
MUNICIPAL CODE

Town of Nepeuskun

Winnebago County, Wisconsin

**Proposed Amendments
for
April 12, 2021 Public Hearing**

5.4.5 Land Use Definitions.

For the purpose of this chapter certain land uses are defined below and shall have the meaning ascribed to them. Terms and definitions contained in this part correspond to those listed in Exhibit 2.

AGRICULTURAL USES

Agricultural use, agricultural accessory use, agricultural related use and Farm residence – see Chapter 14 definitions.

Agriculture, animal means a parcel and/or building, or portion thereof, which is used or is intended for animal-based agricultural purposes, including dairying, pasturage, aquaculture and animal and poultry husbandry. The term does not include intensive animal production operations as herein defined.

Agriculture, non-animal means a place and/or building, or portion thereof, that is used or is intended for agricultural purposes, including farming, agriculture, horticulture, floriculture, and viticulture. The term does not include any type of animal-based agriculture.

Agri-Tourism means a use that personifies the coming together of the continual agricultural use of lands and the opens character of the town with the desire of tourists (visitors) to experience the outdoors, the leisure pace of life and to enjoy the nutrition of locally sourced foods and products. Activities could include local sourced food processing and serving on site. Within the definition of qualifying as an agri-tourism use, 60% of all sales must include locally sourced produce or products. Locally sourced is defined as produce and/or products grown, processed or prepared in the State of Wisconsin.

Animal processing plant means a place and/or building, or portion thereof, that is used or is intended for the slaughter of livestock or poultry or the preparation of meat food products on a commercial basis.

Animal rendering plant means a place and/or building, or portion thereof, that is used or is intended for the collection or handling of the bodies or parts of bodies of dead animals or fowl not for human consumption.

Food processing facility means a place and/or building, or portion thereof, that is used or is intended for processing agricultural products produced in the area. Examples include creameries, milk condenseries, cheese factories, canneries, and grain elevators.

Game farm means a place and/or building, or portion thereof, which is used or is intended for purposes of obtaining, rearing in captivity, keeping, raising, and selling game farm animals/livestock ~~or parts thereof~~ as authorized by state law.

Intensive animal production means a tract, or portion thereof, that is used or is intended for raising animals where the number of specified animals exceeds 500 animal units.

RESOURCE-BASED USES

Aggregate and soil extraction operation means a place that is used or is intended to remove any aggregate or soil resource from the ground in any manner, or to stockpile or process any aggregate or soil resource for sale as an industrial or commercial product by either retail, wholesale, contract purchase or other considerations, including uses by a governmental agency. *Aggregate and soil extraction operation require a conditional use permit and parcels designated as Farmland Preservation must also meet Wisconsin Statue 91.46(45) - and/or 91.46(6).* The term does not include on-site leveling, grading, filling, or removing of earth materials in conjunction with a farm use, road construction, or for on-site construction projects.

Forestry means the practice of harvesting, thinning, and planting of trees including all associated forest management activities. The term includes temporary skidding yards necessary to store and sort logs harvested on the premises. The term does not include processing, permanent skidding yards, and the like.

Hunting and fishing preserve means a place that is used or is intended primarily for hunting and/or fishing and may or may not be open to the public for a fee. The term includes shooting preserves and duck clubs. The term does not include lands that are leased for private individual use. *Hunting and fishing preserve shall be maintained as natural resource/open space use.*

Sludge disposal means the surface or subsurface application of municipal sludge to land. *Sludge disposal does not include the spreading of septage Sludge disposal shall meet the requirements of Wisconsin Statue 91.46(5).*

RESIDENTIAL USES

Dwelling unit means the State of Wisconsin Uniform Dwelling Code definition.

Residence, single-family means a building containing one (1) dwelling unit, and not attached to any other dwelling unit by any means. This includes manufactured homes that are placed on a permanent foundation.

Residence, two-family means a single building containing two (2) separate dwelling units. Dwelling units separated by a permanent firewall.

Residence, multi-family means a single building containing three (3) or more separate dwelling units.

Farm residence means any of the following structures located on a farm:

- (a) A single-family residence that is the only residential structure on the farm.
- (b) A single-family 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.
- (c) A migrant labor camp that is certified under s. 103.92, Wis. Stats.

Nonfarm residence" means any residence other than a farm residence.

Retirement home means a place and/or building, or portion thereof, that is used or is intended to provide independent living quarters, either owned or rented, to persons generally 62 years of age or older. Limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

Manufactured home park means a place providing two (2) or more lots for lease or rent to the general public for the purpose of accommodating manufactured homes.

SPECIAL CARE FACILITIES

Adult family home means a facility licensed by the state under §50.032 (1m)(b), Wis. Stats.

Community living arrangement means any one of the following facilities: (1) residential care centers for children and youth, as defined in §48.02(15d), Wis. Stats., operated by a child welfare agency licensed under §48.60, Wis. Stats.; (2) group homes for children, as defined in §48.02(7); and (3) community-based residential facilities, as defined in §50.01(1g), Wis. Stats.

Community living arrangement, Type I means a community living arrangement with 8 or fewer individuals.

Community living arrangement, Type II means a community living arrangement with 9 to 15 individuals.

Community living arrangement, Type III means a community living arrangement with more than sixteen (16) individuals.

Day care center means a facility providing day care for four (4) or more children under the age of seven (7) for less than 24 hours per day as licensed under §48.65, Wis. Stats.

Family day care home means a private residence licensed as a day care center by the Wisconsin Department of Health and Family Services where care is provided for not more than eight (8) children. (See §66.1017, Wis. Stats.)

Foster home means a facility licensed under by the state for the care and maintenance of children and youth. (See §48.62, Wis. Stats.)

Foster home (treatment) means a foster home, which also provides structured professional treatment. (See §48.62, Wis. Stats.)

Group home for children means any facility providing care to 5 to 8 children for which state licensing is required under §48.625, Wis. Stats.

Nursing home means a place where five (5) or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual; (2) a hospice as defined in state law; or (3) a residential care complex. (See §50.01(3), Wis. Stats.)

OVERNIGHT ACCOMMODATIONS

Bed and breakfast means a single-family residence that offers overnight accommodations and a meal for a daily charge and which also serves as a primary residence of the operator or owner. **Short term rentals (STR's) are included in this definition.**

Campground means a place and/or buildings or portions thereof, which is used or is intended for public camping, where persons can camp, secure tents or cabins, or park trailers, camping trailers, pickup campers, automobiles, and recreational vehicles for camping and sleeping purposes. The term includes accessory buildings such as a laundromat, retail sales, and recreational amenities for the enjoyment and convenience of campground guests.

Group camp means a place and/or building, or portion thereof, or tents or other structures (permanent or mobile) maintained as living quarters that is used or is intended to be used by a group of individuals for recreational or educational purposes. The term includes youth camps and church camps.

Hotel/motel means a building that is used, intended, kept, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests with or without meals.

SALES AND SERVICE

Contractor yard means a place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one (1) or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

Contractor yard, Type I means a contractor yard that would be compatible in size and scope in a rural residential setting as defined by performance standards herein described or as may be adopted **and shall meet requirements with in Farmland Preservation designated parcels shall comply with Wis. Statue 91.01(1)(d) or be rezoned out of Farmland Preservation.**

Contractor yard, Type II means a contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

Eating establishment means a place and/or buildings or portions thereof, that is used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages. The term does not include a grocery store with a food service section.

Kennel, commercial means a place and/or building, or portion thereof, that is used or is intended for housing four (4) or more dogs over six (6) months of age which are kept for boarding, breeding, training, or sale, **and shall meet requirements with in Farmland Preservation designated parcels shall comply with Wis. 91.01(1)(d) or be rezoned out of Farmland Preservation. The term includes boarding kennels, dog motels, and dog training centers.** The term does not include animal hospitals, animal grooming parlors, or pet shops.

Outfitter service means a place and/or building, or portion thereof, which is used or is intended to provide services, materials, supplies, equipment, and limited overnight accommodations for guided trips for hunting, fishing, rafting, or any other outdoor recreational activity. The term does not include retail sales of any kind.

Sales, agriculture means a place and/or building, or portion thereof, which is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations. The term includes structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations.

Sales, construction materials means a place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses) and the like. The term does not include hardware stores, concrete plants, asphalt mixing plants or any facility that manufactures building materials and offers them for retail sale on the premises.

Sales, convenience means a place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items. The term includes convenience stores, small grocery stores, and the like.

Sales, general means a place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line. The term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

Sales, manufactured housing means a place and/or building or portions thereof, which is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

Sales, on-site liquor means a place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages. The term includes bars, lounges, or taverns.

Sales, off-site liquor means a place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

Sales, roadside stand means a place and/or building, or portion thereof, not exceeding 240 square feet that is used or is intended for the retail sale of agricultural products, produce, baked goods and handicraft items.

Sales, secondhand means a place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time. The term includes secondhand stores, thrift stores, consignment shops, and the like.

Sales, shopping center means more than one sales or service use built on a single site, which is planned, developed, owned, and managed as an operating unit.

Sales, specialty means a place and/or building, or portion thereof, that is used or is intended for retail sale of a limited product line. The term includes antique shops, furniture stores, auto parts stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.

Sales, temporary means a place and/or building, or portion thereof, that is used or is intended for retail sales over a limited duration. The term includes firework sales, flea markets, consignment sales and the like. The term does not include private yard or garage sales or the sale of agricultural products produced on the premises.

Service, agricultural means a place and/or building, or portion thereof, which is used or is intended to be used for maintenance, service, and repair of agricultural vehicles and equipment. The term does not include vehicle and equipment repairs that are part of an on-site farm operation.

Agricultural Commerce means a retail or wholesale enterprise operated as an accessory use to an active farm on the same premises providing services or products principally utilized in agricultural production, including buildings, structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations.

Service, financial means a place and/or building, or portion thereof, which is used or is intended for providing financial and banking services. The term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities. The term does not include automated teller machines, which are considered as an accessory use to commercial enterprises.

Service, funeral home means a place and/or building, or portion thereof, which is used or is intended for the care and preparation of human dead for burial and/or cremation. The term includes funeral homes or mortuaries.

Service, general means a place and/or building, or portion thereof, which is used or is intended for providing services not otherwise included in any other service type category. The term includes photography studios, weight loss centers, commercial postal services, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, barber shops, beauty parlors, and the like.

Service, medical means a place and/or building, or portion thereof, which is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation. The term includes dental clinics, doctor offices, and sports medicine facilities. The term does not include those uses classified as a health care facility.

Service, professional/administrative means a place and/or buildings or portions thereof, that is used or is intended to house services involving predominantly administrative, professional, clerical, or similar operations. The term includes law offices, real estate offices, insurance offices, architectural firms, travel agencies, secretarial services, telephone answering services, and the like.

Vehicle cleaning means a place and/or building, or portion thereof, that is used or is intended for vehicle cleaning including cleaning, washing, polishing, waxing, and similar activities.

Vehicle fuel sales means a place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels. The term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs, and the like.

Vehicle sales and rental means a place and/or building, or portion thereof, which is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles.

Vehicle service/repair means a place and/or building, or portion thereof, which is used or is intended for maintenance, service, and repair of vehicles. Typical services include transmission repair, bodywork and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

Veterinary clinic means a place and/or building, or portion thereof, which is used or is intended for the medical care of animals. A veterinary clinic may include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

Auction Facility means a building or structure or portion thereof, that is used for or is intended for planned auction sales of items on a scheduled or periodic basis (two or more times per year). Facilities include, but are not limited to auction barns, sheds or other similar type structures used for the intended purpose of conducting the auction and shall meet requirements with in Farmland Preservation designated parcels shall comply with Wis. 91.01(1)(d) or be rezoned out of Farmland Preservation.

STORAGE FACILITIES

Mini-storage facility means a place and/or building, or portion thereof, that is divided into individual spaces and that is used or is intended as individual storage units that are rented, leased, or owned. The term includes a tract of land used to store vehicles that are not for sale or trade.

Truck terminal means a place and/or building, or portion thereof, which is used or is intended for storage of freight for routing or reshipment.

Warehouse means a place and/or building, or portion thereof, which is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution. The term includes moving and storage facilities. The term does not include fuel tank farms.

PUBLIC / SEMI-PUBLIC USES AND SERVICES

Airport means a place and/or building, or portion thereof, which is used or is intended for the landing and takeoff of airplanes, helicopters, similar craft, including all necessary facilities for the housing and maintenance of the same.

Cemetery means a place and/or building, or portion thereof, which is used or is intended for burial purposes. Accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

Commercial antennae means a structure that is used or is intended for transmitting or receiving television, radio, or telephone, or other communication for commercial purposes. The term does not include antennae used for personal use.

Public safety facility means any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services. The term includes ambulance services, fire stations, police stations, and the like.

Recycling center means a place and/or building, or portion thereof, which is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products. Typical types of recoverable materials include glass, newspaper, metal, and plastic. The term shall not include a junkyard.

Solid waste container site means a place and/or building, or portion thereof, where local residents can dispose of their solid waste in containers for collection and final shipment to another facility.

Solid waste transfer station means a place and/or building, or portion thereof, that is used or is intended for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

Utility installation means a place, buildings, and/or structures, or portions thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services.

Utility installation, major means a utility installation generally having moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electrical substations, water towers, and the like. The term does not include wind generators or solar energy systems.

Utility installation, minor means a utility installation generally having low impact on neighboring property. The term includes public water system wells, sewer lift stations, irrigation ditches, roads, and the like.

Wind turbine means a structure that generates, or is intended to generate, electricity by rotating blades attached to a generator.

Solar energy systems means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy as defined in Wis Stats. 13.48 (2) (h) 1 g. The definition of "Solar Energy System" does not include solar powered low level light fixtures that are ground or wall mounted, solar powered electric fences, roof mounted solar energy panels of a non-reflective material or any other solar powered units that are designed primarily for personal, private use and are less than seventy-five (75) square feet in size.

Mobile and radio broadcast services means antennas, towers and other structures necessary to provide mobile and radio broadcast services in the Town. In addition, definitions contained in Wis Stats. 66.0404 are incorporated herein by reference, for the purpose of this ordinance.

COMMUNITY SERVICES/USES

Administrative government center means a place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility. The term includes post offices, town halls, and the like.

Community center means a place and/or building, or portion thereof, which is used or is intended for short-term and intermittent meetings or gatherings of ~~nonresident~~ persons that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities. The term does not include fraternal, social, or civic clubs, lodges, union halls, and the like.

Educational facility means a place and/or building, or portion thereof, which is used or is intended for use as a preschool, elementary, junior high, or high school.

Instructional facility means any place and/or building, or portion thereof, excluding educational facilities, which is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

Instructional facility-agriculture means any place and/or building, or portion thereof, excluding educational facilities, which is used or is intended to offer instruction, training and research for farming and/or agricultural related purposes only.

Worship facility means a place and/or building, or portion thereof that is used or is intended as a place where persons regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, mosques, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

RECREATION / SPORTS / ENTERTAINMENT

Golf course/driving range means a place, whether organized for profit or not, that is used or is intended for playing golf.

Indoor entertainment means a place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types. The term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

Indoor sports and recreation means a place and/or building, or portion thereof, that is used or is intended for indoor recreation ~~of all types~~. The term includes bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, weight loss centers, and the like. **The term does not include uses referred to as gentlemen clubs or adult establishments.**

Miniature golf means a place and/or building, or portion thereof that is used or is intended for playing miniature golf.

Outdoor entertainment means a place and/or building, or portion thereof, which is used or is intended for outdoor, spectator-type uses or events. The term includes racetracks, motocross courses, sports arenas, and the like.

Outdoor/indoor shooting range means a place and/or building, or portion thereof, that is used or is intended for target practice, including archery, pistol, rifle, and shotgun shooting. The term includes trap and skeet clubs and target ranges, and the like.

Park means a place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association.

Stable, commercial means a place and/or building, or portion thereof, that is used or is intended for keeping eight (8) or more horses which are kept for boarding or hire on trail rides. The term includes commercial stables, riding clubs, and riding instruction facilities.

Trail a linear corridor designed to accommodate recreational activities such as biking, hiking, jogging, skating, horseback riding, snowmobiling, and the like. The term includes trailhead facilities including parking, picnicking, bathroom facilities, and the like.

ACCESSORY USES

Accessory building means any building that is clearly incidental and subordinate to and customarily found with a principal building or use. All new accessory buildings must adhere to front, rear and side yard set-back requirements. Newly constructed accessory buildings shall be at least 10 feet further from the road right of way than the residential structure. For residences located 300 feet or more from the road ROW, the Town Board has the ability to adjust or waive these standards based on appearance, aesthetic or safety considerations.

Accessory buildings, commercial means accessory buildings that are customarily found with commercial uses. **Accessory buildings, residential** means accessory buildings that are customarily found with residential uses. The term includes garages, sheds, barns, workshops for non-commercial purposes, and the like.

Accessory structure means any man-made structure that does not constitute a principal building or accessory building. The term includes fences, non-commercial antennas, and decks that are not attached to an accessory or principal building.

Boathouse means a structure that is used to exclusively house watercraft and related equipment.

Home occupation means any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use. The term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry. The term also does not supersede agricultural related uses as defined by Chapter 14.

Home occupation, Type I means a home occupation with no more than one (1) non-resident employee that would be compatible in size and scope in a rural residential setting or in a medium density residential setting as defined by performance standards herein described or as may be adopted.

Home occupation, Type II means a home occupation with no more than three (3) non-resident employees that would be compatible in size and scope in a rural residential setting as defined by performance standards herein described or as may be adopted.

Home occupation, Type III - Cottage Industry means a manufacturing, construction, or service enterprise owned and operated by a resident of the principal dwelling on a lot, but which is not engaged in retail sales, product distribution, or services on the premises, and which does not employ more than five (5) persons on site not residing on the premises.

Home Occupation, Type IV means a home occupation with no more than one (1) non-resident employee that would be compatible in size and scope in a rural residential setting or in a medium density residential setting as defined by performance standards herein described or as may be adopted.

Kennel, private means a place where dogs are kept and not classified as a commercial kennel.

Stable, private means a place where horses are kept for private use and not classified as a commercial stable.

Temporary dwelling means a manufactured home that is used as a dwelling for no more than one (1) year, and then only while a permanent dwelling is under construction.

5.4.6 Dimensional Standards within Districts.

1. Within each district established in this code, the dimensional standards as contained in Exhibit 3 shall apply.

Exhibit 3. Dimensional Standards

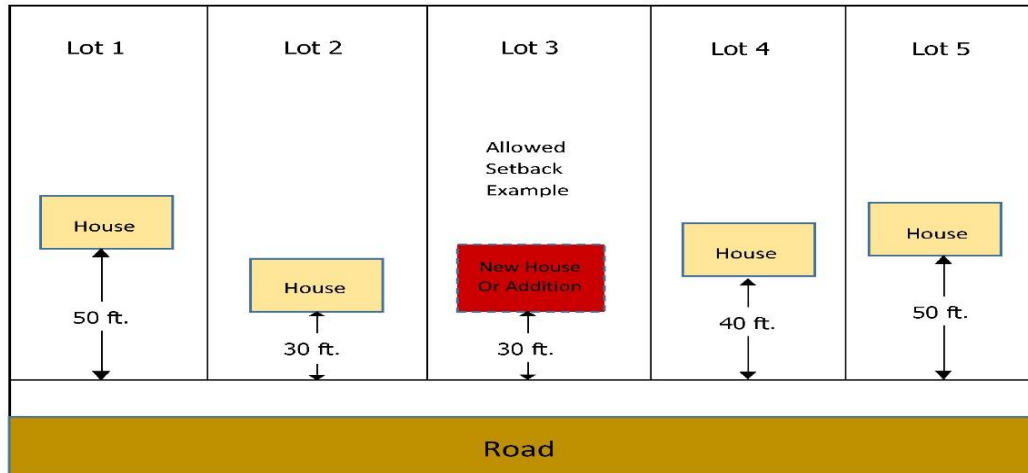
	R-1	R-2	C-1	A-2	PLI	A-1
Minimum front yard setback on a private road	NA	30'	NA	NA	NA	NA
Minimum front yard setback on a town or county road	50'	NA	50'	50'	50'	50'

Minimum front yard setback on a state road	75'	NA	75'	75'	75'	75'
Minimum side yard setback	10'	10' on either side, with a minimum combined total of 22'	10'	10'	10'	10'
Minimum rear yard setback	10'	25' / 75' shore	10'	10'	10'	10'
Minimum lot size	2 acres*	1/2 acre	1 acre	See §5.5.1	None	2 acres
Maximum lot size	5 acres	None	none	See §5.5.1	None	None
Minimum road frontage for lots	200'	50'	100'	200'	100'	200'
Maximum building height	35 feet	35 feet	35 feet	none	35'	None
Maximum building height for a residence				35'		35'

* Manufactured home parks are exempt.

2. Notwithstanding the above dimensional standards, no undeveloped parcel between two developed parcels along the same street or road shall have a minimum front setback less than structures on either of adjoining parcels. Additions to existing structures shall be required to maintain current side and rear established setbacks and not have front setback less than the structures on the adjoining parcels (See example below). The Board of Appeals may further vary this regulation in appropriate cases provided that the Board of Appeals shall establish such conditions as will hold the Town harmless from additional requirements improvement damages which might accrue when and if the public road is improved.

Roadway Setback Allowances



Article 8.
Application Process for Conditional Uses

5.8.1 Generally.

The Plan Commission shall make recommendations to the Town Board for decision consistent with this part. In this sub-section, the following terms apply:

“Conditional Use” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the town but does not include a variance.

“Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

5.8.2 Application and Review Procedure.

The following procedure shall be followed:

- a. **Submittal of application.** The applicant shall submit a completed application and site plan to the Zoning Administrator at least 30 days prior to the established monthly meeting date of the Plan Commission along with the appropriate fee as listed in the Town of Nepeuskun Annual Fee Schedule.
- b. **Determination of completeness.** Within ten (10) business days of submittal, the zoning administrator shall determine if the application is complete. If the application is deemed incomplete it shall be returned to the applicant and the applicant has six (6) months to resubmit the application or forfeit the application fee. Until the application is deemed complete, no other actions are required.
- c. **Placement of public notice.** Following a determination of completeness, the Plan Commission Secretary shall publish public notice.
- d. **Public hearing.** Allowing for proper notice, the Plan Commission shall hold a public hearing to review the application and make a recommendation to the Town Board.
- e. **Decision.** Within forty (40) days of the public hearing, the Town Board shall approve the application, approve it with conditions, or deny it. Such decision shall be in writing and shall include findings in support of its decision and, if approved, conditions as may be imposed.
- f. **Applicant notification.** Within five (5) days following the decision, the Board shall mail the applicant the original (signed) copy of the decision and retain a (signed) copy for the public record.

5.8.3 Imposition of Conditions.

In approving the conditional use, the Town Board may impose such conditions as may be necessary to grant approval. The requirements and conditions described, must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration or renewal. The applicant and all requirements and conditions established by the Town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Town's decision to approve or deny the permit must be supported by substantial evidence. The applicant must provide information to allow for the review of such conditions, ~~for example, may~~ which relate to the following:

- a. reduction of intensity or scale of the project,
- b. require landscaping, buffers, and/or fencing to minimize effects to surrounding properties and/or the general area,
- c. require the developer to provide appropriate on-site and off-site infrastructure,
- d. modify the architectural design and/or type of construction,
- e. post bonds and sureties,
- f. water supply and waste disposal systems,
- g. limit hours, modes of operation & operational procedures,
- h. attractive signage,
- i. acceptable outdoor lighting to contain “light splash”,
- j. adequate, safe, parking,
- k. loading and unloading location and hours
- l. other actions supported by substance evidence intended to mitigate, minimize, or avoid negative effects of the project.

5.8.4 Expiration of Approval.

A conditional use permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.

5.8.5 Revocation. The Town may revoke a conditional use permit when it determines that the property owner is in violation of the conditional use permit. **The basis for permit termination or revocation must be supported by substantial evidence.**

5.8.6 Limitations.

The Town Board shall not have the power to approve or disapprove conditional uses in areas such as shorelands, where applicable statutes of the State of Wisconsin withholds such power from town boards.

5.8.7 Review Criteria.

In reviewing an application for a conditional use permit, the Town Board shall review the following information **required by the applicant and** at a minimum consider the following:

- a. suitability of the proposed site for the proposed use
- b. compatibility with surrounding parcels
- c. effects on local services
- d. effects on utilities
- e. effects on public health, safety, and welfare
- f. presence of anticipated hazards
- g. existing and proposed structures
- h. architectural plans
- i. on-site and off-site traffic circulation

5.8.8 Special Requirements for Aggregate and Soil Extraction Operation. (See Section 5.4.5, for definition)

In addition to receiving a conditional use permit from the Town, the applicant shall also obtain a non-metallic reclamation permit as required by County Ordinance, Chapter 20.

5.8.9 Special Requirements for Intensive Animal Production.

1. **Conditional Use Permit for New and Expanded Intensive Animal Production Facilities.** A conditional use permit is required for all new intensive animal production facilities, as defined in this chapter. In addition, a conditional use permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
 - a. The applicable size threshold set forth in the definition of intensive animal production
 - b. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20 percent higher than the number kept on (May 1, 2006 or on the effective date of the license requirement, whichever date is later)
2. **Standards for Issuing a Permit.** The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code, inclusive of all appendixes and worksheets and any future amendments to this chapter, except as may be noted in this chapter, are incorporated by reference in this chapter, without reproducing them in full. Specific setback requirements for intensive animal production facilities, in accordance with ATCP 51, are as follows:
 - a. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.
 - b. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.
 - c. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.
3. **Application Process.**
 - a. A livestock operator must complete the application form and worksheets prescribed by ATCP 51, including any authorized local modifications. The application form and worksheets demonstrate compliance with standards in ATCP 51 and this ordinance.
 - b. The operator must file four (4) duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.
 - c. A non-refundable application fee of \$1000 payable to the Town of Nepeuskun shall accompany an application for the purpose of offsetting the Town's costs to review and process the application.
 - d. Pursuant to ATCP 51.30 (5), within forty-five (45) days after a political subdivision receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within fourteen (14) days after the applicant provides all of the required information, the political subdivision shall notify the applicant

- that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
- e. Pursuant to ATCP 51.30 (6), within fourteen (14) days after a political subdivision notifies an applicant that the application is complete, the political subdivision shall notify adjacent landowners of the application. The political subdivision shall use the approved notice form in ATCP 51, and mail by first class mail a written notice to each adjacent landowner.
 - f. Upon determination of completeness the town clerk shall give notice of a public hearing to receive information from the applicant and receive public input on the application. Public notice shall be a class 2 notice the last of which is at least one (1) week before the date of the public hearing. The public hearing may be continued, but final decision shall be made within the time limits described in the next paragraph.
 - g. Pursuant to ATCP 51.32, a political subdivision shall grant or deny an application within ninety (90) days after the political subdivision gives notice that the application is complete under paragraph 2 above. The Town may extend this time limit for good cause, including any of the following:
 - (1) The Town needs additional information to act on the application.
 - (2) The applicant materially modifies the application or agrees to an extension.
 - h. A political subdivision shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the political subdivision will act on the application.
 - i. A political subdivision must issue its decision in writing. The decision must be based on written findings of fact supported by evidence in the record. Findings may be based in part on the presumptions created by ATCP 51.
 - j. If the political subdivision approves the application, it must give the applicant a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.
 - k. The Town Clerk as required by ATCP 51.36 shall do all of the following within thirty (30) days of the Town's decision on the application:
 - (1) Give the Department of Agriculture, Trade and Consumer Protection written notice of the Town's decision.
 - (2) File with the Department a copy of the final application granted or denied, if the Town has granted or denied an application under this ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
 - l. If the town has withdrawn a local approval under this ordinance, a copy of the Town's final notice or order withdrawing the local approval will be filed with the Department of Agriculture, Trade and Consumer Protection
4. **Transferability of Permit.** A permit and the privileges granted by the permit run with the land approved under the permit and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application. The Town requests that upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town Clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.
5. **Expiration of Permit.** A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the political subdivision may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within two (2) years after issuance of permit:
 - a. Begin populating the new or expanded livestock facility.
 - b. Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.
6. **Permit Terms and Modifications.** A permit and the privileges granted by a permit issued under this ordinance is conditioned on the livestock operator's compliance with the standards in this ordinance, and with commitments made in the application for a permit. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the political subdivision shall not withhold authorization for those changes. A violation of the permit or a failure to comply with the commitments made in the application may result in suspension and/or termination of the permit.
7. **Town Approval.** If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the ordinance and those imposed by the Town Board; The Town Board shall grant the conditional use permit. Any condition imposed must be related to the purpose of this ordinance
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and be based on substantial evidence. The requirements and conditions described, must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration or renewal. The applicant and all requirements and conditions established by the Town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Town's decision to approve or deny the permit must be supported by substantial evidence.

Article 10.
Development and Use Standards

5.10.1 Building Grade.

The finished grade for the principal structure shall be at least twelve (12) inches above the crown of any adjacent public road at the center of said structure. Where an alternate elevation would better suit the existing or proposed use surrounding the site, the zoning administrator can set an alternative finished grade which shall be noted on the zoning permit.

5.10.2 Roads (Public). Roadways (Private).

1. Roads and roadways shall comply with the following standards:

- a. Roadways should follow existing contours to minimize the extent of cuts and fills.
- b. Roadways should not be located in open fields.
- c. Roads serving residential developments, subdivisions, or clusters of certified survey lots should be designed to provide continuity with the existing road system and with potential future roads serving adjoining parcels.
- d. Where certified survey lots are created, sufficient right-of-way access to "interior" portions of large land holdings should be reserved.
- e. All roads shall be built to Town standards.

5.10.3 Driveways.

Driveways must comply with Chapter 13: Driveway and Culvert Ordinance.

5.10.4 Common Driveways.

- a. **Generally.** Wherever possible, common driveways shall be used to limit the number of access points onto town, county, and state roads.
- b. **Maximum number of units served.** A common driveway may serve up to four (4) residential units.
- c. **Maintenance agreement required.** All lots using a common driveway shall be covered by a driveway maintenance agreement as approved by the Town.

5.10.5 The Residential Building Site in any District.

The building site shall comply with the following:

- a. Maximum total lot disturbance: 50 percent of lot area or 25,000 square feet, whichever is less. Site disturbance shall include all areas disturbed for the purpose of constructing buildings and structures as well as all graded areas and lawns. The total shall include disturbed areas both inside and outside the building envelope.
- b. Building envelopes should be selected that do not permit rooflines to protrude above the crest of hilltops.
- c. Building envelopes shall be located on the edges of fields or parcels.
- d. Building envelopes shall not encompass wetlands, heavily treed areas, floodplains, and other environmentally sensitive areas.
- e. Building envelopes shall not include areas with slopes in excess of 15 percent.
- f. Existing vegetation shall be preserved in areas where disturbance is not necessary outside the building envelope.
- g. Where landscaping is proposed, native species shall be incorporated in the design.
- h. Where building envelopes are located in woodlands, a treed area of at least thirty (30) feet between the building envelope and the common drive or roadway should be retained.
- i. On property bordering streams and creeks, not more than twenty-five (25) linear feet of shoreline per lot shall be disturbed. This includes docks, piers, and beach areas.

5.10.6 Residential Design Principles in any District.

In designing new residential projects the following design principles shall be followed:

- a. Minimize clearing and disruption of the landscape and take advantage of the attractive way that town roads are often lined with trees.
 - b. Preserve man-made and natural features. Traditional landscape features, (fences, tree lines, meandering creeks, streams), define outdoor areas in a natural way and create corridors for wildlife movement. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of a field.
 - c. Place buildings and structures either at the edges of fields or parcels or in cleared areas next to fields. Septic systems and drainage fields, however, may be placed in fields.
 - d. Use existing vegetation and topography to buffer and screen new development.
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- e. Minimize clearing vegetation at the edge of the road, clearing only as much as necessary to create driveway access with adequate sight distance. Use curves in the driveway design to add to the screening of the building.
- f. Locate buildings so that they do not protrude above treetops and crest lines of hills seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selectively cutting small trees and lower branches of larger trees, rather than clearing large areas or removing mature trees.
- g. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g. walkout basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.
- h. Use best management practices for erosion and sediment control.

5.10.7 Residential.

No more than one (1) residential building shall occupy any single parcel or lot. When an old residence is being replaced by a new residence on the parcel, the old residence must be removed within a six (6) month period of receiving the occupancy permit for the new residence.

5.10.8 Fences.

Fences are permitted on or near property lines. All fences must comply with the minimum requirements for fences set forth in Chapter 90, Wisconsin Statutes.

5.10.9 Farm Animals.

1. **Agricultural Districts (A2).** Farm animals in the A-2 district shall be allowed consistent with the tables in this section and in accordance with the Winnebago County Livestock Waste Management Ordinance. The number of permitted animals per acre shall be based on the acreage of all adjacent parcels in common ownership (referred to in Exhibit 4 as "Parcel or Tract") or leased through an agreement with adjacent parcel owners. The lease agreement must specify a period of time the agreement will be in effect and be filed with Winnebago County and the applicant issued a Waste Management permit for livestock waste disposal. For this purpose, adjacent parcels are parcels that share a lot line or are directly across the road from each other. In addition, parcels can only be subject to one lease agreement.

Exhibit 4.

Parcel or Tract size	Requirement
Less than 2 acres	Not permitted (except hen chickens)
2 acres to 34.99 acres	one animal unit per acre
35 acres and larger	no restriction for general farming purposes

- 2. **Farm animals in the R-1 and C-2 districts** Farm animals may be allowed in the R-1 or C-2 district on parcels over 2 acres as a conditional use, consistent with the density regulations set forth in Exhibit 5.
- 3. **Animal Unit Calculation.** For the purpose of these regulations, an "animal unit" is defined in the table below. For animal types not listed in the following table, the Town shall determine equivalency to animal units as the DNR would in NR 243.

Exhibit 5. Number of Animal Types Equivalent to 1,000 Animal Units and Animal Equivalency Factors
DNR regulation NR 243

Number Equivalent to 1,000 Animal Units	Subcategory of Animal Types	Animal Equivalency Factor
700 910 1,670 5,000	<p style="text-align: center;">DAIRY CATTLE:</p> Milking and dry cows Heifers (800 to 1,200 lbs) Heifers (400 to 800 lbs) Calves (under 400 lbs)	1.4 1.1 0.6 0.2
1,000 1,250 2,000 700	<p style="text-align: center;">BEEF CATTLE:</p> Steers or cows (1,000 lbs to Mkt) Steers or cows (600 to 1,000 lbs) Calves (under 600 lbs) Bulls	1.0 0.8 0.5 1.4
2,500 10,000 2,500 2,000	<p style="text-align: center;">SWINE:</p> Pigs (55 lbs to mkt) Pigs (up to 55 lbs) Sows Boars	0.4 0.1 0.4 0.5
10,000	<p style="text-align: center;">SHEEP:</p> Per animal	0.1
500	<p style="text-align: center;">HORSES:</p> Per animal	2.0
5,000 100,000	<p style="text-align: center;">DUCKS:</p> Per bird (wet lot) Per bird (dry lot)	0.2 0.01
100,000 200,000	<p style="text-align: center;">CHICKENS:</p> Layers Broilers	0.01 0.005
55,000	<p style="text-align: center;">TURKEYS:</p> Per bird	0.018
1,000	<p style="text-align: center;">COMBINATION ANIMAL UNITS:</p> Calculated Total	

5.10.10 Outdoor Lighting – Non-commercial.

Outdoor lighting installations shall be permitted provided they are no closer than three (3) feet to an abutting property line and they are shielded or positioned so that no excessive glare or illumination is cast upon the adjoining property.

5.10.11 Outdoor Lighting – Commercial.

Outdoor lighting on commercial lots, whether conforming or nonconforming, shall comply with the following:

- a. **Height of fixtures.** No light fixture shall exceed twenty-five (25) feet in height.
- b. **Design.** All fixtures shall be of a cut-off design (i.e., shall not emit light at an angle greater than 90 degrees from vertical).
- c. **Shielding.** All light fixtures shall be adequately shielded or directed so as to confine the area of light dispersion to the property and/or building area on which the fixture is located.

5.10.12 Private Ponds and Impoundments.

All man-made private ponds and impoundments shall comply with the following:

- a. **General design.** ~~They shall be designed so as to minimize the threat of accidental drowning.~~ The side slope of a manmade pond must provide no greater than a 1-foot vertical change for every 3-feet of horizontal change and this ration must be maintained until the slope extends 6 vertical feet below the high water mark.
- b. **Proximity to specified objects.** They shall be located no closer than forty (40) feet to an adjoining property boundary, no closer than fifty (50) feet to any septic system drainfield, or no closer than twenty-five (25) feet from a septic tank or holding tank.
- c. **Outlets.** Outlets shall be designed so as not to concentrate runoff onto another person's property or to cause erosion.

- d. **Distance from Public roadways.** The manmade pond setback from a public roadway increases two (2) times for every foot of pond depth plus the normal roadway set back distance for the zoning district. (Example: a 20 foot deep pond would need to be 140 feet from a county trunk road centerline - 2 times 20' plus 100' centerline setback).
- e. **An approved reclamation plan for non-metallic mining are exempt from these provisions.**

5.10.13 Campgrounds.

Please refer to DHS 178. Also, Wis. Stats 254.47.

5.10.14 Manufactured Homes Anchoring.

Manufactured homes that are not on a permanent foundation shall be placed and anchored to prevent flotation, collapse, or lateral movement due to flooding or winds. Manufactured homes shall be anchored according to the following specifications:

- a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long shall require one (1) additional tie per side.
- b. Frame ties shall be provided at each corner of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long shall require one (1) additional tie per side.
- c. All components of the anchoring system shall be capable of carrying 4,800 pounds.

Manufactured Home Parks are addressed in Section 5.10.18.

5.10.15 Home Occupation, Type I

A Type I home occupation shall comply with the following:

- a. **Validity of use.** The individual primarily responsible for the home occupation must reside in a dwelling unit on the parcel.
- b. **Location.** The home occupation shall occur entirely within the dwelling unit.
- c. **Employees.** No more than one (1) nonresident employee may work on the property. (Note: There is no restriction on the number of people that may be employed and that work off-site.)
- d. **Exterior character of the dwelling unit.** The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
- e. **Storage of materials.** Exterior storage of materials or equipment is prohibited.
- f. **Signs.** A sign not exceeding eight (8) square feet may be placed on the parcel to identify the business.
- g. **Retail sales.** The indoor display or retail sales of those products manufactured or otherwise made on the premises are permitted. All other on-site sales are prohibited.
- h. **Lot size.** The minimum lot size is two (2) acres.
- i. **Parking.** No parking facilities shall be allowed within any side or rear yard setback areas or within twenty-five (25) feet of any road or highway right-of-way.

5.10.16 Home Occupation, Type II.

A Type II home occupation shall comply with the following:

- a. **Validity of use.** The individual primarily responsible for the home occupation must reside in a dwelling unit on the parcel.
- b. **Location.** The home occupation shall occur entirely within the dwelling unit and/or an accessory building not exceeding 750 square feet.
- c. **Employees.** No more than three (3) nonresident employees may work on the property. (Note: There is no restriction on the number of people that may be employed and that work off-site.)
- d. **Exterior character of the dwelling unit.** The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
- e. **Storage of materials.** Exterior storage of materials or equipment is prohibited.
- f. **Signs.** A sign not exceeding eight (8) square feet may be placed on the parcel to identify the business.
- g. **Retail sales.** The indoor display or retail sales of those products manufactured or otherwise made on the premises are permitted. All other on-site sales are prohibited.
- h. **Lot size.** The minimum lot size is two (2) acres.
- i. **Parking.** No parking facilities shall be allowed within any side or rear yard setback areas. Or within twenty-five (25) feet of any road or highway right-of-way.

5.10.17 Home Occupation, Type III – Cottage Industry

- a. **Validity of use.** The individual primarily responsible for the home occupation must reside in a dwelling unit on the parcel.

- b. **Location.** The home occupation shall occur entirely within the dwelling unit and/or an accessory building. No buildings except residences shall be within fifty (50) feet of a side or rear property line, and no building except a roadside stand shall be located within the front yard of the property.
- c. **Employees.** No more than five (5) nonresident employees may work on the property. (Note: There is no restriction on the number of people that may be employed and that work off-site.)
- d. **Storage of materials.** Exterior storage of materials or equipment is prohibited.
- e. **Signs.** A sign not exceeding eight (8) square feet may be placed on the parcel to identify the business.
- f. **Retail sales.** On-site retail sales are prohibited.
- g. **Lot size.** The minimum lot size is two (2) acres.
- h. **Parking.** No parking facilities shall be allowed within any side or rear yard setback areas. Or within twenty-five (25) feet of any road or highway right-of-way.
- i. **Noise.** No part of any building used as an agricultural commerce enterprise where repairs to equipment and machinery are performed for hire, or where the fabrication of parts, equipment, or other products for sale occurs, or involves in any other way hammering or other work causing loud or unusual noise, fumes or odors, shall be located within two hundred (200) feet of any R1–Residential District.

5.10.18 Home Occupation, Type IV. A Type IV home occupation shall comply with the following:

- a. **Validity of use.** The individual primarily responsible for the home occupation must reside in a dwelling unit on the parcel.
- b. **Location.** The home occupation shall occur entirely within the dwelling unit and/or an accessory building.
- c. **Employees.** No more than one (1) nonresident employee may work on the property. (Note: There is no restriction on the number of people that may be employed and that work off-site.)
- d. **Exterior character of the dwelling unit.** The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
- e. **Storage of materials.** Exterior storage of materials or equipment is prohibited.
- f. **Signs.** A sign may not be placed on the parcel to identify the business. There shall be no exterior evidence that a building is being used for any purpose other than a dwelling or an accessory structure.
- g. **Retail sales.** The indoor display or retail sales of those products manufactured or otherwise made on the premises are permitted. All other on-site sales are prohibited.
- h. **Lot size.** There is no minimum lot size.
- i. **Parking.** No parking facilities shall be allowed within any side or rear yard setback areas or within twenty-five (25) feet of any road or highway right-of-way.
- j. The home occupation shall not cause any odor, dust, smoke, vibration, noise, runoff, heat, glare, or electromagnetic interference, which can be detected at, or beyond, the property line.

5.10.19 Manufactured Home Park. Manufactured Home Parks shall comply with the following:

- a. **Site size.** Each site to accommodate a manufactured home shall contain not less than 5,000 square feet with a minimum width of fifty (50) feet.
- b. **Parking.** Each site to accommodate a manufactured home shall contain one (1) parking space upon which the manufactured home shall be situated and one (1) automobile parking space which shall be paved with concrete or bituminous material.
- c. **Internal access.** There shall be a system of private roadways which are at least twenty-four (24) feet wide and paved with concrete or bituminous material. Such road system shall provide access from each and every manufactured home and automobile parking space within such manufactured home park to the public road.
- d. **Limitation on accesses.** A manufactured home park shall not have more than two (2) points of ingress/egress onto any public road.
- e. **Setbacks and separation.**
 - (1) Each manufactured home site shall be separated from all other manufactured home sites, automobile parking spaces, or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs, or trees, which shall not be less than fifteen (15) feet wide, except that there need not be more than a 5-foot setback from an access driveway; provided, however, that such 5-foot setback shall apply to the longest manufactured home to be accommodated within such park.
 - (2) All manufactured home park maintenance, storage areas or facilities, and sewage treatment facilities shall be screened from all dwelling lots, internal streets, and public roads by manmade screens or natural plant materials.

- (3) A minimum of ten (10) percent of the gross manufactured home park area or 1,000 square feet per dwelling unit, whichever is larger, shall be provided for outdoor recreation. This recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units. The Town reserves the right to accept a fee in place of the land area should the town deem appropriate based on the recommendation of prior planning efforts.
 - (4) No manufactured home shall be located less than fifty (50) feet from any front, side, or rear yard line of the lot or parcel.
 - (5) No manufactured home shall be located less than fifty (50) feet from any maintenance, storage areas or facilities, and sewage treatment facilities if present.
 - (6) There shall be a maintained vegetated buffer, not less than twenty (20) feet in width, within any yard area not fronting on a public road.
 - (7) Where the property fronts on a public road or highway, within the required yard area at least 50 percent of the length of the frontage on said public road shall be planted and maintained with a vegetated buffer.
 - (8) No manufactured home or other structures, or parking areas, shall be located within one hundred (100) feet of a stream edge or any wetland as defined by state or federal law. With the exception of stream crossings, no roadways shall be located within one hundred (100) feet horizontal distance from a stream edge or any wetland as defined by state or federal law.
- f. **Maintenance.** The manufactured home park owner shall be responsible for the maintenance of all park facilities, including areas designated as open space, recreation areas, landscaping, streets, privately owned sewage disposal and water supply systems, and solid-waste collection and storage facilities. Maintenance provisions shall be addressed through the conditional use permit process.
- g. **Installation.**
- (1) All manufactured home tow bars and hitches which are designed to be removable at the time of installation shall be removed in accordance with the manufacturer's instructions when the dwelling is sited.
 - (2) Each dwelling within the manufactured home park shall have the space underneath the dwelling enclosed by skirting constructed of fire-resistant material.
 - (3) Where an individual manufactured home lot abuts a front yard of the manufactured home park or a side or rear yard that borders a public road or highway, said manufactured home shall be sited in a manner so that the longer side of the manufactured home is parallel to or nearly parallel to the public road or highway right-of-way line.
- h. **Office.** Each manufactured home park shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to County or Town officials for inspection.
- i. **Compliance with other laws.** All lots must be developed and duly recorded pursuant to state and Chapter 18 of the Winnebago County Subdivision Ordinance. Unsewered lots must comply with Chapter ILHR 85 of the Wisconsin Administrative Code. All other aspects of the manufactured housing community shall comply with applicable state regulations.

5.10.20 Cemeteries.

All cemeteries established after the adoption date of this code shall comply with the following standards:

- a. A cemetery shall have at least fifty (50) double burial plots measuring at least 10' by 10' to accommodate two (2) adult burials measuring 37" x 93" x 6'.
- b. Burial plots shall not be located in the floodplain or in wetland areas.
- c. The cemetery shall have a public access road to its outside boundary.
- d. The cemetery shall be protected from the grazing of farm animals.
- e. Burial plots shall not be located within fifty (50) feet of a public road right-of-way.
- f. A permanent marker stating the name of the deceased and the birth and death dates, if known, shall identify the location of each occupied burial plot.
- g. The cemetery shall have a formal name, which shall be placed on a permanent sign located by the main entrance to the cemetery.
- h. Each burial plot shall have access to a private drive at no greater distance than five (5) lots apart.

5.10.21 Accessory Uses.

1. **Generally.** Unless otherwise specified in other sections, accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; employees and owner's itinerant agricultural laborer's quarters not for rent; private swimming pools; and private emergency shelters.

2. **Accessory use location.** Unless otherwise specified in other sections or granted by variance, accessory uses and detached accessory structures are permitted within the buildable area or in the side or rear yard only. They shall be ten (10) or more feet from the principal structure and any lot line. For non-agricultural uses, structures ~~shall not exceed eighteen (18) feet in height and~~ shall not occupy more than 20 percent of the rear or yard area of the site.

5.10.22 Farm Buildings. Farm buildings and other out-buildings exceeding 120 square feet (cumulative area) shall only be allowed as an accessory use to a residence. For parcels exceeding thirty-five (35) acres, farm buildings and other out-buildings are allowed as a conditional use when a residence is not located on the premises.