

Town of Fox Lake

Zoning Code

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15.1 **INTRODUCTION**

THE TOWN BOARD OF THE TOWN OF FOX LAKE DO ORDAIN AS FOLLOWS:

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

15.1.1 Authority

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

15.1.2 Purpose

The purpose of this Code is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Town of Fox Lake.

15.1.3 Intent

It is the general intent of the Code to regulate and restrict the use and development of all structures, lands and water; to regulate and restrict land coverage, population distribution and density, tree cutting, dredging and lagooning in shoreland areas and the size and location of all structures, so as to: lessen congestion, and promote safety from fire, flooding, panic and other danger; provide adequate light and air; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; promote safety and efficiency of highways; stabilize and protect property values; prevent water pollution; protect spawning grounds, fish and aquatic life and otherwise further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Town; and implement the Town's comprehensive plan and plan components. It is further intended to provide for the administration and enforcement of this Code and to provide penalties of its violation.

15.1.4 Abrogation and Greater Restrictions

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

15.1.5 Interpretation

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

15.1.6 Severability

If any section clause, provision or portion of this Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the remainder of this Code.

15.1.7 Repeal

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

15.1.8 Title

Ordinance shall be known as, referred to, or cited as the "ZONING CODE, TOWN OF FOX LAKE, DODGE COUNTY, WISCONSIN."

15.1.9 Effective Date

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

15.2 **GENERAL PROVISIONS**

15.2.1 Jurisdiction

The jurisdiction of this Code shall include all land and waters within the boundaries of the Town of Fox Lake lying outside the limits of incorporated cities and villages. In those areas under the jurisdiction of the Town of Fox Lake Zoning Code and the Dodge County Shoreland Wetland Ordinance, both the Zoning Code and the Shoreland Wetland Ordinance shall be in full effect and all requirements shall be met.

15.2.2 Compliance

No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved reconstructed, extended, enlarged, converted or structurally altered without a Building Permit and/or a Land Use Permit and without full compliance with the provisions of this Code and all other applicable Town, County and State regulations. Minor structures and normal repairs to existing structures of less than the value amount as set by the Town Board shall be exempt.

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

15.2.3 Zoning Administrator

There is hereby created the office of Zoning Administrator for the Town of Fox Lake. The Zoning Administrator shall have all the powers necessary to administer and enforce this Code.

The Zoning Administrator may enter at any reasonable time onto public or private lands to make a zoning inspection. If the Zoning Administrator finds that any of the provisions of this Code are being violated, he or she shall notify in writing the person responsible for such violation and order the action necessary to correct it. He or she shall order discontinuance of any illegal work being done; or shall take any other action authorized by the Code to insure compliance with or to prevent violation of its provisions.

15.2.4 Land Use Permits

Applications for a Land Use Permit shall be made to the Zoning Administrator on forms furnished by his or her office and shall include the following where applicable:

Names and Addresses of the applicant, owner of the site or agent for the owner.

Description of the Subject Site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of occupants or employees; and the zoning district within which the subject site lies.

Sketch showing dimensions of the lot and locations of proposed and existing buildings from the lot lines, center line of abutting highways and the highwater mark of abutting water course.

Additional Information as may be required by the Zoning Administrator.

Fee in the amount as set by the Town Board.

Any application for a Land Use Permit shall be granted or denied in writing by the Zoning Administrator within forty-five (45) days of receipt of a complete application. If the application can not be processed in 45 days, the Zoning Administrator may extend the review process for an additional 15 days. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. A Land Use Permit that is granted shall expire within twelve (12) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Code shall be null and void.

15.2.5 Certificate of Zoning Compliance

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

Application for Certificate of Zoning Compliance. Every application for Certificate of Zoning Compliance for a new use or change in use of land or building shall be made directly to the office of the Zoning Administrator on forms provided by his or her office.

Issuance of Certificates of Zoning Compliance. No Certificate of Zoning Compliance for a building or portion thereof, constructed, after the effective date of this Code, shall be issued until construction is substantially completed, and the premises inspected and certified by the office of the Zoning Administrator to be in conformity with the plans and specifications upon which the Land Use Permit was issued.

Issuance of Certificates of Nonconforming Uses. Any person, firm or corporation having a legal or equitable interest in a property which is nonconforming as to standards may require a Certificate of Zoning Compliance. The applicant shall present documentary proof that said use was a permitted use at the time it originated and was made nonconforming

by the adoption of this Code or amendment thereto. After verifying the use in question is in fact a nonconforming use, the Zoning Administrator shall issue a Certificate of Zoning Compliance stating the use in question and the zoning of the property.

15.2.6 General Requirements

All Principal Structures shall be located on a lot; and only one residential principal structure shall be located, erected or moved onto a lot.

No Land Use Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that site from which the required dedication has not been secured.

Minimum Lot Area and Width. Except as otherwise specifically required or permitted the minimum lot area shall be 40,000 square feet, have a minimum lot width of 125 feet at the building setback line and a minimum lot width of 125 feet at the water's edge along a navigable waterway. Lots served by public sanitary sewer shall have a minimum lot area of 10,000 square feet, have a minimum lot width of 80 feet at the building setback line and a minimum lot width of 80 feet at the water's edge along a navigable waterway.

Side Yards. There shall be a side yard for each principal structure. For lots not served by public sanitary sewer, the minimum width of both side yards shall be 10 feet. For lots served by public sanitary sewer, the minimum width of both side yards shall be 10 feet. Side yards for substandard lots may be reduced to a minimum aggregate width of both side yards of 40 percent of the lot width.

Floor Area. A one story single family dwelling, including manufactured homes located outside of a mobile home park, shall have at least 1,400 square feet of floor area. A multi-story dwelling shall have at least 1,600 square feet of total floor area. All homes shall be placed on a permanent foundation.

15.2.7 Use Restrictions

The following use restrictions and regulations shall apply:

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

Accessory Residential Uses and structures are permitted, but not until the residence is present or under construction. Residential accessory uses shall not involve the conduct of any business.

Conditional Uses and their accessory uses are those which require review, public hearing and approval by the Town Plan Commission. The only conditional

uses and structures permitted by this Code shall be those enumerated in the Schedule of District Regulations.

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

15.2.8 Reduction of Joint Use

No lot, yard, parking area, building area or other space shall be reduced in area or dimension, so as not to meet the provisions of this Code.

15.2.9 Pet and Animal Regulations

In platted residential subdivisions no animals other than household pets shall be allowed.

In all zoning districts, household pets shall be allowed provided that not more than three (3) dogs are kept on any one premise. However, offspring of permitted household pets may be kept and sold from the premises for a period of up to six (6) months.

15.2.10 Violations

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

15.2.11 Penalties

Any person, firm or corporation who fails to comply with the provisions of this Code shall upon conviction thereof, forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) and cost of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof, for a period not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

15.2.12 Outdoor Storage of Inoperable Vehicles

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

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

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

15.3 **ZONING DISTRICTS**

15.3.1 Establishment

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

Primary Use Districts

- 1. R-1 - Single Family Residential
- 2. R-2 - Two Family Residential
- 3. R-3 - Multi-Family Residential
- 4. C - Commercial
- 5. I - Industrial
- 6. A-1 - Prime Agricultural
- 7. A-2 - General Agricultural
- 8. WL - Wetland

15.3.2 Official Zoning Map

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

15.3.3 District Regulations

15.3.3.1 RESIDENTIAL DISTRICTS

The districts contained in this section are created for the following general purposes:

To provide appropriately located areas for residential development that are consistent with the Town of Fox Lake Comprehensive Plan and with standards of public health and safety established by this Zoning Ordinance;

To ensure adequate light, air, privacy and open space for each dwelling;

To protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other significant adverse environmental effects;

To protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards;

To provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and

To ensure the provision of public services and facilities needed to accommodate planned population densities.

15.3.3.1.1 List of Districts and Specific Purpose Statements

The following residential districts are hereby created with the following specific purposes:

R-1 Single Family-Residential

The purpose of the R-1 Single-Family Residential District is to promote generally exclusive low-density, single-family residential areas and accommodate uses appropriate to serving residential development, subject to appropriate standards.

R-2 Two-Family Residential

The purpose of the R-2 Two-Family Residential District is to promote medium-density residential areas and accommodate uses appropriate to serving that development in areas served by a public sanitary sewer system, subject to appropriate standards.

R-3 Multi-Family Residential

The purpose of the R-3 Multi-Family Residential District is to promote high-density residential areas and accommodate uses appropriate to serving residential development in areas served by public sewer systems, subject to appropriate standards.

15.3.3.2 COMMERCIAL DISTRICT

The district contained in this section is created to:

Provide appropriately located areas consistent with the Comprehensive Plan for a full range of office, retail commercial, and service commercial uses needed by Town of Fox Lake's residents, businesses and workers;

Strengthen the Town's economic base, and provide employment opportunities close to home for residents of the Town and surrounding communities;

Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;

Minimize the impact of commercial development on abutting residential districts;

Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;

Ensure the provision of adequate off-street parking and loading facilities; and

Provide sites for public and semipublic uses needed to complement commercial development.

:

The purpose of the C-Commercial District is to promote commercial areas for retail, wholesale, service, office uses and outdoor sales lots that encourage

shopping for a variety of goods and services which do not produce offensive smoke, odors, noise or health hazards, subject to appropriate standards.

15.3.3.3 INDUSTRIAL DISTRICT

The district contained in this section is created to:

Provide appropriately located areas consistent with the Comprehensive Plan for a full range of industrial uses needed by Town of Fox Lake's residents, businesses and workers;

Strengthen the Town's economic base, and provide employment opportunities close to home for residents of the Town and surrounding communities;

Create suitable environments for various types of industrial uses, and protect them from the adverse effects of incompatible uses;

Minimize the impact of industrial development on abutting residential districts;

Ensure that the appearance and effects of industrial buildings and uses are harmonious with the character of the area in which they are located;

Ensure the provision of adequate off-street parking and loading facilities; and

Provide sites for public and semipublic uses needed to complement industrial development.

The purpose of the I-Industrial District is to promote an area for manufacturing, warehousing, wholesaling, storage, transportation and other industrial or non-industrial uses which may produce smoke, odors, noise, health hazards or traffic congestion.

15.3.3.4 AGRICULTURAL DISTRICTS

The districts contained in this section are created to:

Provide appropriately located areas consistent with the Comprehensive Plan for a full range of agricultural uses needed by Town of Fox Lake's residents, businesses and workers;

Promote an area for land uses of an agricultural nature on lands best suited to agriculture;

Provide for the proper location and regulation of manufacturing, warehousing, and other activities that are dependent upon or closely allied to the agricultural industry and require location in close proximity thereto;

Strengthen the Town's economic base, and provide employment opportunities close to home for residents of the County and surrounding communities;

Create suitable environments for various types of agricultural uses, and protect them from the adverse effects of incompatible uses;

Provide sites for public and semipublic uses needed to complement agricultural development.

15.3.3.4.1 List of Districts and Specific Purpose Statements

The following agricultural districts are hereby created with the following specific purposes:

A-1 Prime Agricultural District

The purpose of the A-1 Prime Agricultural District is to promote areas for uses of a generally exclusive agricultural nature on lands of the best agricultural quality in order to protect farmland in perpetuity and accommodate changing practices in the agricultural industry, subject to appropriate standards.

A-2 General Agricultural District

The purpose of the A-2 General Agricultural District is to promote areas for agriculture which are transitional, allowing for the expansion of urban areas, limited rural residential development, and the conversion of agricultural land to other related uses, subject to appropriate standards.

15.3.3.5 WETLAND DISTRICT

The district contained in this section is created to:

Reduce water pollution by filtering surface water runoff through existing wetlands.

Reduce the impact of flooding by maintaining the floodwater storage capacity of existing wetlands.

Protect spawning grounds, fish and wildlife habitat, and other aquatic life; and preserve natural resources associated with wetlands, lakes, rivers, and streams.

Protect wetland vegetation as a component of the natural environment, beauty, and rural character of the Town.

Promote permanent open space to define and buffer areas of more intense development.

The purpose of the WL Wetland District is to promote areas of open space for limited uses generally compatible with the natural resources contained within the wetlands, subject to appropriate standards. All lakes, rivers, and streams shown on the official zoning map of Town of Fox Lake, Wisconsin, shall be considered within the WL Wetland District. However, wherever the Wisconsin Wetlands Inventory Maps published by the Wisconsin Department of Natural Resources Bureau of Water Regulation and Zoning, dated May 10, 1994 contradict the

official zoning map, the Wisconsin Wetlands Inventory Maps shall control the wetland zoning district designation.

15.3.3.6 USE TABLE

Table 15.3.3.6-1 below sets forth the uses allowed within the relevant zoning district. The abbreviations used in the table are described as follows:

Allowed Uses

An “A” in a cell indicates that a use category is allowed by-right in the respective zoning district. Allowed uses are subject to all other applicable regulations of this Code.

Conditional Uses

A “C” in a cell indicates that a use category is allowed only if reviewed and approved as a Conditional Use, in accordance with the Conditional Use review procedures of Section 15.4.

Use Categories/Use Types

The use categories listed in Table 15.3.3.6-1 are in some cases, specific uses. The use categories are intended to be mutually exclusive. If a use type is specifically listed in the table, that use type is allowed only in the districts indicated, not within the districts that allow the broader classification. If a use type is not listed, then the Plan Commission shall, upon the request of any interested party and pursuant to procedures make a determination within which use category, if any, such use type should be included.

Table 15.3.3.6-1 Allowed and Conditional Uses

Uses	Zoning Districts							
	R-1	R-2	R-3	C	I	A-1	A-2	WL
Residential Uses:								
Household Living:								
1. Single Family Dwelling, Detached	A	A	A	C	C	C	C	
2. Single Family Dwelling, Attached	C	A	A	C	C	C	C	
3. Two Family Dwelling		A	A	C		C	C	
4. Multi-Family Dwelling, 3 to 7 Units			A	C				
5. Multi-Family Dwelling, 8 or more Units			C	C				
6. Mobile Home Parks and Trailer Courts			C				C	
Group Living:								
1. Group Living Facility, 8 or Fewer Residents	A	A	A					
2. Group Living Facility, 9 or More Residents	C	C	A					
3. Nursing Homes			C					
4. Seasonal Housing for Farmer Workers						C		
5. Senior Assisted Living	C	C	C	C				
6. Treatment Facilities			C	C				
7. Prisons							C	
Institutional, Public and Semi-Public Uses:								
Aviation:								
1. Airports, Landing Fields and Hangers					C	C	C	
2. Seaplane Landing Basins				C		C	C	C
Cemeteries	C	C	C	C		C	C	
Cultural Institutions	C	C	C	A			C	
Hospitals			C				C	
Parks and Open Space:								
1. Fairground				C			C	
2. Golf Course	C	C	C	C			C	C
3. Nature and Hunting Preserves							C	A
4. Parks, Trails and Playgrounds	C	C	C	C	C	C	C	A
5. Wildlife Ponds	C	C	C			A	A	C
6. All Other				C			C	C
Public Assembly Areas:								
1. Community Center	C	C	C	A			C	
2. Conference, Convention and Exhibit Hall				C			C	
3. Other Public Assembly Areas	C	C	C	C			C	
4. Town Hall				A	C	C	C	
Religious Institutions	C	C	C	C		C	C	
Safety Services	C	C	C	A	A	C	C	
Schools	C	C	C	C		C	C	
Utilities, Basic	A	A	A	A	A	A	A	C
Commercial Uses:								
Adult Entertainment					C			

Table 15.3.3.6-1 Allowed and Conditional Uses

Uses	Zoning Districts							
	R-1	R-2	R-3	C	I	A-1	A-2	WL
Animal Sales and Services:								
1. Animal Hospitals and Shelters				C		C	C	
2. Horse Boarding and Riding Facilities				C			C	
3. Kennels				C			C	
4. Pet Shops				C				
Day Care Facilities								
1. General				C	C			
2. Large Family	C	C	C			C	C	
3. Limited	A	A	A			A	A	
Eating and Drinking Establishments:								
1. Restaurants				A				
2. Restaurants with Bars				C				
3. Restaurants with Drive-Thru Service				A				
4. Taverns				C			C	
Financial Institutions:								
1. Automatic Teller Machines				C	C			
2. With Drive-Thru Services				C				
3. Without Drive-Thru Services				C				
Food and Beverage Sales:								
1. Beer and Liquor Stores				C				
2. Convenience Stores				C				
3. Fruit and Vegetable Markets				C		C	C	
4. Roadside Stands Under 250 Square Feet				C		A	A	
5. Roadside Stands Over 250 Square Feet				C		C	C	
6. With Drive-Thru Service				C			C	
7. All Other				C				
Landscaping Businesses				C	A	C	C	
Lumber Yards and Building Supplies				C	A			
Office Businesses and Professional:								
1. General Businesses				C				
2. Home Occupations	C	C	C	C	C	C	C	
3. Medical and Dental Clinics				C				
4. Professional Offices and Studios	C	C	C	C		C	C	
5. Radio and Television Stations				C	C			
6. Utility Companies				C	A	C	C	
7. Veterinary Clinics				C		C	C	
Personal Services				C				
Recreation and Entertainment, Indoor, Except Adult				C				

Table 15.3.3.6-1 Allowed and Conditional Uses

Table 15.3.3.6-1 Allowed and Conditional Uses

Uses	Zoning Districts							WL
	R-1	R-2	R-3	C	I	A-1	A-2	
Industrial Services:								
1. Agricultural Services					C		C	
2. Machinery and Equipment Repair				C	A		C	
3. Printing and Publishing				C	A			
4. Propane Gas Distributors				C	C			
5. Sawmills					C	C	C	
6. Agricultural Trucking Companies					A		C	
7. All Other				C	C			
Manufacturing and Production:								
1. Animal Feed Preparation					A	A	A	
2. Fertilizer Production					C			
3. Food Processing					C			
4. Manufacturing of Hazardous Materials					C			
5. Manufacturing					A			
6. Power Generation and Transmission				C	C	C	C	C
Resource Extraction and Processing:								
1. Borrow Pits					C	C	C	C
2. Mineral Resource Processing					C		C	
3. Oil and Coal Refineries					C			
4. Quarrying and Mineral Extraction					C	C	C	
5. Soil and Peat Removal							C	C
Warehousing and Transportation:								
1. Contractor's Offices and Storage Yards					A			
2. Feed Mills, Granaries and Elevators					A		C	
3. Food Storage Warehouses					A			
4. Freight Yards					A			
5. Outdoor Storage Areas				C	C			
6. Road Maintenance Equipment Storage					A			
7. Self-Service Storage				C	A			
8. Transportation Terminals				C	A			
9. Trucking Companies					A			
10. Warehousing				C	A			
11. All Other					C			
Waste Related Uses:								
1. Disposal of Sewage, Rubbish or Offal					C	C	C	
2. Incinerators					C			
3. Recyclables Collection				C	C			
4. Recyclables Processing					C			
5. Salvage and Junk Yards					C		C	
6. Sanitary Landfills					C	C	C	
7. Sewage Treatment Facilities					C	C	C	
8. All Other					C			

Table 15.3.3.6-1 Allowed and Conditional Uses

Uses	Zoning Districts							WL
	R-1	R-2	R-3	C	I	A-1	A-2	
Agricultural Uses:								
Animal Confinement Facilities: (See Definitions-Section 15.13)								
1. General Livestock						C	C	
2. Fur Farms						C	C	
3. Stockyards and Livestock Sales				C		C	C	
4. Agricultural Trucking Companies					A		C	
5. All Other						C	C	
Aquatic Species Raising						A	A	A
General Farming	A	A	A	A	A	A	A	C
Harvesting of Wild Crops	C	C	C		C	A	A	A
Horticulture:								
1. Greenhouses					C	A	A	
2. Plant Nurseries					C	A	A	
3. Tree Nurseries						A	A	
4. All Other								
Open Space	A	A	A	A	A	A	A	A
All Other								
Miscellaneous Uses:								
General:								
1. Accessory Structures	A	A	A	C	C	A	A	
2. Off-Street Parking and Loading			A	C	C			
Water Oriented:								
1. Boathouses	C	C	C				C	C
2. Dams and Flowages	C	C	C	C	C	C	C	C
3. Filling, Draining and Dredging	C	C	C	C	C	C	C	C
4. Piers and Docks	C	C	C	C			C	
5. Watercourse Relocation	C	C	C	C	C	C	C	C

Legend:

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multi-Family Residential
- C Commercial
- I Industrial
- A-1 Prime Agriculture
- A-2 General Agriculture
- WL Wetland

- A Allowed
- C Conditional

15.3.3.7 Measurement, Parking and Site Plan Requirements

R-1 - Single Family Residential District

Area, Height and Yard Requirements

Lot:	Width and area of all lots to be determined in accordance with Section 15.2.6.		
Height:	40 Feet Maximum		
Yards:	Rear	-	Minimum 25 Feet
	Side	-	See Section 15.2.6
	Street	-	See Section 15.5.2

R-2 – Two-Family Residential District

Area, Height and Yard Requirements

Lot:	Width and area of all lots to be determined in accordance with Section 15.2.6		
Height:	40 Feet Maximum		
Yards:	Rear	-	Minimum 25 Feet
	Side	-	See Section 15.2.6
	Street	-	See Section 15.5.2

R-3 – Multi-Family Residential District

Area, Height and Yard Requirements

Lot:	Width and area of all lots to be determined in accordance with Section 15.2.6		
Height:	40 Feet Maximum		
Yards:	Rear	-	Minimum 25 Feet
	Side	-	See Section 15.2.6
	Street	-	See Section 15.5.2

C- Commercial District

Area, Height and Yard Requirements

Lot:	Width and area of all lots to be determined in accordance with Section 15.2.6.		
Height:	40 Feet Maximum		
Yards:	Rear	-	Minimum 25 Feet
	Side	-	See Section 15.2.6
	Street	-	See Section 15.5.2

Off-Street Parking Requirements

Off-street parking shall be provided in accordance with Section 15.5.6 of this Code.

Site Plan Approval Requirement

To encourage a business use environment that is compatible with the character of the surrounding area, land use permits for permitted and

conditional uses shall not be issued without prior review and approval or conditional approval of the site plan by the Plan Commission. Said review and approval shall be concerned with surrounding land uses, signs, general layout, building plans, building materials, ingress and egress, traffic congestion, parking, loading and unloading areas, screening and landscaping plans, waste management, lighting and provisions for utilities including surface drainage.

I- Industrial District

Area, Height and Yard Requirements

Lot Size:	Width and area of all lots to be determined in accordance with Section 15.2.6		
Height:	60 Feet Maximum		
Yards:	Rear	-	Minimum 25 feet
	Side	-	See Section 15.2.6
	Street	-	See Section 15.5.2

Off-Street Parking Requirements

Off-street parking shall be provided in accordance with Section 15.5.6 of this Code.

Site Plan Approval Requirement

To encourage a business and industrial use environment that is compatible with the character of the surrounding area, land use permits for permitted and conditional uses shall not be issued without prior review and approval or conditional approval of the site plan by the Plan Commission. Said review and approval shall be concerned with surrounding land uses, signs, general layout, building plans, building materials, ingress and egress, traffic congestion, parking, loading and unloading areas, screening and landscaping plans, lighting and provisions for utilities including surface drainage.

A-1 - Prime Agricultural District

Area, Height and Yard Requirements

Lot:	Minimum 35 acres except uses which are conditionally allowed or result from farm consolidation shall conform to the minimum lot size requirement set forth in Section 15.2.6. For provisions regarding existing substandard size parcels, see Section 15.8.5.		
Height:	40 Feet Maximum; Agricultural Structures – See Section 15.6.1.		
Yards:	Rear	-	Minimum 25 Feet
	Side	-	See Section 15.2.6 (Structures used to house animals shall have a 100 foot minimum side yard).
	Street	-	See Section 15.5.2

A-2 - General Agricultural District

Area, Height and Yard Requirements

- Lot: Minimum 35 acres except uses which are conditionally allowed, shall conform to the minimum lot size requirement set forth in Section 15.2.6
- Height: 40 Feet Maximum, Agricultural Structures - See Section 15.6.1.
- Yards: Rear - Minimum 25 Feet
Side - See Section 15.2.6
Street - See Section 15.5.2

WL - Wetlands

Area, Height and Yard Requirements

- Lot: See Section 15.2.6
- Height: 40 Feet Maximum
- Yards: Rear - Minimum 25 Feet
Side - See Section 15.2.6
Street - See Section 15.5.2

All Conditional Use Permits to be granted only upon a finding by the Plan Commission that such use or structure will not restrict a floodway or destroy the storage capacity of a floodplain.

15.4 **CONDITIONAL USES**

15.4.1 Permit

The Town Plan Commission 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 or structures are in accordance with the purpose and intent of this Code and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the area.

15.4.2 Application

Applications for Conditional Use Permits shall be made to the Zoning Administrator on forms provided by him or her. Such applications shall be forwarded to the Plan Commission by the Zoning Administrator with the owner(s) and applicant signatures. Such applications shall include where applicable;

Names and Addresses of the applicant and owner(s) of the site, architect, professional engineer, contractor and all property owners within 300 feet.

Description of the Subject Site by lot, block and recorded subdivision, certified survey map number or by metes and bounds; address of the subject site; type of structure; number of employees; proposed operation or use of the structure or site; and the zoning district within which the subject site lies.

Sketch showing all of the information required under Section 15.2.4 for a Land Use Permit and existing and proposed landscaping.

Additional Information as may be required by the Plan Commission or by the Zoning Administrator.

Fee in the amount as set by the Town Board.

15.4.3 Review and Approval

In reviewing a Conditional Use Permit, the Town Plan Commission shall evaluate the proposed use on:

1. The maintenance of safe and healthful conditions;
2. The prevention and control of water pollution including sedimentation;
3. Existing topographic and drainage features and vegetation cover on the site;
4. The location of the site with respect to floodplains and floodways of rivers or streams;
5. The erosion potential of the site based upon degree and direction of the slope, soil type and vegetation cover;
6. The location of the site with respect to existing or future access roads;
7. The need of the proposed use for a shoreline location;
8. Its compatibility with use on adjacent land;

9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal system;
10. Structures or improvements within the prime agricultural district shall be consistent with agricultural uses.

15.4.4 Conditions

The Town Plan Commission may attach such conditions, in addition to those required elsewhere in this Code, that it deems necessary in furthering the purpose of this Code. Violation of any of these conditions shall be deemed a violation of this Code. Such conditions may include, without limitation because of specific enumeration, specifications for:

- type of shore cover;
- increased setback and yards;
- specified sewage disposal and water supply facilities;
- landscaping and planting screens or fencing;
- hours of operations;
- operational control;
- sureties;
- deed restrictions;
- locations of piers, docks, parking and signs;
- type of construction or any other requirement necessary to fulfill the purpose and intent of this Code.

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

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

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

15.4.5 Public Hearings

Public hearings on applications shall be held by Town Plan Commission. There shall be a published Class One (1) notice as provided in Code 985 of the Wisconsin Statutes. The Commission shall notify all property owners within 300 feet as listed by the developer in the original application of the time, date and subject matter of the hearing.

15.4.6 Compliance

Compliance with all other provisions of this Code, such as lot width and areas, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses except as modified by this Section.

In granting a conditional use permit for an animal confinement facility in the A-1 Prime Agriculture and A-2 General Agriculture Zoning Districts the rules, regulations and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 shall apply. All applicable rules, regulations, and laws as set forth in Wisconsin Code Chapter ATCP 51 are hereby adopted by reference and made a part of this section as if fully set forth herein.

15.4.7 No Permit

No permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, odors, noise, vibration, lighting, health hazards or possibility of accidents.

The existing owner shall notify the Zoning Administrator at the time of a change of ownership for any business currently operating under a conditional use permit.

If a use for which a conditional use permit was issued is discontinued for a period of 12 months, a new conditional use permit shall be required for such use to operate again, except for residences that were issued a conditional use permit.

15.4.8 Uses

Campgrounds

Prior to granting a permit for the development or improvement of a campground the Town Plan Commission shall make the following determinations:

1. The minimum size of a campground shall be five (5) acres.
2. The maximum number of campsites shall be fifteen (15) per acre.
3. Minimum dimensions of a campsite shall be twenty-five (25) feet wide by forty (40) feet long.
4. There shall be one (1) automobile parking space for each campsite.
5. In addition to the requirements of Section 15.5.2 of this Code, there shall be a minimum yard setback of forty (40) feet from all exterior lot lines of the campground.
6. It shall conform to the requirements of Code 78, Wisconsin Administrative Code which shall apply until amended and then apply as amended.
7. The screening provisions for mobile home parks are met.

Filling, Draining or Dredging Of Wetlands in a Wetland Zoning District

The applicant shall submit the following information with an application for a permit to the Town Plan Commission:

1. Plans for the project prepared by a registered engineer showing and including the following:
 - a. a description of the general and specific nature and extent of the project;
 - b. a scaled, accurate map of the area of the project showing contours if appropriate, soil types, highwater marks, nature of vegetative cover and specification of the location and extent of proposed filling, dredging and/or drainage.
2. An impact study which includes an assessment of the impact of the project on:
 - a. wildlife on the site as well as in the general area;
 - b. erosion, sedimentation, siltation, drainage and water quality on the site as well as in the general area;
 - c. flood storage and water retention capacity;
 - d. vegetation;
 - e. scientific, educational and historic values on the site and/or in the area; and,
 - f. a thorough statement of the need and justification to drain, fill and/or dredge the wetland in question.

A copy of all submitted information shall immediately be sent to the local office of the Department of Natural Resources along with a request for comment. The Plan Commission shall await the Department of Natural Resources reply for fifteen (15) days before making a decision.

Home Occupations

In granting a conditional use permit for a home occupation, the Plan Commission shall make the following determinations:

1. The home occupation is secondary to the residential use of the premises and no more than 25% of the total floor area of the dwelling unit is devoted to such use.
2. The home occupation is totally contained within the residence and does not include any outside storage or use of accessory buildings.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the wall of the principal building.
4. The use may not increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
5. The use shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
6. No use shall create noise, dust, vibration, odors, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more

frequent extent than that usually experienced in an average residential occupancy exists.

7. The home occupation shall employ no nonresident employees.
8. There shall be no stock in trade kept or commodities sold, other than incidental supplies necessary for and consumed in the conduct of such home occupation.

Mobile Home Parks

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

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

Planned Unit Development

Planned unit developments (PUD) are allowed as conditional uses in all zoning districts except in any Agricultural District, the R-1 Single Family District and the Wetland District. PUD is intended to permit the development of planned

developments containing not less than five (5) contiguous acres under one ownership or control.

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

1. The procedure for obtaining a permit for the development of a PUD shall be as outlined in Sections 15.4.1, 15.4.2 and 15.4.3 of this Code, except that the following requirements shall also apply;
 - a. The applicant shall provide proof that the site under consideration contains a minimum land area of not less than five (5) acres under one ownership or control. Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for an addition shall be the same as if an original application was filed, and all of the requirements of this article shall apply except the minimum acreage requirement of ten (10) acres.
 - b. The applicant shall furnish twelve (12) copies of a preliminary plan, prepared or certified by a surveyor or engineer duly authorized by the State to practice as such, showing the proposed general layout, the general location of the various types of land uses, the proposed densities of population in the residential areas, a major thoroughfare plan, a public utility plan if public utilities are proposed or required, a storm drainage plan and a plan showing the location of recreation spaces, parks, schools and other public or community uses.
 - c. Following approval of the preliminary plan by the Town Plan Commission, the applicant shall furnish twelve (12) copies of the final plan prepared or certified by a surveyor or engineer duly authorized by the State to practice as such, showing the layout of all major and local thoroughfares and local streets, the location of all buildings, parking areas, pedestrian ways, utility easements, lot lines, open spaces, parks, recreation areas, school sites, playgrounds, the proposed use of all buildings and the metes and bounds of all dedicated areas and lots. The applicant shall also furnish a proposed deed of dedication including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between buildings. The applicant shall furnish a deed, or deeds, to land determined by the Town to be needed for public elementary and intermediate school purposes. When the final plan and deed of dedication have been approved by the Town Plan Commission as being in conformity with this section and with any changes or requirements of the Town Plan Commission on the preliminary plan it shall be approved for recordation and recorded.

Thereafter, no modification may be made in any final plan except by an amended final plan submitted in accordance with this Code.

2. In granting a permit for the development of a PUD the Town Plan Commission shall make the following determinations:
 - a. That the uses shall be as shown on the preliminary plans as required by Section 15.4.4;
 - b. That the location of all structures and designated building envelopes shall be as shown on the final plans as required by Section 15.4.4. Building envelopes must be protected by adequate covenants, running with the land, conveyances or dedications;

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

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

Residential Uses In The Agricultural Districts (A-1 and A-2)

In granting a Conditional Use Permit for residential uses in the Agricultural Districts, the Commission shall make the following determinations:

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

15.5 **SETBACKS, ACCESS AND OFF-STREET PARKING**

15.5.1 Highway and Road Setbacks

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

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

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

15.5.2 Highway and Road Setback Distances

The setback distance shall be as follows:

Town Roads, except urbanized sections - Minimum seventy-five (75) feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever distance is greater.

State or County Highways, except urbanized sections - Minimum one hundred (100) feet from the centerline of the highway or sixty-seven (67) feet from the edge of the right-of-way, whichever distance is greater.

Urbanized roads or highways - Minimum 60 feet from the centerline of the road or highway or 27 feet from the edge of the right-of-way, whichever distance is greater. Urbanized road or highway sections are as follows.

Fox Lake Area

Commencing 1584 feet south of County Road F, thence westerly on Blackhawk Trail to the junction of County Road A. All of Shorecrest Road, Maple Point Road, Howard Drive, Chief Kuno Trail; Commencing 2376 feet north of State Road 68, thence northeasterly 1584 feet on Oaks Road to the shore of Fox Lake, All of Delbern Acres, Blackhawk Trail from County Road F southerly 1584 feet to the beginning of the present urban section of Blackhawk Trail. All of Rainbow Terrace.

Beaver Dam Lake Area

Commencing at the intersection of Breezy Point Road and Dunn Road, thence east on Breezy Point Road to the lake shore. All of Hickory Bay Road west and northwesterly 2323 feet.

Lake Emily Area

All of Lake Drive. County Road A from Lake Drive a distance of .25 miles or 1320 feet, west side of the highway only. All of Brath Road and all of Sunset Lane.

15.5.3 Building Setbacks from the Water

For lots that abut on navigable water:

1. There shall be setbacks from both the streets and water.
2. All buildings and structures, except piers, wharves and boathouses shall be setback at least seventy-five (75) feet from all points along the normal highwater line and two (2) feet above the normal highwater elevation unless otherwise specified by this Code.
3. The Zoning Administrator shall determine the normal highwater elevation or line where not established.
4. A setback from water less than the setback required may be permitted where there are at least five (5) existing main buildings within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case the setback shall be the average of the nearest main buildings on each side of the proposed site or if there are no buildings on one side, the average of the setback from the main building on one side, and the required setback.

15.5.4 Loading Requirements

In all districts adequate loading areas shall be provided so that all vehicle loading, maneuvering or unloading does not project into traffic lanes.

15.5.5 Driveways

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

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

15.5.6 Off-Street Parking

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

Convenience Stores - One (1) space for each two hundred (200) square feet of floor area; plus two (2) spaces for each gas pump.

Dwellings - Two (2) spaces for each dwelling unit.

Industrial Uses and Warehouses - One (1) space for each employee on the premises at a maximum employment on the main shift.

Motels and Resorts - One (1) space for each unit.

Restaurants, Taverns and Similar Establishments - One (1) space for each fifty (50) square feet of floor space devoted to patrons.

Retail Business and Service Establishments - One (1) space for each two hundred (200) square feet of floor area.

Any Use Not Specifically Named - shall be assigned to the most appropriate classification by the Plan Commission.

Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.

Location of off-street parking shall be on the same lot as the principal use, or on a lot adjacent to the principal use.

15.6 **MODIFICATIONS AND MEASUREMENTS**

15.6.1 Height

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

Agricultural Structures, such as barns, silos, and windmills shall not exceed in height their distance from the nearest lot line.

Architectural Projections, such as spires, belfries, parapet walls, domes, flues, and chimneys, are exempt from the height limitations of this Code.

Communication Structures, such as radio and television transmission and relay towers, aerals, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line. In addition, no tower or structure or any projecting aerial shall exceed 500 feet in height in any area of the Town.

Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Code.

Public or Semi-Public Facilities such as schools, churches, hospitals, monuments, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet.

Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks, and flag poles, are exempt from the height limitations of this Code.

15.6.2 Yards

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

Architectural Projections, such as chimney flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.

Accessory Uses and Detached Accessory Structures located in platted subdivisions or on lots less than two acres in area are permitted in the rear and side yards of all lots. When located in a side yard, they shall be not closer to the lot line than the minimum required side yard for the principal structure and in any case they shall not be closer than 10 feet to the principal structure, shall not exceed 20 feet in height, shall not occupy more than 10 % of the rear yard area, and shall not be closer than three (3) feet to any lot line.

Trees and Shrubs are exempt from the yard requirements.

Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed 6 feet and not closer than 3 feet to any lot line.

Residential fences are permitted on property lines but shall not exceed a height of six feet in the rear or side yard, shall not exceed a height of four feet in the street yard and shall not be closer than two feet to any public right-of-way.

Security fences in Industrial or Commercial zoned areas are permitted on the property lines but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

Essential Service facilities such as surface, overhead, and underground facilities but not including any buildings, towers, or antennas, may be located within any required setback on the condition that the owner of such facilities within any setback that abuts a street shall remove all construction, additions, and replacements of these facilities at the owner's expense, when necessary for the improvement of the road, street, or highway.

15.6.3 Additions

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

15.6.4 Average Street Yards

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

15.6.5 Density Standards in the A-1 and A-2 Agricultural Zoning Districts

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

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

15.7 **SIGNS**

15.7.1 Permit Required

No signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without obtaining a sign permit, except those signs allowed under Section 15.7.2.

15.7.2 Signs Allowed in all Zoning Districts Without a Sign Permit

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

Signs Over Show Windows or Doors of a Nonconforming Business Establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.

Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed thirty-two (32) square feet in display area on all sides for any one farm.

Real Estate Signs not to exceed eight (8) square feet in display area on any one side nor sixteen (16) square feet in display area on all sides which advertise the sale, rental or lease of the premises upon which said signs are temporarily located and limited to one such sign for each premises.

Name, Occupation and Warning Signs not to exceed four (4) square feet in display area on any one side nor eight (8) square feet in display area on all sides; limited to one such sign for each premises.

Bulletin Boards of public, charitable or religious institutions, not to exceed twelve (12) square feet in display area on all sides; limited to one such sign for each premises.

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.

Official Signs, such as traffic control, parking restrictions, information and notices.

Temporary Signs or banners when authorized by the Zoning Administrator for a period not to exceed 45 days.

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

15.7.3 Signs Allowed in all Zoning Districts with a Sign Permit

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

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

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

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

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

15.7.4 Signs Permitted in the Commercial and Industrial Districts

The following signs are permitted in the Industrial and Commercial Districts with a permit and are subject to the following regulations:

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

Projecting Signs fastened to, suspended from, or supported by buildings shall not exceed one hundred (100) square feet in display area on all sides for any

one premises; shall not extend more than six (6) feet in any direction; shall not be less than ten (10) feet from any side or rear lot line; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.

Ground Signs, limited to one sign for each premises; shall not exceed twenty (20) feet in height; shall not be located closer to the road right-of-way than twenty-seven (27) feet; shall meet all side and rear yard setback requirements; and shall not exceed one hundred (100) square feet in display area on any one side nor two hundred (200) square feet in display area on all sides.

Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.

Combinations of any of the above signs shall meet all the requirements for the individual sign.

15.7.5 Development Standards

Determining Area of Signs

The area of a sign shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign, including the border and trim, but excluding supports.

Traffic

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

Moving, Flashing or Video Signs

No sign shall be erected which has any flashing or moving parts except those giving public service information such as time, date, temperature, weather, or similar information.

Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Code may be continued although the use, size, or location does not conform to the provisions of this Code. However, it shall be deemed a nonconforming use or structure and the provisions of Section 15.8.3 shall apply.

Signs Not In Use

Signs which advertise or identify a business or similar activity must be removed within sixty (60) days of the date said business or similar activity ceases operation or

vacates the premises. The removal of the sign shall be the responsibility of the owner of the property on which the sign is located.

Sign Location

No sign mentioned in Section 15.7 shall be located in, on or above a public road right-of-way or navigable body of water, except for Official Signs.

15.8 **NONCONFORMING USES, STRUCTURES AND LOTS**

15.8.1 Existing Nonconforming Uses

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

Total Lifetime Structural Repairs or Alterations, shall not exceed fifty (50) percent of the assessed value of the original structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Code.

15.8.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water, shall conform to the provisions of this Code. When a nonconforming use is damaged by fire, explosion, flood, or and other event to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Code.

15.8.3 Existing Nonconforming Structures

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

Additions and Enlargements to existing nonconforming structures are permitted and shall conform with the required buildings setback lines along roads, water and highways and the yard, height, parking, loading and access provisions of this Code.

Existing Nonconforming Structures which are damaged or destroyed by fire, explosion, flood or any other event, may be reconstructed and in so far as is practicable shall conform with the required building setback lines along streets and highways and the yard, height, parking, loading and access provisions of this Code.

15.8.4 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

15.8.5 Vacant Substandard Lots

In any zoning district, except the Commercial and Industrial District, a single family dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Code subject to the following requirements:

- a. The lot must be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the area requirements of this Code;
- b. The lot must be at least fifty (50) feet wide and seven thousand five hundred (7,500) square feet in area;
- c. All the dimensional requirements of this Code shall be complied with in so far as practical, as determined by the Plan Commission.

15.9 **BOARD OF APPEALS**

15.9.1 Establishment

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

Terms: Terms shall be for three (3) years, except that of those first appointed; one (1) shall serve one (1) year, two (2) shall serve two (2) years and two (2) for three (3) years.

Chairman: Chairman shall be designated by the Town Chairman.

Alternate: Two (2) alternate members may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest.

Secretary: Secretary shall be as designated by the Board of Appeals.

Vacancies: Vacancies shall be filled for the unexpired term in the same manner as appointment for a full term.

15.9.2 Organization

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

15.9.3 Rules

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

All meetings of the Board of Appeals shall be open to the public.

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

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

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

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

15.9.4 Powers

The Board of Appeals shall have the following powers:

- To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by administrative official in the enforcement of this Code.

- To hear and decide special exception to the terms of the Code upon which such board is required to pass under this Code.

- To authorize upon appeal in specific cases such variances from the terms of the Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Code will result in practical difficulty or unnecessary hardship, so that the spirit of the Code shall be observed, public safety and welfare secured, and substantial justice done.

- The Board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

- The Board may reverse, affirm, or wholly or partly modify the requirements appealed from and may issue or direct the issuance of a permit.

Assistance - the Board may request assistance from other town or county officers, departments, commissions and boards.

Oaths - the chairperson may administer oaths and compel the attendance of witnesses.

15.9.5 Appeals and Applications

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

Names and Addresses of the appellant or applicant and all land owners within 300 feet.

Sketch showing all the information required under Section 15.2.4 for a Land Use Permit.

Additional Information which was required for the decision appealed from or may be required by the Board of Appeals.

Fee in the amount as set by the Town Board.

15.9.6 Hearings

The Board of Appeals shall fix a reasonable time and place for the hearing, give a Class One (1) notice thereof as provided in Code 985 of the Wisconsin Statutes. Notice of the hearing should be provided to the owner, applicant, all land owners within 300 feet, the Zoning Administrator and the Town Board. At the hearing the applicant or the appellant may appear in person, by agent, or by attorney.

15.9.7 Decisions

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

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

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Code, or to effect any variation in this Code. The grounds of every such determination shall be stated.

15.9.8 Review by Court of Record

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

15.10 **PLAN COMMISSION**

15.10.1 Composition

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

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

15.10.2 Rules and Organization

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

15.10.3 Functions

The Plan Commission shall have the following functions and duties:

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

15.11 **CHANGES AND AMENDMENTS**

15.11.1 Authority

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

Such Change or Amendment shall be subject to the review and recommendation of the Town Plan Commission.

15.11.2 Initiation

A petition for amendment may be made by any property owner in the area to be affected by the amendment, by the Town Board or by the Town Plan Commission.

15.11.3 Petitions for Amendment

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, who shall refer them to the Town Plan Commission. Such petitions shall 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:

Plot Plan draw to a scale of one (1) inch equals a hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.

Owners' Names and Addresses of all properties lying within three hundred (300) feet of the area proposed to be rezoned.

Additional Information required by the Town Plan Commission or the Town Board.

Fee in the amount as set by the Town Board.

15.11.4 Hearings and Board Action

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

2. Recommendations As soon as possible after the public hearing the Town Plan Commission shall act on such petition either approving, modifying or disapproving the petition. The recommendation shall be made in writing to the Town Board.
3. Action by the Town Board After careful consideration of the Town Plan Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.
4. Approval by the County Board After approval by the Town Board, the County Board shall approve the proposed change or amendment to become effective.

15.11.5 Protest

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

15.12 **PERFORMANCE STANDARDS**

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

15.12.2 A violation of this section which is so flagrant as to constitute a potential nuisance shall be the subject of a nuisance action brought by the Town’s attorney on behalf of the Town.

DEFINITIONS

For the purpose of this Code, certain words and terms are defined as listed below. Also, words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory.

Accessory Building or Structure

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

Adult Entertainment

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

Agricultural Use

Agricultural use means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 116 USC 3831 to 2836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.

Animal Confinement Facility

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

Animal Unit

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

Animal Unit Calculation Table		
Number Equivalent to 1,000 Animal Units		
Number Equivalent to 1,000 Animal Units	Animal Type	Animal Equivalency Factor
Dairy Cattle:		
700	Milking and Dry Cows	1.4
910	Heifers (800 to 1 200 lbs)	1.1
1 670	Heifers (400 to 800 lbs)	0.6
5000	Calves (under 400 lbs)	0.2
Beef Cattle:		
1000	Steers or Cows (600 lbs_to_Mkt.)	1.0
2000	Calves (under 600 lbs)	0.5
700	Bulls	1.4
Swine:		
2500	Pigs (55lbs to Mkt.)	0.4
10000	Pigs (up to 55 lbs)	0.1
2500	Sows	0.4
2000	Boars	0.5
Sheep:		
10000	Per Animal	0.1
Horses:		
500	Per Animal	2.0
Ducks:		
50	Per Bird (Wet Lot)	0.2
100000	Per Bird (Dry Lot)	0.01
Chickens:		
100000	Layers	0.01
200000	Broilers	0.005
100000	Broilers (continuous over flow watering)	0.01
30000	Layers or Broilers (Liquid Manure System)	0.033
Turkeys:		
55000	Per Bird	0.018
Combined Animal Units:		
1000	Calculated Total	

Arterial Street

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

Basement

A space having 50 percent or more of its floor to ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet.

Building Area

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

Building Height

The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

Commercial Feed Lot

An animal confinement facility or dairy farm used or designed for the feeding or holding of 200 or more animal units for a period of 30 days or more.

Conditional Uses

Uses of a special nature as to make impractical their predetermination as a permitted use in a district.

Condominium

Property subject to a condominium declaration established under the authority of the condominium laws of the State of Wisconsin.

Corner Lot

A lot abutting two or more streets at their intersection.

Density

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

Duplex

A dwelling containing two dwelling units.

Dwelling

A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotel, tents, cabins or mobile homes.

Dwelling, Multiple Family

A dwelling containing three or more dwelling units.

Dwelling, One Family

A dwelling containing one dwelling unit.

Dwelling Unit

One or more rooms which are arranged, designed or used as living quarters for one family only.

Essential Service

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

Family

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

Farm Consolidation

The combination of two or more farms to create a smaller number of farms.

Floor Area

Area in square feet of all floors in a building including elevators and stairways, measured by the perimeter or outside walls multiplied by the number of floors, excluding basements.

Foundation

A wall that is below the frost line with a basement.

General Farming

General farming shall include all agricultural uses except animal confinement facilities.

General Farming shall not be considered the intended use of the property unless a 35 or more acre parcel exists or is proposed. Unless otherwise prohibited by district or general provision regulations of this Code, existing parcels of less than 35 acres may be used for General Farming purposes.

Height

Overall height of the top of a structure, or top of any object of natural growth; when referring to a tower or other similar structure, the distance measured from ground level to the highest point on the tower or other similar structure, even if said highest point is an antenna.

Household Pets

Animals commonly found in residences as pets, such as dogs, cats, song birds and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs or other animals not commonly found in residences.

Junk Yard

A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged or sold. Three (3) or more unlicensed or inoperable vehicles on the same premises shall be evidence of operation of a junk yard. Old farm machinery located on an operating farm shall not be included within the meaning of a junk yard.

Kennel

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

Loading Area

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

Lot

A parcel of land having frontage on a public road, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, parking area, and other space provisions of this Code.

Lot Lines and Area

The peripheral boundaries of a parcel of land and the total area lying within such boundaries under one ownership. Public roads and navigable waterways are considered lot dividers.

Lot Width

The horizontal distance between side lot lines.

Manufactured Homes

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

Minor Structures

A structure which is one hundred (100) square feet in area or less and is accessory to the principal use of the lot and fences under four feet in height.

Mobile Home

A transportable structure, except a manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have an oversized width for normal traffic allowances and thereby require a special travel permit from state or county highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers or foundation.

Mobile Home Lot

A parcel of land designed for the exclusive use of the occupants of a single mobile home.

Mobile Home Park

A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use.

Motel

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

Nonconforming Uses or Structures

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

Road

A public right-of-way intended to be used for passage or travel by motor vehicles.

Salvage Yard

A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged or sold. Three (3) or more unlicensed or inoperable vehicles on the same premises shall be evidence of operation of a salvage yard. Old farm machinery located on an operating farm shall not be included within the meaning of a salvage yard.

Sign

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

Structure

Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment, including all buildings.

Structural Alterations

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

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power and substations, static transformer stations, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Yard

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

Yard, Rear

A yard extending across the full width of the lot, the depth of which shall be the minimum distance between the rear lot line and the nearest point of the principal structure.

Yard, Side

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

Yard, Street

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

Zoning Administrator

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