <u>Total Area (Acres)</u>	Number of New Lots <u>Allowed</u>
Less than 5 acres	0
5 acres up to 35 acres	1
35 acres up to 70 acres	2
70 acres up to 105 acres	3
Over 105 acres	4 (Maximum)

The Plan Commission may require that a restriction be placed on the certified survey map or affidavit be recorded, which would not allow further divisions of the remaining land after the maximum allowed density on the property is reached.

SECTION 15.7 SIGNS

15.7.1 Permit Required

Except those specified in Section 15.7.2, no signs shall hereafter be located erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Land Use Permit and without being in conformity with the provisions of this Code.

7.2 Signs Allowed in all Zoning Districts without a Land Use (Sign) Permit

The following signs are allowed in all zoning districts without a Land Use Permit, but are subject to the following regulations:

- (1) Over Show Windows or Doors of a nonconforming business establishment announcing without a display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed thirty-two (32) square feet in display area on all sides for any one farm.
- (3) Real Estate signs not to exceed eight (8) square feet in area on any one side nor sixteen (16) square feet in display area on all sides which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located and limited to one such sign for each premise.
- (4) Name, Occupation, and Warning Signs not to exceed four (4) square feet on any one side nor eight (8) square feet in display area on all sides and limited to one such sign for each premise.
- (5) Bulletin Boards for public, charitable or religious institutions not to exceed twelve (12) square feet in area on all sides and limited to one such sign for each premise.
- (6) 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 the structure.
- (7) Official Signs, such as traffic control, parking, restrictions, information, and notices.
- (8) Temporary Signs or banners when authorized by the Zoning Administrator for a period not to exceed 45 days.
- (9) 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 four (4) days following the election.

No such Sign mentioned in Section 15.7.2 shall be located closer than two (2) feet from any public road right-of-way or exceed ten (10) feet in height. These requirements shall not apply to Official Signs.

15.7.3 Signs Allowed in all Zoning Districts with a Land Use (Sign) Permit

The following signs are allowed in all zoning districts providing a Land Use Permit has been issued and shall be located a minimum of forty (40) feet from the edge of the traveled way or two (2) feet from the road right-of-way, whichever distance is greater:

(1) Off-Premise Directional Signs which contain only the name of the establishment, logo or directional information useful to the traveler in locating the site, such as mileage, route numbers or exit numbers providing that:

- A. No more than two such signs relating to any one establishment shall be located in the approaching direction along any one road or highway.
- B. Such sign shall be located within five (5) air miles of the subject site.
- C. No two directional signs facing the same direction of travel shall be spaced less than one mile apart. However, more than one sign may be placed on the same support provided the total square footage does not exceed the allowable area.
- D. No such sign shall be located within three hundred (300) feet of a highway interchange, intersection at grade, rest area or wayside.
- E. No such sign shall exceed ten (10) feet in height.
- F. No such sign or signs in aggregate if facing the same direction of travel shall exceed twelve (12) square feet in display area.

(2) On-Premise Identification Signs for residential subdivisions, parks, multi-family dwelling units, mobile home parks, industrial parks, schools, town halls, hospitals and for community identification not to exceed twenty-four (24) square feet in display area on all sides; limited to one such sign for each premises; and shall indicate only the name and/or address of the premises, logo, slogan, motto or other information pertinent to identifying the premises. Community identification signs may include service club organization symbols as part of the sign.

(3) Temporary Development Signs for residential subdivisions and commercial and industrial developments not to exceed 64 square feet in display area on any one side which advertise the sale or lease of the premises on which the sign is temporarily located and limited to one sign for each premises.

15.7.4 Signs Permitted in the Commercial and Industrial Districts

The following signs are permitted in the Commercial and Industrial zoning districts with a Land Use Permit and are subject to the following regulations:

(1) Wall Signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in area for any one premise, and shall not exceed twenty (20) feet in height above the mean centerline street grade.

- (2) Projecting Signs fastened to, suspended from, or supported by buildings shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more than six (6) feet in any direction; shall not be less than ten (10) feet from any side or rear lot line; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.
- (3) Ground Signs, limited to one sign for each premises; shall not exceed twenty (20) feet in height; shall not be located closer to the road right-of-way than twenty-seven (27) feet; shall meet all side and rear yard setback requirements; and shall not exceed one hundred (100) square feet in display area on any one side nor two hundred (200) square feet in display area on all sides.
- (4) Pole Signs limited to one sign for each premise, shall not exceed 100 square feet on one side more 200 square feet on all sides for any one premises; shall not extend more than three (3) feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed 35 feet in height above the mean centerline street grade; and shall be not less than 10 feet above the lot grade or sidewalk grade and not less than 15 feet above a parking lot, driveway, or other area used by motor vehicles.
- (5) Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
- (6) Roof Signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed three hundred (300) square feet on all sides for any one premises.
- (7) Combinations of any of the above signs shall meet all the requirements for the individual sign.

15.7.5 Development Standards

- (1) Determining Area of Signs
The area of a sign shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign, including the border and trim, but excluding supports.
- (2) Traffic
Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or traffic devices. No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public or private ways.
- (3) Moving, Flashing or Video Signs
No sign shall be erected which has any flashing or moving parts except those giving public service information such as time, date, temperature, weather, or similar information.

- (4) Existing Signs
Signs lawfully existing at the time of the adoption or amendment of this Code may be continued although the use, size, or location does not conform to the provisions of this Code. However, it shall be deemed a nonconforming use or structure and the provisions of Section 15.8.3 shall apply.
- (5) Signs Not In Use
Signs which advertise or identify a business or similar activity must be removed within sixty (60) days of the date said business or similar activity ceases operation or vacates the premises. The removal of the sign shall be the responsibility of the owner of the property on which the sign is located.
- (6) Sign Location
No sign mentioned in Section 15.7 shall be located in, on or above a public road right-of-way or navigable body of water, except for Official Signs.

SECTION 15.8 NONCONFORMING USES, STRUCTURES, AND LOTS

15.8.1 Existing Nonconforming Uses

The lawful nonconforming use of structure, land, or water existing at the time of the adoption or amendment of this Code may be continued although the use does not conform with the provisions of this Code; however, only the portion of the land in actual use may be so continued and the structure housing the non-conforming use may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered if it extends or enlarges the non-conforming use except when required to do so by law or order or so as to comply with the provisions of this Code.

(1) Change to Conforming Use

A nonconforming use may be changed to any use that is allowed in the zoning district in which it is located, subject to all standards and requirements applicable to the new use. Once a nonconforming use is converted to a conforming use it may not be changed back to a nonconforming use.

(2) Change to Other Nonconforming Use

The Board of Appeals shall be authorized to approve a change of use to a use not otherwise allowed in the underlying zoning districts if the Board of Appeals finds that the new proposed use will be no more injurious than the previous use or will decrease the extent of the nonconformity. If the Board of Appeals approves such a change of use, it shall be authorized to impose conditions it deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this Code. Any condition imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact.

(3) Expansion

Existing nonconforming uses may not be expanded if the expansion would increase the degree of nonconformity. For purposes of this section, the construction or the placement of a principal or accessory structure on a lot which contains a nonconforming use shall be considered an expansion of the nonconforming use of the property. The construction or the placement of a fence on a lot which contains a legal nonconforming use shall not be considered an expansion of the use of the property.

(4) Damages or Destruction of Structure of a Nonconforming Use

When any structure, land or water which contains a nonconforming use is damaged to the extent of more than 50 percent of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this Code.

(5) Maintenance and Repair

The ordinary maintenance and repair of a nonconforming use is permitted, including necessary repairs and incidental alterations which do not increase the adverse impacts of the nonconforming use in relation to the purpose of this Section.

15.8.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water, shall conform to the provisions of this Code.

15.8.3 Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Code may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking, and loading, and access provisions of this Code.

- (1) Additions and Enlargements to existing nonconforming structures are permitted so long as they do not increase the extent of nonconformity and shall conform with the required buildings setback lines along roads, water and highways and the yard, height, parking, loading and access provisions of this Code.
- (2) Existing Nonconforming Structures which are damaged or destroyed by fire, explosion, flood or any other event, may be reconstructed and in so far as is practicable shall conform with the required building setback lines along streets and highways and the yard, height, parking, loading and access provisions of this Code.

15.8.4 Vacant Substandard Lots

A vacant legal lot or parcel of record which does not contain sufficient area to conform to the dimensional requirements of this Code, but which is at least 50 feet wide and 7,500 square feet in area may be used as a building site for a single family dwelling and its accessory structures upon issuance of a Land Use Permit subject to the following conditions.

- (1) Such use is permitted in the zoning district.
- (2) The lot is on record in the Dodge County Register of Deeds office prior to the effective date of this Code.
- (3) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Code.
- (4) All the dimensional requirements of the Code are complied with insofar as practical, as determined by the Plan Commission.
- (5) If such lot is located in the A-1 Farmland Preservation Zoning District, such single family dwelling must be a farm residence and shall be considered a conditional use subject to the provisions of Section 15.4 of this Code.

SECTION 15.9 BOARD OF APPEALS

15.9.1 Establishment

There is hereby established a Board of Appeals for the Town of Fox Lake. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman and confirmed by the Town Board. All members shall be a resident of the Town of Fox Lake.

- (1) Terms: Terms shall be for three (3) years, except that of those first appointed; one (1) shall serve one (1) year, two (2) shall serve two (2) years and two (2) for three (3) years.
- (2) Chairman: Chairman shall be designated by the Town Chairman.
- (3) Alternate: Two (2) alternate members shall be appointed by the Town Chairman for a term of three (3) years. The Town Chairman shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
- (4) Secretary: Secretary shall be as designated by the Board of Appeals.
- (5) Vacancies: Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

15.9.2 Organization

The Board of Appeals shall organize and adopt rules of procedure in conformance to Section 62.23(7)(e) 1-15 of Wisconsin Statutes.

15.9.3 Rules

The Board of Appeals shall meet at the call of the chairperson, and at such other times as the Board of Appeals may determine, at a fixed time and place.

All meetings of the Board of Appeals shall be open to the public. If a quorum is present, the Board of Appeals may take action by a majority vote of the members present.

Any public hearings which the Board of Appeals is required to hold shall be held in the town hall or other place convenient to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address or other commonly known means of identification, shall be included in the notice given of such hearing. Other matters upon which the Board of Appeals is required to act may also be heard to any such hearing provided that no undue hardship is created for any appellant by reason of the location of such hearing, and provided further that such matters are included in the notice given of such hearing.

The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

The Board of Appeals may adopt such other rules as are necessary to carry into effect the regulations of the Town Board.

In the case of all appeals, the Board of Appeals may call upon the Town Board, Plan Commission, or Zoning Administrator for all information pertinent to the decision appealed from.

15.9.4 Powers

The Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by administrative official in the enforcement of this Code.
- (2) To hear and decide special exception to the terms of the Code upon which such board is required to pass under this Code.
- (3) To authorize upon appeal in specific cases such variances from the terms of the Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Code will result in practical difficulty or unnecessary hardship, so that the spirit of the Code shall be observed, public safety and welfare secured, and substantial justice done.
- (4) The Board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (5) The Board may reverse, affirm, or wholly or partly modify the requirements appealed from and may issue or direct the issuance of a permit.
- (6) Assistance - the Board may request assistance from other town or county officers, departments, commissions and boards.
- (7) Oaths - the chairperson may administer oaths and compel the attendance of witnesses.

15.9.5 Appeals and Applications

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Code may be made by any person aggrieved or by an officer, department, board or bureau of the Town. Such appeals shall be filed with the secretary and the officer from whom the appeal is taken within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator, Plan Commission or the Town Board. Applications may be made by the owner or lessee of the structure, land or water to be effected at any time and shall be filed with the Zoning Administrator. Such appeals and applications shall include the following:

- (1) Names and Addresses of the appellant or applicant and all abutting and opposite property owners of record.
- (2) Sketch showing all the information required under Section 15.2.4 for a Land Use Permit.
- (3) Additional Information which was required for the decision appealed from or may be required by the Board of Appeals.
- (4) Fee in the amount as set by resolution of the Town Board to be paid at the time of application.

15.9.6 Hearings

The Board of Appeals shall fix a reasonable place for the hearing and hold a hearing within 45 days or less, give a Class One (1) notice thereof as provided in Chapter 985 of the Wisconsin Statutes, and give due notice to the parties in interest, the Zoning Administrator, Plan Commission and the Town Board. At the hearing the applicant or the appellant may appear in person, by agent, or by attorney.

15.9.7 Decisions

The Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Zoning Administrator and the Town Board.

Conditions may be placed upon any Land Use Permit ordered or authorized by this Board.

15.9.8 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Appeals may commence an action seeking the remedy available by certiorari. Such action shall be commenced within thirty (30) days after the filing of the decision in the office of the Board of Appeals.

SECTION 15.10

PLAN COMMISSION

15.10.1 Composition

The Plan Commission shall consist of seven members, all of whom shall be appointed by the Town Board Chairperson, who shall also choose the presiding officer. The Town Board Chairperson may appoint himself or herself to the Commission and may appoint other Town elected or appointed officials to the Commission, except that the Commission shall always have at least five citizen members who are not Town officials. Citizen members shall be persons of recognized experience and qualifications. The Town Board may by ordinance provide that the membership of the Commission shall be as provided thereunder.

Members of the Commission shall be appointed to hold office for a period of three years. Appointments shall be made by the Town Board Chairperson during the month of April or at any other time if a vacancy occurs during the middle of a term.

15.10.2 Rules and Organization

The Plan Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. Such record shall be a public record. Meetings of the Commission shall be held at the call of the chairperson and at such other times as the Commission may determine. The Plan Commission shall have the power and authority to employ experts and a staff.

15.10.3 Functions

The Plan Commission shall have the following functions and duties:

1. To make and adopt a comprehensive plan for the physical development of the Town.
2. To authorize the Zoning Administrator to issue a conditional use permit in accordance with Section 15.4.
3. To make a recommendation to the Town Board on any petition to amend this Code or change the district boundaries.

SECTION 15.11 CHANGES AND AMENDMENTS

15.11.1 Authority

Whenever the public necessity, convenience, health, safety, or general welfare require, the Town Board may by Code, change the district boundaries or amend, change, or supplement the regulations established by this Code or amendments hereto in accordance with Section 62.23(7) of the Wisconsin Statutes.

15.11.2 Initiation

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

15.11.3 Petitions for Amendment

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk who shall present it to the Town Board at its next succeeding meeting; such petition shall describe the premises to be rezoned or the regulations to be amended, lists the reasons justifying the petition, specify the proposed use and have attached the following:

- (1) Plot plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
- (2) Owners Names and Addresses of all properties lying within three hundred (300) feet of the area proposed to be rezoned.
- (3) Additional Information required by the Plan Commission or Town Board.
- (4) Fee in an amount set from time to time by resolution of the Town Board.

15.11.4 Hearings and Board Action

The Town Plan Commission shall hold a public hearing upon each petition. Notice of the time and place of such a hearing shall be given by publication in the Town of a Class Two (2) Notice, under Code 985 of the Wisconsin Statutes. Notice of the hearing should be provided to the owner, applicant, all owners of property within 300 feet of the subject site, the Zoning Administrator, Plan Commission and the Town Board.

- (1) Recommendations. Within 45 days after the public hearing, the Town Plan Commission shall act on such petition approving, modifying or disapproving the petition. The recommendation shall be made in writing to the Town Board.
- (2) Action by the Town Board. After careful consideration of the Town Plan Commission recommendation, the Town Board shall vote on the passage of the proposed change or amendment within 45 days after receiving the Plan Commission recommendation.

15.11.5 Approval by the County Board

After approval by the Town Board, the Dodge County Board of Supervisors shall approve the proposed change or amendment.

15.11.6 Protest

In case of a protest against an amendment proposed duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed amendment, or by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the road frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the Town Board voting on the proposed change.

15.11.7 Rezoning Land out of the A-1 Farmland Preservation Zoning District

The Town must submit a report on A-1 Farmland Preservation District rezonings to the Department of Agriculture, Trade, and Consumer Protection and to the County by March 1 of each year in accordance with Wis. Stats. 91.48(2). Land may be rezoned out of the A-1 Farmland Preservation Zoning District if the Town Board finds that all of the following apply:

- (1) The land is better suited for a use not allowed in the A-1 Farmland Preservation Zoning District.
- (2) The rezoning is consistent with the Town of Fox Lake Comprehensive Plan.
- (3) The rezoning is substantially consistent with the Dodge County Farmland Preservation Plan.
- (4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

SECTION 15.12 PERFORMANCE STANDARDS

15.12.1 Prohibited Activities

All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare, or heat, and objectionable influences detrimental to the public health, safety, comfort, or general welfare of the immediate neighborhood or community.

15.12.2 Compliance

A violation of this Section which is so flagrant as to constitute a potential nuisance shall be the subject of a nuisance action brought by the Town Attorney on behalf of the Town.

SECTION 15.13 RIGHT-TO-FARM

15.13.1 Purpose

It is the intent of this section to conserve, protect, and encourage the continued use and improvement of agricultural land in the Town of Fox Lake for the production of agricultural products. Additionally, this Right-to-Farm section is designed to preserve the right of farmers to produce, without unnecessary interference, agricultural products using generally accepted agricultural practices.

15.13.2 Applicability

The provisions of this section shall apply to all land use change applications within the jurisdiction of this Code.

15.13.3 Limitation on Private Action

This section shall not apply in the case of a negligent agricultural operation. An agricultural use or agricultural practice is not, nor shall it become, a nuisance if the following apply:

- (1) The agricultural use or agricultural practice alleged to be a nuisance is conducted on, or on a public right-of-way adjacent to, land that was in agricultural use without substantial interruption before the plaintiff began the use of property that the plaintiff alleges was interfered with by the agricultural use or agricultural practice; and
- (2) The agricultural use or agricultural practice does not present a substantial threat to public health or safety.

15.13.4 Development Review

In reviewing any application for a land use change, the Town Board and/or Plan Commission shall, to the maximum extent feasible, ensure that such change does not adversely affect any existing agricultural operation on land not subject to the land use change, including access to active agricultural operations.

15.13.5 Sounds and Smells

Farmers often work late into the night, especially during planting and harvest time, when noise from their machinery can be heard. Land preparation can cause dust, especially during windy and dry weather. The smell of organic fertilizer may be evident during field applications.

15.13.6 Slow Moving Vehicles

Moving at top speeds of 15 to 20 miles per hour, farm equipment may slow travel time on rural roads. Vigilance and patience is required. Farm equipment will display a Slow Moving Vehicle emblem, a red-orange fluorescent triangle surrounded by a reflective red border, on the rear of the implement. This is a warning to slow down. Large farm equipment may extend into the oncoming traffic lane. Safety should be a top concern for all drivers on town roads, as well as the equipment operators.

15.13.7 Chemicals

Fertilizers and herbicides are often used in growing crops. These products are applied by licensed applicators. Respect for a neighbor's adjacent land is shown by knowing the prevailing winds and preventing drift.

NOTE: Through section 823.08 of the Wisconsin Statutes, the Wisconsin Legislature has adopted a right to farm law. This statute limits the remedies of later established residential property to seek changes to pre-existing agricultural practices in the vicinity of residential property. Active agricultural operations are now taking place and may continue in the vicinity of the Town of Fox Lake. These active agricultural operations may produce noises, odors, dust, machinery traffic, or other conditions during daytime and evening hours.

SECTION 15.14 DEFINITIONS

For the purposes of this Code, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine.

Accessory Use: Within the A-1 Farmland Preservation Zoning District 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.
- (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- (c) A business, activity, or enterprise, whether or not associated with an agricultural use that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a), that employs no more than 4 full-time employees annually and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

Accessory Use of Structure: A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal structure.

Adult Entertainment: Any business engaged in the sale or display of books, videos, and other materials of a pornographic nature offensive to a significant segment of the population; Includes live performances and movie theater showings of a pornographic nature. Also includes gambling and wagering facilities.

Agricultural Use:

Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
5. Floriculture.
6. Aquaculture.
7. Fur farming.
8. Forest management.
9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
10. Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

Agriculture-related use:

An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use.

Animal Confinement Facility: Any animal, livestock or poultry operation with 500 or more animal units that are used in the production of food, fiber, or other animal products or that will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.

Animal Unit: Animal Unit has the following meaning that was given in s. NR 243.03 (3) Wisconsin Administrative Code as of April 27, 2004: “Animal Unit” means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11, Wisconsin Administrative Code, which are fed, confined, maintained or stabled in an animal feeding operation. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor from the following table, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed in the following table, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

Animal Unit Calculation Table Number Equivalent to 500 Animal Units		
Number Equivalent to 500 Animal Units	Animal Type	Animal Equivalency Factor
	Dairy Cattle:	
350	Milking and Dry Cows	1.4
455	Heifers (800 to 1200 lbs)	1.1
835	Heifers (400 to 800 lbs)	0.6
2500	Calves (under 400 lbs)	0.2
	Beef Cattle:	
500	Steers or Cows (600 lbs to Mkt.)	1.0
1000	Calves (under 600 lbs)	0.5
350	Bulls	1.4
	Swine:	
1250	Pigs (55 lbs to Mkt.)	0.4
5000	Pigs (up to 55 lbs)	0.1
1250	Sows	0.4
1000	Boars	0.5
	Sheep:	
5000	Per Animal	0.1
	Horses:	
250	Per Animal	2.0
	Ducks:	
2500	Per Bird (Wet Lot)	0.2
50000	Per Bird (Dry Lot)	0.01
	Chickens:	
50000	Layers	0.01
100000	Broilers	0.005
50000	Broilers (continuous over flow watering)	0.01
15000	Layers or Broilers (Liquid Manure System)	0.033
	Turkeys:	
27500	Per Bird	0.018
	Combined Animal Units:	
500	Calculated Total	

Arterial Street: A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

Basement: A space having half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet.

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

Building Height: Building height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground to a line horizontal to the highest point of a structure, unless specified under other sections of this Code. However, in the case of an exposed or walk-out basement, only one-half of the basement height shall be counted toward the overall height of the building.

Certified Farmland Preservation Plan:

A farmland preservation plan that is certified as determined under Wis. Stats. 91.12.

Certified Farmland Preservation Zoning Code:

A zoning Code that is certified as determined under Wis. Stats. 91.32.

Conditional Uses: Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the A-1 Farmland Preservation Zoning District must meet the requirements of Wis. Stats. 91.01(10).

Contiguous: Land that is abutting or touching at any point of which no part is separated by intervening land in other ownership, by a public road, street, or highway or by a navigable body of water.

Corner Lot: A lot abutting two or more streets at their intersections.

Density: Number of living units per acre allowable under the schedule of district regulations.

Duplex: A dwelling containing two dwelling units.

Dwelling: A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes except mobile homes (with the wheel assembly and hitch removed, and located on and anchored to a four foot footing or basement).

Dwelling, Multifamily: A dwelling containing three or more units.

Dwelling, Single Family: A dwelling containing one dwelling unit.

Dwelling Unit: One or more rooms that are arranged, designed, or used as living quarters for one family only.

Emergency Shelter: Public or private enclosures designed to protect people from arterial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.

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

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

Family: Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

Farm

For farmland preservation program purposes, a farm is defined as all land under common ownership that is primarily devoted to agricultural use.

Farm Acreage: The size of a farm in acres. "Farm acreage" does not include non-farm residential acreage.

Farm Residence: A single-family residence that is the only residential structure on the farm or is 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.

Floor Area: Area in square feet of all floors in a building including elevators and stairways, measured by perimeter of outside walls multiplied by the number of floors, including basements which are used in the primary function of the building.

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

Frontage: The smallest dimension of a lot abutting a public street measured along the street line.

Gross Farm Revenues: Means gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year.

Home Occupation: Any occupation for gain or support conducted entirely within buildings by resident occupants, which is clearly incidental to the principal use of the premises and does not exceed twenty-five percent (25%) of the area of any floor.

Household Pets: Dogs, cats, song birds and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs or other animals.

Interchange: A grade-separated intersection with one or more turning lanes for travel between intersection legs.

Kennel: The use of land, with related buildings or structures, for the commercial breeding, rearing, or boarding of more than three (3) dogs.

Land Use Permit: A permit granting authorization to locate, erect, move, reconstruct, extend, convert, or structurally alter a use, sign, structure, land, or water, pursuant to the requirements of this Code. Receipt of such a permit demonstrates compliance with all applicable Zoning Code requirements. A land use permit is separate from a building permit, which may be required under different Town Code.

Livestock Facilities with More Than 500 Animal Units: Means facilities covered by Wis. Adm. Code ch. ATCP 51.

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

Lot: A contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public road, occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other space provisions of this Code. For the purposes of this definition, the boundaries of the lot includes those commonly owned parcels that are abutting or touching at more than one point and those commonly owned parcels that are separated only by a waterway or a transportation or utility right-of-way. For zoning purposes, tax parcel identification numbers shall not be used in defining a lot.

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

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

Manufactured Homes: Any structure certified and labeled as a manufactured home under 42 U.S.C. 5401-5426, as may be amended, which is placed on a foundation and which, when erected on a site, has an area of at least 1,400 square feet of living area which is used as a single family dwelling and which has a separate well and sanitary system.

Minor Structures: A structure which is one hundred (100) square feet in area or less and is accessory to the principal use of the lot.

Mobile Home: A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electric conveniences as immobile housing.

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

Nonfarm Residence: A single family residence other than a farm residence.

Nonconforming Uses or Structures: Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Code which does not conform to the regulations of this Code or amendments thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Personal Wind Energy System: Personal wind energy system shall mean equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy for use by the individual land owner on the same property on which the wind energy system is located. Personal wind energy systems shall be limited to one for each property and shall not exceed a maximum blade tip height of 75 feet.

Prime Farmland: An area with a class I or II land capability classification as identified by the natural resources conservation service of the federal department of agriculture or land that is identified as prime farmland in a certified farmland preservation plan. Prime farmland soils are not necessarily associated with the boundaries of the A-1 Farmland Preservation Zoning District.

Principal Structure: A structure in which is conducted the principal use of the lot on which it is located.

Professional Home Office: A residence that contains a home office that is clearly incidental to the principal residential use of the premises and does not exceed one-half (1/2) the area of only one (1) floor of the residence, and no more than one (1) nonresident person is employed.

Property Ownership: All land, whether one parcel or two or more contiguous parcels that is under one ownership. For the purposes of this definition, when determining the property ownership boundaries, the term “contiguous parcel” includes those commonly owned parcels that are abutting or touching at one point or more and those commonly owned parcels that are separated only by a waterway or a transportation or utility right-of-way.

Protected farmland: Land that is located in the A-1 Farmland Preservation Zoning District, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.

Side Yard: A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the nearest point of any structure and the lot line.

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

Small Wind Energy System: A wind energy system that has a total installed nameplate capacity of 300 kilowatts of less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

Street Yard: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

Streets or Roads: A public right-of-way not less than forty (40) feet wide providing primary access to abutting properties.

Structure: Any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility.

Structural Alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Swimming Pool: Any structure, portable or permanent, containing a body of water 36 inches or more in depth, intended for recreational purposes, but not including a wading pool, an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming, does not include temporary, portable blow-up pools, wading pools, or kiddie pools.

Travel Trailer: A travel trailer is a vehicular, portable, structure built on a chassis and designed as a temporary dwelling for travel, recreation and vacation.

Trailer Space: A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

Turning Lanes: An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Useable Open Space: Space suitable for recreations, gardens, or household service activities, such as clothes drying. Such space must be at least 75 percent open to the sky, free of automobile traffic, parking, and undue hazards, and readily accessible by all those for whom it is intended.

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, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Wind Energy System: Shall mean equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

Yard: An open space on the same lot with a structure unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Zoning Administrator: The Zoning Administrator for the Town of Fox Lake or such person or firm designated to perform the duties of the Zoning Administrator.