CODE OF ORDINANCES
OF THE
TOWN OF RED RIVER

KEWAUNEE COUNTY, WISCONSIN

CHAPTER 10: ZONING ORDINANCE

Rev 2026

DATCP Certification

September 1, 2017

Town Board Adoption

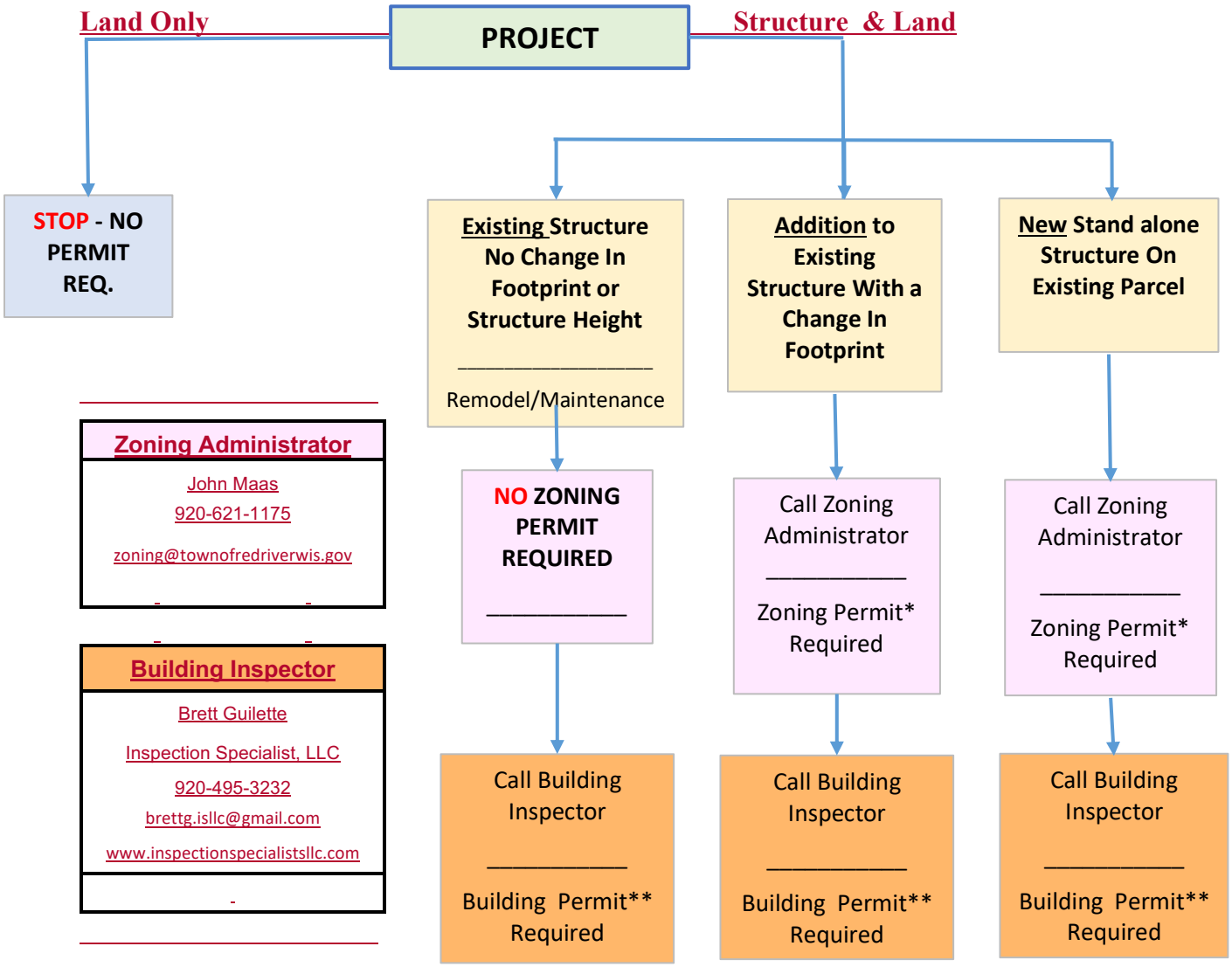
September 13, 2017

Amended:

March 10, 2021

Official Zoning Map is on file with the Town of Red River Zoning Administrator

Follow this flowchart to determine permit reqirements for any projects in the Town Of Red River



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* Zoning Permit Fee - see Fee Resolution - Town of Red River website

**Building Permit - see fees - Building Inspector website *(link can be found on Town website)*

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APPENDIX

Farmland Preservation Zoning DATCP Certification Materials

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10.0100 INTRODUCTION

10.0101 Title

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, TOWN OF RED RIVER, WISCONSIN".

10.0102 Authority

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

10.0103 Purpose

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

10.0104 Intent

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

10.0105 Abrogation and Greater Restrictions

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

10.0106 Interpretation

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

10.0107 Severability

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

10.0108 Repeal

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

10.0109 Effective Date

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

10.0200 GENERAL PROVISIONS

10.0201 Jurisdiction

This ordinance applies to all land uses, structures, and development within the unincorporated limits of the Town of Red River, Kewaunee County, Wisconsin.

10.0202 Compliance and Permit

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, enlarged, constructed, reconstructed, moved, or structurally altered without the issuance of a Zoning ~~Building~~ Permit, unless specifically exempted in section 10.0210, and without full compliance with the provisions of this Ordinance and all other applicable local, county, state, and federal regulations. No building or structure or part thereof shall hereafter be erected, enlarged, constructed, reconstructed, or structurally altered without the issuance of a Building Permit if such activity is subject to the Wisconsin Uniform Dwelling Code.

10.0203 Town Plan Commission

In general, the Town Plan Commission shall have such authority as may be necessary to enable it to perform its function, promote community planning, and implement the purposes of this Ordinance. The Town Plan Commission shall have the power to carry out the following duties under this Ordinance.

A. To review all applications for Conditional Use Permits and report said findings and recommendations to the Town Board in accordance to the provisions of this Ordinance.

B. To review all zoning changes and Amendment requests to this Ordinance and report said findings and recommendations to the Town Board.

C. To receive from the Zoning Administrator recommendations as related to the effectiveness of this Ordinance and report his/her conclusions and recommendations to the Town Board.

D. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Plan Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

10.0204 Zoning Administrator

The Town Board of Red River shall appoint a Zoning Administrator. The Town Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance. The Town Zoning Administrator shall have the following responsibilities and duties:

A. Issue all ~~land and~~ Zoning~~Building~~ Permits and make and maintain records thereof.

B. Issue all rezoning certificates and make and maintain records thereof.

C. Conduct inspection of buildings, structures, and use of land and water to determine compliance with the terms of this Ordinance.

D. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.

E. Forward to the Town Plan Commission all applications for Conditional Uses and for Amendments to this Ordinance that are initially filed with the Zoning Administrator.

F. Forward to the Board of Appeals applications of appeals, variances, or other matters on which the Board of Appeals is required to act on under this Ordinance.

G. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, Amendments, Conditional Uses, Variances, Appeals, and applications thereof.

H. Initiate, direct and review from time to time, a study of the provisions of this Ordinance and to make reports of its recommendations to the Town Plan Commission.

I. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall consult with the Town Board and only with their advice and consent, shall thereafter notify, in writing, the person responsible for such violation and ordering the action necessary to correct it.

J. Attend meetings of the Plan Commission or the Board of Appeals for the purpose of providing background information, references, circumstances, and other relevant information when requested by the Plan Commission or Board of Appeals.

10.0205 ~~Reserved~~Building Inspector

The Town Board of Red River shall appoint a Building Inspector. The Town Building Inspector is hereby designated as the Town's enforcement officer of the Wisconsin Uniform Dwelling code. The Building Inspector shall focus on ensuring safety, code compliance, and structural integrity through methodical, on-site evaluations. The Building Inspector shall have the following responsibilities and duties:

A. **Site Safety and Access**: Verify site cleanliness, proper fencing, and safe access routes for workers and inspectors.

B. **Foundation/Structure**: Check foundation pouring, footing depth, rebar placement, and check for foundation cracks or water damage.

C. **Structural Framing**: Inspect wall, floor, and roof framing for structural integrity and proper load transfer.

D. **Building Envelope (Exterior)**: Verify that windows, doors, and exterior siding are installed properly to prevent water intrusion.

E. **MEP (Mechanical, Electrical, Plumbing) Rough-In**: Inspect electrical panels for proper labeling, grounding, and wire size; check plumbing for leaks and proper drainage/venting.

F. **HVAC Systems**: Inspect heating and air conditioning installations for proper ductwork, clearances, and functionality.

G. **Life Safety Systems**: Test smoke detectors, CO detectors, and fire suppression systems (sprinklers).

H. **Accessibility (ADA Compliance)**: Ensure compliance with accessibility standards (e.g., ADA-compliant ramps, parking, restroom grab bars).

I. **Final Inspection**: Ensure all electrical fixtures are installed, the building is finished, and all egress paths are clear.

~~10.0205~~

10.0206 ~~Reserved~~**Building Permit**

10.0207 **Zoning~~Building~~ Permit**

The primary purpose for a ~~Buildin~~Zoning~~g~~ Permit in the Town is to help ensure construction activity in the Town is mindful of the Town's Zoning Ordinance. A ~~Building~~ Zoning Permit is also required to aid the Town Assessor in keeping the Town Assessed Value up-to-date. The Zoning~~Building~~ Permit Fee is a minor contribution to tax revenues for the first year of Property Enhancement.

The Town recognizes there is a difference between Property Enhancement and Property Maintenance and does not charge a Zoning~~Building~~ Permit Fee for property maintenance. However, a Building Permit is required for Property Maintenance activity to ensure compliance with the Town's Zoning Ordinance and aid the Town Assessor in keeping the Town Assessed Value up to date. ~~A~~ Zoning~~Building~~ and Building Permit Fees will be charged for Property Enhancement activities.

Failure to obtain required ~~a~~ Zoning~~Building~~ Permit and/or Builing Permit shall constitute the basis for a civil forfeiture action on behalf of the Town in accordance with Section 10.1300 of this Ordinance.

10.0208 Application for ZoningBuilding Permit

A. Applications for a ZoningBuilding Permit shall be made to the Zoning Administrator by the landowner or his authorized agent and shall include the following, where applicable.

1. Plans and information required by Section 10.0700 of this Ordinance.
2. A copy of the plat or certified survey map of the proposed building site.
3. A plat, in duplicate, drawn at a minimum scale of one inch to 100 feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Town Plan Commission and Zoning Administrator for the proper enforcement of this Ordinance.
4. Estimated cost of the construction activity.
5. For new residential dwellings a Dyckesville Sanitary District Sewer Lateral Installation Permit, proposed sewage disposal plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Kewaunee County Zoning Administrator for the installation of a private onsite wastewater treatment system, or other appropriate means of waste disposal.
6. Condominium Declaration. Any developer of land in the Town who elects to create and market a condominium pursuant to s. 703 Wis. Stats., shall submit a copy of the Condominium Declaration, and any Amendment thereto, to the Zoning Administrator to be attached to the file copy of the ZoningBuilding Permit application.
7. Additional information as may be required by the Town Board, Plan Commission, or Zoning Administrator. Prior to the issuance of a ZoningBuilding Permit, plans for residential construction or additions on lots or parcels, including existing substandard lots or parcels, may be reviewed by the Zoning Administrator and/or Plan Commission for compatibility with the neighborhood character and to examine impact on neighboring properties with regards to building height, storm water runoff, and drainage plans.

B. A ZoningBuilding Permit shall be granted or denied in writing by the Zoning Administrator. The permit shall expire within twelve (12) six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

C. A fee receipt from the Town Clerk shall be submitted with the application.

10.0209 Cases Where ZoningBuilding Permits Are Required

A. Where any Principal Structure and/or any Accessory Structure building or other structure, with a market value exceeding $5,000 is erected, moved or structurally altered.

~~B. For any Accessory Building where the market value of the labor and materials exceeds $5,000~~.

~~C. For any interior improvements where the market value of the labor and materials exceeds $5,000.~~

~~D. For any exterior maintenance repairs having a cost or fair market value of $5,000 or more.~~

10.0210 **Cases Where Zoning~~Building~~ Permits Are Not Required**

No Zoning~~Building~~ Permit shall be required for any of the following:

~~A. For any Accessory Building where the market value of the labor and materials does not exceed $5,000, provided that such building conforms to this Ordinance including all the setback, yard and open space requirements.~~

~~B.~~A. For any interior improvements or alterations to an existing building ~~where the market value of the labor and materials does not exceed $5,000,~~ which shall not affect a structural change in use or encroach upon any yard or open space or otherwise violate the requirements of this Ordinance.

~~C.~~B. For any exterior maintenance repairs ~~having a cost or fair market value of less than $5,000,~~ which shall not ~~offset~~ result in a structural change in use or encroach upon any required yard or open space or otherwise violate the requirements of this Ordinance.

10.0211 **Conditional Use Permit**

See Section 10.0500.

10.0212 **Occupancy Permit**

A. No vacant land shall be occupied or used; and no building or premises shall be erected, altered, moved or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until a ~~building~~ Zoning ~~permit~~ Permit shall have been applied for to the Zoning Administrator and issued by the Zoning Administrator. The ~~building~~ Zoning ~~permit~~ Permit shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance.

An occupancy permit shall be applied for and obtained prior to occupation from the Town Building Inspector to inspect and ensure buildings are constructed in accordance with approved building, electrical, plumbing, and/or HVAC plans and specifications. The Town Building Inspector shall provide documentation of compliance, allowing occupancy, to the Town Zoning Administrator.

10.0213 **Reserved**

10.0214 **Reserved**

10.0215 **Reserved**

10.0216 Permits that Authorize "Reasonable Accommodations": for a Disabled Person(s).

A. The Zoning Administrator will use a ~~Building~~ Zoning Permit that waives specified Zoning Ordinance requirements, if the Zoning Administrator determines that both of the following conditions have been met.

1. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation is:

   (a) Necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and

   (b) The minimum accommodations that will give the handicapped or disabled persons adequate relief.

2. The accommodation will not unreasonably undermine the basic purposes the Zoning Ordinance seeks to achieve.

B. If the Zoning Administrator issues either to a handicapped or disabled person, or to the owner of a place of public accommodation, a Zoning~~Building~~ Permit waiving compliance with specified zoning requirements, the Zoning~~Building~~ Permit must:

1. State that issuance of the Zoning~~Building~~ Permits required by Federal Fair Housing Act, the Wisconsin Open Housing Law, or the Americans with Disabilities Act, or any combination of them; and

2. Include the condition that the building addition or other structure (such as entrance ramps) authorized by the Zoning~~Building~~ Permit must be constructed to make it easily removable when the handicapped or disabled person no longer occupies the property, unless the Town Zoning Administrator specifies in writing, reason for not including the condition. If the Zoning~~Building~~ Permit includes this condition, the property owner must notify the Zoning Administrator not more than 30 days after the handicapped or disabled person vacates the property.

C. In cases where the Zoning Administrator issues a handicapped or disabled person a Zoning~~Building~~ Permit conditioned on removal of the building addition or other structure when the handicapped or disabled person no longer occupies the property, the Zoning~~Building~~ Permit will not become effective until the property owner:

1. Signs an affidavit that includes the legal description of the property and acknowledges that the building addition or other structure authorized by the Zoning~~Building~~ Permit ~~t~~ is authorized for only the period a handicapped or disabled person who requires the structure occupies the property, and

2. Records the affidavit with the Town Clerk.

10.0217 Other Permits

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

10.0218 General Use Requirements

A. No building or other structure shall hereafter be erected or altered:

- To exceed the height or bulk;
- To accommodate or house a greater number of families;
- to occupy a greater percentage of lot area;
- To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance.

B. All Principal Buildings shall be located on a lot; and **only one Principal Building shall be located, erected, or moved onto a lot**, except in the case of a Planned Unit Development.

C. Permitted Principal Uses, Permitted Accessory Uses, and Conditional Uses are limited to the uses indicated for the respective zoning districts.

D. Accessory Uses and structures are permitted in any district but **not until their Principal Building is present or under construction**.

E. Unless specified elsewhere in this Ordinance, Conditional Uses and their Accessory Uses are considered as special uses requiring review, Public Hearing and approval by the Plan Commission and Town Board and issuance of a Conditional Use Permit.

F. No yard or lot existing at the time of the Effective Date of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the Effective Date of this Ordinance shall meet at least the minimum requirements (for the zoning district within which the lot is located) established by this Ordinance.

G. No part of the required Front yard shall be used for permanent open storage of boats, vehicles or any other equipment except for vehicular parking on driveways. All open storage areas shall be properly landscaped.

H. Holding tanks will be allowed in the Town only if no other means of proper sewage disposal is available as determined by Kewaunee County Zoning Administrator. An individual landowner will be required to follow all

regulations established by Kewaunee County Private Sewage System Ordinance and Wisconsin's Administrative Code, SPS 383 pursuant to this provision of the Ordinance.

I. Temporary Uses, such as real estate sales or rental field offices or shelters for materials and equipment being used in the construction of a permanent structure, or onsite asphalt plants or concrete batch plants may be permitted for a period of up to one year by the Town Board. Temporary use Permits may be renewed if the Town Board deems such renewal appropriate.

10.0219 **Site Requirements**

A. All lots shall have a **minimum of 50 feet of road frontage** at the road right of way.

B. No Zoning~~Building~~ Permit shall be issued unless the main body of the lot upon which the building or structure is to be erected fronts on a public road, or a private road that existed at the time of the Effective Date of this ordinance.

C. No existing private road shall be used or extended to provide access to a lot, building, or dwelling unit which was not existing and which was not provided access by the private road as of the Effective Date of this ordinance.

D. No structure may be constructed, erected, or moved onto land that is unsuitable by reason of adverse soil or rock formations, concentrated runoff, flooding, inadequate drainage, low bearing strength, susceptibility to erosion, unfavorable topography, or any other reason likely to be harmful to the aesthetics, general welfare, health, prosperity, and safety of the community.

E. In any district where public sanitary sewer is not available, the width and area of all lots shall be sufficient to Permit the use of a private onsite waste treatment system designed in accordance with Chapters SPS 383 and SPS 385 of the Wisconsin Administrative Code.

F. **Minimum Floor Area for Dwellings**: Unless specified elsewhere in this Ordinance, no Dwelling shall contain less than 980 square feet of living area.

G. **Principal Building Area Requirements**: Unless specified elsewhere in this Ordinance, the minimum exterior width shall be 22 feet at its narrowest point of its first story for a depth of 20 feet, exclusive of porches (enclosed or open), garages, decks, and other similar structural additions.

10.0220 **Compliance with the Americans with Disabilities Act**

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

10.0221 Setback Requirements from State and Federal Highways, County Highways, Town Roads, and Private Roads

A. State and Federal Roads. There shall be minimum building setback of 110 feet from the centerline of state and federal trunk highways or 50 feet from the edge of the right of way, whichever is greater (See Section 10.0304).

B. County Roads. There shall be a minimum building setback of 75 feet from the centerline of county trunk highways or 42 from the feet edge of the right of way, whichever is greater (See Section 10.0304).

C. Town Roads. There shall be a minimum building setback of 63 feet from the centerline of Town roads or 30 feet from the edge of the right of way, whichever is greater (See Section 10.0304).

D. Private Roads. There shall be a minimum building setback of 63 feet from the centerline of private roads or 30 feet from the edge of the described road or road easement, whichever is greater.

E. Setback Averaging. A Front Yard setback less than the Front Yard setback required by this Ordinance may be permitted provided that:

1. There are at least five (5) existing main buildings existing at the Effective Date of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback and located on the same side of the road as the proposed site.

2. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback.

3. In no case shall the required setback be less than 10 feet.

4. Such setback shall be granted by a Permit from the Plan Commission and shall not require a Variance.

10.0222 Visual Clearance Triangle

A. In each quadrant of every public road intersection, there shall be a visual clearance triangle bounded by the road center lines and a line connecting points on them 300 feet from a state or federal highway intersection, 200 feet from a county highway intersection and 150 feet from a Town road intersection. Uses permitted in a visual clearance triangle include:

1. Open fences (Refer to Section 10.0408).

2. Telephone, telegraph and power transmission poles, lines and portable equipment.

3. Field crops, shrubbery and trees, except that no trees or shrubbery may be planted within a visual clearance triangle so as to obstruct the view (Refer to Section 10.0408).

10.0223 Height Requirements

A. Except as otherwise provided in this Ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which the building is located.

B. Except as otherwise provided in this Ordinance, Accessory farm buildings, belfries, cupolas, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, wind mills, scenery lofts, tanks, water towers, ventilators, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this Ordinance.

C. All other non-residential structures and public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

D. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.

10.0224 Kewaunee County Shoreland Zoning Ordinance

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

10.0300 ZONING DISTRICTS

10.0301 Zoning Districts Established

For the purpose of this Ordinance, the Town of Red River, Kewaunee County, Wisconsin, is hereby divided into the following zoning districts:

A-1 Prime Agricultural District

LE Large Estate Residential District

RS Single-Family Residential District

RR Rural Residential District

RM Multiple Family Residential District

B-1 Business/Commercial District

I-1 Industrial District

LCO Lowland Conservancy District

NEO Niagara Escarpment Overlay District

CTH DK Highway Corridor Overlay District

PDO Planned Development Overlay District

10.0302 Zoning Map

Boundaries of the aforementioned zoning districts are hereby established as shown on the official zoning map entitled "Farmland Preservation Zoning Map, Town of Red River, Kewaunee County, Wisconsin"; which accompanies and is herein made part of this Ordinance. This Ordinance hereby incorporates herein any future changes to the Farmland Preservation Z~~z~~oning M~~m~~ap or any later zoning maps that may be adopted by ordinance of the Town Board. The Town Clerk shall keep an official zoning map and a copy of each revision to the official zoning map.

10.0303 Interpretation of District Boundaries

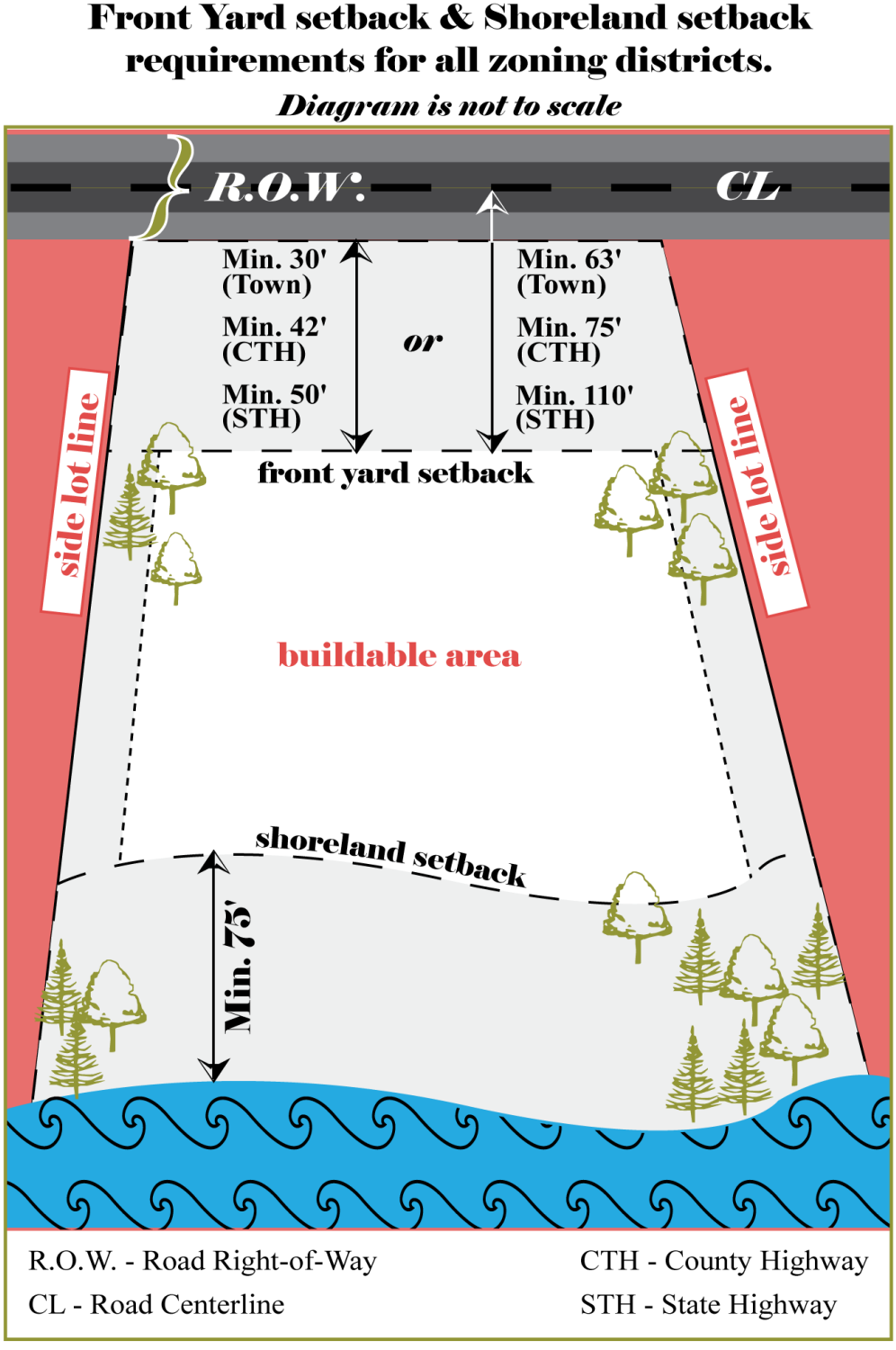
A. District boundary lines are the center lines of highways, roads, alleys, and pavements; or right-of-way lines of railroads and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.

B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a road or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the road or highway, and length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of roads and highways, or railroad rights-of-way, unless otherwise indicated.

C. Where a district boundary line divides a lot in single ownership on the Effective Date of this Ordinance, the Town Board, after a Public Hearing may extend the regulation for either portion of such lot.

10.0304 **Yard Setbacks For All Districts**

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



10.0305 A-1 Prime Agriculture District

A. Purpose

The purpose of the Prime Agriculture (A-1) district is to protect the agricultural industry from scattered nonagricultural development that may displace Agricultural Uses and is, therefore, not intended to accommodate future nonagricultural growth. It is intended that this district apply to lands included in productive farm operations and which have historically exhibited good crop yields, or are capable of such yields; have demonstrated productivity for dairying, livestock raising, and grazing; have been used for production of specialty crops such as tree and plant materials, fruits, and vegetables; or have been integral parts of such farm operations. This district is not intended to accommodate or facilitate nonagricultural growth.

B. Permitted Principal Uses

The following Principal Uses are permitted uses in the A-1 district:

1. Agricultural Uses (see Section 10.1502).
2. Essential Services consistent with Wis. Stat. § 91.44.
3. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a Conditional Use Permit for that use.
4. Undeveloped natural resource and open space areas.

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the A-1 district only when there is a permitted Principal Use present:

1. Agricultural Accessory Uses (see Section 10.1502), except:
   (a) Aircraft facilities, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, require a Conditional Use permit under Section 10.0305(D)(2).
   (b) Farm structures consistent with 91.01(1)(a), that are used as Hunting and Fishing Cabins, require a Conditional Use permit under Section 10.0305(D)(7).
   (c) Riding and Boarding Stables, consistent with Wis. Stat. § 91.01(1), require a Conditional Use permit under Section 10.0305(D)(11).
2. Roadside Stand consistent with Wis. Stat. § 91.01(1), limit one, which must be placed outside the right-of-way and which may not interfere with or present a hazard to any person, property, or traffic (see Section 10.1502).

3. Parcels that are actively engaged in farming in the A-1 District are exempt from the Town of Red River Ordinance 10.0404 – Accessory Uses and Structures, Section E, 1 through 6.

D. Conditional Use

The following Conditional Uses in the A-1 district are allowed only after a Public Hearing and approval by the Town Board.

1. Agriculture-Related Uses (see Section 10.1502).
2. Airfields, airports, and heliports, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, however are not open to the public.
3. Transportation, communications, pipeline, electric transmission, utility, or drainage uses consistent with Wis. Stat. § 91.46(4).
4. Farm Consolidation.

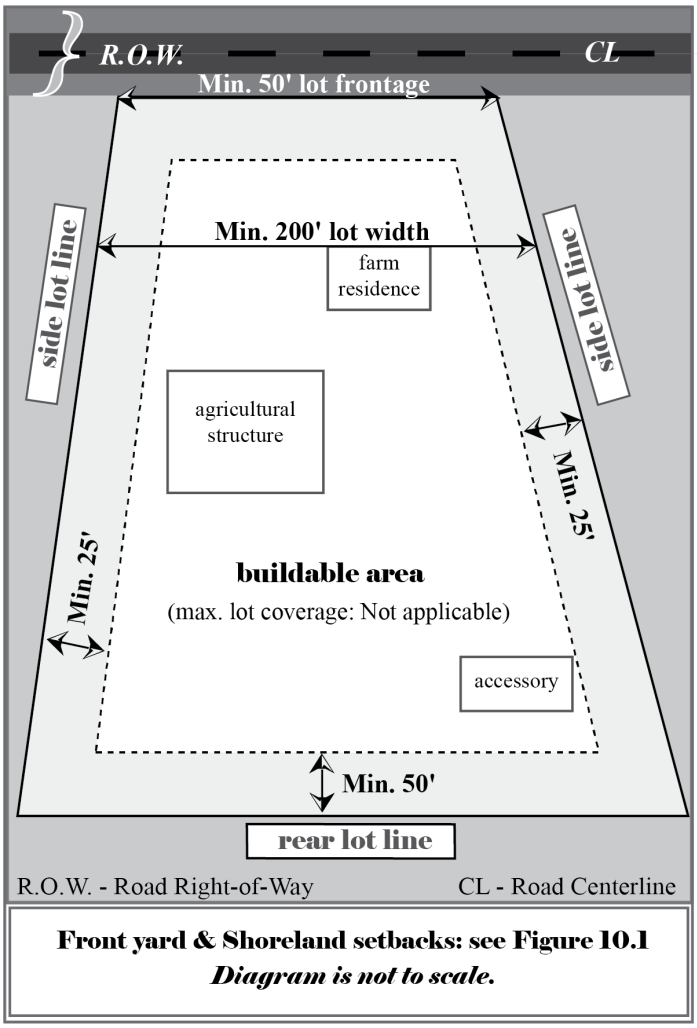
   For the purposes of farm consolidation, farm dwellings and related farm structures that existed prior to December 1, 1985, may be separated from the farm plot provided that the parcel created conforms to all regulations set forth in the Large Estate Residential District (LE).
5. Farm residence.
6. Farm residence, one additional single-family dwelling.
7. Farm structures consistent with 91.01(1)(a), that are used as Hunting and Fishing Cabins.
8. Institutional, governmental uses, and religious uses consistent with Wis. Stat. § 91.46(5) such as: colleges, universities, schools (elementary, junior high and senior high), hospitals, churches and other religious institutions, cemeteries, public parks, public recreation sites, and public golf courses.
9. Manmade ponds.
10. Quarries, sand, and gravel pits and non-metallic mining consistent with Wis. Stat. § 91.46(6). (See *Chapter 13: Mining and Quarrying Ordinance* and *Chapter 14: Blasting Ordinance* of the *Town of Red River Code of Ordinances*)
11. Riding and Boarding Stables consistent with Wis. Stat. § 91.01(1).
12. Signs. (See 10.0411 of this Ordinance)
13. A business, activity, or enterprise, whether or not associated with an Agricultural Use, which meets all of the following requirements:
    (a) It is conducted on a farm by an owner or operator of that farm.
    (b) It requires no buildings, structures, or improvements other than those defined as "Agricultural Accessory Use" or "Farm Residence."

(c) It employs no more than 4 full-time employees annually.

(d) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

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

Prime Agriculture (A-1)	
Lot Size:	
Minimum lot area	18 acres
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard:	*See Section 10.0304, but not less than 30 ft.*
Minimum rear:	50 ft.
Minimum side:	25 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 10.0223)	
Maximum Farm Residence:	35 ft.
Maximum Farm Residence Accessory:	184 ft.
Maximum Agricultural Structures:	60 ft.



F. Rezoning Land Out of the A-1 District

1. Town may not rezone land out of the A-1 zoning district unless the town does all of the following prior to the rezoning:

(a) Finds all of the following in writing, after Public Hearing, as part of the official record of the rezoning:

- The rezoned land is better suited for a use not allowed in the A-1 zoning district.
- The rezoning is consistent with any comprehensive plan, adopted by the Town which is in effect at the time of the rezoning.
- The rezoning is substantially consistent with the Kewaunee County farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

2. By March 1 of each year, the Zoning Administrator shall provide a report to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) identifying the number of acres that the Town has rezoned out of the A-1 zoning district during the previous calendar year and a parcel map that clearly shows the location of those acres.

3. By March 1 of each year, the Zoning Administrator shall submit a copy of the information that it reports to DATCP under 10.0305(F)(2) to Kewaunee County.

G. A-1 District Nonconformities.

1. Prior nonconforming uses on A-1 zoned parcels (e.g., individual houses, churches, or business) that existed prior to the Effective Date of this ordinance are allowed to continue in the A-1 district, subject to Wis. Stat. s. 60.61(5). This ordinance prohibits any alteration of, or addition to, any existing building, premises, structure, or fixture used to carry on an otherwise prohibited trade or industry within the A-1 district. If a use that does not conform to the A-1 district is discontinued for a period of 12 months, any future use of the land, building, premises, structure, or fixture shall conform to the ordinance.

2. Any A-1 parcels under 18 acres that existed prior to the Effective Date this Ordinance are allowed to continue as A-1 nonconforming substandard parcels subject to the provisions contained in Sections 10.1001 thru 10.1004.

10.0306 LE Large Estate Residential District

A. Purpose

The purpose of the Large Estate Residential (LE) district is to provide a for low density residential uses on large lots while allowing for agricultural activity in mostly rural areas of the Town. The district applies to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration, and/or topography; and may serve as a transitional district between the Prime Agriculture district and more densely developed areas. The low-density requirements are intended to provide for areas where the presence of vegetation and open space helps create quiet and visually attractive residential areas.

B. Permitted Principal Uses

The following Principal Uses are permitted uses in the LE district:

1. Agricultural Uses including livestock and poultry raising, nurseries, farm ponds, stock farms, and other similar enterprises or uses (see 10.0306 (E) for Animal Units allowed).
2. Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in s. 60.63 Wis. Stats., and Site Plan approval in accordance with Section 10.0700 of this Ordinance.
3. Essential Services.
4. Gardening, including truck gardens, nurseries, greenhouses, and orchards.
5. Governmental buildings.
6. Grade schools, cemeteries, churches and their affiliated uses.
7. Public parks, playgrounds, recreational and community center buildings and grounds.
8. Single family dwelling, subject to Plan Commission approval and Town Board approval.
9. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a Conditional Use Permit for that use.
10. Water storage facilities and their Accessory Buildings.

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the LE district only when there is a permitted Principal Use present:

1. Roadside Stand, one, which must be placed outside the right-of-way and which may not interfere with or present a hazard to any person, property, or traffic (see Section 10.1502).

D. Conditional Use

The following Conditional Uses in the LE district are allowed only after a Public Hearing and approval by the Town Board.

~~1.~~ Accessory Buildings, including buildings clearly incidental to the residential use of the property; provided however, that no Accessory Building may be used as a separate dwelling unit. ~~The Town Board may approve a Conditional Use Permit for an Accessory Building/Structure in the LE District without a Public Hearing provided that:~~

~~(a) Plan Commission has recommended approval,~~

~~(b) Two (2) notices have been on Town Board agenda (two consecutive months), and~~

~~(c)~~1. ~~No RS, RR, or RM zoned parcels are within 300 ft. of the parcel seeking Town Board approval.~~

2. Camps and recreational vehicle parks.

3. Cellular Towers

4. Commercial Television and Radio Antennas

5. Community living arrangements with a capacity for 9 or more persons subject to the limitations set forth in s. 60.63 Wis. Stats.

6. Day Care Center.

7. Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations and other Agricultural Uses.

8. Home Business, See Section 10.0407 of this Ordinance.

9. Home Occupation, See Section 10.0406 of this Ordinance.

10. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.

11. Kennels.

12. Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

13. Public landfills, warehouses, garages, shops and storage areas.

14. Quarries, sand, and gravel pits and non-metallic mining. (See *Chapter 13: Mining and Quarrying Ordinance* and *Chapter 14: Blasting Ordinance* of the *Town of Red River Code of Ordinances*)
15. Two-family dwelling, only as a result of the conversion of an existing single-family dwelling.
16. Wind Turbines.
17. Storage of fireworks
    (a) Storage of fireworks must meet/follow all ATF Regulations for storage (magazines).
    (b) Fireworks magazines must be located a minimum of 150 feet from all lot lines and the minimum distance from a residence per ATF requirements.

E. Animal Units.

The LE District is limited to 1.4 Animal Units per acre based on the following table (Table 10.1):

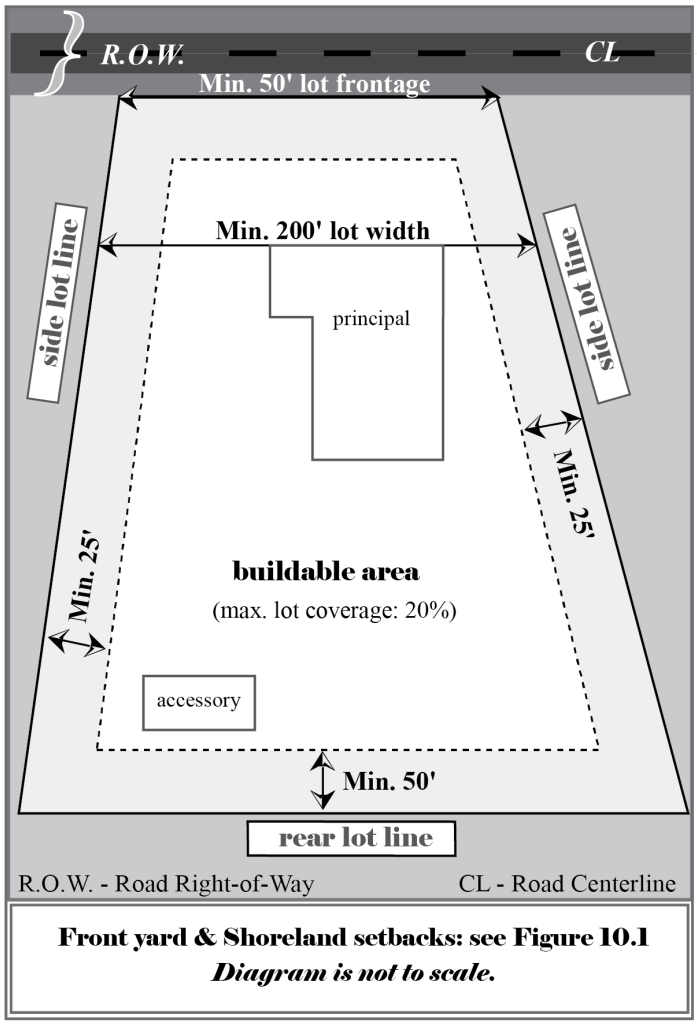
Table 10.1: Animal Units for LE Zoning District, Town of Red River.

Number Equivalent to 1,000 Animal Units	Animal Type	Animal Equivalency Factor
	Dairy Cattle:	
700	Milking and Dry Cow	1.40
910	Heifers (800 to 1,200 lbs)	1.10
1,670	Heifers (400 to 800 lbs)	0.60
5,000	Calves (under 400 lbs)	0.20
	Beef Cattle:	
1,000	Steers or Cows (600 lbs to Mkt)	1.00
2,000	Calves (under 600 lbs)	0.50
700	Bulls	1.40
	Swine:	
2,500	Pigs (55 lbs to Mkt)	0.40
10,000	Pigs (up to 55 lbs)	0.10
2,500	Sows	0.40
2,000	Boars	0.50
	Sheep:	
10,000	Per Animal	0.10
	Horses:	
500	Per Animal	2.00
	Ducks:	
5,000	Per Bird (Wet Lot)	0.20
100,000	Per Bird (Dry Lot)	0.01
	Chickens:	
100,000	Layers	0.01

Number Equivalent to 1,000 Animal Units	Animal Type	Animal Equivalency Factor
200,000	Broilers	0.005
100,000	Broilers (continuous overflow	0.01
30,000	Layers or Broilers (liquid manure	0.033
	Turkeys:	
55,000	Per Bird	0.018
	COMBINED ANIMAL UNITS:	
1,000	Calculated Total	

F. Yard Requirements for Permitted Principal and Conditional Uses within the LE District:

Large Estate Residential (LE)	
Lot Size:	
Minimum lot area	5 acres
Maximum lot area	17.99 acres
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard:	*See Section 10.0304, but not less than 30 ft.*
Minimum rear:	50 ft.
Minimum side:	25 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 10.0223)	
Maximum Residence:	35 ft.
Maximum Residential Accessory:	184 ft.
Maximum Agricultural Structures:	60 ft.



Front yard & Shoreland setbacks: see Figure 10.1
Diagram is not to scale.

10.0307 RS Single Family Residential District

A. Purpose and Intent of the RS Single Family Residential District

The RS Single Family Residential district is intended to provide primarily for single family residential development, particularly in areas adjacent to the shores of Green Bay or 2nd tier lots (i.e., not directly adjacent to the waterfront). This district applies to those areas served by municipal sewer.

B. Permitted Principal Uses

The following Principal Uses are permitted uses in the RS district:

1. Single-family dwellings.
2. Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in s. 60.63 Wis. Stats.
3. Essential Services.
4. Public parks, playgrounds and athletic fields.
5. Public, parochial and private, elementary, junior high and senior high schools.

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the RS district only when there is a permitted Principal Use present:

1. Private garages, carports, and driveways.
2. Tool houses, sheds and other similar buildings used for the storage of common supplies.

D. Conditional Uses

The following Conditional Uses in the RS district are allowed only after a Public Hearing and approval by the Town Board.

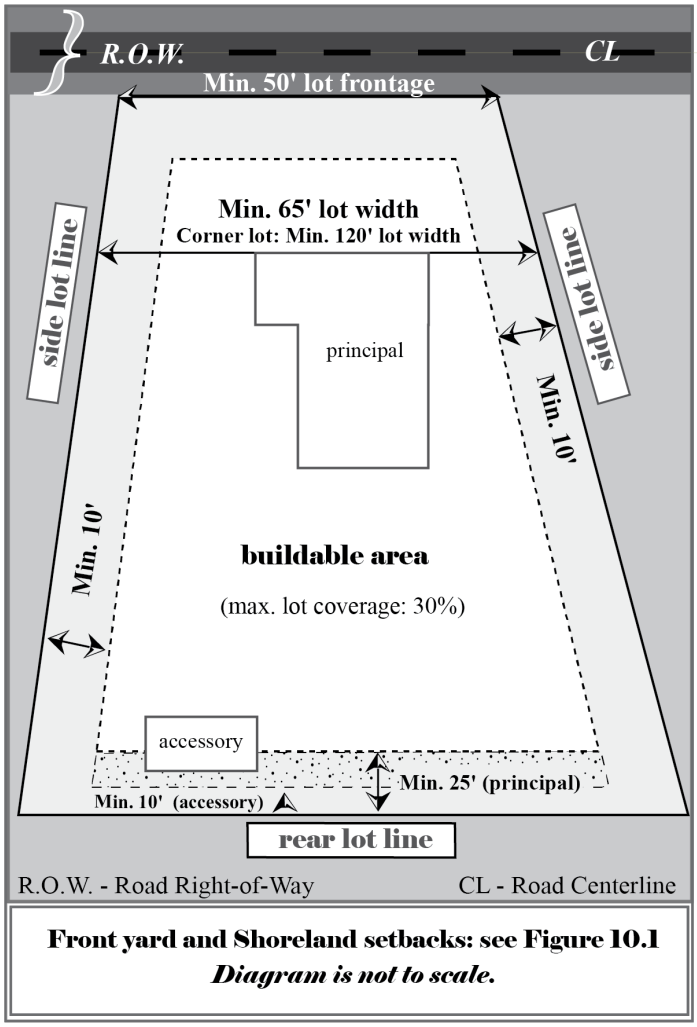
1. Bed and Breakfast.
2. Two-family dwellings.
3. Cemeteries.
4. Churches, chapels, temples, synagogues, rectories, parsonages and parish houses.
5. Community living arrangements with a capacity for 9 or more persons subject to the limitations set forth in s. 60.63 Wis. Stats.
6. Fire stations, police stations, post offices and other municipal facilities necessary for Town operation.
7. Home Occupation. See Section 10.0406 of this Ordinance.
8. Keeping of poultry (see Section 10.0307 F)
9. Professional offices.

10. Public recreational and community center buildings and grounds.

11. Transmission lines, substations, telephone and telegraph lines and public utility installments.

E. Yard Requirements for Permitted Principal and Conditional Uses within the RS District:

Single Family Residential (RS)	
Lot Size:	
Minimum lot area	10,000 sq. ft.
Minimum lot width at building line	65 ft.
Minimum lot width at building line, corner lot	120 ft.
Yard Setbacks:	
Front yard:	*See Section 10.0304, but not less than 30 ft.*
Minimum rear:	
Principal use	25 ft.
Accessory use	10 ft.
Minimum side	10 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 10.0223)	
Maximum Principal:	35 ft.
Maximum Accessory:	184 ft.



Front yard and Shoreland setbacks: see Figure 10.1
Diagram is not to scale.

F. Keeping of Poultry in the RS district.

Lots on which poultry are maintained shall be limited as follows.

1. Chickens only; no more than four (4).

2. Roosters are prohibited in RS district.

3. Keeping of poultry requires Town Board approval.

10.0308 RR Rural Residential District

A. Purpose and Intent of the RR Rural Residential District

The intent of the RR district is to provide primarily for residential and low-impact non-residential development on relatively small lots, served by private onsite waste treatment systems and private wells, and in areas that do not infringe on agricultural uses. The district's provisions are intended to provide for areas where the presence of vegetation and open space helps create quiet and pleasant living areas.

B. Permitted Principal Uses

The following Principal Uses are permitted uses in the RR district:

1. Single-family dwellings.
2. Community living arrangements with a capacity for 8 or fewer persons and foster homes subject to the limitations set forth in s. 60.63 Wis. Stats.
3. Churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
4. Essential Services.
5. Public parks, playgrounds, and athletic fields.

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the RR district only when there is a permitted Principal Use present:

1. Day Care Home, family.
2. Home Occupation. Section 10.0406 of this Ordinance.
3. Private garages, carports, and driveways.
4. Roadside Stand, one, which must be placed outside the right-of-way and which may not interfere with or present a hazard to any person, property, or traffic (see Section 10.1502).
5. Tool houses, sheds and other similar buildings used for the storage of common supplies.
6. Animal care livestock housing; with prior approval from Plan Commission regarding size, design, and location on lot.

D. Conditional Uses

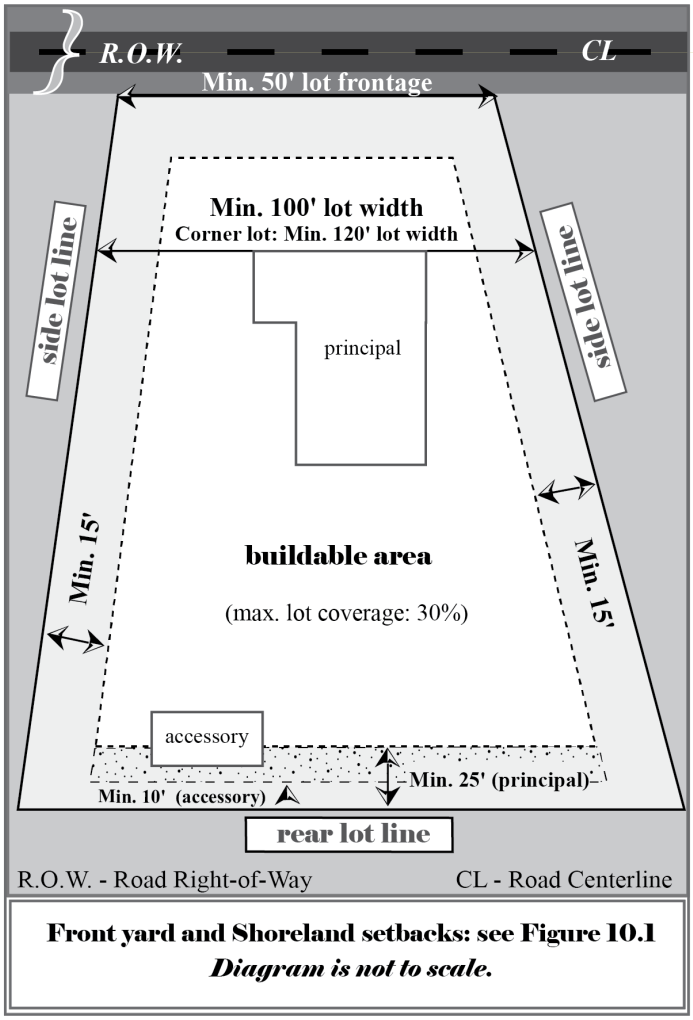
The following Conditional Uses in the RR district are allowed only after a Public Hearing and approval by the Town Board.

1. Airfields, airports, and heliports.
2. Cemeteries.
3. Two-family dwellings.

4. Community living arrangements with a capacity for 9 or more persons subject to the limitations set forth in s. 60.63 Wis. Stats.
5. Day Care Center.
6. Fire stations, police stations, post offices and other municipal facilities necessary for Town operation.
7. Care and housing of animals (see Section 10.0308 F)
8. Public and private campgrounds.
9. Water storage facilities.

E. Yard Requirements for Permitted Principal and Conditional Uses within the RR District:

Rural Residential (RR)	
Lot Size:	
Minimum lot area	1.5 acres
Minimum lot width at building line	100 ft.
Minimum lot width at building line, corner lot	120 ft.
Yard Setbacks:	
Front yard:	*See Section 10.0304, but not less than 30 ft.*
Minimum rear:	
Principal use	25 ft.
Accessory use	10 ft.
Minimum side	15 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 10.0223)	
Maximum Principal:	35 ft.
Maximum Accessory:	184 ft.



Front yard and Shoreland setbacks: see Figure 10.1
Diagram is not to scale.

F. Care and Housing of Animals in Excess of 0.06 Animal Units in the RR District. (See subsection 2 for allowed Animal Units in the RR District with a Conditional Use Permit).

~~1.~~ The Town Board may approve a Conditional Use Permit for the care and housing of animal units in excess of the .06 Animal Units only after a Public Hearing and approval by the Town Board. ~~without a Public Hearing provided that:~~

~~(a) The Plan Commission has recommended to the Town Board such approval be granted to the applicant without a Public Hearing.~~

~~(b) The request for a Conditional Use without Public Hearing has been noticed on two (2) consecutive Town Board agendas.~~

~~(c)~~1. ~~There are no RS, RR, or RM parcels within 300 ft. of the applicant's parcel.~~

2. Keeping of Livestock and Poultry in the RR District.

The RR District permits only the livestock listed in the table below (Table 10.2) on conforming Lots. Livestock in the RR District are limited to the lesser of 1.4 Animal Units per acre or the not to exceed maximum number of a given animal type based on the following table regardless of Lot area.

Table 10.2: Animal Units for RR Zoning District, Town of Red River.

Animal Type	Animal Equivalency Factor	Calculated Number of Animal Type per Acre	Not to Exceed Maximum Number of a Given Animal Type Allowed on an RR Lot
Dairy Cattle:			Zero Bulls
Milking and Dry Cow	1.40	1.00	2
Heifers (800 to 1,200 lbs)	1.10	1.27	2
Heifers (400 to 800 lbs)	0.60	2.33	2
Calves (under 400 lbs)	0.20	7.00	2
Beef Cattle:			Zero Bulls
Steers or Cows (600 lbs to Mkt)	1.00	1.40	2
Calves (under 600 lbs)	0.50	2.80	2
Swine			Zero Boars
Pigs (55 lbs to Mkt)	0.40	3.50	2
Pigs (up to 55 lbs)	0.10	14.00	4
Sows	0.40	3.50	2
Sheep and Goats			
Per Animal	0.10	14.00	10
Horses			Zero Stallions
Per Animal	2.00	0.70	2
Ducks and Geese:			
Per Bird	0.20	7.00	12
Chickens			Zero Roosters
Layers and Broilers	0.01	140.00	48
Turkeys			
Per Bird	0.018	77.78	10

10.0309 RM Multiple Family Residential District

A. Purpose and Intent of the RM Multiple Family Residential District

The intent of the RM district is to provide for, two-family dwellings in areas of the Town that are compatible with surrounding land uses and do not infringe on agricultural uses.

B. Permitted Principal Uses

The following Principal Uses are permitted uses in the RM district:

1. Two-family dwellings
2. Day Care Center
3. Day Care Home, Family
4. Community living arrangement with a capacity for 15 or fewer persons, and foster homes, subject to the limitations set forth in s. 60.63 Wis. Stats.

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the RM district only when there is a permitted Principal Use present:

1. Private Carports
2. Detached Private Garages
3. Home Occupation (per Section 10.0212 – Occupancy Permit)
4. Professional Home Offices.
5. Satellite Dish Antennas, Rear Yard
6. Solar Energy System, Roof Mounted
7. Gardening, Tool and Storage Sheds Incidental to the Residential Use

D. Conditional Uses

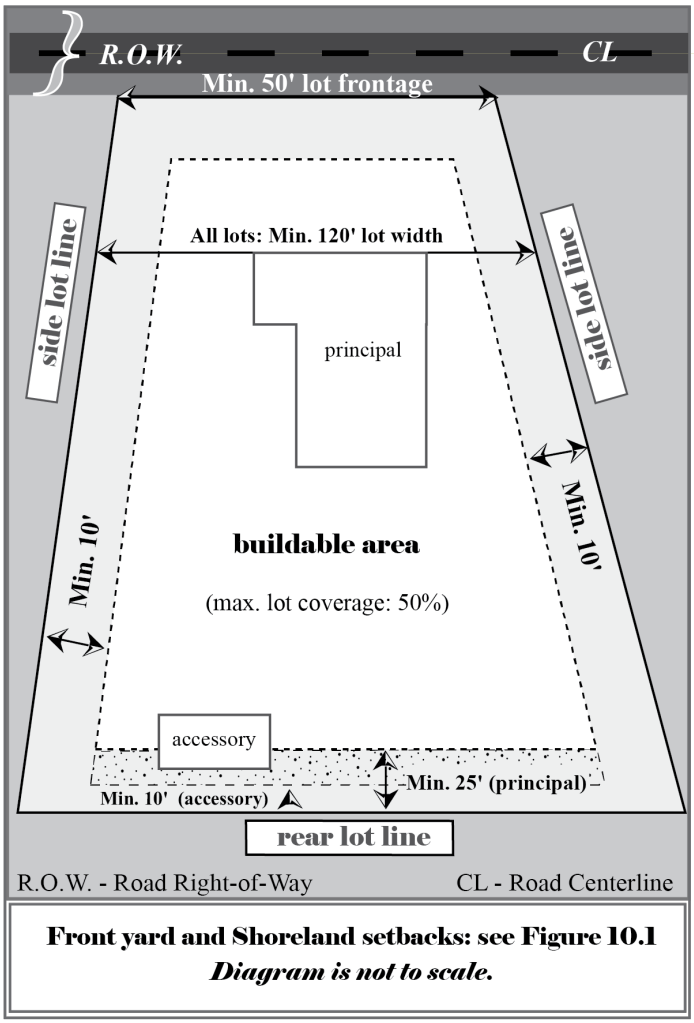
The following Conditional Uses in the RM district are allowed only after a Public Hearing and approval by the Town Board.

1. Bed and Breakfast.
2. Multi-Family Dwellings
3. Cemeteries.
4. Community living arrangement with a capacity for 16 or more persons, subject to the limitations set forth in s. 60.63 Wis. Stats.
5. Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
6. Manufactured Home Park.

7. School and churches.

E. Yard Requirements for Permitted Principal Use within the RM District – Two Family Dwellings:

Multiple Family Residential (RM) – Two Family	
Lot Size:	
Minimum lot area	
Sewered	15,000 sq. ft.
Unsewered	65,000 sq. ft.
Minimum lot width at building line	120 ft.
Yard Setbacks:	
Front yard:	*See Section 10.0304, but not less than 30 ft.*
Minimum rear:	
Principal use	25 ft.
Accessory use	10 ft.
Minimum side	10 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 10.0223)	
Maximum Principal:	35 ft.
Maximum Accessory:	184 ft.

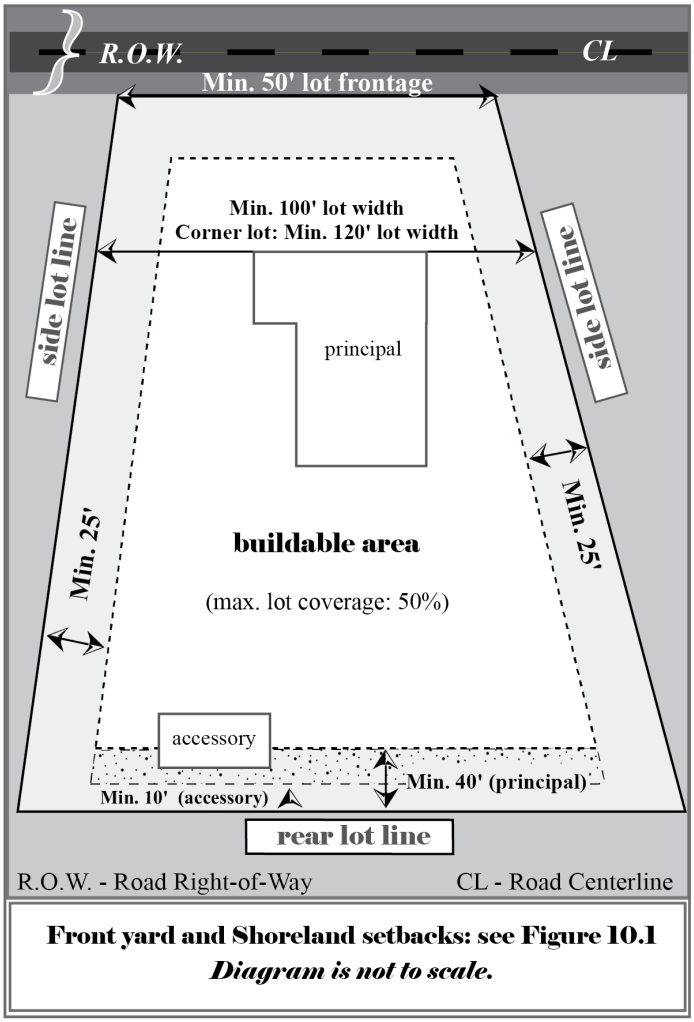


Front yard and Shoreland setbacks: see Figure 10.1
Diagram is not to scale.

F. Maximum Lot Coverage: 50 percent

G. Yard Requirements for Conditional Uses within the RM District – Multi-Family Dwellings:

Multiple Family Residential (RM) – Multi-Family	
Lot Size:	
Minimum lot area	12,000 sq. ft.
Minimum lot width at building line	100 ft.
Minimum lot width at building line, corner lot	120 ft.
Yard Setbacks:	
Front yard:	*See Section 10.0304, but not less than 30 ft.*
Minimum rear:	
Principal use	40 ft.
Accessory use	10 ft.
Minimum side	25 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 10.0223)	
Maximum Principal:	35 ft.
Maximum Accessory:	184 ft.



H. Multi-Family Dwellings shall have no less than 980 square feet of livable floor area per dwelling unit.

I. Maximum Lot Coverage: 50 percent

J. Multi-Family Dwelling Plans and Specifications to be submitted to Plan Commission.

1. A site plan for multi-family dwellings shall be submitted to the Plan Commission in accordance with Section 10.0500 of this Ordinance, for Conditional Uses.

10.0310 B-1 Business/Commercial District

A. Purpose and Intent of the B-1 Business/Commercial District

The purpose of the B-1 Business/Commercial District is to serve the retail and service needs of area residents and transient customers with a wide range of products and services for both daily and occasional shopping as well as related to and dependent upon highway traffic.

B. Permitted Principal Uses

The following Principal Uses are permitted uses in the B-1 district, provided that a site plan is submitted and approved by the Plan Commission.

1. Accounting, auditing, bookkeeping services
2. Advertising agency
3. Amusement parks
4. Animal specialty services/pet grooming, kennels, animal shelters
5. Apparel and accessory stores
6. Art and school supply stores
7. Art dealers
8. Art galleries
9. Auto and home supply stores
10. Barber shops
11. Beauty shops
12. Bed and breakfast
13. Boat dealers
14. Book stores, except adult
15. Bowling centers
16. Building maintenance services
17. Business credit institutions
18. Camera and photographic supply shops
19. Child care services (day care services,
20. Colleges and universities
21. Computer and data processing services
22. Credit reporting and collection
23. Dance studios and schools
24. Drug stores and proprietary stores
25. Eating and drinking places

26. Electrical repair shops
27. Elementary and secondary schools
28. Employment and help agencies
29. Engineering and architectural services
30. Equipment rental, small
31. Essential Services.
32. Florists
33. Food stores
34. Funeral service and crematories
35. Furniture and home furnishing stores
36. Gasoline service stations
37. General merchandise stores
38. Gift, novelty, and souvenir shops
39. Group day care center, family day care center
40. Hardware stores
41. Hobby, toy and game shops
42. Holding and other investment offices
43. Home health care services
44. Hospitals
45. Household appliance stores
46. Insurance agents, brokers and services
47. Insurance carriers
48. Jewelry stores
49. Landscaped horticultural services
50. Laundry, cleaning and garment service
51. Lawn and garden services
52. Libraries
53. Liquor stores
54. Livestock services
55. Luggage and leather goods stores
56. Mailing, reproduction, stenographic services
57. Management and public relations services
58. Medical and dental laboratories

59. Medical equipment leasing
60. Membership organizations
61. Mortgage bankers and brokers
62. Motion pictures theaters
63. Motorcycle dealers
64. Movie rental store
65. Nursing and personal care facilities
66. Office and clinic of dentists
67. Office and clinic of medical doctors
68. Office and clinic of osteopathic physicians
69. Office of other health practitioners
70. Optical goods store
71. Outdoor advertising services
72. Paint, glass and wallpaper stores
73. Personal credit institutions
74. Pest control
75. Photographic studios, portrait
76. Physical fitness centers
77. Public golf courses
78. Radio, television, computer stores
79. Real estate agents and managers
80. Real estate operators and lessors
81. Record and music stores
82. Repair shops, misc.
83. Research and testing services
84. Residential care services
85. Reupholster and furniture repair shops
86. Security and commodity brokers
87. Security systems services
88. Sewing, needlework, and piece goods stores
89. Shoe repair
90. Sporting goods and bicycle shops
91. Sports and recreation clubs, membership

92. Stationery stores
93. Tax return preparation
94. Title abstract offices
95. Tobacco stores and newsstands
96. Variety stores
97. Veterinary services
98. Vocational schools
99. Watch, clock and jewelry repair
100. Other uses not specifically listed, but which are deemed by the Plan Commission to be similar to the uses listed above, provided that these uses are not specified elsewhere as a Conditional Use.

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the B-1 district only when there is a permitted Principal Use present.

1. Off street parking and loading areas.
2. Satellite dish antennas located on the roof of the Principal Structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
3. Accessory Buildings or use incidental to Principal Use.
4. Solar Energy System, Roof Mounted - provided that a registered engineer shall certify that the structure is adequate to support the load.

D. Conditional Uses

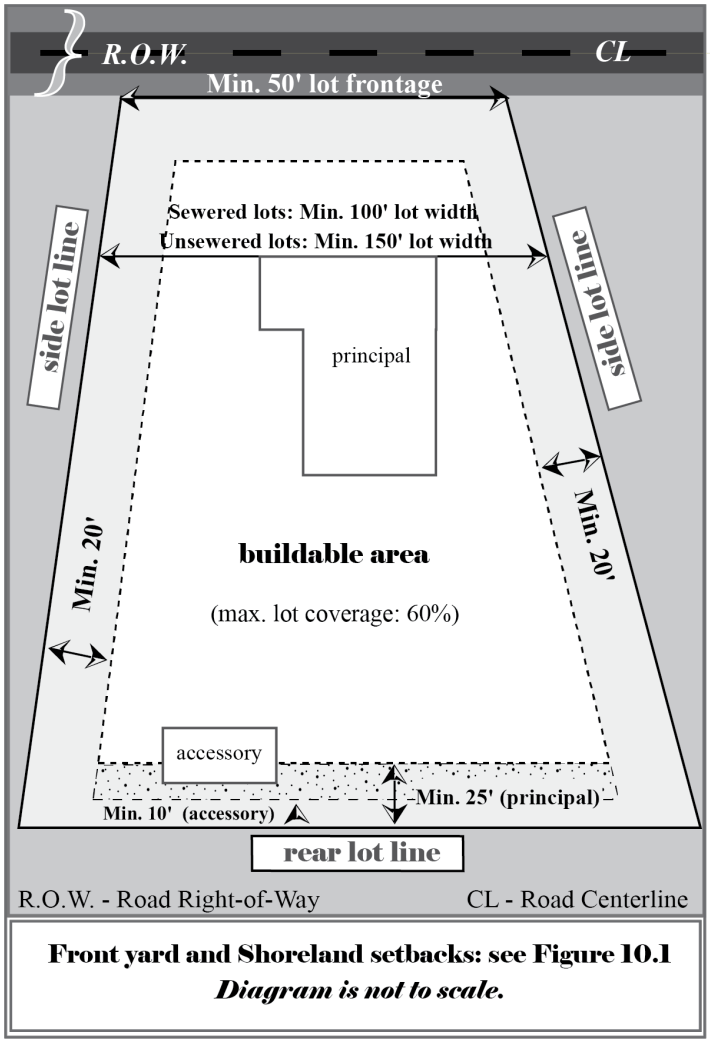
The following Conditional Uses in the B-1 district are allowed only after a Public Hearing and approval by the Town Board.

1. Adult Entertainment, See Section 10.0509 (A).
2. Amusement establishments - archery ranges, shooting galleries, game rooms, swimming pools, skating rinks, and other similar amusement facilities.
3. Attached dwelling unit or residential quarters for the owner or operator of the Principal Use.
4. Auction rooms.
5. Automotive parking
6. Automotive services.
7. Building materials and garden supplies
8. Camps and recreational vehicle parks
9. Car dealers, new and used.

10. Car wash.
11. Department stores
12. Depository institutions, banks, credit unions, etc.
13. Dry cleaning establishments employing more than four (4) persons.
14. Eating and drinking establishments primarily engaged in drive-in and carry-out service.
15. Farm equipment and machinery sales and service.
16. Farm machinery and equipment sales
17. Fuel Oil Dealers.
18. Greenhouses, commercial.
19. Hotels and motels
20. Lumber and other building materials
21. Mail order houses.
22. Manufactured Home sales.
23. Marinas.
24. Mini-Warehouses.
25. Motor vehicle sales.
26. Parking garages or structures, other than accessory, for the storage of private passenger automobiles only.
27. Parking lots, open and other than accessory.
28. Recreational and utility trailer dealers.
29. Retail nurseries and garden stores
30. Shopping centers.
31. Used merchandise stores.
32. Utilities.
33. Wood cabinetmaking.

E. Yard Requirements for Permitted Principal and Conditional Uses within the B-1 District:

Business/Commercial (B-1)	
Lot Size:	
Minimum lot area	
Sewered	20,000 sq. ft.
Unsewered	1.5 acres
Minimum lot width at building line	
Sewered	100 ft.
Unsewered	150 ft.
Yard Setbacks:	
Front yard:	*See Section 10.0304, but not less than 30 ft.*
Minimum rear:	
Principal use	25 ft.
Accessory use	10 ft.
Minimum side	20 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 10.0223)	
Maximum Principal:	35 ft.
Maximum Accessory:	20 ft.



Front yard and Shoreland setbacks: see Figure 10.1
Diagram is not to scale.

F. Plans and specifications to be submitted to Plan Commission

1. A site plan shall be submitted to the Plan Commission in accordance with Section 10.0700 of this Ordinance.
2. Development Standards, refer to Section 10.0700 of this Ordinance.

10.0311 I-1 Industrial District

A. Purpose and Intent of the I-1 Industrial District

The I-1 Industrial District is intended to provide for the orderly development of manufacturing or light industrial operations. However, such use should not be detrimental to the surrounding area or to the Town as a whole because of dust, groundwater degradation, noise, odor, physical appearance, smoke, traffic, or other nuisance factors.

B. Permitted Principal Uses

The following Principal Uses are permitted uses in the I-1 district, provided that a site plan is submitted and approved by the Plan Commission.

1. Agricultural services.
2. Apparel manufacture.
3. Appliance repair.
4. Automotive services, except repair.
5. Automotive truck, trailer leasing.
6. Building cleaning and maintenance services.
7. Bus charter service.
8. Communications equipment manufacture.
9. Computer and office equipment manufacture.
10. General building contractors.
11. Electronic components and accessories manufacture.
12. Essential Services.
13. Equipment rental and leasing.
14. Farm machinery and equipment, service and sales.
15. Furniture and fixture manufacture.
16. General building contractors, except heavy construction.
17. Handbags and other personal leather goods.
18. Household audio and video equipment.
19. Laundry, cleaning, and garment services.
20. Locksmith shops.
21. Lumber and other building supplies and sale.
22. Mailing, reproduction, commercial art supplies.
23. Miscellaneous fabricated textile products manufacture.
24. Motorcycle repair shops, including sales.

25. Pest control services.
26. Photographic equipment manufacture.
27. Photography and stenographic services.
28. Printing and publishing.
29. Printing service industries, typesetting.
30. Professional and scientific instrument manufacture.
31. Retail nurseries, lawn and garden supply stores.
32. Reupholster and furniture repair.
33. School bus establishment.
34. Surgical, medical and dental supplies and manufacture.
35. Taxidermists.
36. Warehousing and storage.
37. Wholesale trade-nondurable goods, except chemicals.
38. Wholesale trade-durable goods.
39. Wood kitchen cabinets manufacture.
40. Other uses not specifically listed, but which are deemed by the Plan Commission to be similar to the uses listed above, provided that these uses are not specified elsewhere as a Conditional Use.

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the I-1 district only when there is a permitted Principal Use present:

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

D. Conditional Uses

The following Conditional Uses in the I-1 district are allowed only after a Public Hearing and approval by the Town Board.

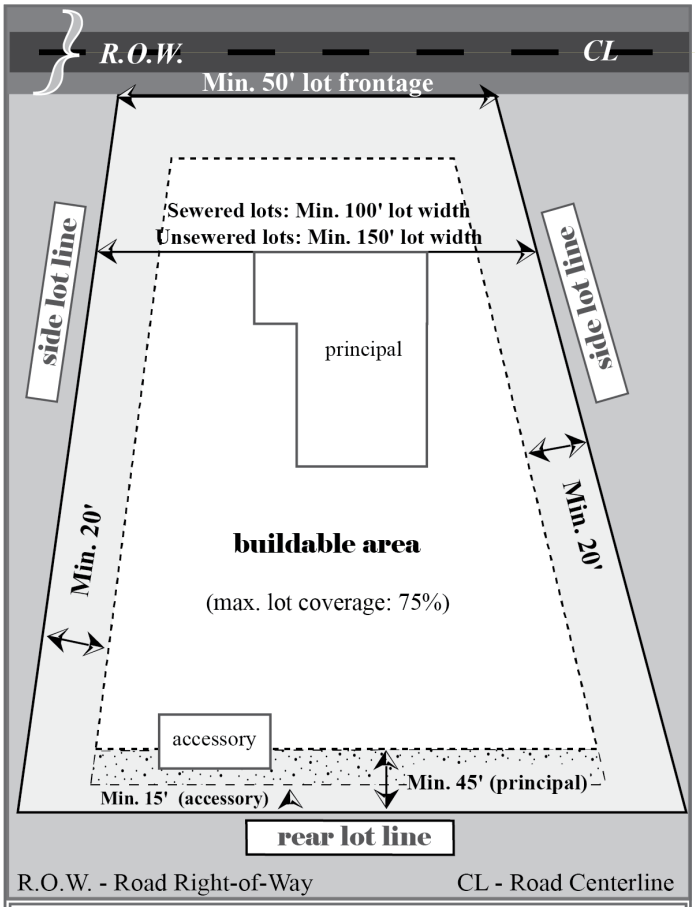
1. Aircraft and parts manufacture.

2. Asphalt paving and roofing establishments.
3. Automotive repair shops.
4. Business services, miscellaneous.
5. Chemicals and allied product manufacture.
6. Well drilling contractors.
7. Converted paper and paper board products and manufacture.
8. Electrical power generation facilities.
9. Fabricated metal products manufacture.
10. Farm machinery repair.
11. Food manufacturing facilities.
12. Heavy construction contractors.
13. Industrial and commercial machinery manufactures.
14. Leather and leather products manufacturers.
15. Lumber and wood products manufacture.
16. Millwork, veneer, plywood and structural wood manufacturers.
17. Mining and quarrying of nonmetallic minerals. (See *Chapter 13: Mining and Quarrying Ordinance* and *Chapter 14: Blasting Ordinance* of the *Town of Red River Code of Ordinances*)
18. Motor freight terminal and maintenance terminals.
19. Motor freight transportation and warehousing.
20. Motor Vehicle Dealers.
21. Motor vehicles and motor vehicle equipment manufacture.
22. Motorcycles, bicycles and parts manufacture.
23. Pallets and skid manufacture.
24. Paper and allied products manufacture.
25. Power plants.
26. Propane bulk storage, sales and service.
27. Public warehousing and storage.
28. Residential quarters for the owner.
29. Rubber and plastics manufacture.
30. Sawmills and planing mills.
31. Scrap and waste material firms (junk yards, salvage yards solid waste recycling, storage or transfer facility see Section 10.0507 of this Ordinance).

32. Septic tank cleaning services.
33. Sewer cleaning.
34. Sewerage systems (wastewater treatment plants).
35. Ship and boat building and repair establishments.
36. Special trade contractors, except excavation and demolition.
37. Stone, clay, glass, and concrete products manufacturers.
38. Trucking and courier services.
39. Utilities.
40. Welding shops.
41. Wholesale trade durable goods.
42. Wholesale trade-nondurable goods.
43. Wood containers manufacturers.

E. Yard Requirements for Permitted Principal and Conditional Uses within the I-1 District:

Industrial (I-1)	
Lot Size:	
Minimum lot area	
Sewered	20,000 sq. ft.
Unsewered	1.5 acres
Minimum lot width at building line	
Sewered	100 ft.
Unsewered	150 ft.
Yard Setbacks:	
Front yard:	*See Section 10.0304, but not less than 30 ft.*
Minimum rear:	
Principal use	45 ft.
Accessory use	15 ft.
Minimum side	20 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 10.0223)	
Maximum Principal:	45 ft.
Maximum Accessory:	45 ft.



Front yard and Shoreland setbacks: see Figure 10.1
Diagram is not to scale.

F. Plans and specifications to be submitted to Plan Commission

1. A site plan shall be submitted to the Plan Commission in accordance with Section 10.0700 of this Ordinance.
2. Development Standards, refer to Section 10.0700 of this Ordinance.

10.0312 LCO - Lowland Conservancy Overlay District

A. Purpose and Intent of the LCO Lowland Conservancy District.

The LCO district is intended to preserve, protect, and enhance the ponds, streams, lakes, and wetland areas of the Town. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both groundwater and surface water; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for such use.

The boundaries of the LCO district are based primarily on the wetland inventory maps for Kewaunee County prepared by the Wisconsin Department of Natural Resources. The LCO district may also include buffers, significant natural areas, and conservation easements shown on approved development plans. Precise delineations may be necessary by field investigation prior to development to verify the LCO district boundaries, including sites containing farmed wetlands that are proposed for development.

B. Permitted Uses in the LCO District.

All uses specified in Section 16.05(3) of the *Kewaunee County Shoreland Zoning Ordinance* provided such uses meet the requirements of said Section.

C. Prohibited Uses in the LCO District.

Any use not listed as a permitted use is prohibited (see Section 16.05(4) of the *Kewaunee County Shoreland Zoning Ordinance*)

10.0313 NEO Niagara Escarpment Overlay District

A. Purpose and Intent

The Niagara Escarpment Overlay District is hereby established as a district which overlaps and overlays existing base zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the Town. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

The intent of these regulations are to:

1. Promote safe conditions by preventing placement of roads on highly inclined surfaces.
2. Preserve Escarpments as landmark features that contribute to the scenic diversity and attractiveness of the Town.
3. Preserve flora and fauna habitats.

B. Permitted Uses

1. Principal Uses shall be those permitted in the underlying zoning district. Uses prohibited in the underlying zoning district are also prohibited in the Niagara Escarpment Overlay District.

C. Conditional Uses

Conditional Uses shall be those permitted in the underlying zoning district.

D. Site Plan Required.

A site plan prepared in accordance with Section 10.0700 of this Ordinance and a U.S. Geological Survey (USGS) topographical map coverage of the Lot and the surrounding area are required for all uses.

E. Special Requirements

1. No roads or driveways shall be placed on slopes of 30-39 percent unless the roads or driveways are placed parallel to the Escarpment face. No roads or driveways shall be placed on slopes of 40 percent or greater.
2. The clearing of trees, shrubbery, undergrowth, and other ground cover located within Escarpment protection areas shall be permitted for:
   (a) Building Ffootprints
   (b) Sites for wastewater disposal systems
   (c) Driveways, not to exceed 20 feet in width
   (d) The area on a lot, excluding the Escarpment Crest and Escarpment Face, extending not more than 15 feet from the exterior walls of Principal Buildings and 10 feet from Accessory Building

3. In the area on the balance of the lot selective removal of trees, shrubbery, under growth and other ground cover is permitted provided that:

   (a) No more than 30 percent of this area on the lot shall be cleared.

   (b) The clearing of the 30 percent described above shall not result in strips of cleared openings of more than 30 feet in any 100-foot wide strip nor create a cleared opening strip greater than 30 feet wide.

   (c) In the remaining 70 percent of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings, and other structures.

4. Setbacks: There shall be minimum 25 –foot setback of from the Escarpment Crest of the Niagara Escarpment. The Escarpment Crest shall be established by means of a site inspection by the Town, the location of which will be plotted by the applicant on the site plan.

10.0314 CTH DK Highway Corridor Overlay District

A. Purpose and Intent

The CTH DK Highway Corridor Overlay District is hereby established as a district which overlaps and overlays existing base zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the Town and generally include all lands within 1,000 feet of the right of way of CTH DK. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

Persons with property divided by the defined limits of the CTH DK Highway Corridor Overlay District are required to comply with the District's standards only for that segment of the property within the CTH DK Highway Corridor Overlay District.

B. Permitted Uses

Principal Uses shall be those permitted in the underlying zoning district.

C. Conditional Uses

Conditional Uses shall be those permitted in the underlying zoning district.

D. Site Plan Required

1. Except for Agricultural Uses and single family residential development of less than four lots or residences, all uses proposed in the *CTH DK Highway Corridor Overlay District* shall be subject to site plan review procedures in Section 10.0700 of this Ordinance. The Plan Commission prior to the issuance of a Zoning Permit or a Building Permit must approve all building locations and design.

E. Building Architecture Standards

Unless otherwise approved by the Plan Commission, the exterior buildings materials and design shall be as follows:

1. Structures within the corridor shall be designed with an "architectural character" that blends with the overall visual character of the rural context of its setting. This character can be stylized but shall at a minimum have the following elements:

   (a) Buildings shall have a minimum 2:1 roof slope when the building’s ground coverage is less than 10,000 sq. ft.

   (b) Buildings greater that 10,000 sq. ft. shall have architecturally detailed elements strategically integrated into the building's facades to add detail and break the visual impact of large wall areas.

   (c) Building materials shall be compatible with the visual context and use customary in the Town and Kewaunee County, to the greatest

extent possible. Materials such as brick, stone and wood, composite wall panels, curtain wall systems, decorative masonry, and architecturally detailed prefabricated concrete wall panels shall be permitted in industrial and commercial areas.

(d) Building colors which sharply contrast with the natural colors of the landscape context shall be prohibited.

(e) One dominant material should be selected with its own natural integrity. Materials shall convey permanence, substance, timelessness, and restraint, with low maintenance.

(f) Any exterior building wall (front, side or rear) visible from a road, or CTH DK shall be constructed of one of the following materials:

(1) Clay or masonry brick

(2) Customized concrete masonry with striated, scored or broken faced brick type units (sealed) with color consistent with design theme.

(3) Poured in place, tilt-up or pre-cast concrete. Poured in place and tilt-up walls shall have a finish of stone, a texture or a coating.

(4) Steel frame structures with architectural flat metal panels or glass curtain walls.

(5) Natural stone, such as limestone, granite or fieldstone

(6) Logs, smooth cut cedar siding, wood clapboard siding, wood beaded siding, or other wood siding approved by the Plan Commission

(7) Glass (up to 75 percent of facade)

(g) Non-decorative exposed concrete block buildings pre-engineered metal buildings, and corrugated metal-sided buildings are prohibited, unless such buildings are enhanced on all elevations by the application of materials listed in Section 10.0314 (E)(1)(f) equal to 25 percent of the surface area of each building side.

F. Landscaping Plan and Landscape Development

The following regulations apply to all development, except for Agricultural Uses and single family residential development of less than four lots or residences.

1. Except for Agricultural Uses and single family residential development of less than four lots or residences, all proposed development within the CTH DK Highway Corridor Overlay District shall require a landscape development plan that is approved by the Plan Commission as a condition of any permits under this Ordinance.

2. Landscape development shall be consistent and blend with the adjoining landscape (i.e. meadow, prairie, windbreak, upland woods (woodlot), hedgerow, lowland woods, wetland, etc.).

3. Building sites shall maintain a minimum of 25 percent of the lot area in open space that will be landscaped to reflect the native or agricultural character of the adjoining countryside.

4. A 25 foot wide area adjacent to the public road right-of-way along the entire lot width shall be used for screening and landscaping.

5. Complete vegetative clearing shall be allowed only in the areas required for access driveways. For driveways serving as both entrance and exit, a strip a maximum of 40 feet may be cleared. When separate entrance and exit driveways are used, a maximum of 20 feet may be cleared for each driveway.

6. Existing shrubs and trees with a caliper of 2 ½ inches or greater should be retained, if possible.

G. On-Site Utilities

All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or road right-of-way to structures and to utilities supplying service between structures.

H. Lighting

All outdoor lighting shall be subject to Section 10.0910 of this Ordinance.

I. Drainage

Storm water drainage should be directed into natural drainage channels and detention / retention ponds, pond edges and drainage channels shall be protected from erosion by natural aquatic vegetation whenever possible. When storm water volumes and/or velocities indicate more substantial measures than planting are required to control erosion, limestone rip-rap may be used.

~~J. Access~~

~~1. No direct driveways access shall be permitted to CTH DK other than WisDOT approved access for county and local road intersections, agricultural operations and field access.~~

~~2. Driveway access to lands adjoining county highways intersecting with CTH DK shall maintain a minimum separation distance of 1,000 feet from the nearest CTH DK highway right-of-way line. Driveway access to lands adjoining all other roads intersecting with CTH DK shall maintain a minimum separation distance of 500' from the nearest CTH DK highway right-of-way line.~~

~~3. All permitted driveway access to CTH DK and county and Town roads intersecting with CTH DK shall be subject to and in accordance with the requirements of Section 10.0604 of this Ordinance.~~

~~K.~~J. Parking

1. Natural drainage systems for parking lots are encouraged. If drainage detention is required it shall be in a naturally configured pond, recreated wetland area or dry detention area.

~~L.~~K. Loading and Unloading

1. Service areas, loading docks, truck parking, outside storage and dumpster areas shall be screened from all viewing highways located within the District and any adjacent residential developments. Screening shall be accomplished with a minimum 8' high opaque screen. This screening may be accomplished by:

   (a) Freestanding or attached wing walls or fences constructed of materials complimentary or the same as the primary construction materials found in the Principal Buildings.

   (b) Earth berms and/or landscaping dense enough to create a year-round opaque screen. Plant material used for screening these service areas may be considered part of the Landscape Plan and Landscape Development requirement.

~~M.~~L. Outdoor Display and Storage

1. No outdoor storage shall be allowed between the business location's principal or Accessory Building and all viewing highways. This restriction shall not apply to "farmer's markets" and other agricultural uses (i.e. livestock, crops, farm implements currently in use for agricultural production).

~~N.~~M. Signs

1. Except for temporary signs permitted under Section 10.0411 of this Ordinance, off premises advertising signs shall not be permitted within the CTH DK Highway Corridor Overlay District.

2. Standard WisDOT tourist information signs and business logo sign groupings (Specific Information Signs) as currently used along the County highway system shall be allowed within the right of way. Route designation signs such as the Rustic Road and Ethnic Trail signs shall also be allowed within the right of way.

~~O.~~N. View sheds

Scenic vistas and sight lines to other special views particularly related to creeks, public open space, conservancy areas, and large farms shall be maintained through careful building placement and landscape development.

10.0315 PDO Planned Development Overlay District

A. Purpose and Intent of the PDO Planned Development Overlay District.

The PDO Planned Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PDO Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Town upon specific petition under this section of the Ordinance and after Public Hearing, with such development encompassing one (1) or more Principal Uses or structures and related Accessory Uses or structures when all regulations and standards as set forth in this section of the Ordinance have been met.

B. Permitted Uses

Uses permitted in a Planned Development Overlay District shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district, except as provided in Section 10.0315(E)(13). All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

C. Minimum Area Requirements

1. Areas designated as Planned Development Overlay Districts shall be under single or corporate ownership or control and shall contain a minimum development area of:

Principal Uses	Minimum Area of PDO
Residential PDO	5 acres
Commercial PDO	3 acres
Industrial PDO	20 acres
Mixed Use PDO	10 acres

D. Procedural Requirements

1. Pre-petition Conference. Prior to the official submission of the petition for the approval of a Planned Development Overlay District, the owner or owner's agent making such petition shall meet with the Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.

2. Petition and Fee. Following the pre-petition conference, the owner or owner's agent may file a petition with the Zoning Administrator for approval of a Planned Development Overlay District. Such petition shall be accompanied by a review fee, as required by the Town Board under Section 10.0703 of this Ordinance and the following information:

(a) A statement which sets forth the relationship of the proposed PDO to the Town's recently adopted *20-Year Comprehensive Plan*, if applicable, or any adopted component or Amendment thereof, and the general character of and the uses to be included in the proposed PDO, including the following information:

(1) Total area to be included in the PDO, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

(2) A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.

(3) Any proposed departures from the standards of development as set forth in the Town's Zoning Ordinances, other Town regulations, or administrative rules, or other universal guidelines.

(4) The expected date of commencement of physical development as set forth in the proposal.

(b) A general development plan including:

(1) A legal description of the boundaries of the subject property included in the proposed PDO and its relationship to surrounding properties.

(2) The location of public and private roads, driveways, and parking facilities.

(3) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.

(4) The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.

(5) The type, size, and location of all structures.

(6) General landscape treatment.

(7) Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.

(8) The existing and proposed location of public sanitary sewer and water supply facilities.

(9) The existing and proposed location of all private utilities or other easements.

(10) Characteristics of soils related to contemplated specific uses.

(11) Existing topography on the site with contours at no greater than two (2) foot intervals.

(12) Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.

(13) Additional information as may be reasonably requested by the Plan Commission or Town Board.

3. Referral to Plan Commission. The petition for a Planned Development Overlay District shall be referred to the Town Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.

4. Public Hearing. The Town Plan Commission shall hold a joint Public Hearing of this Ordinance after public notice has been given as provided in Section 10.1400 of this Ordinance. Notice for such Public Hearing shall include reference to the development plans filed in conjunction

with the requested Planned Development Overlay District. As soon as is practical following the Public Hearing, the Plan Commission shall report its findings and recommendations to the Town Board.

E. Basis for Approval of the Petition

The Town Plan Commission in making its recommendation and the Town Board in making its determination, shall consider:

1. That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PDO within nine (9) months following an approval of a petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the Town.
2. The Town will require a complete financial plan identifying funding sources to insure any project started will be completed and ongoing sources of income to insure future debt service and maintenance requirements will be met.
3. The project shall require all State and County approvals before any ~~Building~~ Zoning Permit~~s~~ will be issued.
4. Developer is required to post a letter of credit to cover all funding of the project plan presented to Town before a Zoning~~Building~~ Permit will be issued.
5. That the proposed Planned Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the Town's adopted Comprehensive Plan or any adopted component thereof; and that the development would not be contrary to the general welfare and economic prosperity of the community.
6. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
7. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
8. The roads and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and meet the minimum standards of all applicable ordinances or administrative regulations of the Town.
9. Common or central water and sewer facilities shall be provided.
10. The entire tract or parcel of land to be included in a Planned Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, Lot, or parcel, and the legal description must define said PDO as a single

parcel, Lot, or tract and be so recorded with the Register of Deeds for Kewaunee County.

11. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
12. The total net residential density within the Planned Development Overlay District will be compatible with the Town comprehensive plan or component thereof.
13. Where public sanitary sewerage facilities are provided the Plan Commission may permit reduction of individual lot area to 50 percent of that required by the underlying zoning district.
14. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
15. Adequate, continuing fire and police protection is available.
16. The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
17. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation or maintenance or by dedication to the public.
18. The proposed development will be adequately served by off-street parking and truck service facilities.
19. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding roads, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
20. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
21. The operational character, physical plant arrangement and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.
22. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately serviced by rail and/or arterial highway facilities.

23. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public roads.

24. The proposed mixture of uses produces a unified composite, which is compatible within the underlying districts and which, as a total development entity, is compatible with the surrounding neighborhood.

25. The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.

26. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, road maintenance, and maintenance of public areas.

F. Determination

The Town Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Town Board.

G. Changes and Additions

Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town Plan Commission, and if in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a Public Hearing before the Town Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 10.1400 of this Ordinance, and said proposed alterations shall be submitted to the Town Board for approval.

H. Subsequent Land Division

The division of any land or lands within a Planned Development Overlay District for the purpose of change of conveyance of ownership shall be accomplished pursuant to the land division regulations of the Town and when such division is contemplated, a Preliminary Plat of the lands to be divided shall accompany the petition for PDO approval.

10.0400 PARTICULAR USE REQUIREMENTS

10.0401 Purpose

The purpose of these requirements is to minimize potential negative impacts from certain uses and to promote compatibility between particular uses and surrounding uses.

10.0402 Applicability

In addition to complying with other regulations established in this Ordinance, the following are requirements for certain uses that may be allowed in basic zoning districts in accordance with sections 10.0300 and 10.0500 of this Ordinance.

10.0403 Manufactured Homes and Manufactured Home Parks

A. Definitions

1. **Occupied Area** - That portion of an individual Manufactured Home space which is covered by a Manufactured Home and its Accessory Buildings.
2. **Pad** - A concrete slab or its equivalent, as determined by the Town Zoning Administrator, constructed on the Manufactured Home space for the purpose of accommodating water and sanitary connections for a Manufactured Home.
3. **Park management** - The person who owns or has charge, care or control of the Manufactured Home Park.
4. **Space** - A plot of ground in a Manufactured Home Park designed for the location of only one (1) Manufactured Home.
5. **Travel trailer -** a vehicle having an overall length of thirty-five (35) feet or less and a body width of eight (8) feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which has its own mode of power or is mounted or drawn by another vehicle.
6. **Unit** - One (1) Manufactured Home.

B. General Requirements

1. It shall be unlawful, except as provided in this Ordinance for any person to park any Manufactured Home on any road, alley, or highway or other public place or on any tract of land owned by any person, within the Town.
2. Emergency or temporary stopping or parking is permitted on any road, alley or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that road, alley or highway.
3. No person shall park or occupy any Manufactured Home that does not meet the physical requirements applying to single and two family

residential dwellings as specified in Section 10.0405 on any premises which is situated outside an approved Manufactured Home Park. Parking of only one (1) Mobile Home, or travel trailer is permitted, provided that no living quarters shall be maintained or business practiced in said Mobile Home, or travel trailer or that the said Mobile Home, or travel trailer is not used for storage while such Mobile Home, or travel trailer is so parked or stored. Said unit can be parked or stored:

(a) Within an accessory private garage building.

(b) Except for Mobile Homes, in the rear yard during the entire year.

(c) Within the side yard setback area during the period between the dates of May 1 and the second Tuesday in September. A unit so parked may have the drawbar protrude into the Front Yard setback area.

(d) Within the Front Yard setback area for a maximum period of two (2) weeks during the period indicated in (3) above to permit preparation and cleaning of the unit.

(e) Parking of occupied travel trailers on a lot is permitted for a period of time of not more than fifteen (15) consecutive days and for no more than three (3) such periods in a calendar year.

4. Except as permitted under Section 10.0403(B)(3) Mobile Homes are permitted only in Manufactured Home Parks.

5. All Manufactured Homes manufactured for or used for human habitation must meet the construction standards established under the National Manufactured Housing and Construction and Safety Standards Act of 1974.

C. License for Manufactured Home Park: Application and Issuance

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a Manufactured Home Park within the limits of the Town without first securing a license for each park from the Town Board, pursuant to this Section. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this Section for additional periods of one (1) year.

2. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee (see Town Fee Schedule) and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond (see Town Fee Schedule) for each 50 Manufactured Home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking Permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and

benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to Manufactured Home Parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.

3. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the Manufactured Home Park and make the application) and such legal description of the premises upon which the Manufactured Home Park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised Manufactured Home Park shall be accompanied by five (5) copies of the park plan at a minimum scale of 1" = 50 feet showing the following, either existing or as proposed:

   (a) The extent and area for park purposes.

   (b) Roadway and driveways.

   (c) Location of Manufactured Home spaces.

   (d) Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the Manufactured Home Park.

   (e) Complete layout of storm, sanitary and water systems for service building and spaces.

   (f) Method and plan of garbage removal.

   (g) Plan for electrical or gas lighting of spaces.

   (h) Interest of applicant in proposed Manufactured Home Park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

   (i) Landscape Plan.

   (j) Common Open Space Plan

   (k) Other detail showing how the Manufactured Home Park meets the requirements of Section 10.0403 F of this Ordinance.

D. Revocation and Suspension

The Town Board may suspend or revoke a license after a Public Hearing held pursuant to Section 66.0435 (2) (d) Wisconsin Statutes.

E. Location of Manufactured Home Parks

Manufactured Home Parks as a Conditional Use are permitted in the RM Multiple Family Residential District only, subject to the regulations of this Ordinance.

F. Manufactured Home Park Plan

The Manufactured Home Park shall conform to the following requirements:

1. Manufactured Home spaces shall be clearly defined and shall consist of a minimum 4,200 square feet and a width of not less than 40 feet measured at right angles from the side lot line of each space when served by public sanitary sewer.

2. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than 30 feet in width, giving easy access from all spaces to a public road. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Engineer. The roadways shall be well lighted and shall not be obstructed.

3. Electrical service to Manufactured Home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.

4. All Manufactured Homes within a Manufactured Home Park shall be parked within the designated spaces.

5. For the protection of abutting property owners as well as Manufactured Home owners, a 25 foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the Manufactured Home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior 25 foot buffer strip following Town Board approval.

6. Each space shall provide a road and rear yard setback of 10 feet and a side yard setback of 10 feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a Manufactured Home and/or its necessary buildings, except for the following:

   (a) Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line following Town Board approval.

(b) The hitch used for pulling the Manufactured Home may protrude into the Front Yard setback.

7. One (1) off-street parking stall shall be provided within each Manufactured Home space, said stall to be in accordance with Section 10.0601.

8. There shall be constructed on each Manufactured Home space a concrete pad, or its equivalent, as determined by the Town Zoning Administrator to be used for the accommodation of necessary water and sanitary connections.

9. A minimum of 200 square feet of Common Open Space per Manufactured Home space, exclusive of the minimum herein provided for individual Manufactured Home spaces and buffer strip, as indicated in Section 10.0403(F)(4) and 10.0403(F)(5) above, shall be required for the express purpose of providing open space and recreational area for the residents of the Manufactured Home Park.

10. In no case shall a Manufactured Home and its Accessory Buildings occupy more than 36 percent of a space.

11. All Manufactured Homes in Manufactured Home Parks shall be skirted. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.

12. No person shall construct, alter, add to or alter any structure attachment or building in a Manufactured Home Park or in a Manufactured Home space without a Permit from the Town Zoning Administrator. Construction on or addition or alteration to the exterior of a Manufactured Home shall be of the same type of construction and materials as the Manufactured Home affected. This subsection shall not apply to addition of awnings, antennae or skirting to Manufactured Homes. Accessory Buildings on Manufactured Home spaces shall comply with all setbacks, side yard and rear yard requirements for Manufactured Home units located in the RM District.

13. The Manufactured Home Park shall comply with the Wisconsin Administration Code Chapter SPS 385, except when this Ordinance is more restrictive.

14. Manufactured Homes shall have piers installed in accordance with Wisconsin Administration Code Chapter SPS 320.

15. Tie Downs: Manufactured Homes shall have tie downs installed and connected in accordance with the manufacturer's instructions.

G. Sanitarian Regulations

All Manufactured Home Parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Kewaunee County.

H. Operation of Manufactured Home Parks: Responsibility of Park Management

1. In every Manufactured Home Park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.

2. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the Town and state and their agents or officers and shall have the following duties:

(a) Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:

(1) Names and addresses of all owners and occupants of each Manufactured Home.

(2) Number of children of school age.

(3) State of legal residence.

(4) Dates of entrance and departure of each Manufactured Home.

(5) Make, model, year, and serial number or license number of each Manufactured Home and towing or other motor vehicles and state, territory or country issuing such licenses.

(6) Place of employment of each occupant, if any.

(b) Notify park occupants of the provision of this Ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.

(c) Notify the health officer immediately of any suspected communicable or contagious disease within the park.

(d) Supervise the placement of each Manufactured Home on its stand which includes securing its stability and installing all utility connections and tie downs, in accordance with the manufacture's specifications.

(e) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

I. Monthly Parking Fee

1. There is hereby imposed on each owner of a nonexempt, occupied manufactured or Mobile Home in the Town a monthly parking fee determined in accordance with Section 66.0435 (3) of the Wisconsin State Statutes which is hereby adopted by reference and made part of this Ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each Manufactured Home and Mobile Home owner. Said licensee shall be liable to the Town for any default in payment of the monthly parking Permit fee by the Manufactured Home or Mobile Home owner.

2. Licenses of Manufactured Home Parks and owners of land on which are parked any occupied, nonexempt Mobile Home or Manufactured Homes shall furnish information to the Town Clerk on such M~~m~~obile Home or Manufactured Homes added to their park or land within 5 days after arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.0435 (3) (c) and (e) of the Wisconsin Statutes.

10.0404 **Accessory Uses and Structures**

A. Any permanent, roofed structure serving as an Accessory Use if attached to the Principal Building by an enclosed structure shall be considered a part of the Principal Building. If an Accessory Building is not attached to the Principal Building as specified above, it shall conform to the setback and other dimensional requirements for Accessory Buildings within the zoning district.

B. Living Quarters Prohibited. Accessory Buildings shall not contain living quarters.

~~C. Sanitary Connections. There shall be no sanitary waste disposal connections to an Accessory Building.~~

~~D.~~C. Accessory Uses and detached Accessory Buildings are permitted in the rear and side yards of all zoning districts. The RS District, however, has the following exceptions.

1. An Accessory Use or Accessory Building may be permitted in the Front Yard as well as the side and rear yards of waterfront Lots within the RS District. Accessory Uses and detached Accessory Buildings proposed for the Front Yard of waterfront Lots in the RS District shall be presented to the Plan Commission where they may be allowed subject to Plan Commission approval.

   (a) Accessory Buildings in a 2nd tier lot, cannot exceed ~~14~~ 18 feet in height (at peak).

2. An Accessory Building, as a stand-alone structure, may be permitted as a Conditional Use on 2nd tier Lots (i.e., not directly adjacent to the waterfront) in the RS District, and the Accessory Building shall be within 200 feet of the Lot containing its associated Principal Building.

Stand-alone Accessory Buildings proposed on 2nd tier Lots in the RS district are subject to Plan Commission approval per section 10.0500

3. The Plan Commission will require compliance with Section 10.0314 CTH DK Corridor Overlay district requirements.

~~E.~~D. Accessory Buildings permitted in Residential Zoning Districts shall conform to the following requirements:

1. Number - No more than two Accessory Buildings shall be permitted on a lot.

   (a) Temporary/Portable ~~structures~~ Buildings with a Zoning Permit are allowed in ~~all~~ RS Single Family Residential District, RR Rural Residential District, RM Multiple Family Residential District and LE Large Estate Residential District ~~zoning districts~~ in the Town of Red River ~~but can only remain on the parcel for a period of nine (9) months during a given calendar year. Temporary/Portable structures shall meet all setback and placement requirements.~~

2. ~~Floor~~ Footprint area - Total ~~floor~~ Footprint area of the Accessory Building or of the two Accessory Buildings shall not exceed the area of the F~~f~~ootprint of the Principal Building on the lot.

3. Height - The height of an Accessory Building shall be that vertical distance measured from the mean finished grade around the foundation to the highest point of the roof. The maximum permitted height of an Accessory Building shall be determined by either of the following methods as appropriate:

   (a) General Method - No Accessory Building shall have a height greater than ~~14~~18 feet; or

   (b) Alternate Method - In cases where the intent is to construct an Accessory Building higher than allowed by the General Method above, the height of an Accessory Building may equal but may not exceed the height of the Principal Building to which it is accessory provided that the following conditions are met:

4. Roof pitch - The roof pitch of the largest roof element of the Accessory Building shall be at least a 4-unit vertical to 12-unit horizontal pitch. However, the roof pitch of the largest roof element of the Accessory Building shall also meet the following standards:

   (a) The roof pitch of the largest roof element of the Accessory Building shall be no steeper than 1 unit in 12 units more than the pitch of the largest roof element of the Principal Building.

   (b) The roof pitch of the largest roof element of the Accessory Building shall be no flatter than 3 units in 12 units less than the pitch of the largest roof element of the Principal Building.

5. Exterior Door - A single entry exterior door not to exceed 36" in width and 80" in height shall be allowed in the upper floor of an Accessory Building. Glazing not to exceed 4 square feet may be included as part of the exterior door.

6. Highest Wall – The height of the highest side wall of the Accessory Building shall not exceed the height of the highest side wall of the Principal Building in the RS Single Family Residential District, RR Rural Residential District, RM Multiple Family Residential District.

~~F.~~E. Such items as, but not limited to, boats, truck bodies, Manufactured Homes Mobile Homes, buses, railroad cars, shipping containers, trucks, motor vehicles, and trailers, shall not be used as Accessory Buildings in any district, except the I-1 Industrial District.

(a) Shipping Containers are allowed for the storage of Fireworks, per ATF Regulations, in the LE district only.

~~G.~~F. Permitted Accessory Buildings shall not be erected prior to the erection of the Principal Building to which they are accessory, except that utility trailers or truck bodies may be permitted by the Zoning Administrator as a temporary use at a construction site for a period time not to exceed one (1) year from the date of the start of construction.

10.0405 **Physical Requirements Applying To Single and Two Family Dwellings**

A. Foundation

Dwellings shall have a properly engineered, permanently attached means of support that meets the manufacturer's installation requirements and all applicable building codes.

B. Applicability of Wisconsin Uniform Dwelling Code to Site Built Additions to Manufactured Homes:

Site built additions to a Manufactured Home, such as a basement, crawl spaces or room additions must meet the requirements of the Wisconsin Uniform Dwelling Code.

C. Siding Material

Dwellings shall have exterior siding material that is residential in appearance and consists of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

D. Roof

The roof must be double pitched so that there is at least a 4-inch vertical rise for each 12-inch of horizontal run, and covered with material that is

residential in appearance, including but not limited to, approved wood, asphalt, composition or fiberglass shingles but excluding corrugated ~~aluminum~~ metal and, corrugated fiberglass; without Plan Commission Approval, The roof shall have a minimum 8-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.

E. Mobility

Once placed on site, no Mobile Home or Manufactured Home shall contain any axles, wheels, hitch, or any other device facilitating its mobility.

F. Any Manufactured Home not meeting the requirements of Section 10.0405 shall only be permitted in a Manufactured Home Park, as described in Section 10.0403 of this Ordinance.

10.0406 **Home Occupation**

The use of a dwelling unit or Accessory Building for a Home Occupation shall be clearly secondary to the residential use of the property and shall not change the property's residential character. The following shall apply:

A. Home Occupations may be permitted as an Accessory Use in the A-1, RR, and RM districts and as a Conditional Use in the LE and RS districts.

B. A maximum of two (2) Home Occupations shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or Home Occupations and/or Home Businesses.

C. The Home Occupation shall be conducted by resident(s) of the dwelling unit on the property. Other persons may be employed by the business but no more than one non-resident shall work on the premises.

D. Home Occupations may be conducted in any dwelling unit or Accessory Building. The total floor area dedicated to Home Occupations, whether located within the dwelling unit and/or an Accessory Building, shall be no more than 25 percent of the floor area of the dwelling unit.

E. Home Occupations shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced or normally used by the Home Occupation.

F. Home Occupations shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.

G. Home Occupations shall not involve any outdoor storage or display of any articles offered for sale or produced on the premises in conjunction with the Home Occupation, nor any outdoor storage or display of any products, materials, equipment, or machinery used in conjunction with the Home Occupation.

H. A maximum of one on-site vehicle bearing business insignia and one trailer used in conjunction with the Home Occupation may be stored outdoors, provided that the vehicle and/or trailer are screened from rights-of-way and neighboring properties.

I. In addition to parking required for the dwelling unit, one off-street parking space shall be provided for each 150 square feet of floor area used for the Home Occupation.

J. Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with the Home Occupation shall not exceed five per week.

K. Signs are permitted in conformance with Section 10.0411 of this Ordinance, except that no off-premise advertising signs shall be permitted.

L. Sanitary facilities shall be provided per county and state sanitary code requirements.

M. Uses subject to regulations found elsewhere in this Ordinance shall also comply with those regulations.

10.0407 Home Businesses

A. Home Businesses shall require a Conditional Use Permit.

B. A maximum of one Home Business shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or Home Occupations and/or Home Businesses.

C. The Home Business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed by the Home Business but no more than one non-resident shall work on the premises.

D. If located within a dwelling unit, Home Businesses shall occupy no more than 60 percent of the floor area of the dwelling unit. If located in Accessory Buildings, Home Businesses shall not occupy an area greater than 100 percent of the floor area of the dwelling unit, except that Home Businesses may occupy an entire Accessory Building that existed at the time of the Effective Date or subsequent Amendment of this Ordinance.

E. Home Businesses shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced or normally used by the Home Business.

F. Home Businesses shall not involve any outdoor display of any articles offered for sale or produced on the premises in conjunction with the Home Business. Outdoor storage of products, materials, equipment, or machinery used in conjunction with the Home Business shall be permitted if the outdoor storage areas are provided with the fencing or vegetative screening so that such storage is not visible from public rights-of-way or neighboring properties.

G. Vehicles bearing business insignia and trailers used in conjunction with the Home Business may be stored on-site, provided that no more than one of each is visible from public rights-of-way and surrounding properties.

H. Off-street parking shall be provided in accordance with the requirements in Section 10.0601.

I. Signs are permitted in conformance with Section 10.0411 of this Ordinance, except that no off-premise advertising signs shall be permitted.

J. Sanitary facilities shall be provided per county and state sanitary code requirement.

K. Uses subject to regulations found elsewhere in this Ordinance shall also comply with those regulations.

10.0408 Fences and Hedges

A. Definition - For the purposes of this Ordinance a fence is herein defined as an enclosing barrier consisting of vegetation, wood, stone, metal, brick, cement or other material. The term "fence" shall be construed to include planting, such as hedges.

B. Location - Fences may be located on lot lines if the adjoining property owner(s) approves in writing. Such written approval must be filed with the Town Clerk prior to construction, erection, or planting of the fence. No fence or other structure consisting in whole or in part of barbed wire, rods or bands or other material dangerous to life and limb, shall be erected along or within four (4) feet of any public roads, sidewalks or alleys.

C. Construction and Maintenance - Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose. Every fence shall be maintained on both sides in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the Town health or welfare, is a public nuisance, and the Town may commence property proceedings for the abatement thereof. Electric fences shall not be permitted except for agricultural purposes. Barbed wire fences shall only be permitted for Agricultural Uses and by Conditional Use for industrial or commercial security uses. No fence shall have sharp or pointed pickets dangerous to life or limb. Hedges and other plantings shall be continuously trimmed and all parts thereof confined to the property on which planted.

D. Residential Fences - No fence or hedges exceeding 2½ feet in height shall be allowed within the building setback limits adjacent to a road right-of-way, except in rear yard setback where there is no access to a road right-of-way, the maximum height may be six (6) feet. The maximum height of fences or any other boundary line shall not be more than six (6) feet in height, except the hedges may be permitted to grow to their natural height. Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited. The most attractive side of a fence shall face adjoining property.

E. Commercial, Agricultural, Industrial Fences - Fences used for industrial, commercial, agricultural, purposes shall have a maximum height of eight (8) feet, except within the required front or corner setback areas wherein such height shall be limited to 2½ feet. Arms or extensions which project from the fence must project into the lot proper.

10.0409 Regulation of Offensive Material and Conditions

A. General Regulations:

1. No person or entity shall cause or permit or otherwise encourage the dumping, accumulation or escape of any material that is offensive to the public or constitutes a public nuisance as defined below in Section 10.0409(C) of this Ordinance.

2. The regulations in the following subsections apply to all districts established under this Ordinance and all lands and waters within the Town.

B. Specific Regulations:

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

1. Carcasses of animals, paunch manure, birds, or fowl not intended for human consumption or food which is not disposed of in a sanitary manner within 24 hours after death.
2. Accumulations of storage of decayed animal or vegetable matter, offal, dead animals reduction, trash, rubbish, garbage, or any offensive material whatsoever which was not produced on the property on which it is located and which is not incidental to the customary farm operations of the landowner of the property on which it is located.
3. The escape of smoke, soot, cinders, noxious acids, odors, fumes, gases, fly ash, industrial dust or other atmospheric pollutants in such quantities as to endanger the health of or offend persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Town.
4. Any use of property, substance or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia or stenches, extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
5. The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial waste or other substances.
6. Existing buildings destroyed beyond 50 percent of full market value shall be repaired or demolished within 12 months in accordance with the provisions of this Ordinance (see Section 10.1000).

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

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

D. Application to Farming Operations

This section is not intended to unduly or unreasonably interfere with normal and customary farm operations including the accumulation and spreading of manure produced on the farm upon which it is accumulated and spread.

10.0410 Development Standards for Businesses and Industries

The development standards contained in this section are minimum standards and must be met by any B-1 and I-1 use established after the Effective Date of this ordinance or any applicable Amendment and by any prior nonconforming use that is added to, altered, expanded, extended, or modified after the Effective Date of this ordinance or any applicable Amendment.

A. Driving Surfaces. All driveways, parking areas, and roads must be maintained in a durable and dustless condition.

B. Enclosures. All allowed and permitted uses must be conducted within completely enclosed buildings, unless outdoor uses have been included in a site plan that has been reviewed and approved by the Plan Commission and subject to any conditions set by the Board of Appeals or Town Board.

C. Landscaping. All landscaping shown on an approved site plan must be established and maintained in a healthy condition. Landscaping materials must be replaced when necessary.

D. Lighting. Lighting used to illuminate any portion of the site must be shielded and arranged so that it does not directly shine on any abutting property.

E. Litter. The site must be kept free of debris and refuse.

F. Loading and unloading. Adequate space must be provided for the loading, parking, standing, and unloading of motor vehicles without undue interference with the public use of roadways. No portion of a vehicle that is loading, parked, standing, or unloading may project into a public roadway.

G. Noise. The sound generated by a use may not exceed 70 decibels at the lot line.

H. Odor. No use may cause or result in the emission of any substance or combination of substances into the ambient air and produce an objectionable odor unless preventative measures satisfactory to the department are taken to abate or control the emission. An odor will be deemed objectionable when either or both of the following tests are met:

1. If the Zoning Administrator, upon investigation, determines that the odor is objectionable based upon the nature, intensity, frequency, and duration of the odor, taking into consideration the type of area involved and any other pertinent factor identified by the department.

2. If 60% of a sample of persons exposed to the odor in their place of residence or employment, other than the place that is the odor's source,

find the odor to be objectionable based upon its nature, intensity, frequency, and duration.

I. Outdoor Storage. Outdoor storage is permitted if the storage area is screened and the stored materials are not visible from any public road.

J. Parking. At least 2 parking spaces must be provided for every 3 employees, based on the maximum number of persons employed during any shift.

K. Screening. Required screening may be provided by use of fences, hedges or other plantings, and walls that are at least four (4) feet in height. Any required screening must be maintained in good condition.

L. Storm Water Drainage. A storm water drainage plan must be included as part of the site plan.

M. Vibration. Ground vibrations generated by a use must not be perceptible at any point on the lot line without the use of instruments.

N. Other. No use may emit dangerous or obnoxious fumes, glare, heat, or radiation that extends beyond any lot line on which the use is located.

10.0411 Signs

A. Purpose and Intent

The intent of this section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses and are well maintained; to encourage the effective use of signs as a means of communication in the Town; to maintain and enhance the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; and to minimize the possible adverse effect of signs on nearby public and private property.

B. Compliance

1. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this Ordinance.

2. At no time shall signs be permitted within a vision clearance triangle in such a manner as to impair vision or safety

3. No signs, with the exception of the following signs, shall be placed within the public right of way.

(a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

(b) Informational signs of a public utility regarding its poles, lines, pipes or facilities; and

(c) Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

C. Definitions.

Words and phrases used in this Ordinance shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined in the Zoning Ordinance of the Town shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Animated Sign - Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Building Marker - Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building Sign - Any sign attached to any part of a building, as contrasted to a freestanding sign.

Canopy Sign - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable Copy Sign - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight time per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Directional Sign - means signs containing directional information about public places owned or operated by federal, state, or local governments, or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation deemed to be in the interest of the traveling public.

Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Freestanding Sign - Any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure. Freestanding signs shall be self-supporting and permanently attached to sufficient foundation.

Incidental Sign - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Marquee - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign - Any sign attached to, in any manner, or made a part of a marquee.

Nonconforming Sign - Any sign that does not conform to the requirements of this Ordinance.

Off-Premise Sign – a sign which is not located on the lot on which the individual, firm, association, corporation, profession, business commodity or product promoted on the sign is located.

On-Premise Sign – a sign located on the same lot on which the individual, firm, association, corporation, profession, business commodity or product promoted on the sign is located.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting Sign - Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Residential Sign - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such locations conforms with all requirements of the zoning ordinance.

Roof Sign - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof Sign, Integral - Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign - Any sign that is used only temporarily and is not permanently mounted.

Wall Sign - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign - Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

D. Signs Permitted in All Districts Without a Permit

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

1. Real Estate Signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. One real estate sign shall be allowed per parcel.
2. Identification, building marker, and warning Signs not to exceed 2 square feet located on the premises.
3. Signs for Home Occupations located on premise not to exceed 2 square feet in area.
4. 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 s. 12.04 Wis. Stats., and shall be removed within 15 days following the election. Election campaign signs may not be placed within the public right-of-way nor within 10 feet of the public right-of-way.
5. Rummage Sale and Garage Sale Signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
6. One (1) on-premises announcement sign or bulletin board of an appropriate nature, identifying a hospital, school, church, charitable, or other similar facility or institution shall not exceed 40 square feet in area.
7. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
8. Official Signs, such as traffic control, parking restrictions, information, and notices.

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

10. In all Agriculture Districts, up to two unlighted signs are permitted, each not larger than eight square feet which advertise agricultural products from in-season roadside stand for the sale of farm products produced on the premises. Such signs may not exceed 12 feet in height and must be set back from any property line by 10 feet.

E. Signs Permitted in all Residential and Agriculture Districts with a Permit

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

1. Temporary Development Signs for the purpose of designating a new building or development, or for the promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Town Board shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

F. Signs Permitted in all Business/Commercial and Industry Districts with a Permit

Signs are permitted in all Business/Commercial and Industry Districts subject to the following restrictions:

1. Temporary Development Signs for the purpose of designating a new building or development may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Town Board shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

2. Wall Signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface and shall not extend above the roofline of the building. Wall signage shall be allocated at a maximum of 1.5 square foot of signage allowed for each linear foot of building length.

3. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 16 square feet in area for any one premises; shall not extend more than 6 feet into any required yard; shall not extend more than 3 feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade.

4. Ground Signs shall not exceed 12 feet in height above the mean centerline street grade, shall meet all yard requirements for the Zoning

District in which it is located, shall not exceed 40 square feet on one side nor 100 square feet on all sides for any one lot.

5. Marquee, Awning, or Canopy Signs affixed flat to the surface of the marquee, awning, or canopy are permitted providing that the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding 2 square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.

6. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings and cover a maximum of 25 percent of total window area. Window signs shall not be subject to the limitation on number of signs.

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

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

G. Lighting and Color

1. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices.

2. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.

3. No sign located within one hundred fifty (150) feet of a highway or road right-of-way shall contain, include, or be illuminated by a flashing or rotating beam of light.

4. No sign shall be illuminated by any source of light that is not shielded to prevent glare of illumination of residential property other than that of the sign owner nor shall the glare of any light source be so directed as to impair the safety of moving vehicles.

5. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Town Board approval.

H. Construction and Maintenance Standards

1. Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 30 pounds per square foot of area.

2. Protection of the Public. The temporary occupancy of a side walk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.

3. Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.

4. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure

5. All signs, except those attached flat against the wall of a building shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:

   (a) For solid signs, 30 pounds per square foot on the largest face of the sign and structure.

   (b) For skeleton signs, 30 pounds per square foot of the total face cover of the letters and other sign surfaces, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

   (c) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.

   (d) Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

6. All signs shall comply with the provisions of Chapter SPS 316 Electrical of the Wisconsin Administrative Code and the Wisconsin State Electrical Code.

I. Nonconforming Signs

Signs lawfully existing at the time of the Effective Date of adoption or subsequent Amendments of this chapter may be continued although the use, size or location does not conform to the provisions of this chapter. However, such signs shall be deemed nonconforming uses or structures and, therefore, shall be subject to the provisions of Section 10.0403 of this Ordinance.

J. Prohibited Signs

Signs not expressly permitted under this Ordinance or exempt from regulation hereunder in accordance with the previous Section are prohibited in the Town. Such signs include, but are not limited to

1. Beacons
2. Inflatable signs
3. Pennants
4. Flashing signs
5. Strings of light not permanently mounted to a rigid background, except those exempt under the previous Section
6. Signs Which Obstruct any door, fire escape, stairway, or any opening intended to provide ingress and egress to or from any building or structure.
7. Any Sign Which May Obstruct or impair the view in any direction at the intersection of two streets through its placement or illumination.
8. Signs Which Advertise Activities that are illegal under Federal or State laws or regulations, or County or Town ordinances or resolutions.

K. Flags

Flags are permitted in all Zoning Districts subject to the following:

1. Flags of the United States, the state, the Town, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such
2. Businesses will be allowed one flag, not to exceed 15 square feet, identifying the business with text or a logo.

L. Sign Permit

The following procedures shall govern the application for, and issuance of, all Sign Permits under this Ordinance.

1. Application

All applications for Sign Permits of any kind shall be submitted to the Zoning Administrator on an application for, or in accordance with, application specifications published by the Zoning Administrator.

(a) An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. One application and Permit may include multiple signs on the same Lot.

2. Fees

Each application for a Sign Permit shall be accompanied by the applicable fees, which shall be established in the Town Fee Schedule by the Town Board from time to time by resolution.

3. Completeness

Within ten (10) business days of receiving an application for a Sign Permit, the Zoning Administrator shall review it for completeness. If the Zoning Administrator finds that it is complete, the application shall then be processed. If the Zoning Administrator finds that it is incomplete, the Zoning Administrator shall, within such ten-day business period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Ordinance.

4. Action

Within ten business days of the submission of a complete application for a Sign Permit, the Zoning Administrator shall either:

(a) Issue the Sign Permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Ordinance; or

(b) Reject the Sign Permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Ordinance. In case of a rejection, the Zoning Administrator shall specify in the rejection the Section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.

M. *Reserved*

N. Temporary Sign Permit

Temporary signs on private property shall be allowed only upon the issuance of a temporary Sign Permit, which shall be subject to the following requirements.

1. A temporary Sign Permit shall allow the use of a temporary sign for a specified 60-day period.
2. Only one temporary Sign Permit shall be issued to the same business license holder on the same Lot in any calendar year.

O. Measuring Signs

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

P. Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance, by the Zoning Ordinance, and by state law.

1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or Permit governing such sign or the zone lot on which the sign is located;
2. To install, create, erect, or maintain any sign requiring a Permit without such a Permit;
3. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or Permit governing such sign or the zone lot on which sign is located;
4. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Ordinance; or
5. To continue any such violation. Each such day of the continued violation shall be considered a separate violation when applying the penalty portions of this Ordinance.
6. Each sign installed, created, erected, or maintained in violation of this Ordinance shall be considered a separate violation when applying the penalty portions of this Ordinance.

Q. Enforcement and Penalties

Any violation or attempted violation of this Ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this Ordinance shall be considered a violation of the zoning ordinance of the Town and the enforcement and penalty provisions of the Zoning Ordinance shall apply (Section 10.1300).

10.0500 CONDITIONAL USES

10.0501 Compliance and Permit

The Town Board, after consideration of the Plan Commission recommendations, may authorize the Zoning Administrator to issue a Conditional Use Permit for Conditional Uses after review and a Public Hearing, provided that such Conditional Uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the values of the Town.

10.0502 Application

A. The application for a Conditional Use Permit shall be filed in duplicate with the Town Zoning Administrator on a form so prescribed by the Town. In order to secure evidence upon which to base its determination, the Plan Commission, Town Board or Town Zoning Administrator may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.

B. No Application shall be accepted by the Town Zoning Administrator until complete as judged by the Town Zoning Administrator and until all fees established by the Town Board have been paid in full.

C. Town Plan Commission Review and Report

For each application for a Conditional Use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

10.0503 Standards Applicable To All Conditional Uses

A. In passing upon a Conditional Use Permit application, the Plan Commission shall consider the following factors:

1. The location, nature, and size of the proposed use with respect to other uses in the area.
2. The size of the site in relation to it.
3. The location of the site with respect to existing or future roads giving access to it.
4. Its compatibility with existing uses on land adjacent thereto.
5. Its harmony with the existing and future development of the district.

6. Existing topography, drainage, soil types, and vegetative cover.
7. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
8. Whether the proposed use will adversely affect property values in the area.
9. Whether proposed use is consistent with the Town Comprehensive Plan.
10. Provision of safe vehicular and pedestrian access.
11. Provisions for proper surface drainage and erosion control.
12. Whether the proposed use creates noise, odor, and dust that is incompatible with the area.
13. Whether the proposed use creates excessive exterior lighting glare, or spillover onto neighboring properties.

B. The applicant for a Conditional Use has the burden of showing why the Conditional Use should be approved.

10.0504 Conditions Attached To Conditional Use Permit

Upon consideration of the factors listed above, the Town Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include measures to minimize odor, noise and dust, landscaping, architectural design, type of construction, construction commencement and completion date, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, road dedication, certified survey maps, flood proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Plan Commission and may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

10.0505 Notice and Public Hearing

A Public Hearing shall be held by the Town Board after a public notice has been given as provided in Section 10.1400 of this Ordinance.

The Town Board may hold the Public Hearing jointly with the Plan Commission or delegate the responsibility to hold such Public Hearing to the Plan Commission.

10.0506 Conditional Use Permit Fee

A fee receipt from the Town Clerk shall be submitted with the application. Costs incurred by the Town Board in retaining legal, planning, engineering, and other technical and professional advice in connection with the review of Conditional Use applications and the preparation of conditions to be imposed on such uses shall be charged to the applicant.

A. Expiration. All Conditional Use Permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use as determined by the Town Board. If a time limit has been imposed as a condition for the Permit, the Permit shall expire at the end of the time limit.

B. Amendments. Changes subsequent to the initial issuance of a Conditional Use Permit which would result in a need to change the initial conditions shall require an Amendment to the Conditional Use Permit. The process for amending a Conditional Use Permit shall generally follow the procedures for granting a Conditional Use Permit as set forth in Section 10.0500.

C. Revocation of a Conditional Use Permit. Should a Permit applicant, his or her heirs or assigns, fail to comply with the conditions of the Permit issued by the Town Board, or should the use, or characteristics of the use be changed without prior approval by the Town Board, the Conditional Use Permit may be revoked. The process for revoking a Permit shall generally follow the procedures for granting a Conditional Use Permit as set forth in Section 10.0500.

10.0507 Junk Yards, Salvage Yards, Solid Waste Recycling, Storage or Transfer Facility

A. Conditional Use - Junk or salvage yard, solid waste recycling, storage or transfer facility, shall be a Conditional Use and shall only be permitted in I-1 district.

B. Procedure - Except as otherwise provided by this Section, the procedure for securing, granting, and revoking a Conditional Use Permit under this Section shall be as set forth in Section 10.0500 of this Ordinance.

C. Fees - Each application shall be accompanied by a fee as established in the Town's Fee Schedule, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Town.

D. Operational Plan - The application shall be accompanied by a detailed description of the proposed method of operation; the manner in which materials will be stored; the equipment proposed to be used; the method of disposition of end products; the manner in which adjoining property owners will be protected; the hours of operation; the Town highways proposed to be used; the gross weight of equipment to be used in hauling in and hauling out of any of the product; and other similar information as the Plan Commission may require.

E. Restoration Plan - The application for the operation of a Conditional Use under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.

F. State Licenses - Any Permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.

G. Bond - No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Town Board.

H. Term of Permit - The permit shall be in effect for one year, subject to termination by the Town Board after notice and hearing for violations of the Operational Plan or Restoration Plan, and may be renewed by the Town Board if the operations are in reasonable compliance with the terms of the existing permit.

I. Inspection - The Town Zoning Administrator shall inspect the operations at least semi-annually to insure compliance, and the reasonable fees of such inspection, as fixed by the Town Board at the time of granting the permit, shall be paid by the applicant.

J. Fencing

1. Junk or salvage materials shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, highways and waterways. The fence or planting screen shall be a minimum of eight (8) feet in height and shall be kept in good repair.

2. Junk or salvage materials shall not be piled higher than the height of the fence.

3. For fire protection, an unobstructed fire break shall be maintained, one rod in width and completely surrounding the salvage or junk yard.

10.0508 Quarries and Mines

Refer to *Chapter 13: Mining and Quarrying Ordinance* and *Chapter 14: Blasting Ordinance* within the *Code of Ordinances of the Town of Red River*).

10.0509 Commercial Use Requirements

A. Adult Entertainment

Special Use: Commercial establishments dealing in "pornographic" materials and activities are permitted only as Conditional Use in the B-1 Business/Commercial district subject to the following:

1. It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and to impose restriction upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Town's interest in the present and future character of its community development.

2. The following uses shall only be permitted as herein described:

   (a) Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.

   (b) Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.

   (c) Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

3. Definitions.

   (a) As used herein, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

   (b) As used herein, "sexual conduct" means acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

4. The above Conditional Uses shall be subject to the following provisions:

   (a) No permit shall be granted where the proposed establishment is within 500 feet of any hospital, church, school, funeral parlor, restaurant, library, museum, or playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.

   (b) No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential or agricultural in the same or a contiguous town or municipality.

   (c) The applicant shall furnish the Town detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment under subparagraph (2)(a) or (2)(b) of this subsection, the applicant shall furnish representative samples of the materials to be dealt in. If the application is for an establishment under subparagraph (2)(c) of this subsection, the applicant shall in detail specify the nature of the activity to be engaged in.

(d) The applicant for the Conditional Use Permit shall provide the names and addresses of the owners and occupants of all property within 1,000 feet of the proposed establishment.

(e) Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semipublic areas.

(f) All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semipublic area.

(g) In case of a protest signed by 25 percent or more of the persons of the area within 500 feet of the proposed establishment, the grant of such Conditional Use Permit shall require a unanimous vote of the Town Board.

(h) The Town Board in determining whether to grant a Conditional Use Permit hereunder shall, in addition to considerations otherwise taken into account when acting on Conditional Use Permits, consider the protection of property values in the affected area; the preservation of neighborhoods, the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; and any other factor created by the type of use being considered, along with the health, safety and general welfare of the community.

10.0510 ~~Mobile~~ Cellular Tower Siting

A. Purpose.

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

B. Authority.

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

C. Definitions.

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

D. Siting and Construction of aAny nNew ~~Mobile~~ cellular sService sSupport sStructure and fFacilities.

1. Application Process

(a) A Conditional Use Permit is required for the siting and construction of any new ~~mobile~~ cellular service support structure and facilities. The siting and construction of any new cellular ~~mobile~~ service support structure and facilities is a Conditional Use in the Town obtainable with this Permit.

(b) A Conditional Use application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:

(1) The name and business address of, and the contact individual for, the applicant.

(2) The location of the proposed or affected support structure.

(3) The location of the proposed cellular~~mobile~~ service facility.

(4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

(5) If the application is to construct a new cellular~~mobile~~ service support structure, a construction plan which describes the proposed cellular~~mobile~~ service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new cellular~~mobile~~ service support structure.

(6) If an application is to construct a new cellular~~mobile~~ service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the cellular ~~mobile~~ service support structure attesting that collocation within the applicant's

search ring would not result in the same cellular~~mobile~~ service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the cellular~~mobile~~ service provider.

(c) A Conditional Use application will be provided by the Zoning Administrator upon request to any applicant.

(d) If an applicant submits to the Town an application for a Conditional Use Permit, per Section 10.0500, to engage in an activity described in this section, which contains all of the information required under this section, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(e) Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90 day period:

(1) Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinances.

(2) Make a final decision whether to approve or disapprove the application.

(3) Notify the applicant, in writing, of its final decision.

(4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(f) The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 10.0510(D)(1)(b)(6).

(g) If an applicant provides the Town with an engineering certification showing that a cellular~~mobile~~ service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning regulation does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

E. Class 1 Collocation (i.e., collocation includes substantial modification of an existing support structure and cellular~~mobile~~ service facilities).

1. Application Process

(a) A Conditional Use Permit is required for a class 1 collocation. A class 1 collocation is a Conditional Use in the Town obtainable with this Permit.

(b) A Conditional Use application must be completed by any applicant and submitted to the Town. The application must contain the following information:

(1) The name and business address of, and the contact individual for, the applicant.

(2) The location of the proposed or affected support structure.

(3) The location of the proposed cellular~~mobile~~ service facility.

(4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

(5) If the application is to construct a new cellular~~mobile~~ service support structure, a construction plan which describes the proposed cellular~~mobile~~ service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new cellular~~mobile~~ service support structure.

(6) If an application is to construct a new cellular~~mobile~~ service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the cellular~~mobile~~ service support structure attesting that collocation within the applicant's search ring would not result in the same cellular~~mobile~~ service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the cellular~~mobile~~ service provider.

(c) A Permit application will be provided by the Zoning Administrator upon request to any applicant.

(d) If an applicant submits to the Town an application for a Conditional Use Permit to engage in an activity described in this section, which contains all of the information required under this section, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(e) Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90 day period:

(1) Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinances.

(2) Make a final decision whether to approve or disapprove the application.

(3) Notify the applicant, in writing, of its final decision.

(4) If the decision is to approve the application the applicant shall obtain a Zoning Permit and a Building Permit.

~~(4)~~(5) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(f) The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 10.0510(E)(1)(b)(6).

(g) If an applicant provides the Town with an engineering certification showing that a cellular~~mobile~~ service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

(h) The fee for the Permit is listed in the most recent Town Fee Schedule adopted by the Town Board.

F. Class 2 Collocation (i.e., collocation on an existing support structure which does not require the substantial modification of an existing support structure and cellular~~mobile~~ service facilities).

1. Application Process

(a) A Conditional Use Permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the Town but still requires the issuance of the Conditional Use Permit.

(b) A Conditional Use application must be completed by any applicant and submitted to the Town. The application must contain the following information:

(1) The name and business address of, and the contact individual for, the applicant.

(2) The location of the proposed or affected support structure.

(3) The location of the proposed cellular~~mobile~~ service facility.

(c) A Permit application will be provided by the Zoning Administrator upon request to any applicant.

(d) A class 2 collocation is subject to the same requirements for the issuance of a Zoning Permit and a Building Permit to which any other type of commercial development or land use development is subject (see Section 10.0207).

(e) If an applicant submits to the Town an application for a Permit to engage in an activity described in this section, which contains all of the information required under this section, the Town shall consider the application complete. If any of the required information is not in the application, the Town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

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

(1) Make a final decision whether to approve or disapprove the application.

(2) Notify the applicant, in writing, of its final decision.

(3) If the application is approved, issue the applicant the relevant Permit.

(4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(5) The fee for the Permit is listed in the most recent Town Fee Schedule adopted by the Town Board.

G. Penalty Provisions

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

10.0511 Small Wind Energy Systems

A. Purpose

1. Oversee the permitting of small wind energy systems
2. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (Wis. Stat. §. 66.0401).

B. Definitions

In this section:

1. "Meteorological tower" (Met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
2. "Owner" shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
3. "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
4. "Small wind energy system" means a wind energy system that
   (a) is used to generate electricity;

(b) has a nameplate capacity of 100 kilowatts or less; and

(c) has a total height of 170 feet or less.

5. "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

6. "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.

7. "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. §. 66.0403(1)(m). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

8. "Wind generator" means blades and associated mechanical and electrical conversion components mounted on top of the tower.

C. Standards

A small wind energy system shall be permitted as a conditional use in all zoning districts subject to the following requirements:

1. Setbacks. A wind tower for a small wind system shall be set back a distance equal to its total height from:

(a) any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;

(b) any overhead utility lines, unless written permission is granted by the affected utility;

(c) all property lines, unless written permission is granted from the affected land owner or neighbor.

2. Access.

(a) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

3. Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

4. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

5. Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the Zoning~~Building~~ Permit.

6. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

7. Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

8. Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."

9. Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

D. Permit Requirements

1. Building Permit and Zoning Permit. A Building Permit and a Zoning Permit shall be required for the installation of a small wind energy system.

2. Documents: The Building Permit and Zoning Permit application shall be accompanied by a plot plan which includes the following:

   (a) Property lines and physical dimensions of the property;

   (b) Location, dimensions, and types of existing major structures on the property;

   (c) Location of the proposed wind system tower;

   (d) The right-of-way of any public road that is contiguous with the property;

   (e) Any overhead utility lines;

   (f) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);

   (g) Tower foundation blueprints or drawings;

   (h) Tower blueprint or drawing

3. Fees. The application for a Building Permit and a Zoning Permit for a small wind energy system must be accompanied by the fee required for a Zoning Permit and a Building Permit for a Permitted Accessory Use.

4. Expiration. A permit issued pursuant to this ordinance shall expire if:

   (a) The small wind energy system is not installed and functioning within 24-months from the date of the latest permit ~~is~~ issued by the Town; or

(b) The small wind energy system is out of service or otherwise unused for a continuous 12-month period.

E. Abandonment

1. A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

2. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Zoning Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

F. ~~Building~~ Zoning Permit Procedure

1. An Owner shall submit an application to the Zoning Administrator for a ~~Building~~ Zoning Permit for a small wind energy system. The application must be on a form approved by the Zoning Administrator and must be accompanied by two copies of the plot plan identified in 10.0512 (D)(2) above.

2. The Zoning Administrator shall issue a permit or deny the application within one month of the date on which the application is received.

3. The Zoning Administrator shall issue a ~~Building~~ Zoning Permit for a small wind energy system if the application materials show that the proposed small wind energy system meets the requirements of this ordinance.

4. If the application is approved, the Zoning Administrator will return one signed copy of the application with the permit and retain the other copy with the application.

5. If the application is rejected, the Zoning Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Zoning Administrator's decision pursuant to Chapter 68 Wis. Statutes. The applicant may reapply if the deficiencies specified by the Zoning Administrator are resolved.

6. The Owner shall conspicuously post the ~~Building~~ Zoning Permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.

G. Violations

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a ~~Building~~ Zoning Permit issued pursuant to this ordinance. Small wind energy systems installed prior to the Effective Date of this ordinance are exempt.

H. Penalties

1. Any person who fails to comply with any provision of this ordinance or a ~~Building~~ Zoning Permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Section 10.1300 of this ordinance.

10.0512 **Solar Energy Systems**

A. Application: Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures.

B. Construction: Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building and zoning codes.

C. Location and Height: Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this Ordinance unless otherwise provided in the conditional use permit issued pursuant to this Ordinance.

10.0513 **Recreational Use**

A. Hunting Cabins and Fishing Cabins

B. Hunting Cabins may be allowed as a conditional use in the A-1 district provided that the following shall apply:

1. Shall have a minimum Lot size of 18 acres.
2. Shall be screened from view from the public right of way and adjacent properties.
3. Shall not be occupied for more than 90 days per calendar year.
4. Shall meet the requirements of the Kewaunee County Sanitary Code.
5. Must have an approved site plan under Section 10.0700 of this Ordinance.

C. Artificial Lakes and Ponds

The following regulations shall apply to all Artificial Lakes and Ponds hereinafter constructed or developed within the Town.

1. Location

   Artificial Lakes and Ponds may be allowed as Conditional Uses in the all zoning districts.

2. Site Plan materials shall be required as detailed in Section 10.0700 of this Ordinance and shall include the following:

   (a) A site plan showing the proposed lake size and depth and the adjoining property within 500 feet of the site and setbacks from property lines.

   (b) Layout of proposed residential lots and other buildings, if applicable.

   (c) The type of sanitary facilities to be installed, if residential development is to take place.

   (d) Source of water supply for residential dwellings and water level maintenance in the lake.

   (e) Surface drainage sources and topography.

   (f) Proposed roadways

   (g) Proposed amount of and disposal location of excavated materials. and amount of

   (h) A description of all natural and manmade features, including wetlands, watercourse, fish and wild life habitat, floodplains, and structures, and appurtenances thereto, potentially affected by the subject activity.

3. Other Requirements

   (a) The constructed Artificial Lake or Pond shall meet the applicable requirements of the Kewaunee County Shoreland/Floodplain Zoning Ordinance.

   (b) Artificial Lakes and Ponds constructed adjacent to a navigable body (within in 500 feet) of water shall comply with the regulations set by the Wisconsin Department of Natural Resources.

   (c) Any or all requirements of state or federal agencies shall be met.

   (d) The groundwater table in the surrounding area and adjacent to the Artificial Lake or Pond shall be protected.

   (e) State permits shall be required if ~~high capacity~~high-capacity wells are drilled on the site.

   (f) The Division of Environmental Health requirements shall be met to ensure proper safety of swimmers.

(g) The perimeter of Artificial Lakes and Ponds shall be landscaped and seeded within six (6) months after completion of the excavation.

(h) Artificial Lake and Ponds shall be setback 30 feet from rear and side yard lots lines.

(i) Artificial Lakes and Ponds shall meet the setback requirements for building as specified in Section 10.0304 of this Ordinance.

(j) All buildings shall be setback minimum of 30 feet from Artificial Lakes and Ponds.

(k) The Town Board may require a buffer strip to control erosion and sedimentation and to protect water quality.

(l) Proposed method of erosion and sedimentation control

(m) A performance bond shall be filed with the Town Board prior to the start of construction. Amount of bond per acre shall be specified by the Town Board.

10.0514 Agriculture Uses

A. Livestock Facility/Animal Feedlot

1. A new or expanded Livestock Facility/Animal Feedlot, 500 or more animal units may be permitted as a Conditional Use in the A-1 Prime Agriculture Land District per standards and procedures under Wis. Stat. § 93.90 and Wis. Admin. Code ch. ATCP 51.

(a) Conditional Use permits for Livestock Facilities/Animal Feedlots, 500 or more animal units must include state mandated application materials per Wis. Admin. Code ch. ATCP 51.30.

(b) The Town shall follow state standards (Wis. Admin. Code ch. ATCP 51) for approving Conditional Uses for new or expanded Livestock Facilities/Animal Feedlots of 500 or more animal units.

10.0600 PARKING, LOADING, DRIVEWAYS, AND ACCESS

10.0601 Parking Standards

A. Off-street parking for residential uses in any zoning district shall provide two (2) spaces per Dwelling Unit and may be located in any yard space.

B. Parking areas may be located in any yard space for B-1 and I-1 Districts. Parking areas for non-residential uses may be located in any yard space, with the exception of the Front Yard, for all other zoning districts. Parking shall not be closer than 10 feet to any right-of-way in all zoning districts. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.

C. Each parking space shall not be less than 200 square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be 10 feet.

D. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.

E. All off-street parking areas for more than 10 vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.

F. All parking areas, appurtenant passageways, and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

G. Where a ~~Building~~ Zoning Permit has been issued prior to the Effective Date of adoption or subsequent Amendment of this Ordinance and provided that construction is begun within ~~six~~ twelve (~~6~~12) months of such Effective Date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said ~~Building~~ Zoning Permit may be provided in lieu of any different amounts required by this Ordinance.

H. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least 50 percent of any existing deficiency in parking or loading facilities.

I. None of the off-street facilities as required in this Ordinance shall be required for any building or use lawfully existing prior to the Effective Date of adoption or subsequent Amendment of this Ordinance, unless said building or use shall be enlarged, extended or increased in which case the provisions of this Ordinance shall apply only to the enlarged, extended or increased portion of the building or use. Such lawfully existing buildings or uses shall comply with the parking standards contained in the Town Zoning Ordinance.

J. Required Number of Parking Stalls

Table 10.3: Land Use and Minimum Parking Stalls Required, Town of Red River

Use	Minimum Parking Required
Single-family dwellings and homes	Two (2) spaces for each manufactured dwelling
Multiple-family dwelling units	One and a half (1.5) spaces dwelling for each
Motels, hotels	One (1) space for each guest room plus one (1) space for each three (3) employees
Hospitals, clubs, lodges, dormitories, and lodging and	One (1) space for each two (2) beds plus one (1) space for each three (3) employees
Sanitariums, institutions, and nursing homes	One (1) space for each five (5) rest beds plus one (1) space for each three (3) employees
Medical and dental clinics	Five (5) spaces for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	One (1) space for each five (5) seats
Colleges, secondary and elementary schools	One (1) space for each two (2) employees plus one (1) space for each 10 students of 16 years of
Restaurants, bars, places of entertainment, repair shops, and	One (1) space for each 150 square feet of floor area and one (1) space for each two (2)
Manufacturing and processing plants, laboratories, and warehouses	One (1) space for each two (2) employees
Financial institutions, and business, government, and warehouses	One (1) space for each 300 square feet of floor area and one (1) space for each two (2)
Funeral homes	One (1) space for each four (4) seats
Bowling alleys	Five (5) spaces for each alley
Lodges and clubs	One (1) space for each five (5) members
Automobile repair garages	One (1) space for each regular employee plus one (1) space or each 250 square feet of floor area used for repair work
Gasoline filling stations	Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant

Determination of Required Parking Spaces for Uses Not Listed - For uses not listed in Table 10.3, the Plan Commission shall determine the number of parking spaces to be required after considering, but not limited to the following: the amount of floor space, number of employees, the traffic generation potential, and the number of spaces required for uses that are specified.

10.0602 Loading Requirements

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public right of way and so that all vehicles need not back onto any public right of way.

10.0603 Parking Of Commercial Vehicles, Buses, And Commercial Trailers in Residential Areas Restricted

A. No commercially licensed motor vehicle having a gross weight in excess of 10,000 pounds, bus or commercially licensed trailer shall be parked or stored in any residential district, other than by a Conditional Use Permit, except when loading, unloading or rendering a service.

B. School buses as defined in Wis. Stats. 340.01(56) and regulated by Wisconsin Administrative Code Trans 300 are exempt from Section 10.0603 provided that no more than two school buses shall be parked or stored on a Lot and such buses must be operated by the occupants of the Lot.

10.0604 Driveways

All driveways installed, altered, changed, replaced, or extended after the Effective Date of adoption or subsequent Amendment of this Ordinance, shall meet the following requirements:

A. Islands between driveway openings shall be provided, with a minimum of 12 feet between all driveways and six (6) feet at all lot lines.

B. Openings for non-agricultural related vehicular ingress and egress shall not be less than 24 feet in width at the road line nor more than 35 feet in width.

C. Openings for agricultural related vehicular (equipment) ingress and egress shall not be more than 50 feet in width. (The Town may consider an opening greater than the limits set forth in (A) and (B) above provided a licensed Professional Engineer provides a certified engineering study that addresses, to the Town's satisfaction, water flow issues that may occur; especially potential freezing issues that may create roadway hazards.)

D. Vehicular entrances and exits to drive-in theaters; banks; restaurants; motels; funeral homes; vehicular sales, service, washing, and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

E. Driveway approaches shall be so constructed so as not to restrict the natural flow of water. Property owners shall be financially responsible for providing the proper size culvert necessary for driveways if needed as determined by the Town.

F. Driveway Markers

1. Driveway markers may be located in accordance with the requirements of Section 10.0408 of this Ordinance regulating fences and hedges.

2. Driveway markers may be constructed up to eight (8) feet in height with the Zoning Administrator's review and approval.

3. Driveway markers exceeding eight (8) feet in height require the approval of the Plan Commission.

10.0700 SITE PLAN REVIEW AND APPROVAL AND ARCHITECTURAL CONTROL

10.0701 Purpose and Intent

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

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

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

10.0702 Exceptions

A single family ~~Residential developments having four or fewer~~ dwelling unit,~~s~~ and associated permitted accessory structure on a lot of record, are exempt from the site plan review. ~~provided the residential development is not in the LE District or within the Niagara Escarpment Overlay District.~~ Any residential development, on a lot of record, with more than one single family dwelling unit ~~s in the LE District or within the Niagara Escarpment Overlay District are~~is required to have a site plan review.

10.0703 Fee

All site plans submitted to the Town for review and approval shall be accompanied by a review fee as established in the most recent Town Fee Schedule adopted by the Town Board from time to time.

10.0704 Principles

To implement and define criteria for the purposes set forth in Section 10.0701, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

B. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.

C. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

D. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

E. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.

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

10.0705 **Site Plan Materials**

Six (6) copies of the site plan shall be submitted to the Zoning Administrator who shall transmit all applications and their accompanying plan to the Plan Commission for their review. Plan data to be submitted with all review applications shall include the following:

A. Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.

B. Name of project noted.

C. Owner's and/or developer's name and address noted.

D. Architect and/or engineer's name and address noted.

E. Date of plan submittal.

F. Scale of drawing noted on plan.

G. North arrow shown.

H. Existing and proposed topography shown at a contour interval not less than two (2) feet.

I. The characteristics of soils related to contemplated specific uses.

J. Total number of parking spaces noted including location and dimension.

K. Dimensions of lot.

L. The type, size, and location of all structures with all building dimensions shown including setbacks.

M. Indicate height of building(s).

N. Existing and proposed road names indicated.

O. Indicate existing and proposed rights-of-way and widths.

P. Locate existing and general location of proposed sanitary disposal systems.

Q. Locate any proposed storm water management facilities, including detention/retention areas.

R. Locate existing trees and wetlands.

S. Note location, extent, and type of proposed plantings.

T. Note location of pedestrian sidewalks and walkways.

U. A graphic outline of any development staging which is planned is required to be shown on the site plan.

V. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.

W. A certified survey may be required by the Plan Commission.

10.0706 **Review and Findings**

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

10.0707 **Sureties**

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to Section 10.1303 of this Ordinance.

10.0800 CONSTRUCTION SITE EROSION CONTROL

10.0801 Findings and Purpose

The Town Board finds that runoff from land disturbing construction activity carries a significant amount of sediments and other pollutants to the waters of the state in the Town.

10.0802 Purpose

It is the purpose of this Ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Town.

10.0803 Applicability and Jurisdiction

A. Applicability

1. This Ordinance applies to the following land disturbing construction activities:

   (a) A construction site, which has one or more acres of land disturbing construction activity after March 10, 2003.

2. This Ordinance does not apply to the following:

   (a) Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under s. SPS 321.125 Wis. Adm. Code.

   (b) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.

   (c) Nonpoint discharges from agricultural facilities and practices.

   (d) Nonpoint discharges from silviculture activities.

   (e) Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

3. Notwithstanding the applicability requirements in Section 10.0803, this Ordinance applies to construction sites of any size that, in the opinion of the Town Plan Commission, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution

by scouring or the transportation of particulate matter or that endangers property or public safety.

B. Exclusions

This Ordinance is not applicable to activities conducted by a state agency, as defined under Wis. Stats. 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. 281.33(2).

10.0804 **Technical Standards**

A. Design Criteria, Standards and Specifications

1. All best management practices (BMP) required to comply with this Ordinance shall meet the design criteria, standards and specifications based on any of the following:

(a) Applicable design criteria.

(b) Standards and specifications identified in the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222 November 1993 Revision.

2. Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

3. For this Ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.

B. Other Standards. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Plan Commission.

10.0805 **Performance Standards**

A. Responsible Party. The responsible party shall implement an erosion and sediment control plan, developed in accordance with Section 10.0807, that incorporates the requirements of this Section.

B. Plan. A written plan shall be developed in accordance with Section 10.0807 and implemented for each construction site.

C. Erosion and Other Pollutant Control Requirements. The plan required under sub. (2) shall include the following:

1. BMPs that, by design, achieve to the maximum extent practicable, a reduction of 80 percent of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80 percent sediment reduction to meet

the requirements of this paragraph. Erosion and sediment control BMPs may be sued alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

2. Notwithstanding par. (a), if BMPs cannot be designed and implemented to reduce the sediment load by 80 percent, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

3. Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:

(a) Prevent tracking of sediment from the construction site onto roads and other paved surfaces.

(b) Prevent the discharge of sediment as part of site de-watering.

(c) Protect the separate storm drain inlet structure from receiving sediment.

D. The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the state. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph.

E. Location. The BMPs used to comply with this Section shall be located prior to runoff entering waters of the state.

F. Alternate Requirements. The Town Plan Commission may establish storm water management requirements more stringent than those set forth in this Section if the Town Plan Commission determines that an added level of protection is needed for sensitive resources.

10.0806 Permitting Requirements, Procedures and Fees

A. Permit Required. No responsible party may commence a land disturbing construction activity subject to this Ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Plan Commission.

B. Permit Application and Fees. At least one responsible party desiring to undertake a land disturbing construction activity subject to this Ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of 10.0807 and shall pay an application fee, as set in the most recent Town Fee Schedule adopted by the Town Board, to the Town Plan Commission. By submitting an application, the applicant is authorizing the Town Plan Commission to enter the site to obtain information required for the review of the erosion and sediment control plan.

C. Review and Approval of Permit Application. The Town Plan Commission shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used.

1. Within 25 Business Days of the receipt of a complete permit application, as required by sub. (2), the Town Plan Commission shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this Ordinance.

2. If the permit application and plan are approved, the Town Plan Commission shall issue the permit.

3. If the permit application or plan is disapproved, the Town Plan Commission shall state in writing the reasons for disapproval.

4. The Town Plan Commission may request additional information from the applicant. If additional information is submitted, the Town Plan Commission shall have 25 Business Days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

5. Failure by the Town Plan Commission to inform the permit applicant of a decision with 30 Business Days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

D. Surety Bond. As a condition of approval and issuance of the permit, the Town Plan Commission may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

E. Permit Requirements. All permits shall require the responsible party to:

1. Notify the Town Plan Commission with 48 hours of commencing any land disturbing construction activity.

2. Notify the Town Plan Commission of completion of any BMPs within 14 days after their installation.

3. Obtain permission in writing from the Town Plan Commission prior to any modification pursuant to Section 10.0807C) of the erosion and sediment control plan.

4. Install all BMPs as identified in the approved erosion and sediment control plan.

5. Maintain all road drainage systems, Stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

6. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.

7. Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

8. Allow the Town Plan Commission to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.

Permit Conditions. Permits issued under this Section may include conditions established by Town Plan Commission in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in Section 10.0806.

F. Permit Duration. Permits issued under this Section shall be valid for a period of ~~180~~ 365 days, or the length of the ~~Building~~ Zoning Permit or other construction authorizations, whichever is longer, from the date of issuance. The Town Plan Commission may extend the period one or more times for up to an additional 180 days. The Town Plan Commission may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this Ordinance.

G. Maintenance. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this Ordinance until the site has undergone final stabilization.

10.0807 **Erosion and Sediment Control Plan, Statement, and Amendments.**

A. Erosion and Sediment Control Plan

1. An erosion and sediment control plan shall be prepared and submitted to the Town Plan Commission.

2. The erosion and sediment control plan shall be designed to meet the performance standards in Section 10.0805 and other requirements of this Ordinance.

3. The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include a minimum, the following items:

(a) The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

(b) Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a

United States Geological Service 7.5 minute series topographic map.

(c) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

(d) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

(e) Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.

(f) Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.

(g) Existing data describing the surface soil as well as subsoils.

(h) Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.

(i) Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

4. The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

(a) Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.

(b) Boundaries of the construction site.

(c) Drainage patterns and approximate slopes anticipated after major grading activities.

(d) Areas of soil disturbance.

(e) Location of major structural and non-structural controls identified in the plan.

(f) Location of areas where stabilization practices will be employed.

(g) Areas which will be vegetated following construction.

(h) A real extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.

(i) Locations of all surface waters and wetlands within one mile of the construction site.

(j) An alphanumeric or equivalent grid overlying the entire construction site map.

5. Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

(a) Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

(b) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Town Plan Commission, structural measures shall be installed on upland soils.

(c) Management of overland flow at all sites, unless otherwise controlled by outfall controls.

(d) Trapping of sediment in channelized flow.

(e) Staging construction to limit bare areas subject to erosion.

(f) Protection of downslope drainage inlets where they occur.

(g) Minimization of tracking at all sites.

(h) Clean up of off-site sediment deposits.

(i) Proper disposal of building and waste materials at all sites.

(j) Stabilization of drainage ways.

(k) Control of soil erosion from dirt stockpiles

(l) Installation of permanent stabilization practices as soon as possible after final grading.

(m) Minimization of dust to the maximum extent practicable.

6. The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

B. Erosion and Sediment Control Plan Statement

For each construction site identified under Section 10.0803 an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Town Plan Commission. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

C. Amendments. The applicant shall amend the plan if any of the following occur:

1. There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
2. The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
3. The Town Plan Commission notifies the applicant of changes needed in the plan.

10.0808 **Inspection**

If land disturbing construction activities are being carried out without a permit required by this Ordinance, the Town Plan Commission may enter the land pursuant to the provisions of Wis. Stats. 66.0119(1), (2), and (3).

10.0809 **Enforcement**

A. The Town Plan Commission may post a stop-work order if any of the following occurs:

1. Any land disturbing construction activity regulated under this Ordinance is being undertaken without a permit.
2. The erosion and sediment control plan is not being implemented in a good faith manner.
3. The conditions of the permit are not being met.

B. If the responsible party does not cease activity as required in a stop-work order posted under this Section or fails to comply with the erosion and sediment control plan or permit conditions, the Town Plan Commission may revoke the permit.

C. If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Town Plan Commission, or if a responsible party violates a stop-work order posted under sub. (1), the Town Plan Commission may request the Town attorney, to obtain a cease and desist order in any court with jurisdiction.

D. The administering authority may retract the stop-work order issued under sub.(1) or the permit revocation under sub.(2).

E. After posting a stop-work order under sub. (1), the Town Plan Commission may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Ordinance. The Town Plan Commission may go on the land and Commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Town Plan Commission, plus interest at the rate authorized by Town Plan Commission shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax roll and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

F. Any person violating any of the provisions of this Ordinance shall be subject to a forfeiture of not less than $100 nor more than $1,000 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

G. Compliance with the provisions of this Ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

10.0900 PERFORMANCE STANDARDS

10.0901 Compliance

This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their lot lines or district. All structures, land, air, and waters hereafter, in addition to their use and site regulations, shall comply with the following performance standards.

Note: Livestock Facilities/Animal Feedlots with 500 or more animal units, established in the Town under Wis. Stat. § 93.90 and Wis. Admin. Code ch. ATCP 51, shall comply with the performance standards, which include water quality and odor requirements, established under state law.

10.0902 Air Pollution

No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding state or federal air pollution standards.

10.0903 Fire and Explosive Hazards

All activities involving the manufacturing, utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing systems. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 50,000 gallons.

10.0904 Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its lot lines except activities which may emit sky-reflected glare, which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their lot lines.

10.0905 Water Quality Protection

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

In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

10.0906 **Noise**

No activity in the I-1 Industrial district shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave level filter:

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1,200	53
1,200 to 2,400	47
2,400 to 4,800	41
above 4,800	39

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

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 75	72
75 to 150	69
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
above 4,800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

10.0907 **Odors**

No non-agricultural activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 429 of the Wisconsin Administrative Code and Amendments thereto.

10.0908 Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

10.0909 Vibration

No activity shall emit vibrations which are discernible without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	Displacement (inches)	
	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and Over	.0002	.0001

10.0910 Lighting

No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spill over on operators of motor vehicles, pedestrians, and uses of land in abutting lots or public rights-of-way. These requirements shall not apply to lighting placed in a public right-of-way for public safety.

A. Orientation. No exterior lighting fixture shall be oriented so that the lighting element (or a transparent shield) is visible from a property in a residential district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaries, or luminaries with cutoff optics, and careful fixture placement is encouraged to facilitate compliance with this requirement.

B. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candles, exclusive of approved anti-vandal lighting.

C. Intensity of Illumination. The intensity of illumination, measured at the property line, shall not exceed 0.5 foot-candles.

D. Flashing, Flickering, and other Distracting Lighting which may distract motorists is prohibited.

E. Nonconforming Lighting. All lighting fixtures approved prior to the Effective Date of adoption of this Ordinance not meeting the above criteria shall be treated and regulated as legal nonconforming uses under Section 10.1000.

10.1000 NONCONFORMING USES AND STRUCTURES

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

10.1001 Nonconforming Uses of Land / Structures

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

A. Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the Effective Date of adoption or subsequent Amendment of this ordinance.

B. Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the Effective Date of adoption or subsequent Amendment of this Ordinance.

C. No additional structure in connection with such nonconforming use shall be erected.

D. No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use that is a permitted or conditional use in the district in which it is located.

E. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the Effective Date of adoption or subsequent Amendment of this ordinance. Any nonconforming use that occupied a portion of a building not originally designed or intended for such use shall not be extended to any part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.

F. There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.

G. If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of that land use or structure shall conform to this Ordinance.

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

be enlarged, but only to the extent necessary for the structure to comply with applicable state and federal requirements.

10.1002 Nonconforming Structures

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

A. Buildings under Construction. An uncompleted structure for which a ZoningBuilding Permit was issued and construction commenced, may be completed if the completed structure complies with the ordinance in effect at the time the permit was issued, even if the structure does not conform to the requirements of this ordinance at the time construction is completed, and the completed structure will be deemed a nonconforming structure.

B. Repairs and improvements of a maintenance nature are allowed.

C. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.

D. The total structural repairs or alterations in such nonconforming structures are allowed provided that they do not exceed 50 percent of full market value of the structure or building.

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

10.1003 Existing Nonconforming Lots of Record

In the RS district, a single-family detached dwelling and its Accessory Buildings may be erected on any legal lot of record that existed prior to December 1, 1985 in the Kewaunee County Register of Deeds Office.

A. All the RS district requirements shall be complied with insofar as practical but shall not be less than the following:

1. Minimum Lot width at the building setback line: 60 ft.
2. Minimum Lot Area: 15,000 sq. ft.

B. Compliance with the standards of the Kewaunee County Sanitary Code shall be a condition for the granting of a ZoningBuilding Permit.

C. Nonconforming lots of record granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A ZoningBuilding Permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a Variance is issued by the Board of Appeals.

10.1004 Existing Nonconforming Lots of Record Served by a Public Sanitary Sewer

A. In the RS district, a substandard lot located directly adjacent to the waterfront (i.e., shores of Green Bay) and served by a public sanitary sewer which is at least 10,000 sq. ft. in area, and is at least 50 feet in width at the building setback line, and at least 50 feet in width at the ordinary high water mark may be used as a building site for a single family dwelling upon issuance of a Zoning~~Building~~ Permit by the Zoning Administrator if it meets all of the following requirements:

1. Such use is permitted in the zoning district.
2. The lot was on record prior to December 1, 1985 in the Kewaunee County Register of Deeds Office.

B. Structures existing before December 1, 1985 may be replaced on a Nonconforming Lot of record in the RS district provided the new structure meets the setback and all other requirements of this Ordinance and does not exceed the F~~f~~ootprint and height of said existing structure.

10.1100 BOARD OF APPEALS

10.1101 Establishment

There is hereby established a Board of Appeals for the Town of Red River for the purpose of Public Hearing appeals and applications, and granting Variances to the provisions of this Ordinance.

10.1102 Membership

A. The Board of Appeals shall consist of **five (5) members** appointed by the Town Chairperson and confirmed by the Town Board.

B. **Terms** shall be for staggered three-year periods.

C. **Chairperson** of the Board of Appeals shall be designated by the Board of Appeals.

D. **Two Alternate Members** shall be appointed by the Town Chairperson for a term of three (3) years. The first alternate shall act, with full power, only when a member of the Board of Appeals refuses to vote because of conflict or potential conflict of interest or when a member is absent. The second alternate shall act only when the first alternate so refused or is absent or when more than one member of the Board of Appeals so refuses or is absent.

E. **No member** shall be a Town Board member, Plan Commission member, or the Zoning Administrator.

F. **Secretary** shall be appointed by the Board of Appeals.

G. **Zoning Administrator** shall attend meetings for the purpose of providing technical assistance when requested by the Board of Appeals.

H. **Conflict of Interest**. Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or Public Hearing at which said matter is under consideration.

I. **Official Oaths** shall be taken by all members in accordance with s. 19.01 of Wis. Stats., within 10 days of receiving notice of their appointment.

J. **Vacancies** shall be filled for the unexpired term in the same manner as appointments for a full term.

10.1103 Organization

A. The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

B. Meetings shall be held at the call of the Chairperson and shall be open to the public; however, the Board of Appeals may convene in closed session in accordance with s. 19.85 Wis. Stats.

C. Minutes of the proceedings and a record of all actions shall be kept by the Secretary showing the vote of each member upon each question, the reasons for the Board of Appeal's determination, and its findings of facts. These

records shall be immediately filed in the office of the Town Clerk and shall be a public record.

D. A majority vote of four (4) members of the Board of Appeals shall be necessary to correct an error; grant a Variance; make and interpretation, and allow a substituted use.

10.1104 Authority

The Board of Appeals shall have the following authority:

A. Errors. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Plan Commission or Zoning Administrator.

B. Variances. To hear and decide appeals for Variances where based on special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such a Variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purpose of this Ordinance shall be observed and the public safety, welfare, and justice secured. **Use Variances shall not be granted**.

C. Interpretations. To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.

D. Substitutions. To hear and decide application for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board of Appeals allows such substitution, the use may not thereafter be changed without application.

E. Permits. The Board of Appeals may reverse, affirm wholly or partly, modify the order, requirement, decision, or determination appealed from, and may issue or direct the issuance of a permit.

F. Assistance. The Board of Appeals may request assistance from other Town officers, and Kewaunee County officials, departments, commissions and boards.

G. Oaths. The Chairperson of the Board of Appeals shall administer oaths and may request the attendance of witnesses.

H. Renewable Energy. To grant Variances for Renewable Energy Resource Systems. If the Board of Appeals denies an application for a Variance for a Renewable Energy Resource System, the Board of Appeals shall provide a written statement of its reasons for denying the application.

10.1105 Appeals and Applications

Appeals to the Board of Appeals may be made by any person aggrieved or by any officer, department, or board of the Town affected by any decision of the Zoning Administrator concerning the literal enforcement of this Ordinance. Such appeals shall be filed with the Secretary within sixty (60) days after the date of written

notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and application shall include the following:

A. Name and Address of the appellant or applicant, all abutting property owners, all property owners of record within 500 feet, and all property owners immediately adjacent to the site such as across waterways and rights-of-way utilities, roads, and highways.

B. Plat of Survey prepared by a registered land surveyor showing all of the information required for a Zoning~~Building~~ Permit under Section 10.0208 of this Ordinance.

C. Additional Information required by the Board of Appeals or Zoning Administrator.

D. A fee receipt from the Town Clerk.

10.1106 Public Hearings

The Board of Appeals shall fix a reasonable time and place for the required Public Hearing within 45 days of receiving written application for the Public Hearing, and shall give notice as specified in Section 10.1400 of this Ordinance, and shall give due notice to the parties in interest, the Zoning Administrator, and the Town Plan Commission. At the Public Hearing, the appellant or applicant may appear in person, by agent, or by attorney. The Board of Appeals may postpone a Public Hearing if it determines that it needs additional information.

10.1107 Findings

No Variance to the provisions of this Ordinance shall be granted by the Board of Appeals unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates in the minutes of its proceedings:

A. Preservation of Intent: No Variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No Variance shall have the effect of permitting a use in any district that is not a stated Permitted Use, Accessory Use, or Conditional Use in that particular district.

B. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the Lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same district, and the granting of the Variance should not be of so general or recurrent nature as to suggest that this Ordinance should be changed.

C. Economic Hardship and Self-Created Hardship Not Grounds for Variance: No Variance shall be granted solely on the basis of economic gain or loss. Self-created hardships shall not be considered as grounds for the granting of a Variance.

D. Preservation of Property Rights: The Variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

E. Absence of Detriment: No Variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

10.1108 Decision

A. The Board of Appeals shall decide all appeals and applications within 30 days after the Public Hearing and shall transmit a signed copy of the Board of Appeal's decision to the appellant or applicant, Zoning Administrator, and Town Plan Commission.

B. Conditions may be placed upon any permit ordered or authorized by the Board of Appeals.

C. Variances or Substitutions granted by the Board of Appeals shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

10.1109 Review by Court Of Record

Any person or persons aggrieved by any decision of the Board of Appeals may, within 30 days, after the filing of the decision in the office of the Town Clerk, seek court review of the decision as provided in s. 62.23(7)(e)(10) Wis. Stats.

10.1200 CHANGES AND AMENDMENTS

10.1201 Authority

A. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance when the Amendment is consistent with the purposes and intent of this Ordinance.

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

10.1202 Initiation

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

10.1203 Petitions

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

A. Plot Plan drawn to 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 current use of all properties within 500 feet of the area proposed to be rezoned.

B. Owner's Names and Addresses of all properties lying within 500 feet of the area proposed to be rezoned.

C. Additional Information required by the Town Plan Commission.

D. A fee receipt from the Town Clerk in the amount specified by Section 10.1301 of this Ordinance.

E. Certified Survey as may be required by the Plan Commission or the Town Board.

10.1204 Review and Recommendations

The Plan Commission shall review all proposed changes and Amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. Where the purpose and effect of the proposed Amendment is to change the zoning classification of a particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

A. Existing uses or property within the general area of the property in question.

B. Zoning classification of property within the general area of the property in question.

C. Suitability of the property in question to the uses permitted under the existing zoning classification.

D. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

E. The Plan Commission may recommend the adoption of an Amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

F. The Plan Commission shall not recommend the adoption of a proposed Amendment unless it finds that the adoption of such Amendment is in the public interest and is not solely for the interest of the applicant.

G. Consistency of the proposed Amendment with the Town's Comprehensive Plan.

H. In addition to the above, in the case of a map Amendment request for rezoning of lands in the A-1 Prime Agricultural District, the Plan Commission and Town Board shall follow the provisions of Section 10.0305(F), Rezoning of Prime Agricultural districts of this Ordinance.

10.1205 Public Hearings

Following a public notice, per Section 10.1400 of this Ordinance, the Town Board shall hold a Public Hearing on each proposed change or Amendment as recommended by the Plan Commission.

The Town Board may hold the Public Hearing jointly with the Plan Commission or delegate the responsibility to hold such Public Hearing to the Plan Commission.

10.1206 Town Board Action

Following the Public Hearing and after careful consideration of the Town Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or Amendment.

The Town Plan Commission's recommendations may be only overruled by a unanimous vote of the Town Board.

10.1207 Protest

In the event of a protest against such change or Amendment, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent and extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the road frontage of such opposite land, such changes or Amendments shall not become effective except by a unanimous vote of the Town Board.

10.1208 Reversion of Map Amendments

The Town Board may reverse a map Amendment if certain actions are not taken by the applicant.

A. The adopted rezoning may be conditioned on an automatic reversion of the zoning to the previous zoning, if in one year from the date of approval of the map Amendment by the Town Board substantial work has not commenced on the use for which the rezoning was granted.

B. The adopted rezoning may be conditioned on the proper recording of the lot subject to the rezoning Amendment with the Kewaunee County Register of Deeds within 30 days of the date of approval date of the map Amendment by the Town Board.

10.1209 Rezoning Record

The Town Board shall keep a record of all rezoning activities, including the rationale for rezoning.

10.1300 FEES AND PENALTIES

10.1301 Permit Application Fees

A. Fee Payment

All persons, firms, or corporations who petition for approval of a zoning text or map Amendment, variance, or appeal, and all persons, firms, or corporations performing work in the Town for which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Town Clerk, in accordance with the most recent Town Fee Schedule established by the Town Board and amended from time to time to help defray the cost of administration, investigation, advertising, and processing of such petitions and permit applications.

B. Additional Fees

If the Town Board, Plan Commission, or Zoning Administrator determine that additional professional assistance is needed, beyond what is normally necessary to review a proposed development, petition, or permit application, the Town Board may employ the services of attorneys, engineers, planners, architects, surveyors, or related professional experts as may be required, the services of which shall be paid for by the petitioner or applicant. A deposit of funds may be required prior to any meeting

10.1302 Permit Violation Fee

A permit violation fee shall be charged by the Zoning Administrator if work is started before a Zoning~~Building~~ Permit is applied for and issued, or if a building or the premises are occupied prior to the issuance of an occupancy permit. Such permit violation fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance. Refer to the most recent Town Fee Schedule established by the Town Board for permit violation fees.

10.1303 Violations and Penalties

A. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance. The Zoning Administrator may also investigate violations on his own initiative (see Section 10.0204).

B. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of Variances or Conditional Uses, shall constitute the basis for a civil forfeiture action on behalf of the Town. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, forfeit not less than one hundred

dollars ($100.00) ~~and not more than $1,000.00~~ (or other fees as may be changed in the Town's most recent Fee Schedule adopted by the Town Board) or in lieu of payment thereof be imprisoned for not more than 30 days and in addition shall pay all court and prosecution costs and expenses involved in the case. **Each day of such violation ~~continues~~ from the first day of violation until such time the violation has been cured shall be considered a separate offense *(ie. $100 per day)***.

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

Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

C. Abatement of Violation

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Ordinance. Such removal may be performed by a Town agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

10.1400 NOTICE OF PUBLIC HEARING

When Public Hearings are required by this Ordinance (e.g., Amendments, appeals, Variances, Conditional Uses, etc.) or by Wisconsin Statutes, the following shall apply:

A. Notice of any Public Hearing which the Town Board, Town Plan Commission, or Town Board of Appeals is required to hold under the terms of this Ordinance shall be given by publishing in the Town a Class 2 notice in accordance with Chapter 985, Wis. Stats. The notice shall specify the time and place of such Public Hearing and shall state the matter to be considered at said Public Hearing.

B. Notice of the Public Hearing requiring a Class 2 Notice shall give due notice to all parties-in-interest at least 10 days before the Public Hearing. Parties-in-interest shall be defined as the applicant, the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition, and the owners of all lands included in the petition, and the owners within 500 feet of all lands included in the petition.

C. Failure to give any notice to any property owner shall not invalidate the action taken by the Town Board, Town Plan Commission, or Board of Appeals.

10.1500 DEFINITIONS

10.1501 Construction of Language

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

A. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.
2. "And/or" indicates that the connected words or provisions may apply singly or in any combination.
3. "Or" indicates that the connected words or provisions may apply singly or in any combination.
4. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.

B. In case of conflict between the text and a diagram or graphic, the text controls.

C. All references to departments, committees, commissions, boards, or other public agencies are to those of the Town, unless otherwise indicated.

D. All references to public officials are to those of the Town, and include designated deputies of such officials, unless otherwise indicated.

E. The term "building" includes the word "structure." A "building" or "structure" includes any part thereof.

F. The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

G. The term "dwelling" includes the word "residence" and the word "lot" includes the words "plat" or "parcel."

H. All references to "Title", "Chapter", or "Section" shall refer to this Zoning Ordinance unless another meaning is clear from the context of the reference.

I. The words "shall," "will," and "must" are always mandatory and not discretionary. The word "should" indicates that which is recommended but not required; and the word "may" is permissive.

J. The present tense includes the past and future tenses, and the future tense includes the past.

K. The singular number includes the plural, and the plural number includes the singular.

L. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

M. Any words not herein defined shall be presumed to have their customary dictionary definitions.

10.1502 Words Defined

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

Accessory Building - a building, or any portion of a building, that is subordinate to the principal building and that is used for a purpose incidental to the permitted use of the principal building or the premises. Including but not limited to the following building types:

Temporary Building – structures that have a fabric or plastic type of material, but not limited to, for the sidewalls and or roof. That may or may not be secured to the ground.

Portable Building – structures that have fabric, plastic, wooden or metal materials, but not limited to, for the sidewalls and or roof, that is not secured to the ground.

Permanent Building – structures that have wooden or metal materials, but not limited to, for the sidewalls and or roof, that may or may not be secured to the ground.

Accessory Use – any use that is subordinate to the Principal Use and that is incidental to the Principal Use.

Agricultural Accessory Use – means any of the following land uses on a Farm:

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

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

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

Agricultural Uses - any of the following activities conducted for the purpose of producing an income or livelihood:

A. Aquaculture.

B. Beekeeping.

C. Crop or forage production.

D. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

E. Floriculture.

F. Forest management.

G. Fur farming.

H. Keeping livestock.

I. Nursery, sod, or Christmas tree production.

Agriculture-Related Uses **-** a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

A. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services (e.g., seed, fertilizer, and farm chemical sales) directly to farms.

B. Storing, processing or handling raw agricultural commodities obtained directly from farms. Examples include feed mills and grain elevators.

C. Slaughtering livestock.

D. Marketing livestock to or from farms.

E. Processing agricultural by-products or waste received directly from farms.

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

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

Amendment - a change made by correction, addition, or deletion to a contract, policy, or ordinance.

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

Assisted Living Facilities - facilities for persons who need some level of care monitoring services but choose to live in a setting without 24-hour access to nursing services. Assisted living facilities (i.e., Community Based Residential Facilities, Residential Care Apartment

Complex, and Adult Family Homes) are regulated by the Wisconsin Department of Health and Family Services.

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

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

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

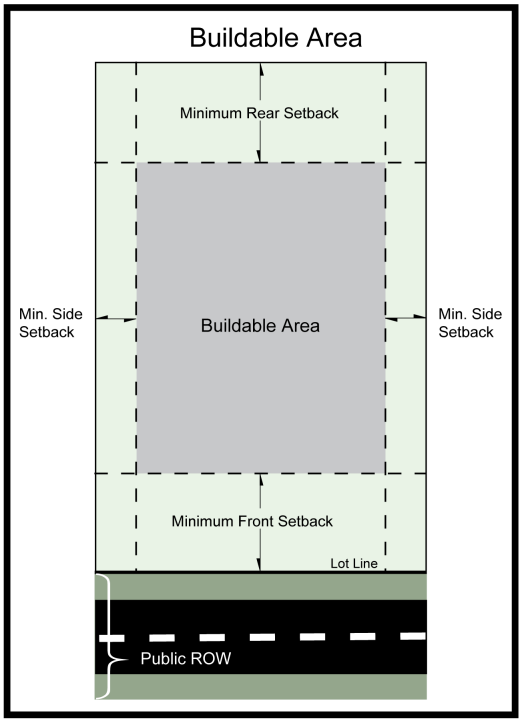
Automobile Wrecking Yard - Any premises on which more than three automotive vehicles, not in operating condition, are stored in the open.

Banquet Hall / Dance Hall - a facility/room used for hosting a party, reception, or other social event.

Basement - that portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

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

Buildable Area - the ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a permitted building and any attached accessory buildings is permitted by this ordinance.



Building - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land.

Building Inspector – is the professional inspector hired by the Town who is responsible for the systematic examination of building

and/or construction projects to ensure they meet all State, County and Town safety standards, building codes, and regulations.

Building Line - a line measured across the width of the lot at that point where the ~~main structure~~Principal Building, including any overhang, is in accordance with setback provisions.

Building Permit – a permit issued by the Town of Red River building inspector required before any new construction or remodeling can begin within the Town of Red River.

Clinic, Medical or Dental - an organization of specializing physicians or dentist, or both, who have their offices in a common building. A clinic shall not include in-patient care.

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

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

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

Common Ownership - means ownership by the same person or persons or by a legal entity that is owned, in whole or in part, by the same person or persons. For the purposes of this ordinance, ownership by one member of a married couple is deemed to be common ownership by the married couple.

Community Living Arrangement - a facility licensed and operated under the authority of the State of Wisconsin including group homes for children, foster homes, treatment foster homes, adult family homes, and Community Based Residential Facilities, but not including nursing homes or day care facilities.

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

Condominium Declaration - a legal document filed in the county or state in which a condominium will be located. The declaration establishes the existence of and further governs the use and maintenance of a condominium property including legal descriptions of the condominium and of each individual unit, the nature and scope of the development project (when applicable), and several provisions regarding the use of the condominium units and common areas.

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

Day Care Home, Family - a dwelling licensed as a day care center by the State of Wisconsin pursuant to s. 48.65 Wis. Stats., where care is provided for at least 4 and not more than 8

children. *(Note: the number of children was determined by the Town – this is not a statutory definition or number of children)*

Day Care Center - an establishment providing care and supervision for 4 or more persons under the age of 7 and licensed by the State of Wisconsin pursuant to s. 48.65 Wis. Stats.

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

District, Zoning - divisions of the town, each area being accurately defined to boundaries and locations on the official zoning map and in the zoning ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

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

Dwelling – a building, or portion thereof, including a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels and motels.

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

Dwelling Unit, Single Family – a building designed to be occupied exclusively by one (1) family.

Dwelling Unit, Two Family – a building designed to be occupied exclusively by two (2) families.

Dwelling Unit, Multi-Family – a building used and designed as a residence for three (3) or more families.

Effective Date: the date on which provisions of an agreement, contract, policy, ordinance, etc. take effect, which may be a past, present or future date. This may be different from the date upon which the event actually occurs or is recorded. All references to *Effective Date* for the Town of Red River Zoning Ordinance shall be October 11, 2017, unless specified otherwise within this ordinance.

Escarpment - a steep slope, or series of cliffs or steep slopes, which faces in one general direction, breaks the continuity of the land by separating two comparatively level or more gently sloping surfaces, and is produced by erosion or by faulting.

Escarpment Crest - the uppermost point of the Escarpment slope or face. It may be the top of a rock cliff, or where the bedrock is buried, the most obvious break in slope associated with the underlying bedrock.

Escarpment Face (Slope) - the area between the crest of the Escarpment and usually characterized by a steep gradient. Where the rise occurs in the form of a series of steps, the slope also includes the terraces between the steps.

Escarpment Toe (Base) **-** the lowest point on the Escarpment slope or face determined by the most obvious break in slope associated with the bedrock or landforms overlying the bedrock.

Essential Services - electric, telephone, gas, or water service, including the overhead, surface, or underground distribution or transmission systems necessary to supply the service. It includes the conduits, pipes, poles, towers, wires, and similar devices necessary to supply these services, but does not include any buildings necessary to supply these services. It does not include wind energy systems, communications facilities, or any structure or use listed as a permitted, accessory, or conditional structure or use in any other district.

Farm **-** all land under common ownership that is primarily devoted to agricultural use. For purposes of this ordinance, land is deemed to be primarily devoted to agricultural use if:

A. A majority of the land area is in agricultural use, or

B. The land produces at least $6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use. (s. 71.613(1)(d) Wis. Stats.)

Farm Consolidation - means the joining together of all or part of 2 or more farm operations, which were in existence before the Effective Date or subsequent Amendment of this ordinance, into a single farm operation.

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

Farm Residence – meaning any of the following structures that is located on a farm:

A. A single–family or duplex residence that 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.

Feedlot - An animal confinement facility or dairy farm used or designed for the feeding or holding animals.

Fish Hatcheries – Establishments devoted to hatching, raising or rearing fish.

Footprint **-** A building footprint is the two-dimensional, ground-level outline of a structure's perimeter, representing the total area covered by its foundation and exterior walls but excludes unroofed areas like parking lots and patios.

Garage, Private – An accessory building to the principal building which provides for ~~the~~ storage.

Garage, Public and Storage **-** any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

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

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

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

Home Business - a business, profession, occupation, or trade conducted for gain or support in conjunction with a residence. Examples of businesses that may be permitted as home businesses include trade or contractors establishments (such as plumbing, heating and air conditioning, excavating, carpentry and woodworking, painting, and electrical), veterinary offices, kennels, and automotive and farm implement repair shops.

Home Occupation – A gainful occupation conducted by members of the family within his or her place of residence, where the space used is incidental to residential use. A household occupation includes such things as babysitting, dressmaking, canning, laundering and crafts, offices for commercial loggers, offices for building tradesmen, accountants, home beauty shops, lawyers, real estate agents and insurance agents. Includes home based, off-site sales (e.g., candles, cosmetics, cookware, etc.)

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

Hunting and Fishing ~~Cabins~~ Structures - buildings used only during hunting and fishing seasons as a base for hunting, fishing, and outdoor recreation and not permanently occupied for residential use.

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

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

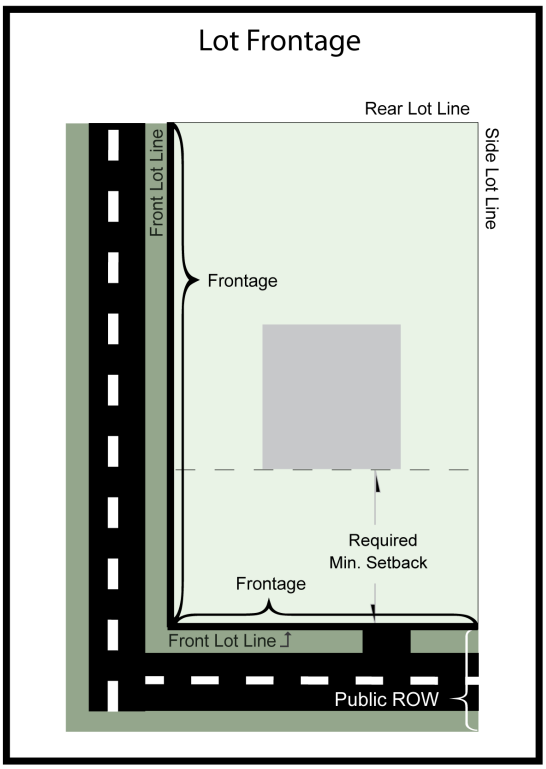
Land Disturbing Activity - Any disturbance to the ground surface that may result in soil erosion through the action of wind or water.

Land Fill Operation – A solid waste disposal operation where solid waste is deposited on land by utilizing the principles of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume, per Wis. Stat. Ch. 289.

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

Livestock Facility - A feedlot or facility, other than a pasture or winter grazing area, where animals used in the production of food, fiber, or other animal products are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. "Livestock facility" does not include an aquaculture facility. A livestock facility includes all of the tax parcels of land on which the facility is located.

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



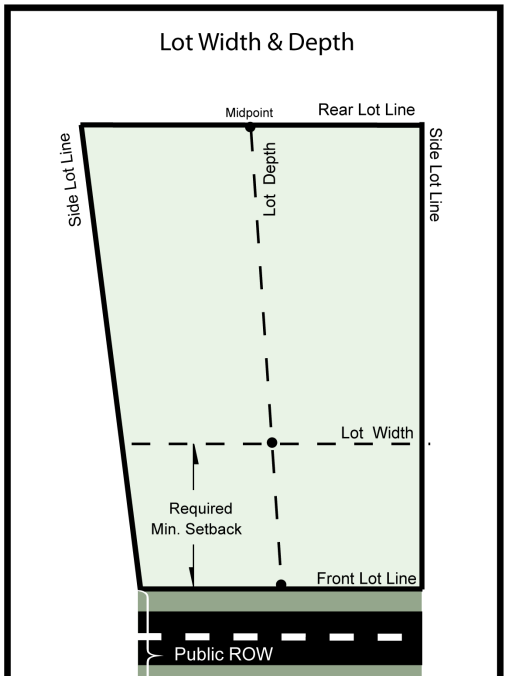
Lot, Frontage – The side of a lot abutting on a road or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

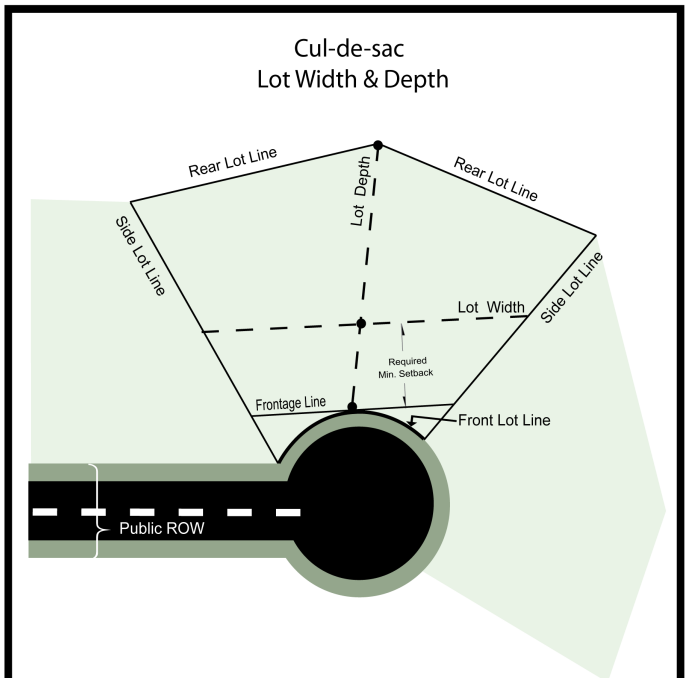
Lot, Corner – a lot abutting on two or more roads at their intersection.

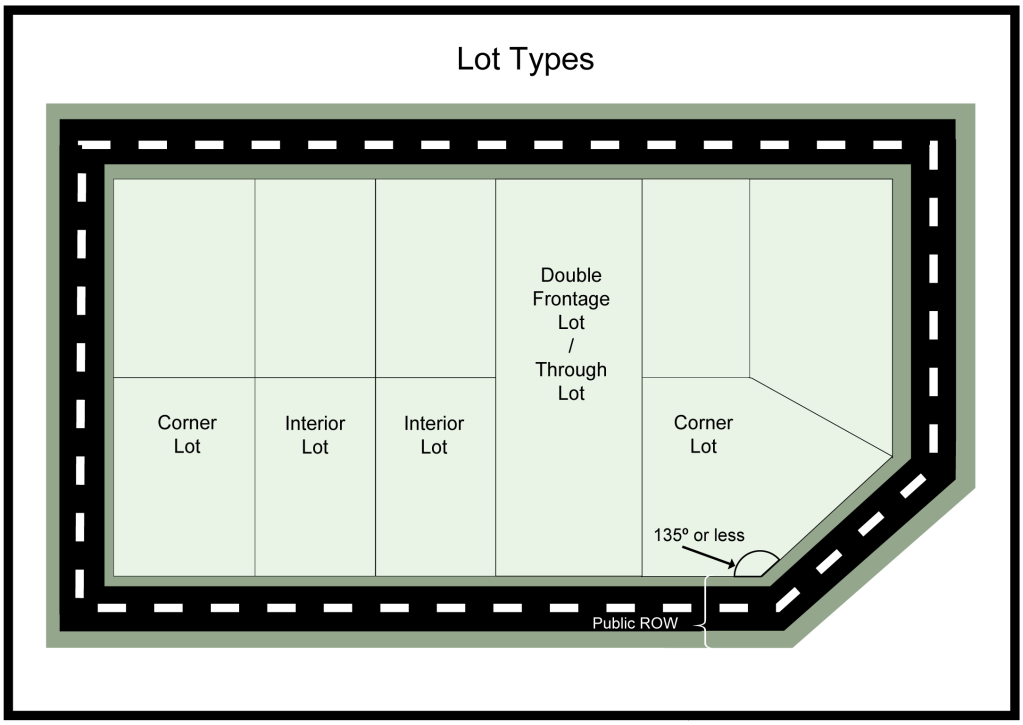
Lot, Depth of – the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

Lot Lines and Area – the peripheral boundaries of a parcel of land including the road right-of-way lines and the total area lying within such boundaries.

Lot, Width of – the horizontal distance between the side lot lines.







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

Lot, Shoreland - Shoreland lots shall provide a Front Yard on the road abutting the lot, a shore yard on the watercourse abutting the lot, and 2 side yards. Shoreland lots do not normally have a rear yard (See Section 10.0304).

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

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

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

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

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

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

Nonconforming Use - means a land use that does not comply with this Zoning Ordinance, but which lawfully existed prior to the Effective Date of adoption or subsequent Amendment of this ordinance.

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

Open Space Area or Open Space Parcel - means a tract of land on which no structures, other than hunting blinds or small sheds, have been constructed or may be approved for construction.

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

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

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

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

Principal Building – the building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. On agricultural zoned property the principal building may include barns and structures essential to the operation of a farm.

Professional Office – means the office of an architect, author, dentist, doctor, lawyer, minister, musician, professional engineer, or other recognized professional practitioner.

Property Enhancement – means an increase in the market value of property that is the result of an improvement.

Property Maintenance - the preservation of an asset, or of a condition of property, by upkeep and necessary repairs.

Protected Farmland - means land that is any of the following:

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

Public Hearing ("Hearing") - A legal requirement giving citizens an opportunity to listen and comment on issues regarding planning, zoning, etc.

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

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

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

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

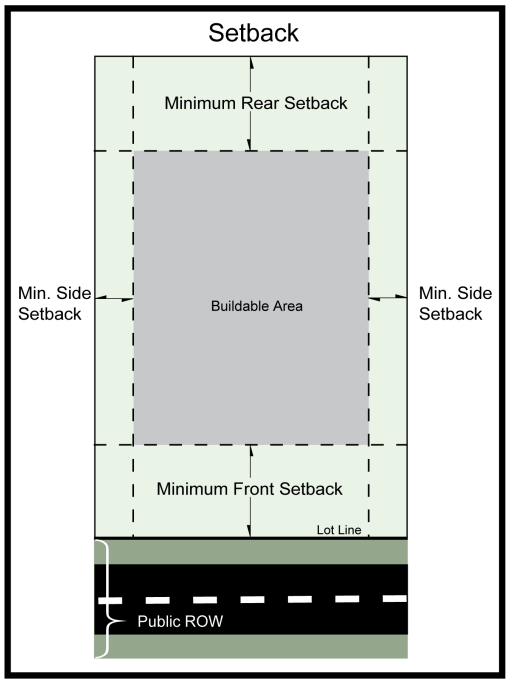
Rental Cabins or Cottages – buildings designed for seasonal uses and occupancy by persons other than the owner upon periodical payment.

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

Roadside Stand – a structure not permanently fixed to the ground that is readily removable in its entirety; covered or uncovered and not wholly enclosed, and used solely for the sale of products. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to a maximum height of ten (10) feet.

Salvage Yard - see *Junkyard*

Setback – the distance from a lot line or other specified line to a structure or other specified point on a lot as measured perpendicularly to the lot line or other specified line. When measuring to a structure, the measurement is taken perpendicularly from the drip line of the overhang.



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

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

Short Term Rental – a residential dwelling that is offered for rent for a fee for fewer than 29 consecutive days. *(Reference – Town of Red River CHAPTER 18: SHORT-TERM RENTAL ORDINANCE)*

Sign – means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign Types - (Refer to Section 10.0411 of this Ordinance)

Solar Energy System - means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

Story – that part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured.

Structural Alteration - means any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

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

Sub-Standard Lot - means a lot which is recorded with the Register of Deeds prior to the Effective Date of adoption or subsequent Amendment of this Ordinance, and is located in a zone requiring greater area, width, or other characteristics.

Surveys and Plans - means surveys and plans as referred to in this ordinance and as relating to the construction of highways, shall be considered as accepted by the County or Town Board if County or Town funds have been used in the improvement carried out according to such plans.

Temporary Use - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Town – Town of Red River, see section 10.0102

Traffic Lane - means a strip of roadway intended to accommodate a single lane of moving vehicles.

Unnecessary Hardship - That circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

Variance – An authorization granted by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with or contrary to the dimensional standards contained in this Ordinance.

Wind Generating Equipment - is the conversion of wind energy into a useful form of energy, such as using wind turbines to make electricity, windmills for mechanical power, wind pumps for water pumping or drainage.

Yard*-related definitions*:

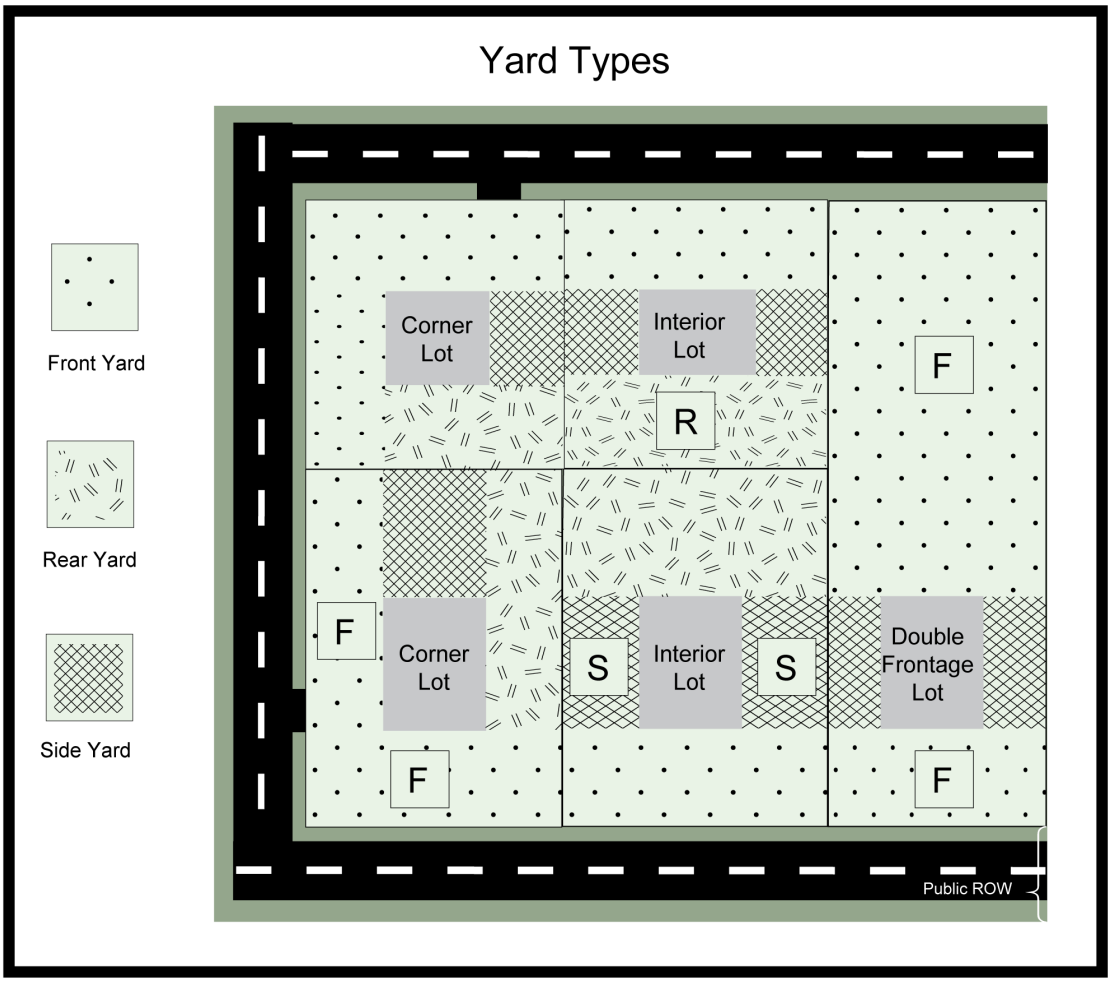
1. ***Yard*** - an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation.
2. ***Yard, Front*** - means a yard extending the full width of a lot between the existing or proposed road right-of-way line and the nearest part of any structure. Corner lots shall have two such yards.
3. ***Yard, Rear*** - means a yard extending the full width of a lot between the rear lot line and the nearest part of any structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
4. ***Yard, Shore*** – means a yard extending 75 feet of the ordinary high water mark (OHWM) (shoreland) (See Section 10.0304).

5. ***Yard, Side*** - means a yard extending from the front yard to the rear yard and from a side lot line to the nearest part of any structure.

Zoning Administrator - is the Town official who administers and enforces the Town's Chapter 10 Zoning Ordinance regarding local land use laws, acting as the primary point of contact for development inquiries, reviewing permit applications for compliance, recommends to Town Board the issuing of citations for violations, and provides technical guidance to the Planning Commission. The core duties involve interpreting Chapter 10 and ensuring consistent application of Chapter 10.

Zoning Permit - a permit issued by the Town of Red River zoning administrator required before any new construction or remodeling can begin within the Town of Red River. The Zoning Administrator shall review all construction and remodeling plans to ensure compliance with the Town of Red River Chapter 10 Zoning Ordinance.

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APPENDIX:

FARMLAND PRESERVATION ZONING DATCP CERTIFICATION MATERIALS

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Chapter 10 ???

1. **Shipping containers on A-1 Agriculture – slippery slope, how many, semi trailers, etc.**
2. **Ordinance enforcement process/procedure review document from Ellen and use to enforce Chapter 10**
3. **Plat of survey not required for a height variance…..**

Scope of work

(Baylake will provide a specific scope of work document at the next stage of Chapter 10 update and compliance filings. Legal review by Town's attorney will be requested as part of the final process of updating and compliance.)

A. Assure compliance with DATCAP requirements

   a. Chapter 10

   b. Farm Land Preservation Map

   c. Other areas that apply or we need to be concerned about

   d. Overview of Code of Ordinances and how they tie together (no conflicts among Town Ordinances)

B. Timing

   a. Meetings likely needed to complete Scope of Work

   ——Schedule / Calendar when

   b.

Prepared by:

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