
CHAPTER 17 - ZONING

ANY AND ALL ORDINANCES OR REGULATIONS OF THE TOWN OF UNION PREVIOUSLY ENACTED REGARDING ZONING OR RELATED TO THE PROVISION THEREOF ARE HEREBY REPEALED, REVOKED AND ABROGATED AND IN PLACE THEREOF THIS ORDINANCE IS ADOPTED.

Section 17.01 INTRODUCTION

(1) Authority.

Whereas the Town Board of Union, Wisconsin, has proceeded under the provisions of Section 60.61 and 60.62 of the Wisconsin Statutes and whereas these regulations are adopted under the authority granted by Sections 60.61 and 60.62 and 60.65 of the Wisconsin Statutes. Therefore, the Town Board of Union, Wisconsin, does ordain as follows:

(2) Purpose.

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community, and to be eligible for the State of Wisconsin Farmland Preservation Program.

(3) Intent.

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

(4) Abrogation and Greater Restrictions.

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

(5) Interpretation.

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

(6) Severability.

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

(7) Repeal.

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed, including without limitation certain zoning ordinances dated Nov. 30, 1965 and May 7, 1979 and their amendments and certain District Map dated Nov. 30, 1965 and Development Map dated May 7, 1979 and its amendments. This Ordinance shall now refer to the Town of Union Comprehensive Plan and the Town of Union Official Zoning map dated October 5, 2006.

(8) Title.

This Ordinance shall be known as, referred to, or cited as the "Town of Union Zoning Ordinance."

Section 17.02 GENERAL PROVISIONS

(1) Jurisdiction.

The jurisdiction of this Ordinance shall include all lands and waters in the Town of Union, Rock County, Wisconsin and be under the zoning jurisdiction of the Town of Union Board and Plan Commission.

(2) Compliance.

No land or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. The duty of the Building Inspector shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Building Inspector may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Building Inspector is refused entry, he may apply for, obtain and execute a special inspection warrant for said premises pursuant to §66.0119, Wis. Stats. The Building Inspector may set time-limits and conditions for the correction of violations.

(3) Use Restrictions.

The following use restrictions and regulations shall apply:

- A. Permitted Uses. Only those principal uses specified, their essential services and uses listed in this Ordinance shall be permitted in each district.
- B. Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry unless it is an allowed conditional use and permission (conditional use permit) is granted by the Plan Commission.
- C. A-1, A-2, A-3, and A-4 Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, recommendation by the Plan Commission to the Town Board approval, conditional approval or denial, and approval by the Town Board and issuance of a conditional use permit in accordance with 17.18 of this Ordinance. Zoning Conditional Uses excluding A-1, A-2, A-3, and A-4 Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, recommendation by the Plan Commission to the Town Board approval, conditional approval or denial, and approval by the Town Board and issuance of a conditional use permit in accordance with Section 17.18 of this Ordinance.
- D. Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Plan Commission.
- E. Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.
- F. Soil Restrictions. Certain soil types in the Town, as shown on the operational soil survey maps prepared by the USDA-Natural Resources Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the USDA-Natural Resources Conservation Service is hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a soil scientist from the Soil Conservation Service by either the Town or the applicant.

(4) Penalties

Any person, firm or corporation who fails to comply with, or violates, the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not

exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

(5) Violations

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Building Inspector, the Town Plan Commission, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

(6) Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the Penalties described above.

Section 17.03 ADMINISTRATION

(1) Town of Union Plan Commission

The Town Board, Plan Commission and Building Inspector shall have the role of enforcing this Ordinance. The Plan Commission shall have the following powers:

- A. To review and recommend to the Town Board the approval, conditional approval or denial of requests for conditional use permits.
- B. To review and recommend to the Town Board approval, conditional approval or denial of requests for A-1, A-2, A-3, and A-4 Conditional Use Permit Land Divisions.
- C. To review and approve, conditionally approve or deny requests for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Plan Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.
- D. To review and recommend to the Town Board the approval, conditional approval or denial of land division preliminary CSMs and final CSMs and preliminary and final Subdivision Plats. Conditions of approval may be attached to preliminary or final approval.
- E. To review and recommend to the Town Board the approval, conditional approval or denial of applications for zoning changes.
- F. To review and recommend to the Town Board the approval, conditional approval or denial of all other types of Conditional Use Permit requests and renewals.
- G. To review and approve, conditionally approve, or deny all Site Plan Reviews for the siting of residences on a lot.

(2) Building Inspector

The Building Inspector shall be responsible for reviewing and enforcing the zoning code within the Town of Union.

There is herewith created the office of Building Inspector, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Building Inspector shall be appointed by the Town Board and shall hold office until replaced by the Town Board. His duties shall be to administer, supervise, and literally enforce the provisions of the Town Zoning Ordinance. His compensation shall be determined by the Town Board.

The Building Inspector shall make a monthly report of his activities to the Town Board.

The Building Inspector shall:

- A. Assist the applicant in preparing applications for driveway permits, building permits, land divisions, conditional use permits, zoning changes, site plan review, and variances.
- B. Advise the applicant as to the provisions of the Town Zoning and Land Division Ordinance.
- C. Prepare building permits and driveway permits.
- D. Inspect each project for which a building permit and driveway permit has been applied for or granted; report violations; and provide this information to the Plan Commission and/or Town Board.
- E. The Building Inspector may issue building permits which are within strict compliance with the requirements of this Ordinance. If the parcel is zoned agricultural and was created after 1/1/2014 a site plan review must be approved by the Plan Commission before a building permit can issued. Whenever there is a question other than the literal requirements of this Ordinance, it is to be brought directly to the Plan Commission Chairman.

Section 17.04 DEFINITIONS

(1) Usage

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words used in the plural number include the singular; the word "herein" means "in these regulations"; the work "regulations" means "these regulations."
- C. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(2) Words and Terms Defined

- **Accessory Building** Any building except the principal building on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.
- **Accessory Structure** A structure constructed on a mobile home lot apart from the basic mobile home unit, including awnings, cabanas, storage cabinets (or sheds).
- **Accessory Use** Any of the following land uses on a farm:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use;
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use;
 - c. A farm residence;
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in (a) or (c), that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland;
 - e. Any other use that the department, by rule, identifies as an accessory use.
- **Agricultural Use** Any of the following activities conducted for the purpose of producing an income or livelihood:
 - a. Crop or forage production
 - b. Keeping livestock
 - c. Beekeeping
 - d. Nursery, sod or Christmas tree production
 - e. Floriculture
 - f. Aquaculture
 - g. Fur farming
 - h. Forest management
 - i. Enrolling land in a federal agricultural commodity payment program, or a federal or state agricultural land conservation payment program.
 - j. Any other use that the department, by rule, identifies as an agricultural use
- **Agriculture-related Use** Any of the following:

- a. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes or by-products received directly from farms.

- b. Any other use that the department, by rule, identifies as an agriculture-related use
- **Airport Not Open to the Public** Any airport on privately owned land used solely by the property owner.
- **Airport Open to the Public** Any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.
- **Alley** A street or thoroughfare less than twenty one (21) feet wide and affording only secondary access to abutting properties.
- **Animal Unit** A unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in a livestock facility. For purposes of this Ordinance, animal unit equivalents are based on s. NR 243(3) as it existed on April 27, 2003, or subsequent amendments. For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds. The number of “animal units” kept at a livestock facility means the largest number of “animal units” that will be at the livestock facility on at least 90 days in any 12-month period.

Livestock Type		Animal Unit Factor
Dairy Cattle	Milking and Dry Cows	1.4
	Heifers (800 lbs. to 1200 lbs.)	1.1
	Heifers (400 lbs. to 800 lbs.)	0.6
	Calves (up to 400 lbs.)	0.2
Beef	Steers or Cows (600 lbs. to market)	1.0
	Calves (less than 600 lbs.)	0.5
	Bulls(each)	1.4
Swine	Pigs (55 lbs. to market)	0.4
	Pigs (up to 55 lbs.)	0.1
	Sows (each)	0.4
	Boars (each)	0.5
Poultry	Layers (each)	0.01
	Broilers (each)	0.005
	Broilers – continuous overflow watering	0.01
	Layers or Broilers - liquid manure system	0.033
	Ducks – wet lot (each)	0.2
	Ducks - dry lot (each)	0.01
	Turkeys (each)	0.018
Sheep(each)		0.1
Goats (each)		0.1
*Number of units is based on an average weight per growing cycle.		

- **Applicant** The owner of the land or his representative. Consent shall be required in writing from the legal owner of the premises.
- **Arterial Roads & Highways** Serve inter-community travel within and outside the area and provide a high level of urban mobility with little variation in operating conditions and form a continuous system with other arterials.
- **ATCP 51** The DATCP Administrative Rule that local units of government must adopt to comply with the implementation of Wisconsin’s Livestock Facility Siting Law, §93.90, Wis. Stats.

- **Automotive Vehicle** A vehicle that is self-propelled except a snowmobile unless specifically referred to as a motor vehicle herein.

- **Base Farm Tract** Either all contiguous parcels in a farmland preservation zoning district that are part of a single farm on January 1, 2014, regardless of any subsequent changes in the size of the farm or any other tract that DATCP by rule defines as a “base farm tract.”
- **Basement** A story partly underground.
- **Boarding House** A building other than a hotel where meals or lodging and meals are provided for compensation for three (3) or more persons not members of the owner's family.
- **Bond** Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in the amount and form satisfactory to governing body. All bonds shall be approved by the Town Board wherever a bond is required by these regulations.
- **Building** Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property.
- **Building Area** Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.
- **Building Height** The vertical distance from the top of the building roof to the top of the basement or to the foundation, whichever is less.
- **Collector Roads & Highways** Serve intermediate to long trips within an area, collect and distribute traffic to and from local roads and adjacent land within the areas, provide fair mobility and form a generally continuous pattern when combined with the arterial system.
- **Committee** The Plan Commission.
- **Common Area** An area or space designed for joint use of tenants or owners residing in a Planned Unit Development.
- **Common Sewerage** A legal sewage system that serves two or more dwelling units.
- **Community** A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.
- **Community Living Arrangement** Means any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under §48.60, group foster homes for children under §48.02(7) and community- based residential facilities under §50.01 of Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.
- **Conditional Use** A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.
- **Contiguous Acres** Adjacent, adjoining, or have a common boundary. Some acreage that is not adjoining may be considered contiguous, for example, when land is divided by a public road, irrigation canal, or river. Contiguous properties may span more than one county.
- **Department of Agriculture, Trade and Consumer Protection** State of Wisconsin cabinet-

level agency. Also referred to as “department” and “DATCP.”

- **Dependent Mobile Home** A mobile home which does not have complete bathroom facilities.

- **Density** The number of living units per acre allowable under a schedule of district regulations.
- **Developer** The owner of land proposed for subdivision or his representative. Consent shall be required from the legal owner of the premises.
- **Development Guide** The Town's Development Plan (segment of the County Development Plan) (§59.97, Wis. Stats.) or the incorporated municipality's Master Plan (§62.23 Wis. Stats.).
- **Drive-in Establishment** A place of business in which patrons can be served while remaining in their automobiles.
- **Driveway** A minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.
- **Dwelling, Single-Family** A detached building designed for, or occupied exclusively by, one (1) family or household.
- **Dwelling, Two-Family** A detached or semi-detached building designed for, or occupied exclusively by, two (2) families or households.
- **Dwelling, Multiple-Family** A building or portion thereof designed for, or occupied by, three (3) or more families or households.
- **Earthwork** The moving of more than two (2) cubic yards of any type of soils.
- **Easement** Authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property.
- **Emergency Shelter** Public or private enclosures designed to protect people from flood, windstorm, fire, riots, or invasions; and from aerial, radiological, biological, or chemical warfare.
- **Essential Services** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewerage, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.
- **Expansion** An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent facility, is not an “expansion” unless the operator increased the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.
- **Expressway** A divided arterial street or highway, either with full or partial control of access, and with or without grade separated intersections.
- **Family** A group of persons related by blood or marriage and living together as a single housekeeping entity.
- **Farm** All land under common ownership that is primarily devoted to agricultural use.

- **Farm Residence** Any of the following structures that is located on a farm:
 - a. A single family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - 1. An owner or operator of the farm.
 - 2. A parent or child of an owner or operator of the farm.
 - 3. An individual who earns more than fifty (50) percent of his or her gross income from the farm.
 - b. A migrant labor camp that is certified under §103.92 Wis. Stats.
- **Farmland Preservation Agreement** Any of the following agreements between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits:
 - a. A farmland preservation agreement or transition area agreement entered into under §91.13, 2007 Wis. Stats., or §91.14, 2007 Wis. Stats.
 - b. An agreement entered into under §91.60(1), Wis. Stats.
- **Farmland Preservation Area** An area that is planned primarily for agricultural use or agriculture-related use, or both, and that is one of the following:
 - a. Identified as an agricultural preservation area or transition area in a farmland preservation plan described in §91.12(1), Wis. Stats.
 - b. Identified under §91.10(1)(d) in a farmland preservation plan described in §91.12(2), Wis. Stats.
- **Farmland Preservation Plan** a plan for the preservation or farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 Wis. State Stats.
- **Flood Plain** The land adjacent to a body of water which is subject to periodic overflow therefrom.
- **Floodway** The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.
- **Floor Area** The area within the exterior walls of a building which is usable as living quarters.
- **Freeway** An expressway with full control of access and with fully grade separated intersections.
- **Frontage** The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
- **Garage, Private** Any accessory building or space for the storage only of not more than three (3) motor vehicles per dwelling unit.
- **Garage, Public** Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.
- **Garage, Storage** Any building or premises used for storage only of motor vehicles.
- **High Density** Those residential zoning districts in which the density is greater than one (1)

dwelling unit per eight thousand five hundred (8,500) square feet.

- **Hobby Farm** A use of the land that is primarily residential in nature but may include the raising of livestock primarily for recreational purposes which do not have substantial food and fiber

economic value. A “hobby farm” shall consist of less than ten (10) animal units of traditional production animals and less than ten (10) total animals of non-traditional production animals which include but are not limited to deer, horses, llamas and minks.

- **Home Occupation** A gainful occupation conducted by members of a family only, within their place of residence, provided that no article is offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes. (A home occupation includes, for example, such activities as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include, for example, such occupations as barbering, beauty shops and hairdressing, dancing schools, or photographic studios.)
- **Hotel** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- **Household Pet** Tame animals which have been traditionally kept in the hk not exceed two hundred fifty (250) pounds, or four (4) feet in height at normal posture.
- **Household Unit** The body of persons who live together in one dwelling unit as a single housekeeping unit.
- **Intensive Soils Survey** The testing of soil at a particular geographic location as to its individual assets and limitations.
- **Interchange** A grade-separated highway intersection with one (1) or more turning lanes for travel between intersecting roads or highways.
- **Large Farm Animal** Any horse, head of cattle, pony, sheep, goat, or hog.
- **License** A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations issued hereunder.
- **Livestock** Cattle, swine, poultry, sheep and/or goats.
- **Livestock Facility** A feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels on which the facility is located, but it does NOT include a parcel used only for pasture or as a winter grazing area. Related livestock facilities are considered a single “livestock facility,” except a livestock operator may elect to treat facilities for a separate species as a separate livestock facility.
- **Loading Area** A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- **Local Roads & Highways** Serve primarily to provide direct access to adjacent land, provide for short distance travel within the area, and provide access to the Collector and Arterial systems. Through traffic movement on locals is generally discouraged.
- **Lodging House** A building other than a hotel where lodging only is provided for compensation for not more than twelve (12) persons not members of the owner's family.

- **Lot** A parcel of land described in a recorded plat or deed.

- **Lot Area** The total area reserved for exclusive use of the owners of a particular piece of real property.
- **Lot, Corner** A lot abutting on two (2) or more streets at their intersection.
- **Lot Lines and Area** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- **Lot Depth** The mean horizontal distance between the front and rear lot lines.
- **Lot Width** The width of a parcel of land measured at the rear of the specified street yard.
- **Low Density** Those residential zoning districts in which the density is between twelve thousand (12,000) and forty thousand (40,000) square feet per dwelling unit.
- **Manufactured-Home (HUD)** Single-family detached housing built to the National Manufactured Housing Construction and Safety Standards Act of 1974 and includes structures known as manufactured homes or mobile homes. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Construction and Safety Standards Act, is transportable in one (1) or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame; and includes any additions, attachments, annexes, foundations and appurtenances. A manufactured home (HUD) does not comply with the State One and Two-Family Dwelling Code (Subchapter II of Chapter 101, Wisconsin Statutes) or with the Manufactured Building Code (Subchapter III of Chapter 101, Wisconsin Statutes.)
- **Manufactured Building (UDC)** A manufactured building is also known as a manufactured home UDC. Any structure of component thereof which is intended for use as a dwelling and; (1) is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation construction, or assembly and installation, at the building site; or (2) is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation on the building site and for which certification is sought by the manufacturer. A manufactured building does not mean any manufactured home (HUD) or mobile home. A manufactured building is a dwelling unit that complies with Subchapter III of Chapter 101, Wisconsin Statutes, and shall have been inspected and certified by Department of Commerce, Safety and Buildings Division as complying with Subchapter III and shall display the compliance insignia issued by the Department of Commerce, Safety & Buildings Division.
- **Master Plan** A comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.
- **Medium Density** Those residential zoning districts in which the density is between eight thousand five hundred (8,500) and twelve thousand (12,000) square feet per dwelling unit.

- **Migrant Labor Contractor** Any person who, for a fee or other consideration, on behalf of another person, recruits, solicits, hires or furnishes migrant workers, excluding members of the contractor's immediate family, for employment in the State of Wisconsin. Migrant labor contractor shall not include an employer or any full-time regular employees of an employer who engages in any such activity for the purpose of supplying workers solely for the employer's own operation.
- **Migrant labor housing** The site and all structures maintained as living quarters by, for or under the control and supervision of any person for: 1. Any migrant worker; or 2. Any other person who is not related by blood, marriage, or adoption to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state.
- **Migrant worker** Any person who temporarily leaves a principal place of residence outside of this state and comes to the State of Wisconsin for not more than ten (10) months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state.
- **Minor Structure** Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four (4) feet in height.
- **Mobile Home** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Equipped and used primarily for sleeping, eating and living quarters, or is intended to be used and includes any additions, attachments, annexes, foundations and appurtenances. See §66.058 Wis. Stats.
- **Mobile Home Lot** A parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.
- **Mobile Home Park** A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two (2) or more mobile homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities' except that a mobile home subdivision shall not be deemed a mobile home park.
- **Mobile Home Stand** That part of an individual lot which has been reserved for the placement of one (1) mobile home unit.
- **Mobile Home Subdivision** A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single mobile home and its facilities.
- **Motel** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

- **New Livestock Facility** A livestock facility used for the first time, or for the first time in at least 5 years, as defined in NR 151.095(4)(d).
- **Non-conforming Structure** A building or premises lawfully used, occupied, or erected at the time of the passage of this Ordinance or amendment thereto, which does not conform to the regulations of this Ordinance with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.
- **Non-conforming Use** The use or occupancy of a building or premises, which is lawful at the time of the enactment of this Ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this Ordinance or any amendments thereto.
- **Nondependent Mobile Home** A mobile home which has complete bathroom facilities.
- **NR 151 Agricultural Performance Standards and Prohibitions** As defined in Subchapter II of Ch. NR 151.
- **Ordinance** Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any Ordinance.
- **Owner** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.
- **Park Management** The person who owns or has charge, care, or control of mobile home park or travel trailer park.
- **Park Street** A private way which affords principal means of access to individual mobile home lots, travel trailer spaces, or auxiliary buildings.
- **Permit** A written building permit or certification issued by the Building Inspector permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.
- **Permitted Use** Uses listed under this heading are permitted as of right. This means that an applicant for a building permit must be given a permit if he meets the other requirements of the Ordinance, e.g. yards, setbacks, and so forth.
- **Person** Any individual, firm, trust, partnership, public or private association or corporation.
- **Principal Building** The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.
- **Rooming House** A building other than a hotel where lodging only is provided for compensation from three (3) or more persons not members of the owner's family.
- **Service Building** A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this Ordinance.
- **Setback** The minimum horizontal distance between the lot line and the nearest point of a

building or any projection thereof, excluding uncovered steps.

- **Sign** A structure or devise on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.
- **Standards** The setbacks, vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this Ordinance.
- **Standard Soils Survey** A soils survey of Rock County by the Soil Conservation Service, U.S. Department of Agriculture.
- **Storage** A space for storing personal and non-business property or goods. Vehicles being stored are not permitted to be used daily.
- **Story** That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there be no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.
- **Story, Half** The space under any roof except a flat roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.
- **Street** All property dedicated or intended for public or private street purposes or subject to public easements twenty-one (21) feet or more in width.
- **Street Right-Of-Way Line** The dividing line between a lot, tract or parcel of land and an abutting street.
- **Structure** Anything constructed or erected having location on the ground.
- **Structural Alteration** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.
- **Subdivision** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision. Subdivision includes the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds, devise, intestacy, lease, map, plat, or other recorded instrument.
- **Subdivision, Major** All subdivisions not classified as minor subdivisions, including but not limited to subdivision of five (5) or more lots, or any subdivision requiring any new street or extension of local governmental facilities, or the creation of any public improvements.
- **Subdivision, Minor** Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or

adjoining property, and not in conflict with any provision or portion of the Master Plan, Development Plan, Official Map, Zoning Ordinance, or these regulations.

- **Taper** Point at which the access road to or from a highway interchange meets another intersecting road.
- **Temporary Structure** A removable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
- **Tenant Storage Area** An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.
- **Tourist Camp or Court** A tract of land of at least one (1) acre upon which two (2) or more camp cottages are located or where temporary accommodations are provided for two (2) or more trailers or house cars, open to the public either free or for a fee.
- **Trailer Space** A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.
- **Travel Trailer** A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form: (a) a unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding thirty two (32) feet; (b) a unit designed to be mounted on a truck-chassis (c) a unit constructed as an integral part of a self-propelled vehicle; or (d) a canvas, folding unit mounted on wheels.
- **Travel Trailer Park** A parcel of land in which two or more spaces are occupied, or intended for occupancy (not over seven (7) days), by travel trailers for transient dwelling purposes.
- **Turning Lanes** An existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.
- **Use (Land Use)** That which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of the adoption of the Ordinance.
- **Variance** Is authority granted to the owner to use his property in a manner which is prohibited by the Zoning Ordinance. A departure from the terms of the Zoning Ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses. (a) Area Variance: Is one which does not involve a use, which is prohibited by the Zoning Ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations, and yard requirements. (b) Use Variance: Is one which permits a use of land other than that which is prescribed by the Zoning Ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the Ordinance. A Use Variance shall not be granted under this Ordinance.
- **Vision Clearance Triangle** An unoccupied triangular space at the corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner

of each street line.

- **Waterline** The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than seventy five (75) percent of the length of such water line shall be on, or on the landward side of, the normal high water mark of such stream.
- **Yard** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- **Yard, Front** A yard extending the full width of the lot between the front lot line and the nearest part of the principal buildings excluding uncovered steps.
- **Yard, Rear** A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building excluding only such projections as are permitted herein.
- **Yard, Side** A yard extending from the front yard, or from lot line, where no front yard is required, to the rear yard between side lot line and the nearest part of the principal building.

Section 17.05 ZONING DISTRICTS

(1) Establishment

For the purpose of this Ordinance the Town of Union is hereby divided into the following Zoning Districts:

- a. Agricultural District (A-1)
- b. Agricultural District (A-2)
- c. Agricultural District (A-3)
- d. Agricultural District (A-4)
- e. Local Business District (B-1)
- f. Commercial Highway Interchange District (CHI)
- g. Lowland Conservancy District (C-1)
- h. Highland Conservation District (C-2)
- i. Rural Residential District (R-R)
- j. Planned Unit Development District (PUD)
- k. Mobile Home Park District (MHP)
- l. Special Purpose District (SP)
- m. Light Industrial District (M-1)

(2) Zoning Map and District Boundaries

The boundaries of such districts are hereby established as shown as the underlay on a map entitled "Official Zoning Map, Town of Union, Wisconsin", as adopted on October 5, 2006 with this Ordinance and as amended thereafter by the Rock County Department of Planning and Development. Such map accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: Town and corporate limit lines; U.S. Public Land Survey Lines; lot or property lines; soil mapping Unit lines; topographic lines; center lines of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and a copy attached hereto is correct only as of the day of passage of this Ordinance. The Town Clerk shall keep a revised version of said map reflecting any and all changes of zoning boundaries.

(3) General District Regulations

The following regulations set forth requirements that usually do not apply universally throughout the Town, but rather cover things that are applicable to one or more districts.

- A. **Erection of More than One Principal Structure on a Lot.** In any district no more than one (1) permitted or conditional use structure may be erected on a single lot except in the B-1, A-1 and A-2 districts where the requirements of those districts shall be met for each structure as though it were on an individual lot. Mobile homes (manufactured homes) only when in a mobile home park.
- B. **Exceptions to Height Regulations.** The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- C. **Structures to Have Access.** Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. All driveways must be in compliance with the Town of Union Driveway Ordinance.

- D. **Parking and Storage of Certain Vehicles.** Automotive vehicles or trailers of any kind or type which are unlicensed and/or inoperable shall not be parked or stored on any property other than in completely enclosed buildings.
- E. **Livestock Facilities Permits Required.** Under the following conditions a livestock facilities permit is required:
1. A new livestock facility of at least ten (10) animal units is proposed for a lot or a site on a lot where a livestock facility does not exist at the time of application for a permit, nor at which site a livestock facility existed on October 1, 2002;
 2. Expansion of an existing livestock facility is proposed;
 3. An existing livestock facility voluntarily seeks to be permitted;
 4. An existing permitted livestock facility is to be restocked after being abandoned, or unused for sixty (60) or more consecutive months;
 5. A livestock facility permitted prior to the effective date of this Ordinance expands or seeks to expand beyond the number of animal units allowed by the pre-existing permit.
- F. A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing as of May 16, 1979 (the original effective date of this Ordinance) 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 building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Plan Commission and shall not require a special exception or variance.
- G. In Commercial or Industrial Districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.
- H. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as of May 16, 1979 (the original effective date of this Ordinance), such lot may be occupied by one (1) family.
- I. Vacation of Public Streets, Alleys and Right-of-Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- J. Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. Criteria used in reviewing such situations shall consider which land use has existed for the longest period of time, and what land use existed at the time the adjacent land use was created.
- K. No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- L. Community living arrangements shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed twenty five (25) or one percent (1%) of the Town's population, whichever is greater.
- M. No community living arrangement may be established after March 27, 1978 which is located within two thousand five hundred (2,500) feet of any other such facility. Two (2) community living arrangements may be adjacent if authorized by the Town Board and if both comprise essential components of a single program.
- N. Mobile homes and manufactured homes (HUD code) are only allowed in the Mobile Home Park District (MHP) or by conditional use as permitted under the corresponding land zoning district.

Section 17.06 AGRICULTURAL DISTRICT ONE (A-1)

(1) Purpose and Intent of Agricultural District One (A-1)

The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Comprehensive Plan. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provision of essential public services, and to be eligible for the State of Wisconsin Farmland Preservation Program. Agricultural soils are predominant in this district. Development and land divisions are strongly discouraged in order to protect the community's agricultural base and farming efficiency.

(2) Permitted Uses.

The following uses are permitted in this district:

- A. Agricultural use, as defined in Section 17.04 (2) of this Ordinance, provided that no buildings for the housing of livestock or non-traditional production animals shall be located within one hundred (100) feet of any boundary of a residential or commercial lot, with the exception of a livestock facility as defined in Section 17.04 of this Ordinance or uses provided that such permitted uses shall not include the use of Manure Irrigation Distribution Systems unless a conditional use permit is obtained as described in Section 17.18 of this Ordinance. No barbed wire fences shall be located forward of the front yard setback or building line, whichever is greater.
- B. Up to two (2) unlighted signs not larger than sixty four (64) square feet each advertising items for sale produced under the "accessory use" or "agricultural use" definitions in Section 17.04(2) of this Ordinance.
- C. Accessory uses as defined in Section 17.04 (2) of this Ordinance.
- D. One farm residence.
- E. A transportation, utility, communication, or other use that is required under State or federal law to be located in a specific place or that is authorized to be located in a specific place under State or federal law that preempts the requirement of a special use permit for that use.
- F. Undeveloped natural resource and open space areas.
- G. Hobby Farms: all farms with less than ten (10) animal units of traditional production animals as defined under the definition of animal units, qualify as a farm residence, or existed prior to January 1, 2014; and are found within the A-1 and A-2 zoning districts will not need a conditional use permit. All farms with less than ten (10) total non-traditional production animals, as defined under the definition of hobby farms and existed prior to January 1, 2014, will not need a conditional use permit.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - ii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under State or federal law.
 - iii. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- B. Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
 - i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - ii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under State or federal law.
 - iii. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- C. Nonmetallic mineral extraction, if all of the following apply:
 - i. The operation complies with subch. 1 of Ch. 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under §295.13, Wis. Stats., or §295.14 (including all applicable provisions of this Ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
 - ii. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - iii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under State or federal law.
 - iv. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - v. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - vi. Land will be restored to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed as required in §91.46(6)(f), Wis. Stats.
- D. Oil and gas exploration or production that is licensed by the Department of Natural Resources under subch. 11 of Ch. 295, Wis. Stats.

- E. Veterinary services primarily serving livestock; commercial or wholesale greenhouses; holding pens; confinement operations; and other agricultural-related uses that may cause additional traffic, noxious odors, or noise.
- F. Water storage facilities, gas and electric utility uses not requiring authorization under §196.491 Wis. Stats., provided they are enclosed by an eight (8) foot or more protective fence and meet the requirements found in §91.46 (4), Wis. Stats.
- G. Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than five hundred (500) feet to any dwelling.
- H. Supportive agribusiness activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads.
- I. Livestock facilities housing five hundred (500) or more animal units of cattle, swine, poultry, sheep or goats, pursuant to the requirements of §93.90, Wis. Stats. and Ch. ATCP 51 of the Wisconsin Administrative Code. This Ordinance hereby adopts and incorporates by reference the definitions, standards, and application requirements in ATCP 51. To the extent that other provisions in this Ordinance conflict with the provisions in ATCP 51, the Town will follow the provisions of ATCP 51 in issuing conditional use permits for livestock facilities.

All new livestock facilities housing four hundred ninety nine (499) or fewer animal units and greater than ten (10) animal units must meet the Agricultural Performance Standards and Prohibitions prior to populating the site with animals as identified in Ch. NR 151 of the Wisconsin Administrative Code, pursuant to requirements of §281.16, Wis. Stats. All expanding livestock facilities, when the expansion is greater than 20% of the existing animal units present on October 1, 2002 and will remain with a composite of four hundred ninety nine (499) or fewer animal units, must at a minimum meet the Agricultural Performance Standards and Prohibitions prior to populating the site with animals as identified in Ch. NR 151 of the Wisconsin Administrative Code, pursuant to requirements of §281.16, Wis. Stats. This requirement is only applicable to the proposed expansion component.

The Rock County Land Conservation Department will review all documents submitted to the Town for review and verify that all performance standards and prohibitions are met and will provide a findings of fact report to the Town Board.

- J. Residential units located in a farmland preservation district that do not qualify as a farm residence, and meet the definition of “non-farm residence” as stated in §91.46(2), Wis. Stats.
- K. Application of liquid manure by the use of Manure Irrigation Distribution Systems.
- L. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- M. Seasonal migrant labor housing, on the same or adjacent site and accessory to the farm/agricultural use being served, if the following conditions are met and requirements included in the Conditional Use Permit:
 - i. The conditional use shall be reviewed annually by the Plan Commission for the first two (2) years of operation following issuance to ensure that approval conditions are being met and additional conditions are not needed.
 - ii. The conditional use is only valid while there is a business or agribusiness use occurring on the parcel requiring migrant workers. When the seasonal use is discontinued for a period of three (3) consecutive years, all permanent housing structures/facilities shall be repurposed and all temporary housing structures/facilities shall be removed from the property.

- iii. When the seasonal use is discontinued for a period of three (3) consecutive years, the conditional use shall lapse and the landowner will be required to reapply for the conditional use permit to resume utilizing the site as migrant worker housing.
- iv. Violations to approval conditions may result in revocation of the conditional use permit upon a hearing held by the Town of Union Plan Commission and such other relief as provided in this Chapter, in law, and/or in equity.
- v. Seasonal Migrant Labor Housing Standards
 - a. Migrant labor facilities and housing must meet all provisions of Chapter DWD 301, Department of Workforce Development, published under Wis. Stats. §35.93, as from time to time amended or renumbered.
 - b. The facility, and each room within it, cannot exceed the number of tenants specified in the conditional use permit. There shall be an inspection of the facilities by Town of Union inspection staff if there are complaints about the number of individuals in the facility or its rooms.
- vi. Site Specifics
 - a. Seasonal migrant labor housing may only be established on the same or adjacent site and accessory to the industrial use being served.
 - b. Site plan review shall be conducted in accordance with Section 17.20 of this Chapter.
 - c. The required parking ratio for migrant labor housing is one (1) parking stall per five (5) migrant workers.
 - d. All permanent loading facilities and trash/recyclable storage areas shall be completely screened from view by an opaque vertical wall or fence that is a minimum of five feet (5') in height or greater as necessary to adequately screen the trash enclosure(s). Said wall or fence shall be constructed of the same or complementary materials as the building that it serves. Loading and trash storage area shall be designed in consultation with professional service providers in order to accommodate all desired functions within the screened area. Loading and trash storage areas shall be proximal to the building they serve in order to provide convenience in access for employees using such facilities.
 - e. Each housing structure and common use facility within the migrant labor housing development shall be connected to water and sewer services.

The following Conditional Uses are not permitted in any Agricultural Zoning Districts:

- Camping grounds open to the public with buildings or structures.
- Golf courses both public and private.
- Hunting and fishing clubs.
- Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and racetracks.

(4) Requirements for Permitted and Conditional Uses

Within the A-1 District the following standards shall apply:

Minimum Lot Size	35 acres
Maximum Building Height	35 ft.
Minimum Front Yard Setback:	
From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads	110 ft.

From Centerline of Arterials	150 ft.
Refer to Section 17.23 for road classifications and other requirements.	
Minimum Rear Yard Setback	50 ft.
Minimum Side Yard Setback:	
Principal Buildings	20 ft. on each side
Accessory Buildings	10 ft. on each side
Minimum Lot Width at Building Line.....	100 ft.

(5) **Rezoning Land In Farmland Preservation Zoning District**

The Town of Union may rezone land out of Farmland Preservation Zoning District if it meets the following in addition to the requirements of Section 17.21 of this Ordinance:

- A. The rezoned land is better suited for a use not allowed in the Farmland Preservation Zoning District.
- B. The rezoning is consistent with any applicable Comprehensive Plan.
- C. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- D. The rezoning is substantially consistent with the County certified farmland preservation plan.

The Plan Commission shall hold a public hearing on the rezone application after publication of a Class 2 notice thereof. If no additional information is deemed necessary, the Plan Commission will make a recommendation to the Town Board to approve, approve with conditions, or reject the rezone. The Town Board will make the final decision. Written reasons shall be documented in the Clerk's minutes for rejection or the imposition of conditions.

Any political subdivision shall, by March 1 of each year, provide to DATCP and the County a report of the number of acres that the political subdivision has rezoned out of a farmland preservation zoning district under sub. (5) during the previous year and a map that clearly shows the location of those acres.

Existing farm dwelling and related farm structures that have been constructed prior to January 1, 2014 may be separated from the farm plot. The remaining portion of the original parcel shall conform to the standard of the A-1 District and the new parcel with the existing farm dwelling and related farm structures shall be rezoned either A-3 or A-4.

Section 17.07 AGRICULTURAL DISTRICT TWO (A-2)

(1) Purpose and Intent of Agricultural District Two (A-2)

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Comprehensive Plan. This district is designed to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units, and to be eligible for the State of Wisconsin Farmland Preservation Program.

(2) Permitted Uses

The following uses are permitted in this district:

- A. Agricultural use, as defined in Section 17.04 (2) of this Ordinance, provided that no buildings for the housing of livestock or non-traditional production animals shall be located within one hundred (100) feet of any boundary of a residential or commercial lot, with the exception of a livestock facility as defined in Section 17.04 of this Ordinance or uses provided that such permitted uses shall not include the use of Manure Irrigation Distribution Systems unless a conditional use permit is obtained as described in Section 17.18 of this Ordinance. No barbed wire fences shall be located forward of the front yard setback or building line, whichever is greater.
- B. Up to two (2) unlighted signs not larger than sixty four (64) square feet each advertising items for sale, produced under the “accessory use” or “agricultural use” definitions in Section 17.04(2) of this Ordinance.
 - i. Accessory uses as defined in Section 17.04 (2) of this Ordinance.
 - ii. One (1) farm residence.
 - iii. A transportation, utility, communication, or other use that is required under State or federal law to be located in a specific place or that is authorized to be located in a specific place under State or federal law that preempts the requirement of a special use permit for that use.
 - iv. Undeveloped natural resource and open space areas.
 - v. Hobby Farms: all farms with less than ten (10) animal units of traditional production animals as defined under the definition of animal units, qualify as a farm residence, or if it existed prior to January 1, 2014; and are found within the A-1 and A-2 zoning districts will not need a conditional use permit. All farms with less than ten (10) total non-traditional production animals, as defined under the definition of hobby farms, will not need a conditional use permit.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - i. The use and its location in the farmland preservation zoning district are consistent with the

- purposes of the farmland preservation zoning district.
- ii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under State or federal law.
 - iii. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - iv. Land will be restored to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed as required in §91.46(6)(f), Wis. Stats.
 - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- B. Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
- i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - ii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under State or federal law.
 - iii. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- C. Nonmetallic mineral extraction, if all of the following apply:
- i. The operation complies with subch. 1 of Ch. 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under §295.13, Wis. Stats., or §295.14 (including all applicable provisions of this Ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
 - ii. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - iii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under State or federal law.
 - iv. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - v. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - vi. Land will be restored to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed as required in §91.46(6)(f), Wis. Stats.
- D. Oil and gas exploration or production that is licensed by the Department of Natural Resources under subch. 11 of Ch. 295, Wis. Stats.
- E. Veterinary services primarily serving livestock; commercial or wholesale greenhouses; holding pens; confinement operations; and other agricultural-related uses that may cause additional traffic, noxious odors, or noise.
- F. Water storage facilities, gas and electric utility uses not requiring authorization under §196.491 Wis. Stats., provided they are enclosed by an eight (8) foot or more protective fence and meet the requirements found in §91.46 (4), Wis. Stats.
- G. Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same

are not located or operated nearer than five hundred (500) feet to any dwelling.

- H. Supportive agribusiness activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads.
- I. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- J. Livestock facilities housing five hundred (500) or more animal units of cattle, swine, poultry, sheep or goats, pursuant to the requirements of §93.90, Wis. Stats. and Ch. ATCP 51 of the Wisconsin Administrative Code. This Ordinance hereby adopts and incorporates by reference the definitions, standards, and application requirements in ATCP 51. To the extent that other provisions in this Ordinance conflict with the provisions in ATCP 51, the Town will follow the provisions of ATCP 51 in issuing conditional use permits for livestock facilities.

All new livestock facilities housing four hundred ninety nine (499) or fewer animal units and greater than ten (10) animal units must meet the Agricultural Performance Standards and Prohibitions prior to populating the site with animals as identified in Ch. NR 151 of the Wisconsin Administrative Code, pursuant to requirements of §281.16, Wis. Stats. All expanding livestock facilities, when the expansion is greater than 20% of the existing animal units present on October 1, 2002 and will remain with a composite of four hundred ninety nine (499) or fewer animal units, must at a minimum meet the Agricultural Performance Standards and Prohibitions prior to populating the site with animals as identified in Ch. NR 151 of the Wisconsin Administrative Code, pursuant to requirements of §281.16, Wis. Stats. This requirement is only applicable to the proposed expansion component.

The Rock County Land Conservation Department will review all documents submitted to the Town for review and verify that all performance standards and prohibitions are met and will provide a findings of fact report to the Town Board.

- K. Residential units located in a farmland preservation district that do not qualify as a farm residence, and meet the definition of “non-farm residence” as stated in §91.46(2), Wis. Stats.
- L. Application of liquid manure by the use of Manure Irrigation Distribution Systems.
- M. Seasonal migrant labor housing, on the same or adjacent site and accessory to the farm/agricultural use being served, if the following conditions are met and requirements included in the Conditional Use Permit:
 - i. The conditional use shall be reviewed annually by the Plan Commission for the first two (2) years of operation following issuance to ensure that approval conditions are being met and additional conditions are not needed.
 - ii. The conditional use is only valid while there is a business or agribusiness use occurring on the parcel requiring migrant workers. When the seasonal use is discontinued for a period of three (3) consecutive years, all permanent housing structures/facilities shall be repurposed and all temporary housing structures/facilities shall be removed from the property.
 - iii. When the seasonal use is discontinued for a period of three (3) consecutive years, the conditional use shall lapse and the landowner will be required to reapply for the conditional use permit to resume utilizing the site as migrant worker housing.
 - iv. Violations to approval conditions may result in revocation of the conditional use permit upon a hearing held by the Town of Union Plan Commission and such other relief as provided in this Chapter, in law, and/or in equity.
 - v. Seasonal Migrant Labor Housing Standards

- a. Migrant labor facilities and housing must meet all provisions of Chapter DWD 301, Department of Workforce Development, published under Wis. Stats. §35.93, as from time to time amended or renumbered.
 - b. The facility, and each room within it, cannot exceed the number of tenants specified in the conditional use permit. There shall be an inspection of the facilities by Town of Union inspection staff if there are complaints about the number of individuals in the facility or its rooms.
- vi. Site Specifics
- a. Seasonal migrant labor housing may only be established on the same or adjacent site and accessory to the industrial use being served.
 - b. Site plan review shall be conducted in accordance with Section 17.20 of this Chapter.
 - c. The required parking ratio for migrant labor housing is one (1) parking stall per five (5) migrant workers.
 - d. All permanent loading facilities and trash/recyclable storage areas shall be completely screened from view by an opaque vertical wall or fence that is a minimum of five feet (5') in height or greater as necessary to adequately screen the trash enclosure(s). Said wall or fence shall be constructed of the same or complementary materials as the building that it serves. Loading and trash storage area shall be designed in consultation with professional service providers in order to accommodate all desired functions within the screened area. Loading and trash storage areas shall be proximal to the building they serve in order to provide convenience in access for employees using such facilities.
 - e. Each housing structure and common use facility within the migrant labor housing development shall be connected to water and sewer services.

The following Conditional Uses are not permitted in any Agricultural Zoning Districts:

- Camping grounds open to the public with buildings or structures.
- Golf courses both public and private.
- Hunting and fishing clubs.
- Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and racetracks.

(4) **Requirements for Permitted and Conditional Uses**

Within the A-2 District the following standards shall apply:

Minimum Lot Size	10 acres
Maximum Lot Size	less than 35 acres
Maximum Building Height	35 ft.
Minimum Front Yard Setback:	
From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads	110 ft.
From Centerline of Arterials	150 ft.
Refer to Section 17.23 for road classifications and other requirements.	
Minimum Rear Yard Setback	50 ft.
Minimum Side Yard Setback:	
Principal Buildings	20 ft. on each side
Accessory Buildings	10 ft. on each side

Minimum Lot Width at Building Line..... 100 ft.

(5) **Rezoning Land In Farmland Preservation Zoning District**

The Town of Union may rezone land out of Farmland Preservation Zoning District if it meets the following in addition to the requirements of Section 17.21 of this Ordinance:

- A. The rezoned land is better suited for a use not allowed in the Farmland Preservation Zoning District.
- B. The rezoning is consistent with any applicable Comprehensive Plan.
- C. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- D. The rezoning is substantially consistent with the County certified farmland preservation plan.

The Plan Commission shall hold a public hearing on the rezone application after publication of a Class 2 notice thereof. If no additional information is deemed necessary, the Plan Commission will make a recommendation to the Town Board to approve, approve with conditions, or reject the rezone. The Town Board will make the final decision. Written reasons shall be documented in the Clerk's minutes for rejection or the imposition of conditions.

Any political subdivision shall, by March 1 of each year, provide to DATCP and the County a report of the number of acres that the political subdivision has rezoned out of a farmland preservation zoning district under sub. (5) during the previous year and a map that clearly shows the location of those acres.

Existing farm dwelling and related farm structures that have been constructed prior to January 1, 2014 may be separated from the farm plot. The remaining portion of the original parcel shall conform to the standard of the A-2 District and the new parcel with the existing farm dwelling and related farm structures shall be rezoned either A-3 or A-4.

Section 17.08 AGRICULTURAL DISTRICT THREE A-3

(1) Purpose and Intent of Agricultural District Three (A-3).

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Comprehensive Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use. The intent of the A-3 District is that it is to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District is to consist of soils which are not prime agricultural soils.

(2) Permitted Uses

The following uses are permitted in this district:

- A. One (1) single family dwelling per base farm tract. Additional residential dwellings require an approved Site Plan Review.
- B. Agricultural use, as defined in Section 17.04 (2) of this Ordinance, provided that no buildings for the housing of livestock or non-traditional production animals shall be located within one hundred (100) feet of any boundary of a residential or commercial lot, with the exception of a livestock facility as defined in Section 17.04 of this Ordinance or uses provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems. No barbed wire fences shall be located forward of the front yard setback or building line, whichever is greater.
- C. In-season roadside stands for the sale of farm products produced on the premises, and up to two (2) unlighted signs not larger than eight (8) square feet each advertising such sale.
- D. Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, or fur bearing animals, including rabbits, except as otherwise herein provided.
- E. Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- F. Public parks, playgrounds, recreational and community center buildings and grounds.
- G. Graded schools, churches and their affiliated uses.
- H. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- I. Water storage facilities and their accessory structures.
- J. Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit. There shall be no more than four (4) accessory buildings eighty (80) square feet or larger in size, requiring a building permit, per lot. There shall be no more than six (6) buildings less than eighty (80) square feet in size per lot.
- K. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of

conditions which effectively insure that no such problems will be created.

- A. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
- B. Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.
- C. Institutions of a charitable nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- D. Commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Plan Commission.
- E. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- F. On-the-farm retail sales of products raised and processed on the farm, i.e., dairy products, meat processing, etc. as allowed by DATCP rules. May have one (1) lighted sign, no more than twenty four (24) square feet, lit only during business hours.
- G. Nonmetallic mineral extraction, if all of the following apply:
 - i. The operation complies with subch. 1 of Ch. 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under §295.13, Wis. Stats., or §295.14 (including all applicable provisions of this Ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
 - ii. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under State or federal law.
 - iii. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - v. Land will be restored to agricultural use, consistent with any required locally approved reclamation plan.

(4) Requirements for Permitted and Conditional Uses

Within the A-3 District the following standards shall apply:

Minimum Lot Size	3 acres
Maximum Lot Size	less than 10 acres
Maximum Building Height	35 ft.
Minimum Front Yard Setback:	
From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads	110 ft.
From Centerline of Arterials	150 ft.
Refer to Section 17.23 for road classifications and other requirements.	
Minimum Rear Yard Setback	50 ft.
Minimum Side Yard Setback:	
Principal Buildings	20 ft. on each side
Accessory Buildings	10 ft. on each side

Minimum Lot Width at Building Line.....100 ft.
Animals per Acre One (1) animal unit per acre.
Additional animals per acre require a Conditional Use Permit.

Section 17.09 AGRICULTURAL DISTRICT FOUR A-4

(1) Purpose and Intent of Agricultural District Four (A-4).

The purpose of the A-4 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Development Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use.

(2) Permitted Uses

The following uses are permitted in this district:

- A. One (1) single family dwelling per base farm tract. Additional residential dwellings require an approved Site Plan Review.
- B. Agricultural use, as defined in Section 17.04 (2) of this Ordinance, provided that no buildings for the housing of livestock or non-traditional production animals shall be located within one hundred (100) feet of any boundary of a residential or commercial lot, with the exception of a livestock facility as defined in Section 17.04 of this Ordinance or uses provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems. No barbed wire fences shall be located forward of the front yard setback or building line, whichever is greater.
- C. In-season roadside stands for the sale of farm products produced on the premises, and up to two (2) unlighted signs not larger than eight (8) square feet each advertising such sale.
- D. Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, or fur bearing animals, including rabbits, except as otherwise herein provided.
- E. Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- F. Public parks, playgrounds, recreational and community center buildings and grounds.
- G. Graded schools, churches and their affiliated uses.
- H. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- I. Water storage facilities and their accessory structures.
- J. Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit. There shall be no more than two (2) accessory buildings per lot.
- K. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.

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

- C. Institutions of a charitable nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- D. Commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Plan Commission.
- E. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- F. On-the-farm retail sales of products raised and processed on the farm, i.e., dairy products, meat processing, etc. as allowed by DATCP rules. May have one (1) lighted sign, no more than twenty four (24) square feet, lit only during business hours.

(4) **Requirements for Permitted and Conditional Uses**

Within the A-4 District the following standards shall apply:

Minimum Lot Size	1 acre
Maximum Lot Size	less than 3 acres
Maximum Building Height	35 ft.
Minimum Front Yard Setback:	
From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads	110 ft.
From Centerline of Arterials	150 ft.
Refer to Section 17.23 of this Ordinance for road classifications, and other requirements.	
Minimum Rear Yard Setback:	
Principal Buildings	25 ft.
Accessory Buildings	10 ft.
Minimum Side Yard Setback:	
Principal Buildings	15 ft. on each side
Accessory Buildings	5 ft. on each side
Minimum Lot Width at Building Line.....	100 ft.
Maximum Lot Coverage Ratio of All Buildings	Not to exceed 15% of total lot size
Animals per Acre	One (1) animal unit per acre.

Additional animals per acre require a Conditional Use Permit.

Section 17.09 LOCAL BUSINESS DISTRICT (B-1)

(1) Purpose and Intent of Local Business District B-1

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Comprehensive Plan. The intent of this district is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

(2) Permitted Uses

- A. Stores and shops in which items are sold directly to the public to include: grocery; hardware; clothing and apparel stores; drug and beverage stores; bakeries; magazine and tobacco stores; coffee shops; laundry and dry cleaners; gift shops; gas stations; parking areas and similar retail establishments normally found in neighborhood shopping centers.
- B. Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional offices in which services are offered to the general public on the premises.
- C. Personal services to include barbershops, beauty salons, tailor shops, and coin operated laundromats.
- D. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.
- E. Auto and farm implement dealers, sales and repair; small engine sales and repair.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Single family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
- B. Fraternal lodges and buildings, nursing and retirement homes, nursery and day care centers, restaurants, and taverns.
- C. All public utility facilities, sewage treatment facilities.
- D. Animal hospitals and clinics, excluding open kennels and exercise yards.
- E. Flea markets
- F. Maximum building floor area of twenty thousand (20,000) square feet.

(4) Requirements for Permitted and Conditional Uses

Within the B-1 District the following standards shall apply:

Minimum Lot Area	40,000 sq. ft.
Maximum Building Height	35 ft.
Minimum Frontage on Public Road.....	50 ft.
Maximum Floor Area	15,000 sq. ft.
Parking Requirements.....	One 300 sq. ft. parking space for each 300 sq. ft. of building

Minimum Front Yard Setback:

From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads	110 ft.
From Centerline of Arterials	150 ft.

Refer to Section 17.23 for road classifications and other requirements.

Minimum Rear Yard Setback	25 ft.
Minimum Side Yard Setback:	
Principal Buildings	15 ft.
Accessory Buildings	5 ft.
Width of lot at building line.....	100 ft.

Section 17.10 COMMERCIAL HIGHWAY INTERCHANGE DISTRICT (CHI)

(1) Purpose and Intent of Commercial Highway Interchange District (CHI)

The purpose of the CHI District is to provide a means of obtaining the commercial and transportation goals and objectives of the Comprehensive Plan. The CHI District is to provide facilities to serve the traveling public at locations along federal and state highway routes. This district is intended to provide and protect sites that are suited to highway service development from haphazard development that could destroy the best use of such sites for their unique business functions.

(2) Permitted Uses

The following uses are permitted uses in this district:

- A. Gasoline service stations; provided further that all gasoline pumps, storage tanks, and accessory equipment must be located at least one hundred (100) feet from any existing or officially proposed street line.
- B. Automobile repair shops, including shops for general mechanical repairs and repair of tires but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not including establishments for painting automobiles or major automobile body or engine repair.
- C. Leasing of passenger automobiles, limousines or trucks, without drivers; or of truck trailers or utility trailers.
- D. Establishment engaged in the daily or extended term rental or leasing for use off the premises of mobile homes, campers, or recreational vehicles.
- E. Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.
- F. Restaurants, taverns, lunch rooms, and other eating places, including drive-in type establishments.
- G. Commercial parking lots, parking garages, parking structures.
- H. Tourist-oriented retail shops, including souvenir shops, gift shops, and flea markets.
- I. Residential use only when an integral part of the commercial building.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but not other types of products or merchandise.
- B. Wholesale merchandise establishments.
- C. Warehouses.
- D. Motor carrier facilities.
- E. Travel Trailer Parks, specifically, parcels of land in which two (2) or more spaces are occupied, or intended for occupancy, by travel trailers or “campers” and for transient dwelling purposes only. This provision shall include by reference the definitions of “Travel Trailer Park” and “Travel Trailer” set forth in this Ordinance.

(5) Requirements for Permitted and Conditional Uses.

Within the CHI District the following standards shall apply:

- Minimum Lot Area 3 acres
- Maximum Building Height35 ft.

- A. Natural Features such as drainage areas, wet soils, and steep slopes shall be designed into the site plan.
- B. Not less than twenty (20) percent of the area of each parcel as it existed when first covered by this ordinance shall be permanently reserved for grass, flowers, shrubs, cover plants, trees, or equivalent aesthetic treatment (green area) within the area between the front of the principal building and the front yard line. Driveways or parking lots shall not qualify for such a green area but ponds or fountains shall qualify as a green area.
- C. Access or Frontage Roads. -- As a prerequisite to issuing a Building Permit, any area which comes under the CHI District shall have an Interior Road Network dedicated to the public which will provide adequate access for future lots to the public road system.
- D. No permits shall be granted for access points located within one thousand (1,000) feet of the most remote end of taper of any existing, or proposed entrance or exit ramp of an interchange, or at intervals of less than six hundred (600) feet thereafter. Access points along opposite sides of intersecting highways shall be located either directly opposite each other or directly opposite a median strip crossover, or separated by at least three hundred (300) feet of lateral distance along the highway centerline.
- E. Truck parking areas shall be separated from automobile parking areas. The road network shall be designed to separate automobile and truck traffic.
- F. All front yard setbacks are to also refer to Section 17.23 of this Ordinance for setbacks on Federal, State and County roads.

Section 17.11 LOWLAND CONSERVANCY OVERLAY DISTRICT C-1

(1) Purpose and Intent

The purpose of the Lowland Conservancy (C-1) Overlay District is to provide a means of obtaining the goals and objectives of the Development Guide. The Conservancy Overlay District (C-1) is designed to protect the public health, safety, and general welfare of the citizens of the community; private and public property from the hazards of flood water inundation or high ground water; and to protect the community from costs which are incurred when development occurs in lowland areas. The intent of this district is to conserve areas which are subject to flood hazard for open space uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings in lowland areas.

Because this district is an overlay district, any area affected by it will also be a part of another zoning district. The boundaries of the C-1 District as well as the underlying zoning district are as shown on the Zoning Map. If there is any question as to the underlying zoning district, the Plan Commission should be consulted.

Within this overlay district only the following shall be allowed as permitted or conditional uses. Requirements for permitted and conditional uses shall be the same as for the underlying zoning district

(2) Permitted Uses

The following uses of land are permitted in this district:

- A. Agricultural uses to include crop and pasture land when conducted in accordance with Rock County's Land Conservation Standards or State Standards, not including the erection of buildings or structures.
- B. Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- C. Forestry and the management of forests.
- D. Wildlife preserves.
- E. The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
- F. Hunting, fishing, trapping, piers, and docks.
- G. Public and private parks, picnic areas, and similar uses.
- H. Hiking trails and bridle paths.
- I. Preservation of areas of scenic, historic, or scientific value.
- J. Watershed conservation areas.
- K. Uses similar and customarily incident to any of the above uses.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created. Any approved uses

shall be in accordance with USDA-NRCS, Rock County Land Conservation Department, and/or the state of WI standards.

- A. Dams, reservoirs, or ponds, water storage and primary facilities, provided they meet the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.

- B. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto, provided they meet the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.
- C. Utilities such as, but not restricted to telephone, telegraph, power, or other transmission lines, provided they meet the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.
- D. Relocation of any watercourse.
- E. Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted by Rock County pursuant to §59.971 Wis. Stats., “Zoning of Shorelands on Navigable Waters”, as well as the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.
- F. Removal of the top soil, which consists of the earth’s surface, containing rock and mineral particles mixed with organic matter, in addition to the removal of peat.
- G. Camping grounds open to the public with no buildings or structures.
- H. Sewage disposal plants, provided they meet the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.
- I. Agricultural accessory buildings when conforming to Federal, County, and/or State Standards and guidelines.

The following Conditional Uses are not permitted in any Agricultural Zoning Districts:

- Camping grounds open to the public with buildings or structures.
- Golf courses both public and private.
- Hunting and fishing clubs.
- Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and racetracks.

(4) **Requirements for Permitted and Conditional Uses**

Within the C-1 District the following standards shall apply:

No minimum Lot Area except in A-1 District where minimum is	35 acres
Maximum Building Height	35 ft.
Minimum Front Yard Setback	50 ft.
All front yard setbacks are to also refer to Section 17.23 of this Ordinance for setbacks on Federal, State and County roads.	
Minimum Rear Yard Setback	75 ft.
Minimum Side Yard Setback.....	15 ft.
Minimum Lot Frontage on Public Road	50 ft.
Minimum Lot Width at Building Line	100 ft.
Off-street parking, public gathering.....	1 space per 5 seats if applicable or
.....	1 space per 200 sq. ft. of building

Section 17.12 HIGHLAND CONSERVATION DISTRICT TWO C-2

(1) Purpose and Intent of Highland Conservation District Two (C-2)

The purpose of the C-2 District is to provide a means of obtaining the natural resource and the recreation goals and objectives of the Comprehensive Plan. The C-2 District is to provide for the preservation, protection, enhancement, and restoration of significant woodlands, scenic areas, sub-marginal farm land and areas that have slopes in excess of 20%, limit erosion and sedimentation; to promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality.

(2) Permitted Uses

The following uses are permitted uses in this District:

- A. Forest and woodland crop management.
- B. Farming and related agricultural uses when conducted in accordance with USDA-NRCS, County Land Conservation Department and or State Standards.
- C. Installation of soil and water conservation structures.
- D. Parks and recreational areas; arboretums, and botanical gardens.
- E. Forest preservation, wildlife reservations, and conservation projects.
- F. Other recreation activities that do not require structure or earth movement.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located one hundred (100) feet from the boundaries of the property involved.
- B. Horse stables, riding clubs, and fairgrounds.
- C. Private and public golf courses and country clubs.
- D. Earth movements involving site disturbing in excess of one (1) acre not related to farming activity.
- E. Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
- F. One (1) single family dwelling.
- G. Ski hills, ski trails
- H. Hunting and fishing clubs.
- I. Recreation camps.
- J. Public or private campgrounds.
- K. Animal hospitals, shelters and kennels.
- L. Telephone, telegraph and electric transmission lines, buildings or structures and similar public utility facilities.

- M. Radio, television, and communication transmitters or relay towers and facilities.
- N. Rifle ranges, skeet shooting clubs, and other activity features.

(4) **Requirements for Permitted and Conditional Uses**

Within the C-2 District the following standards shall apply:

Minimum Lot Area	10 acres
Maximum Building Height	35 ft.
Front Yard Setback	
From Centerline of Local Roads	100 ft.
From Centerline of Collector Roads	110 ft.
From Centerline of Arterials.....	150 ft.
All front yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State and County roads	
Minimum Rear Yard Setback.....	25 ft.
Minimum Side Yard Setback	15 ft.
Minimum Lot Width at Building Line.....	100 ft.
Minimum Lot Frontage on Public Road	50 ft.
Off-Street Parking, Public Gathering	1 space per 5 seats if applicable, 1 space per 200 sq. ft. of building, or 1 space per 5 anticipated users at maximum usage of facility.

Section 17.13 RURAL RESIDENTIAL DISTRICT R-R

(1) Purpose and Intent of R-R District

The purpose of the R-R District is to provide a means of obtaining the residential goals and objectives of the Comprehensive Plan. The R-R District is to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the R-R District is to provide for rural residential development on soils that are compatible for on-site disposal of sewage effluent, will substantially support a residential structure, and will not infringe on prime agricultural soils. No land shall be rezoned to the R-R District unless such zoning is consistent with the Comprehensive Plan. If the Comprehensive Plan does not show future residential use for the land in question, the Town Board shall first consider the advisability of changing the Comprehensive Plan before acting on the re-zoning request.

(2) Permitted Uses

The following uses are permitted in this District:

- A. One (1) single family dwelling. One (1) private garage for each residential lot.
- B. Gardening, including truck gardens, nurseries, greenhouse and the keeping of small animals to include up to ten (10) rabbits, ten (10) chickens, three (3) dogs, or three (3) cats.
- C. Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- D. Public parks, playgrounds, recreational and community center buildings and grounds.
- E. Graded schools, churches and their affiliated uses.
- F. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- G. Water-storage facilities and their accessory structures.
- H. Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit nor any accessory building may be larger in area than the living area of the residential dwelling. There shall be no more than two (2) accessory buildings per lot.
- I. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- J. Community living arrangement which has a maximum capacity of eight (8) people being served by the program provided it is located at least two thousand five hundred (2,500) feet from any other such facility.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Subdivision plats are to be reviewed and recommended for approval, denial, or conditional approval to the Town Board.
- B. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.

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

- D. Public buildings such as colleges and universities including private music, dancing, business schools, vocational schools, but not to include sewerage plants, garbage incinerators, warehouses, garages, or storage areas.
- E. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- F. Telephone, telegraph and electric transmission lines, buildings or structures.
- G. Two-family dwellings (duplexes), nursing homes and hospitals.
- H. Community living arrangement having a capacity for nine to fifteen (9-15) persons being served by the program provided that it is located at least two thousand five hundred (2,500) feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.
- I. Community living arrangement having a capacity for sixteen (16) or more persons provided that it is located at least two thousand five hundred (2,500) feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent an institutional setting.

(4) Requirements for Permitted and Conditional Uses

Within the R-R District the following standards shall apply:

Minimum Lot Size	40,000 sq. ft.
Maximum Lot Size	less than 3
acres Minimum Lot Area Per Two Family Dwelling	55,000
sq. ft. Maximum Building Height	35 ft.
Minimum Front Yard Setback	
From Centerline of existing Local Road	100 ft.
From Centerline of existing Collector Road	110 ft.
From Centerline of Arterial Road	150 ft.
From R.O.W. if within a subdivision and not on an existing road.	50 ft.
All front yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State and County roads	
Minimum Rear Yard Setback	25 ft.
Minimum Side Yard Setback	15 ft.
Accessory Buildings Side Yard Setback.....	5 ft.
Accessory Building Minimum Rear Yard Setback.....	10 ft.
Minimum Lot Width at Building Line.....	100 ft.
Minimum Lot Frontage on Public Road	70 ft.
Minimum Floor Area Per Family	1,400 sq. ft.
Off-Street parking, Residential	2 spaces per family
Off-Street Parking, Public Gathering	1 space per 5 seats if applicable, or 1 space per 200 sq. ft. of building
Maximum Lot Coverage Ratio of All Buildings	Not to exceed 12.5% of total lot
Two Family Dwelling Ratio	Not more than one - two (1-2) family dwelling per four (4)- single family dwellings, or not more than one - two (1-2) family dwelling per four (4) acres of land under a single ownership within the District.
Maximum Accessory building Height	35 ft. or not to exceed the height

of the principal building.

Section 17.14 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

(1) Description

The Planned Unit Development (PUD) is an area with a minimum contiguous acreage of five (5) acres or more to be developed as a single entity according to a plan, containing one or more residential clusters, limited commercial clusters, or planned residential developments, and one or more public, quasi-public, agricultural and/or conservation areas. The basic principle of the PUD is that property rights usually include private area or lot and access to commonly owned property which is usually owned by a property owners association, or covered by easements which provide common use among property owners.

(2) Purpose and Intent of Planning Unit Development

The PUD is established herein to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land while ensuring substantial compliance with the basic intent of the Zoning Ordinance and the general plan for community development. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public services, and to encourage and facilitate preservation of open land.

(3) Lot Area, Lot Width, Height, Floor Area Ratio, yard and Usable Open Space Requirements

- A. In the PUD the requirements of the respective zoning district may be relaxed at the discretion of the Plan Commission. In no case shall the maximum number of units per square foot in relation to the total development be more than one (1) unit per forty thousand (40,000) sq. ft.
- B. A minimum of five (5) acres of land shall be developed as a unit.
- C. Any PUD allowed in a certified Farmland Preservation District must be subject to density restrictions that are at least as restrictive as §91.46 Wis. Stats.

(4) Off-Street Parking

In the PUD district, off-street parking facilities shall be provided in accordance with applicable zoning district regulations, and such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.

(5) Criteria For Approval

As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the precise development plan for such District with specific consideration as to whether or not it is consistent with the spirit and intent of this Chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

- A. Character and Intensity of Land Use. In a PUD, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
 - (i) Is compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.
 - (ii) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
 - (iii) Would not adversely affect the anticipated provision for school or other municipal services.

(iv) Would not create traffic or parking demands incompatible with the existing or proposed facilities to serve it.

B. Economic Feasibility and Impact.

- (i) The proponents of a PUD application shall provide evidence satisfactory to the Plan Commission of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the community or the values of surrounding properties.
- C. Engineering Design Standards. The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Plan Commission.
- D. Preservation and Maintenance of Open Space. In a PUD area, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication of private land.
 - (i) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the public as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for limited commercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of the Town Board following approval of building site and operational plans by the Plan Commission.
 - (ii) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement and shall be included in the title to each property.
 - (iii) Ownership and tax liability of private open space reservation shall be established and made a part of the conditions of the plan approval.
- E. Implementation Schedule. The proponents of a PUD District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Plan Commission including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

(6) Procedure

The procedure for obtaining a PUD shall be as required for any other conditional use under this Ordinance, except that in addition thereto, the conditional use may only be considered in conjunction with the development plan, and shall be subject to the following additional requirements:

A. General Development Plan.

The applicant shall file with County Planner and the Plan Commission a general development plan which shall include the following information:

- (i) A statement describing the general character of the intended development.
- (ii) An accurate map of the project area including its relationship to surrounding properties and existing topography and key features using two (2) foot contour interval.
- (iii) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval:
 - (a) The pattern of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character.

- (b) The pattern of public and private streets.
- (c) The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
- (d) A utility feasibility study.

- (iv) Appropriate statistical data on the size of the development, ratio of various land uses percentages of multifamily units by number of bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by the community under the criteria of this section.
- (v) General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

(7) Referral and Hearing.

- A. Within sixty (60) days after completion of the filing of the petition for approval of a preliminary proposal, the Plan Commission shall schedule the required public hearing.
- B. Approval of the conditional use and related preliminary proposal shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.

(8) Final Plan

A specific and detailed plan for implementation of all or a part of a proposed PUD must be submitted within one (1) year after receiving preliminary approval from the Plan Commission. If a final plan has not been submitted within said time, which the Plan Commission determines to be a reasonable phase of the total plan, the area shall revert back to the original zoning district without PUD classification. The specific implementation plan shall be submitted to the Plan Commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

- A. An accurate map of the area (at a scale of 1" = 100 ft.) covered by the plan including the relationship to the total general development plan.
- B. The pattern of public and private roads, driveways, walkways and parking facilities.
- C. Detailed lot layout and subdivision plat where required.
- D. The arrangement of building groups, other than single family residences, and their architectural character.
- E. Sanitary sewer and water mains.
- F. Grading plan and storm drainage system.
- G. The location and treatment of open space areas and recreational or other special amenities.
- H. The location and description of any areas to be dedicated to the public.
- I. General landscape treatment.
- J. Proof of financing capability.
- K. Analysis of economic impact upon the community.
- L. A development schedule indicating:
 - (i) the approximate date when construction of the project can be expected to begin;
 - (ii) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - (iii) the anticipated rate of development;
 - (iv) the approximate date when the development of each of the stages will be completed;
 - (v) the area and location of common open space that will be provided at each stage.
- M. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned community development and any of its common services, common open areas or other facilities.

N. Any other plans, documents or schedules requested by the community.

(9) **Approval of the Final Plan.**

A. Following a review of the specific implementation plan, the Plan Commission shall recommend to the Town Board that it be approved as submitted, approved with modification, or disapproved.

- B. Upon receipt of the Plan Commission's recommendation, the Board may approve the plan and authorize the development to proceed accordingly, or disapprove the plan and send it back to the Plan Commission for further negotiation with the developer.
- C. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time. This shall be accomplished prior to the issuance of any building permit.
- D. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission and if, in the opinion of the Committee, such change or addition constitutes a substantial alteration of the original plan, the procedure provided above, and in this subsection shall be required.

Section 17.15 MOBILE HOME PARK (MHP) DISTRICT

(1) Purpose and Intent of the MHP District

The purpose of the MHP District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The intent of the MHP District is to provide for the location of mobile home parks and travel trailer camps, and establish regulations governing their construction and use for the health and well-being of the residents of the community.

(2) Conditional Uses

A conditional use in this District is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Conditional uses which may be considered are:

- A. Mobile Home parks
- B. Travel Trailer Camps

(3) Procedures and Applications

A. Approvals Required

No person shall construct, expand or operate a mobile home park or travel trailer camp within the Town unless he holds a valid license issued annually by the Town Clerk.

The Town Clerk shall issue an initial license only after the following actions have taken place:

- (i) The land has been zoned Mobile Home Park by the Town Board.
- (ii) The applicant has followed the prescribed procedures and completed the application form and submitted it to the Town Clerk together with the required fees.
- (iii) The Plan Commission has reviewed and made a recommendation on the conditional use permit.
- (iv) The Town Board has granted the conditional use permit and the license.

B. Fees and Expiration Date (per §66.0435 Wis. Stats.).

(i) Fee Schedule

Final Plan review	\$25.00
Initial Mobile Home Park License Fee	\$100.00 for each
	50 spaces or fraction thereof
Initial Travel Trailer Camp License Fee	\$100.00 for each
	50 spaces or fraction thereof
Annual Mobile Home Park	\$100.00 for each
	50 spaces or fraction thereof
Annual Travel Trailer Camp license fee	\$100.00 for each
	50 spaces or fraction thereof
Mobile Home Park license transfer fee	\$10.00

(ii) Expiration.

All licenses shall expire on the 30th day of June of each year and shall be renewed annually. There shall be no prorating of fees. The conditional use permit shall expire after

one year unless substantial work has been started pursuant thereto.

C. Initial License Application

- (i) Application for an initial license shall be made to the Town Clerk on an initial license application form. Such application form shall be for a conditional use permit and the initial

license. Fees as provided in 17.15 (3)(B)(i) above are required prior to taking action on each of the approval steps listed herein.

- (ii) Preliminary Plan. The applicant shall apply for preliminary plan approval to the Plan Commission. Such applicant shall submit six (6) copies of the preliminary plan. Such preliminary plan shall be drawn on a topographic map with a scale of at least one (1) inch equals two hundred (200) feet showing two (2) foot contours, the area, location, and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Plan Commission shall be in concept only which will enable the applicant to prepare the final plan.

- (iii) Final Plan

- a. Requirements of Final Plan

- Upon approval by the Plan Commission of the preliminary plan, the applicant shall submit to the Committee the plan review fee as specified in Section 17.15 (3)(B)(i) of this Chapter and eight (8) copies of the general development plan which shall include:

- 1. Two (2) prints of a certified survey map or subdivision plat of the property showing existing features of the property.
 - 2. A complete plan of the park or camp drawn to a scale of not less than one hundred (100) feet per inch.
 - 3. The number, location and dimensions of all mobile home or travel trailer lots.
 - 4. The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.
 - 5. The location of automobile parking areas and service buildings, if provided.
 - 6. The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.
 - 7. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home or travel trailer lot.

- (iv) Public Hearing and Decision

- Upon submission of the final plan to the Plan Commission, the Committee shall set a public hearing on the final plan, shall give notice by publishing a class 1 notice according to Ch.

- 985 of Wis. Statutes, shall notify in writing the owners of land within one thousand (1,000) feet and the clerk of any municipality within one thousand (1,000) feet. After hearing any interested party, and any staff report, recommendation or information, the Committee shall make a recommendation and report to the Town Board concerning such plan after determining the following:

- a. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the intended park or camp.
 - b. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
 - c. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public interest.

- (v) Approval of Town Board

- After receiving the recommendation of the Plan Commission, the Town Board shall consider the request for a conditional use permit and initial license. The Town Board may hold a public hearing after publishing a class 1 notice. The Town Board shall decide whether or not to grant the conditional use permit and initial license within sixty (60) days

of receiving the recommendation of the Plan Commission. If the Town Board authorizes the Town Clerk to issue the conditional use permit and license, such permit and license shall be issued only upon payment of the required fee.

(vi) Procedure after Permit Granted

Upon approval of a conditional use permit, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin a certified survey map or plat (per Ch. 236 Wis. Stats.) of the gross land area including the final approved plans and the deeding to the Town those lands and easements called for in the plans submitted to the Plan Commission and Town Board and containing a statement that the land is to be developed pursuant to the approved conditional use permit. Such recording shall not be deemed to constitute a subdivision of land and lots shown on the plat shall not be able to be sold. Upon the submission of proof of such recording to the Town Clerk, the Clerk shall issue the initial license allowing said owners or their successors to develop the land according to the conditional use permit and recorded plans. Construction pursuant to such permit shall commence within one (1) year of the date of the license issuance or the license shall become null and void.

D. Annual License Application

The applicant shall apply to the Town Clerk each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a fee as set forth in Section 17.15 (3)(B)(i) of this Ordinance. Before any license shall be granted, the Town Board cooperating with the Building Inspector of the Town, shall make or cause to be made an inspection of the premises to be licensed in order to determine whether the requirements of this Ordinance have been or will be met. No license shall be issued until such inspection has been made.

Each application for a license (both initial and annual) shall include the following information:

- (i) Name and address of the applicant.
- (ii) Name and address of the owner of the premises.
- (iii) Name and address of the proprietor or manager of the mobile home park or travel trailer camp.
- (iv) Location and legal description of the mobile home park or travel trailer camp.
- (v) Copy of current Rock County Health Department Environmental Health Division Mobile Home Park Permit
- (vi) Copy of current Wisconsin Department of Commerce Manufactured Home Community License application and License
- (vii) A Survey map of the Property prepared by a duly licensed land surveyor that shows the following:
 - a. A proper and complete legal description of the property, and the total number of acres in the property.
 - b. Existing features of the property.
 - c. Boundaries of the property.
 - d. A complete plan of the park or camp drawn to a scale of not less than one hundred (100) feet per inch.
 - e. The number, location and dimensions of all mobile home or travel trailer lots.
 - f. The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.
 - g. The location of automobile parking areas and service buildings, if provided.
 - h. The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.
 - i. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home or travel trailer lot.

- j. All dedicated public streets providing access to the property.
- E. Transfer of License

A transfer of license shall be applied for and may be approved by the Town Board in the same manner as an application for an annual license. The fee for such license transfer shall be \$10.00.

4. **Administration**

A. Building Inspector.

It shall be the responsibility of the Building Inspector to enforce the provisions of this ordinance by authorizing and directing inspections to be made of all mobile home parks and travel trailer camps.

B. Violations.

Whenever the Building Inspector determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violations. Such notice shall:

- (i) Be in writing.
- (ii) Include a statement of the violations enumerated.
- (iii) Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed ninety (90) days.

C. Revocation of License.

Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such park or camp is subject to revocation by the Town Board as provided in §66.0435(2) Wis. Stats. unless the alleged violation is corrected within the period specified by Town Board.

D. Emergency Order

Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety and/or welfare, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the license. Said order shall be in writing, shall be notwithstanding any other provisions of this Ordinance, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to the revocation of the mobile home park license.

E. Monthly Parking Fee.

There is imposed on each occupied mobile home located in the Town of Union a monthly parking fee as determined in accordance with §66.0435 Wis. Stats. Said fee shall be paid to the Town Treasurer on or before the 10th day of the month following the month for which such fee is due.

- (i) Occupants or owners of mobile homes parked outside of a mobile home park shall remit such fees directly to the Town Treasurer.
- (ii) The licensee of a mobile home park shall collect said fees from each occupied mobile home within the park and shall remit such fees to the Town Treasurer.
- (iii) Owners of occupied mobile homes, upon receipt of notice from the Town Clerk of their liability for the monthly parking fee, shall remit to the Town Clerk a cash deposit of \$25.00 to guarantee payment of such fees when due to the Town Treasurer.
- (iv) It shall be the full and complete responsibility of the licensee of a mobile home park to collect such cash deposits from each occupied mobile home therein and remit such deposits to the Town Clerk.
- (v) Upon receipt of a notice from the owner or licensee that the occupied mobile home has been or is about to be removed from the Town, the Town Clerk shall direct the Town Treasurer to apply said cash deposit to reduce any monthly parking fees for which said owner is liable

- and to refund the balance, if any, to said owner.
- F. Duty of License Holder
- (i) Every person, firm or corporation operating a mobile home park or travel trailer camp shall maintain a register in which there shall be registered the following information:

- a. For Mobile Home Parks:
 - i. Lot designation
 - ii. Occupants' name
 - iii. Description of the car and mobile home, including make and license numbers
 - iv. Date of arrival and departure
 - v. Monthly Parking Fee
- b. For Travel Trailer Camps:
 - i. Name and home address of each of the parties entering and using said camp
 - ii. Description of the car and travel trailer, including make and license numbers.
 - iii. Date of arrival and departure

Said register shall at all times be available to the Town Board or Building Inspector.

- (ii) Licensees of mobile home parks and owners of land on which are parked any occupied mobile homes shall furnish information to the Town Clerk and Town Assessor on such homes added to their park or land within five (5) days of the arrival of such mobile home. This shall be on forms furnished by the Town Clerk in accordance with §66.0435(3)(c)(2) Wis. Stats.
- (iii) It shall be the full and complete responsibility of the licensee of a mobile home park to collect the monthly parking fee from each occupied mobile home therein and to remit such fees to the Town Treasurer.
- (iv) The Licensee of a mobile home park shall collect the cash deposits as required in Section 17.15 (4)(E)(iii) of this Chapter and remit deposits to the Town Clerk.

G. **Restrictions on Occupancy of Mobile Homes**

No mobile home shall be occupied for dwelling purposes unless it is properly placed on a mobile home lot and connected to water, sewerage, electrical and other utilities and complies with all provisions of this ordinance.

(9) **General Provisions**

A. **Applicability.**

Every mobile home park and every travel trailer camp built or added to after the effective date of this Chapter shall conform to and be governed by the provisions of this Ordinance. No mobile home park shall be allowed in any district except the Mobile Home Park District. No travel trailer camp shall be allowed in any zoning district except when specified in the Conditional Use section of the zoning district. Every mobile home park or travel trailer camp shall first have an approved conditional use permit prior to being licensed.

B. **Classification shall be of two types:**

- (i) Mobile Home Park
- (ii) Travel Trailer Camps

It shall be unlawful to permit a mobile home or travel trailer to be located in a park or camp unless it is placed in a designated stand in a licensed park or camp.

C. **Parking of mobile homes and travel trailers**

- (i) Only one (1) mobile home or travel trailer shall be placed on a lot unless otherwise approved in the final plans except that an unoccupied travel trailer may be parked behind the setback line of the owners' yard to the rear of the principal building.
- (ii) Each mobile home and travel trailer lot shall abut upon a roadway within an approved park or camp.

D. **Non-Residential Uses**

No part of any park or camp shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of park or camp residents or for the

- management and maintenance of the park or camp, and are approved by the Town Board.
- E. Signing
 No signs shall be permitted except the following:

- (i) One (1) non-flashing identification ground mounted sign or a wall sign stating only the name of park may be permitted provided the sign does not project into the public way.
- (ii) One (1) ground or on-premise wall sign per street frontage may be permitted for travel trailer camps.
- (iii) Any necessary regulatory signs such as street name signs, and entrance and exit signs, etc. Signs and their installation shall comply with all other applicable codes and regulations.

(10) **Standards**

A. Park and Camp Size

(i) Mobile Home Parks

Minimum Acreage 8 acres

Maximum Density 5.0 units per gross land acres

(ii) Travel trailer camps

Minimum Acreage 6 acres

Maximum Density 7.0 units per gross land acre

B. Minimum Number of Lots

There shall be a minimum of twenty-five (25) mobile home lots completed and ready for occupancy before first occupancy is permitted.

C. Length of Residential Occupancy

No lot shall be rented for residential use of a mobile home in any such mobile home park except for periods of thirty (30) days or more.

D. Compliance with Code Standards

No mobile home shall be admitted in any mobile home court unless it can be demonstrated that it meets the requirements of American-Standards for Installation in Mobile Homes of Electrical, Heating, and Plumbing Systems or M.H.M.A. (Mobile Homes Manufacturers Association) Mobile Home Standards for Plumbing, Heating and Electrical systems.

E. Minimum Lot Width and Setback Standards

(1). Setback Standards	Mobile Home Courts		
	Mobile Home	Accessory Structures	Trailer
Front setback	25 ft.	25 ft.	25 ft.
Side setback	10 ft.	5 ft.	10 ft.
Rear setback	10 ft.	5 ft.	10 ft.
Corner street side yard	10 ft.	10 ft.	10 ft.
Yard abutting open areas	10 ft.	10 ft.	
From any public street	50 ft.	50 ft.	
From mobile home		5 ft.	

All yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State, and County roads.

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ilers

2) Minimum lot width except irregular shaped lots may be approved with lesser frontage where necessary		
	Mobile Home	Travel Trailers
single wide	50 ft.	30 ft.
double wide	60 ft.	

3) Minimum lot area		
	Mobile Home	Travel Trailers
single wide	6,000 sq. ft.	4,000 sq. ft.
double wide	7,200 sq. ft.	

F. Parking

1. At least two (2) off-street hard surfaced parking spaces shall be provided for each mobile home lot. The size of each space must be at least nine (9) ft. by twenty (20) ft.
2. At least one (1) off-street parking space shall be provided on or for each travel trailer lot. The size of each space must be at least nine (9) ft. by twenty (20) ft.
3. Street parking on both sides of the street shall be permitted if the roadway width is at least

- thirty six (36) feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least thirty (30) feet wide.
- G. Screening There shall be provided a screening buffer strip along the boundary of the mobile home park or travel trailer camp where it abuts a residence district. Such screening shall be at least five (5) feet in width and five (5) feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a breeze to pass.
- H. Recreation Requirements Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele the park is designed to serve. Not less than ten percent (10%) of the total gross park area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.
- I. Tenant Storage One (1) storage building accessory to a mobile home will be permitted on a mobile home lot provided that the storage building does not exceed one hundred forty (140) square feet in floor area nor exceed fourteen (14) feet in height. Such storage building shall be fully enclosed and located on the mobile home lot. All storage buildings in the mobile home park shall be uniform in size.
- J. Fuel Supply All fuel shall be distributed to individual lots by an underground distribution system from a common underground fuel storage facility installed in conformity with the rules and regulations of the Department of Industry, Labor and Human Relations of Wisconsin.
- K. Additions and Alterations
1. Permit Required. A permit issued by the Building Inspector shall be required before commencement of any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile home. A permit is also required for construction of all storage buildings. No permit is required for addition of steps, awnings, skirting, windows, or doors, as defined below.
 2. Size of Expansion. No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.

3. Conform to Setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall have the same setbacks as the existing mobile home.
 4. Skirting Required. Vented skirting of non-flammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that insulation be provided inside the skirting to prevent the freezing of pipes.
- L. Utilities. Utilities shall be installed underground and shall meet County and State of Wisconsin Statutes and Codes.
- M. Electrical Requirements.
1. Each mobile home and travel trailer lot shall be connected to the park or camp electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment. The minimum service per each mobile home lot shall be 120-240 volts AC, 100 amperes.
 2. Adequate lights shall be provided in mobile home parks and travel trailer camps to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one foot candle shall be provided for safe pedestrian and vehicle movement.
- N. Sewer Service. All mobile home parks shall be served by private sewer. Each mobile home lot shall be equipped with at least a three (3) inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage. Travel trailer camps shall provide facilities for the disposal of sanitary wastes as set forth in the State of Wisconsin Administrative Standards.
- O. Water. Public water shall be provided by separate lateral at each mobile home lot. Travel trailers shall be served by the common water system where possible. Provisions shall be made to supply water within fifty (50) feet of each travel trailer lot.
- P. Fire Protection. Fire hydrants shall be located within five hundred (500) feet of any mobile home or service building.
- Q. Mobile Home Stand, Patio, and Tie Downs
1. A mobile home stand shall be continuous four (4) inch concrete single slab or an approved alternate of the size of the mobile home which it is to support.
 2. The mobile home stand shall be provided with six (6) anchors and tie-downs such as cast-in- place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors or other devices securing the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds. The mobile home shall be attached to the anchoring devices.
 3. Each mobile home lot shall be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet.
- R. Roadways
1. All roadways created by a mobile home court shall be hard surfaced according to standards established by the County Highway Department.
 2. The minimum pavement width of roadways shall be twenty two (22) feet. The minimum pavement diameter of cul-de-sacs shall be forty (40) feet.
 3. The alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated and to satisfactory control of surface water and groundwater.
 4. The names of roadways within the park shall not duplicate names of streets within Rock

County.

- S. Lot Markers The limits of each mobile home and travel trailer lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Each mobile home in a mobile home park and each travel trailer lot in a travel trailer camp shall be clearly marked in a

uniform manner with a number or designation for fire and police services and such numbers shall be filed with the appropriate authorities by the licensee.

- T. Fences and Hedges Fences and hedges may be permitted in a mobile home park or travel trailer camp provided they do not exceed a height of three (3) feet in the front yard or corner side yard and six (6) feet in height in all other yards.
- U. Garbage and Rubbish Storage Areas. Garbage and rubbish shall be stored in flytight, watertight, approved containers stored within a completely enclosed building or may be permitted outside the building provided that such storage area is effectively screened from view.
- V. Service Building for Travel Trailer Camps. There shall be at least one (1) service building in any travel trailer camp to provide sanitation and laundry facilities.
 - 1. Location, Construction and Maintenance. Service buildings, easily accessible to all travel trailer lots shall be made of permanent construction in accordance with Rock County and State of Wisconsin Codes. The service building shall maintain a minimum temperature of 60 degrees F. whenever the camp is open for business.
 - 2. Plumbing and Electrical Facilities. Plumbing and electrical facilities in service buildings shall be as set forth in State of Wisconsin Administrative Standards.
- W. Every mobile home park and travel trailer camp shall be so located and maintained as to appear attractive and to be kept in a clean and sanitary manner in all respects, and all equipment shall be kept in a state of good repair.
- X. Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health, or safety of occupants of the mobile home park. The site shall not be exposed to objectionable noise, odors or other adverse influences, and no portion subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.
- Y. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

Section 17.16 SPECIAL PURPOSE DISTRICT (SP)

1. **Purpose and Intent of Special Purpose Districts (SP)**

The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. The SP District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; those for which it is desirable to have a limited number of a given land use within the community.

2. **Conditional Uses**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created..

The Board may require special facilities as a condition of approval such as, but not limited to fences, trees, shrubbery, barriers, and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment.

- A. Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- B. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials. *Facilities for the production, mining, processing or storage of sand or gravel are specifically excluded from this section.*
- C. Airports open to the public, hangars, or accessory structures.
- D. Cemeteries when they comply with the provisions of §157.06, Wis. Stats.
- E. Race tracks.
- F. Sewerage treatment facilities.
- G. Accessory structures required by the principal use.
- H. Junkyards and automobile salvage yards.

3. **Requirements for Conditional Uses**

Within the SP District the following standards shall apply:

Minimum Lot Area	5 acres
Minimum Front Yard Setback	
From Centerline of existing Local Road	100 ft.
From Centerline of existing Collector Road	110 ft.
From Centerline of Arterial Road	150 ft.
All front yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State and County roads	
Minimum Side Yard Setback.....	20 ft.

Minimum Rear Yard Setback 25 ft.
Maximum Slope Ratio 3:1
Off-Street Parking..... 1 space per 5 seats if applicable,
or 1 space per 5 anticipated uses at maximum usage of facility

Abandonment Procedures – Minimum Operations

Slope	3:1
Cover.....	5" top soil, fast growing grass, or other suitable vegetation. Erosion control as needed.

Section 17.17 LIGHT INDUSTRIAL DISTRICT (M-1)

(1) Purpose and Intent of Light Industrial District (M-1)

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the community's Development Guide. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for industry. This district is to facilitate the establishment of light industrial areas which are consistent with the community's Development Plan which considers the economic production and distribution of goods manufactured in the community as in relation to regional and national competitions.

(2) Permitted Uses

The following uses are permitted in this district:

- A. Public or private offices or office buildings.
- B. Truck, bus, or rail terminals.
- C. Warehousing, or wholesaling of manufactured goods, except that live animals, explosives, or flammable gases or liquids or toxic materials shall require a conditional use permit issued by the Plan Commission.
- D. Public utility facilities.
- E. Police, fire and postal stations.
- F. Automotive upholstery and body repair shops, laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.
- G. Commercial bakeries, greenhouses, printing and publishing.
- H. Distributors and food locker plants.
- I. Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- J. Radio, television, and communication transmitting or relay towers and facilities.
- K. Railroad switching yards.
- L. Accessory buildings, uses, and activities customarily incidental to the permitted uses. Accessory use may include a septic tank and field system, when approved by the County Plan Commission which shall not exceed five thousand (5,000) gallons per day flow, serving an individual building or use. The provisions of Wisconsin Administrative Code NR214 shall be complied with at all times.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Living quarters for watchman or caretaker.
- B. Farm machinery plants and machine shops.
- C. Manufacture, fabrication, packing, packaging, and assembly of products utilizing as a primary resource furs, glass, metal, paper, leather, plaster, plastics, textiles, and wood.

- D. Research laboratories, and facilities.
- E. Manufacturing or processing of explosives.
- F. Terminal facilities for flammable gases or liquids.
- G. Warehousing, storage, or wholesaling of live animals, explosives, or flammable gases or liquids.

- H. Manufacture and bottling of nonalcoholic beverages.
- I. Storage and sale of machinery and equipment.
- J. Manufacture, fabrication, processing, packing, and packaging of confections, cosmetics, electrical appliances, electronic devices; instruments; jewelry, pharmaceuticals, tobacco; toiletries; and food, except cabbage, fish, and fish products, meat and meat products, and peavining.
- K. Building contractor.
- L. Commercial service facility, sewerage disposal plants, and public utilities.

(4) **Requirements for Conditional and Permitted Uses.**

Within the M-1 District the following standards shall apply:

Maximum Building Height	35 ft.
Minimum Lot Area	40,000 sq. ft.
Minimum Front Yard Setback	50 feet

(75 feet if parking is permitted in front yard)

All front yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State and County roads.

Minimum Rear Yard Setback	40 ft.
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(50 feet when abutting a residential area)

Minimum Side Yard Setback.....	20 ft.
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(50 feet when abutting a residential

area) Minimum Average Lot Width	100 ft.
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Minimum Parking Provided.....	1 space per 2 employees
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Every structure or building containing at least 5,000 square feet of gross floor area shall provide off-street loading space measuring not less than ten feet by forty feet and having a height, clear of all obstructions, of fourteen feet, according to the following schedule:

Gross Floor Area	Number of Loading Spaces
5,000 sq. ft. to 24,000 sq. ft	1
24,000 sq. ft. to 60,000 sq. ft	2
60,000 sq. ft. to 96,000 sq. ft	3
96,1000 sq. ft. to 144,000 sq. ft	4
144,000 sq. ft. to 192,000 sq. ft	5
192,000 sq. ft. to 240,000 sq. ft	6
240,000 sq. ft. to 294,000 sq. ft	7
294,000 sq. ft. to 348,000 sq. ft	8
For each additional 54,000 sq. ft	1 additional space

The Plan Commission may permit the required loading spaces to remain undeveloped until it decides that they are needed.

Not more than forty (40) percent of the lot containing any use permitted in this district may be used for open storage of raw material, or any other material. Such storage shall be effectively screened from non-industrial uses or districts by a solid wall or fence, or a planted hedge or shrubbery.

Section 17.18 CONDITIONAL USE PERMITS

(1) General Provisions

Any use listed as a conditional use in this Ordinance shall be permitted only upon application to the Building Inspector and issuance of a Conditional Use Permit by the Town Board. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

(2) Required Information

Any land divider who requests a conditional use permit shall submit a Conditional Use Permit Application Form to the Town Building Inspector. The Conditional Use Permit Application Form is available from the Building Inspector. (Note, if the Conditional Use Permit includes an A-1, A-2, A-3, or A-4 land division and rezoning, applicants must use and follow the instructions applying for a Land Division as described in Chapter 16, Land Division Ordinance. The Conditional Use Permit Land Division Applications for A-1, A-2, A-3, and A-4 parcels are heard by the Plan Commission, which makes a recommendation to the Town Board. The Town Board makes the final decision regarding issuance of Conditional Use Permits.

(3) Conditional Use Permit Application Form and Sketch Map

A. Conditional Use Permit Application Form (Non-Animal Related CUP)

The Conditional Use Permit Application requires the following form information and attachments as specified below and application fee.

- (i) The name, address and phone number of the owner of the property and that of the land divider.
- (ii) The location and size of the property and the type of land division that is to be requested.
- (iii) The names and addresses of all landowners within a one thousand (1,000) foot radius of the outer edges of the parcel being divided including those parcels within this radius of neighboring counties and other municipalities
- (iv) A statement of intended use.
- (v) The name, address and phone numbers of the surveyor who will be doing the survey work.
- (vi) The name, address and phone numbers of the engineer who will perform the public improvements design.
- (vii) The present use of the land.
- (viii) The number and size of projected parcels, lots, or outlots upon a final land division.
- (ix) Existing zoning and other land use controls on parcels within one thousand (1,000) foot radius of the outer edges of the proposed land division.
- (x) Description of parcel location including fire number and roads bordering property.
- (xi) The estimated timetable for final development.
- (xii) Existing and proposed zoning of parcel and parcels to be created.
- (xiii) Parcel number.
- (xiv) Aerial photo of parcel and land within one thousand (1,000) feet of its border or Global Information System Satellite Photo (if requested).
- (xv) Sketch map as specified below. (This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas

dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.)

- B. Conditional Use Permit Application Form for Livestock Facilities with equal to or greater than 500 Animal Units.** The application materials can be found at the Wisconsin Department of Agriculture, Trade and Consumer Protection website. The appropriate fee must be submitted with the application.
- C. Conditional Use Permit Application Form for Livestock Facilities with equal to or less than 499 animal units and greater than 10 animal units.** See Appendix A. All attachments as specified in the application form must be submitted with the appropriate application fees with the application.
- D. Conditional Use Permit Application Form for all other farms.** See Appendix B. The appropriate fee must be submitted with the application.
- E. Conditional Use Application Form for Manure Irrigation Distribution Systems.** See Appendix C. The appropriate fee must be submitted with the application.

F. Sketch Map Specifications

As part of all Conditional Use Permit Applications, the applicant shall submit to the Building Inspector a sketch map no smaller in scale than 1 inch = 200 feet or other appropriate larger scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2" x 14" inches. Each submission shall include all contiguously owned land except the sketch map need not show more than twenty (20) times the area of the intended certified survey. The sketch map shall show all of the following:

- (i) A north arrow, the date, the scale, and a reference to a section corner.
- (ii) Lengths and angles of existing and proposed property lines.
- (iii) Location of adjacent properties within one thousand (1,000) feet.
- (iv) The approximate dimensions and areas of the parcels, lots, outlots, and easements.
- (v) The location and type of existing and proposed buildings, fences, and structures and their uses.
- (vi) The location and name of all existing drainage ditches, water wells, sewerage systems, water courses, lakes, navigable waters, ponds, dry wells, drain fields, pipes, culverts, tile lines, and parks and other features pertinent to the land division.
- (vii) The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
- (viii) Zoning classification and other land use controls of adjacent properties within one thousand (1,000) feet.
- (ix) The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
- (x) The location of any slopes of 12% or greater.
- (xi) The setback of building lines required by any approving agency.
- (xii) The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public accesses to navigable water, dedicated areas and utilities on/or adjacent to the land.
- (xiii) Any floodplain limits.
- (xiv) The entire area contiguous to the plat owned or controlled by the owner or land divider.
- (xv) Owners names of adjacent properties within one thousand (1,000) feet.

(4) Submittal Process

A. Non-Animal related CUP Application Process:

The applicant shall submit the completed Conditional Use Permit Application Form to the Building Inspector for review of completeness. When the Building Inspector determines the application is complete, the applicant shall submit the application fee to the Town Treasurer. The applicant may then submit ten (10) copies of the Conditional Use Permit Application Form and attachments, and the fee payment receipt to the Town Clerk. The Town Clerk shall establish the Plan Commission meeting date upon which the Plan Commission will conduct a public hearing on the application according to the Plan Commission meeting calendar. The Town Clerk will notify by mail all landowners of parcels within one thousand (1,000) ft. of the property in question and post a class 2 notice of the public hearing.

The Town Clerk shall notify all Plan Commission members of the meeting and provide copies of the Conditional Use Permit Application Form and attachments to them. See Ch. 236 Wis. Stats. for a timeline for the Plan Commission to review the application.

B. Animal and Manure Irrigation related CUP Application Process (Non ATCP 51).

Please note that any application for an Animal Livestock Facility with greater than or equal to 500 Animal Units must follow the process identified in ATCP 51. The information identified below only pertains to Non – ATCP 51 applications. The Town will follow the most recent copy of the process in ATCP 51 when considering an application for livestock facilities with equal to or greater than five hundred (500) Animal Units.

(i) Application.

(a) General: If Town approval is required for a new or expanded livestock facility, Other Farm, or a Manure Irrigation Distribution System, a person seeking local approval shall complete and file with the Town the appropriate application form shown in the Appendices. The application shall include all of the information required by aforementioned application form and attached worksheets, including any authorized modifications made by the Town under sub. (1)(b). The information contained in the application shall be credible and consistent.

(b) Modifications. The Town may not alter the application form shown in the Appendix A or Appendix B, but may require any additional information needed to determine compliance with Chapter 17 standards.

(c) Additional Copies. The Town requires the applicant to submit four (4) duplicate copies of the original application under sub. (1)(a). Each duplicate copy shall include all of the worksheets, maps and other attachments included in the application. Only two copies of the engineering design calculations, specifications, and drawings must be included.

(d) Fees. The Town charges an application fee established by local ordinance, to defray the costs to review and process an application under sub. (1)(a) and sub (1)(c). Please refer to the Fee Schedule in the Appendices for proper fee.

(e) Review Process. The Town will forward one (1) copy of the documents required as part of the application in sub. (1)(a) to the Rock County Land Conservation Department for the required review of all documents submitted as part of the application. Within thirty (30) days of receipt of the application documents, the Land Conservation will report **Finding of Facts** to the Town. This report will be submitted in a written form.

(f) Complete Application. Within forty five (45) days after the Town receives an application under sub. (1)(a), the Town shall notify the applicant whether the application contains everything required under subs. (1)(a) to (1)(d). If the application is not complete, the notice shall specifically describe what else is needed. Within fourteen (14) days after the applicant has provided everything required under subs. (1)(a) to (1)(d), the political subdivision shall notify

the applicant that the application is complete. A notice of completeness does not constitute an approval of the proposed facility.

(g) Notice to Adjacent Property Owners. Within fourteen (14) days after the Town issues a notice under sub. (1)(f), the Town shall mail a completed written copy of the notice to the recorded owner of each parcel of land that is adjacent to the proposed facility. The Town shall mail the notice by first class mail. The Town may recover from the applicant, under sub. (1)(d), its reasonable cost to prepare and mail notices under this subsection. The sum of the costs charged to the applicant may not exceed the maximum amount specified in sub. (1)(d).

(ii) Timely Action on Application.

(a) General. Except as provided in sub (2)(b), the Town shall grant or deny an application under Chapter 17 within 90 days after the Town gives notice that the application is complete.

(b) Time Extension. The Town may extend the time limit in sub. (2)(a) for good cause, including any of the following:

1. The Town needs additional information to act on the application.
2. The applicant materially modifies the application or agrees to an extension.

(c) Written Notice. The Town shall give an applicant written notice of any extension under par. (2)(b). The notice shall state the reason for the extension, and shall specify the extended deadline date by which the Town will act on the application.

(d) Public Hearing. The Town shall schedule a public hearing on the application within ninety (90) days after issuing notice of a complete application.

(iii) Granting or Denying an Application.

(a) Granting an Application. Except as provided in sub. (3)(b), the Town shall grant an application under this Chapter if all of the following apply:

1. The application complies with this Chapter.
2. The application contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed facility meets or is exempt from:
 - a. the performance standards and prohibitions as identified in NR 151.
 - b. the minimum performance standards for manure irrigation distribution system operations, as identified on the application.

To the extent that a standard or prohibition under NR 151 or any applicable Wisconsin state administrative code, vests discretion, the Town may exercise that discretion.

(b) Denying an Application. The Town may deny an application under this Chapter if any of the following apply:

1. The application fails to meet the standard for approval under sub. (3)(a).
2. The Town finds, based on other clear and convincing information in the record, that the proposed facility or fails to comply with an applicable standard or prohibition.

(c) Written Decision.

1. The Town shall issue its decision under sub. (3)(a) or (3)(b) in writing. The decision shall be based on written findings of fact included in the decision. The findings of fact shall be supported by evidence in the record.
2. If the Town grants an application for local approval, the Town shall issue the local approval to the applicant in writing. The local approval shall include a duplicate copy of the approved application, marked "approved." The duplicate copy shall include all of the worksheets, maps and other attachments included in the application, except that no copies of the engineering design calculations, specifications, and drawing will be included.

(iv) Terms of Approval.

An approval under sub.(3)(a) is conditioned on the operator's compliance with all applicable performance standards and prohibitions as identified in NR 151; other Administrative codes applicable to Center Pivot Systems and representations made in the application for approval. The Town has the authority to do any of the following:

(a) Monitor compliance.

(b) Withdraw an approval, or seek other redress provided by law, if any of the following apply:

1. The operator materially misrepresented relevant information in the application for local approval.
2. The operator, without authorization from the Town, fails to honor relevant commitments made in the application for approval. The Town may not withhold authorization, for reasonable changes that maintain compliance with the NR 151 Performance Standards and Prohibitions.
3. The facility fails to comply with applicable standards.

(v) Record of Decision–Making. The Town shall keep a complete written record of its decision–making related to an application. The Town shall keep the record for at least seven (7) years following its decision. The record shall include all of the following:

(a) The application and all subsequent additions or amendments to the application.

(b) A copy of any notice and copies of any other notices or correspondence that the Town issues in relation to the application.

(c) A record of any public hearing related to the application. The record may be in the form of an electronic recording, a transcript prepared from an electronic recording, or a direct transcript prepared by a court reporter or stenographer. The record shall also include any documents or evidence submitted by hearing participants.

(d) Copies of any correspondence or evidentiary material that the Town considered in relation to the application.

(e) Minutes of any board or committee meeting held to consider or act on the application.

(f) The written decision as identified in section (3)(c) of this document.

(g) Other documents that the Town prepared to document its decision or decision–making process.

(h) A copy of any local ordinance cited in the decision.

(vi) Lapsed Permits

The Town may treat a conditional use permit for a facility as lapsed and withdraw the permit if the permit holder fails to do all of the following within two (2) years after issuance of the permit:

(a) Begin populating the new or expanded livestock facility.

(b) Begin construction of the facility.

(5) Approval Process

The Plan Commission shall hold a public hearing on the conditional use permit application after publication of a class 2 notice thereof. If no additional information is deemed necessary, the Plan Commission will make a recommendation to the Town Board to approve, approve with conditions, or reject the conditional use permit. Written reasons shall be documented in the Clerk's minutes for rejection or the imposition of conditions.

The applicant or the applicant's designee shall attend the meeting and present the proposed Conditional Use Permit Application to the Plan Commission. Failure of the applicant or its designee

to attend the meeting or to provide a complete Conditional Use Permit Application may be used as grounds for the Plan Commission to recommend rejection of the conditional use permit.

The Town Clerk will issue a written conditional use permit. Note the permit may require a review and renewal period in which case the applicant will need to return to the Plan Commission for their review of how the conditional use is working and whether or not to extend the approval of the permit.

(6) Standards Applicable to All Conditional Uses

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

- (i) The location, nature, and size of the proposed use.
- (ii) The size of the site in relation to it.
- (iii) The location of the site with respect to existing or future roads giving access to it.
- (iv) Its compatibility with existing uses on land adjacent thereto.
- (v) Its compatibility with the future land use map and Comprehensive Plan.
- (vi) Existing topography, drainage, soils types, and vegetative cover.
- (vii) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
- (viii) The potential for conflict with agricultural use.
- (ix) The need of the proposed use for a location in an agricultural area.
- (x) Compatibility with existing or permitted uses on adjacent lands.
- (xi) The productivity of the lands involved.
- (xii) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- (xiii) The need for public services created by the proposed use.
- (xiv) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- (xv) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

B. Standards Applicable to Conditional Uses for Animal Units greater than or equal to 500 Animal Units in A-1 and A-2 areas.

In accessing a Conditional Use Permit application for a Livestock Facility with greater than or equal to five hundred (500) animal units as defined in the definitions of this ordinance, the Plan Commission will consider the following factors:

- (i) All animal waste management facilities and waste management plans designed as part of the application must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Animal Waste Management Ordinance.
- (ii) An Erosion Control and Storm Water Management plan must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance.
- (iii) A statement as to the maximum number of animal units, categorized as defined in the definition section of this ordinance that will be housed at the facility at one time.
- (iv) The Rock County Planning and Development Agency has reviewed the site and confirms that the proposed facility is not located in a Shoreland and Wetland Zoning.
- (v) All standards identified in ATCP 51.12 through ATCP 51.20 will be met.
- (vi) All applicable property line and road setbacks have or will be met.

- (vii) All other applicable laws, being federal, state, county or town are observed.
- (viii) All ATCP 51 application materials have been deemed complete as required in ATCP 51.

C. Standards Applicable to Conditional Uses for Animal Units Less Than 500 Animal Units in A-1 and A-2 areas.

In accessing a Conditional Use Permit application for a Livestock Facility with less than five hundred (500) animal units and greater than ten (10) animal units as defined in the definitions of this ordinance, the Plan Commission will consider the following factors.

- (i) All animal waste management facilities and waste management plans designed as part of the application must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Animal Waste Management Ordinance.
- (ii) An Erosion Control and Storm Water Management plan must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance.
- (iii) A statement as to the maximum number of animal units, categorized as defined in the definition section of this ordinance that will be housed at the facility at one time.
- (iv) The Rock County Planning and Development Agency has reviewed the site and confirms that the proposed facility is not located in a Shoreland and Wetland Zoning.
- (v) All NR 151 performance standards and prohibitions conditions have been met or exceeded.
- (vi) All applicable property line and road setbacks have or will be met.
- (vii) All other applicable laws, being federal, state, county or town are observed.
- (viii) All other applicable laws, being federal, state, county or town are observed.
- (ix) All required application materials have been deemed complete.

D. Standards Applicable to Conditional Uses for Other New Farms which house Animals in A-1 and A-2 areas.

In accessing a Conditional Use Permit application for a Livestock Facility with less than five hundred (500) animal units and greater than ten (10) animal units as defined in the definitions of this ordinance, the Plan Commission will consider the following factors:

- (i) All animal waste management facilities and waste management plans designed as part of the application must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Animal Waste Management Ordinance.
- (ii) An Erosion Control and Storm Water Management plan must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance.
- (iii) A statement as to the maximum number of animal units, categorized as defined in the definition section of this ordinance that will be housed at the facility at one time.
- (iv) The Rock County Planning and Development Agency has reviewed the site and confirms that the proposed facility is not located in a Shoreland and Wetland Zoning.
- (v) All NR 151 performance standards and prohibitions conditions have been met or exceeded.
- (vi) All applicable property line and road setbacks have or will be met.
- (vii) All other applicable laws, being federal, state, county or town are observed.
- (ix) All required application materials have been deemed complete.

E. Standards Applicable to Conditional Uses for Manure Irrigation Practices in A-1 and A-2 areas.

In accessing a Conditional Use Permit application for a Manure Irrigation Practice defined in the definitions of this ordinance, the Plan Commission will consider the following factors.

- (i) All liquid animal waste byproducts (manure) shall be analyzed by a DATCP certified lab prior

- to any application to determine limiting nutrient (nitrogen or phosphorus).
- (ii) The system may not under any condition, deliver any limiting nutrient (N-P) in excess of the crop needs identified in the nutrient management plan for any given year.
- (iii) No end guns are allowed on any proposed center pivot irrigation system.
- (iv) Only low pressure nozzles on drop tubes are to be used to reduce odor and drift.
- (v) Drop tubes shall be as close to ground surface as practicable.
- (vi) Droplet size must be greater than 200 µm mean diameter to minimize aerosolization and drift.
- (vii) Applications are limited from late morning through early afternoon as odors disperse better when temperatures are rising.
- (viii) All wind conditions must be monitored - Shut down pivot system when wind direction can impact neighbors.
- (ix) Must follow NR 445 Standards - Hazardous Air Pollutants.
- (x) No more than ten thousand (10,000) gallons per acre day may occur.
- (xi) Assure no runoff or ponding occurs during application period and twenty four (24) hours after application has been completed.
- (xii) The Center Pivot Irrigation area may not include any floodplain (NR 116), wetland, surface water quality management area or direct conduits to groundwater (NR 243).
- (xiii) All applications will only occur during period when biological processes are most active in the soil; June through late August.
- (xiv) The system shall not be run the day of or day after a rain event or until the soils are not considered saturated, as defined in NR 243.
- (xv) An Emergency Response Plan shall be included with the application.
- (xvi) Groundwater Monitoring Wells shall be installed if applicable.
- (xvii) All application materials have been reviewed by the Rock County Land Conservation Department and the Plan Commission has received findings of fact.
- (xviii) Under no conditions will a traveling gun manure application system be approved.

F. Standards Applicable to Conditional Uses for excess animal units in A-3 and A-4 areas.

In assessing a Conditional Use Permit application in the A-3 and A-4 Districts, the Plan Commission shall also consider the following factors.

- (i) Support (lack of concern/complaints) from surrounding landowners.
- (ii) Adequate facilities for housing and feeding animals.
- (iii) Adequate manure removal/distribution plan. Signed agreements for manure management and compliance with Rock County Manure Storage Ordinance.
- (iv) Favorable past animal management performance and/or managerial plan.
- (v) Compatibility with existing or permitted uses of adjacent lands.
- (vi) Water Retention Plan that meets or exceeds DNR guidelines for water retention plan.
- (vii) The availability of alternative locations.
- (viii) The need for public services created by the proposed use.
- (ix) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- (x) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.
- (xi) Must meet NR 151 performance standards and prohibitions for new or expanding facilities.

(7) Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Plan Commission may recommend to the Town Board attaching such conditions, in addition to those otherwise specifically listed, that it deems

necessary in furthering the purposes of this Chapter. Violation of any of these conditions shall be deemed a violation of this Chapter.

(8) Notice and Public Hearing

Before issuing a Conditional Use Permit, the both the Plan Commission and Town Board shall hold public hearings. Notice of such public hearings specifying the time, place, and matters to come before the Committee shall be given as a class 2 notice as referred to in Ch. 985 Wis. Stats.

(9) Conditional Use Permit Fee

The applicant, upon filing of his application, shall pay a fee to the Treasurer in accordance with the Fee Schedule established by the Town Board.

Section 17.19 BUILDING PERMITS

(1) Permits Required to Comply with Zoning Ordinance

No permit pertaining to the use of land, buildings or structures shall be issued unless the application for such permit has been examined in accordance with this Chapter and it has been signed, indicating that the proposed use of land, buildings, or structure complies with all the provisions of this ordinance. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

(2) Building Permits

- A. Cases where Building Permit is required.
 - (i) Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
 - (ii) Where any land use is substantially altered.
 - (iii) Where fifty (50) percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.
- B. Cases where Building Permit is not required.
 - (i) For any accessory building costing two hundred dollars (\$200) or less, provided such building conforms to all the setback, yard and open space requirements of this Ordinance.
 - (ii) For any improvements or alterations to an existing building in the amount of two hundred dollars (\$200) or less which shall not effect a structural change in use or encroach upon any yard or open space.
 - (iii) For any maintenance repairs that do not involve a change to the structure.

(3) Application for Building Permit

An application for a Building Permit shall be made to the Building Inspector upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (i) An accurate map of the property, in duplicate, and properly dimensioned showing:
 - (ii) The boundaries of the property involved.
 - (iii) The location of the centerline of any abutting streets or highways.
 - (iv) The location on the lot of any existing buildings, proposed additions or proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline of any abutting streets or highways to the nearest portion of such building.
 - (v) The high water line of any stream or lake on which the property abuts.
- B. Where the use involves human occupancy, a plan of the proposed water system and sewage system, which, if not connected to an approved municipal water system or municipal sewage system shall conform to the requirements set forth in §62.20 of the Wisconsin Administrative Code which are hereby made by reference a part of this Chapter. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots.
- C. For parcels created after 1/1/2014 an approved Site Plan Review.

(4) Building Permit Fee

The applicant, upon filing the Building Permit with the Building Inspector, shall pay a fee to the Treasurer in accordance with the Building Permit Fees set by the Town Board in the Town of Union Fee Schedule.

Section 17.20 SITE PLAN REVIEW

(1) Site Plan Review

- A. Cases where Site Plan Review is required:
 - (i) Where the agricultural parcel was created after January 1, 2014.
 - (ii) Where there is not an existing approved Site Plan Review for building on the parcel.
 - (iii) Building is a residential dwelling.
- B. Cases where Site Plan Review is not required:
 - (i) For any land not zoned as agriculture.
 - (ii) Parcels that did not have a residence before January 1, 2014
 - (iii) Construction of any non-residential structure.

(2) Site Plan Review Contents

- A. All the following information shall be included in the Site Plan Review:
 - (i) Lot is consistent with proposed Plat of Survey (POS) or Certified Survey Map (CSM)
 - (ii) Conservation easement areas
 - (iii) Environmentally sensitive areas
 - Floodplain
 - Ground water protection areas
 - Hydric Soil
 - Kettles and Depressional Topography
 - Natural areas
 - Shallow Bedrock
 - Shoreland
 - Steep Slopes, 12% or greater
 - Wetlands
 - Wetland Buffers
 - (iv) Building envelope area
 - (v) Minimum required front, rear, and side yard setbacks
 - (vi) Private onsite wastewater treatment systems (POWTS) area
 - (vii) POWTS replacement area
 - (viii) Driveway access from road right of way to building area
 - (ix) Road intersection vision easement area
 - (x) Existing structures
 - (xi) Drainage easements
 - (xii) Utility easement
- B. Additional Residential Site Review Guidelines:
 - (i) The building a residence on the parcel in a farmland preservation zoning district are consistent with the purposes of the district.
 - (ii) The proposed residence and its location in a farmland preservation zoning district area reasonable and appropriate, or are specifically approved under state or federal law.
 - (iii) The adding a residence to the parcel will minimize conversion of land at and around the parcel from agricultural use or open space use.
 - (iv) The proposed residence does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

- (v) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(3) Site Plan Review Fee

The applicant, upon filing the Site Plan Review with the Clerk, shall pay a fee to the Treasurer in accordance with the Site Plan Review Fees set by the Town Board in the Town of Union Fee Schedule.

Section 17.21 STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES

The following information may be used by the Plan Commission, Town Board or Board of Adjustment prior to or during proceedings where conditional use permits, zoning district changes or variances are being considered. Conditions of approval can be attached by the Plan Commission, Town Board or Board of Adjustment to address problems which are not direct conflicts of the interest of this Chapter. The following guidelines are not all inclusive.

(1) Site Design and Physical Characteristics

- A. Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- B. Availability of water, sewer, rail and other services and utility requirements of the proposed site.
- C. Where public sewers are not available, the percolation characteristics of the soil.
- D. Adequacy of the proposed internal circulation system, including safety considerations.
- E. Access to sites from the internal circulation system.
- F. The costs of providing various public services.
- G. Appearance --how will the area look?

(2) Site Location Relative to the Public Road Network

- A. Convenient access to a public road network --safety of access points.
- B. Visibility from the proposed road and the need for visibility.
- C. Location to provide access primarily by right-hand turning movements.

(3) Land Use

- A. Compatibility with existing or proposed uses in the area.
- B. Relation to any existing land use plan.
- C. Relation to existing or proposed development at nearby interchanges.

(4) Traffic Generation

- A. Amount of daily and peak-hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.
- B. Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
- C. Expected composition of site-generated traffic by vehicle types.
- D. Effect of site-generated traffic on the operation of the area.
- E. Safety and convenience to future users.

(5) Community Effect

- A. Immediate and long-range tax base.
- B. Access to market or service area.
- C. Relation to scenic or recreation values.
- D. Relation to the public interest, the purpose and intent of this Chapter, and substantial justice to all parties concerned.
- E. Compliance with the Comprehensive Plan's Goals and Objectives.

(6) Other Relevant Factors

- A. See Performance Standards in Section 17.26 of this Chapter.

- B. The Board is not authorized to grant a variance from the State requirements related to livestock facility siting. The Board may reduce the general setbacks as provided in §93.90 Wis. Stats. and in ATP Chapter 51 of the WI Admin. Code.
- C. Additional impacts.

Section 17.22 BOARD OF ADJUSTMENT

(1) Establishment

There is hereby established a Board of Adjustment for the Town for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Chapter.

(2) Membership

The Board of Adjustment shall consist of three (3) members appointed by the Town Chairman and confirmed by the Town Board.

- A. Terms shall be for staggered three (3) year periods.
- B. Chairman shall be designated by the Board of Adjustment.
- C. Conflict of Interest Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.
- D. An Alternate Member 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 conflict of interest.
- E. No member shall be a Town Board member, Plan Commission member or the Building Inspector.
- F. Secretary shall be the Town Clerk.
- G. Official Oaths shall be taken by all members in accordance with §19.01 Wis. Stats. within ten (10) days of receiving notice of their appointment.
- H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- I. Compensation shall be as determined by the Town Board.
- J. The Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.

(3) Organization

The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Chapter.

- A. Meetings shall be held at the call of the Chairman and shall be open to the public.
- B. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its finding of facts. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.
- C. The Concurring Vote of two (2) members of the Board shall be necessary to exercise the powers enumerated in Section 17.21 (4) A, B, C, D and E of this Chapter.

(4) Powers

The Board of Adjustment shall have the following powers:

- A. Errors To hear and decide appeals where it is alleged there is error in any order, requirement or final decision made by the Plan Commission or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.
- B. Variances To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted, nor shall a

variance be granted where the conditions exist as a result of a self-imposed hardship.

- C. Interpretations To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Plan Commission has made a review and recommendations.

- D. Permits The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issue of a permit.
- E. Assistance The Board may request assistance from other Town and county officials, departments, commissions, boards, the Town Building Inspector and Town Engineer.
- F. Oaths The Chairman shall administer oaths and may compel the attendance of witnesses.

(5) Appeals and Applications

Appeals from the decision of the Building Inspector concerning the literal enforcement of this Chapter may be made by any person aggrieved or by an officer, department, committee, board, or bureau of the Town. Such appeals shall be filed with the Secretary within sixty (60) days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within one thousand (1,000) feet.
- B. Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 17.19 of this Chapter for a Building Permit.
- C. Additional Information required by the Town Plan Commission, Board of Adjustment, or Building Inspector.
- D. Fee Receipt from the Town Treasurer in the amount established in the Town of Union Fees Schedule.
- E. Appeals and Application for property located in a Historic District shall also require the review and recommendation of the Historic District Committee.

(6) Hearings

The Board of Adjustment shall hold a public hearing within thirty (30) days of receiving written application for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 3 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Building Inspector and the Town Plan Commission. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney.

(7) Findings

No variance to the provisions of this Chapter shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

- A. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Chapter should be changed.
- B. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.
- C. Findings of Fact. The decision of the Board shall be accompanied by findings of fact and conclusions of law.

(8) Decision

The Board of Adjustment 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,

Building Inspector and Town Plan Commission.

- A. Conditions may be placed upon any Building Permit ordered or authorized by the Board.
- B. Variances granted or building permits directed by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

(9) Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Adjustment may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within sixty (60) days after the filing of the decision in the office of the Town Clerk.

Section 17.23 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

(1) Classification and Setbacks

For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the Township are hereby divided into the following classifications according to the Wisconsin Department of Transportation 1980 Functional Classification System or a locally adopted Transportation Plan:

A. Arterial Highways

- (i) The setback line for arterial highways shall be one hundred fifty (150) feet from the centerline of the highway or one hundred (100) feet from the right-of-way line, whichever is greater.
- (ii) Frontage roads to arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.
- (iii) Minimum road right-of-way shall be one hundred (100) feet.

B. Collector Roads The setback for collector roads shall be one hundred ten (110) feet from the centerline or fifty (50) feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be seventy (70) feet

C. Local Roads All local roads shall have a minimum setback of one hundred (100) feet from the centerline or fifty (50) feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be seventy (70) feet.

D. Lesser Setbacks Lesser setbacks may be permitted by the Plan Commission in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.

E. Special Width Road Right-of-Ways Road right-of-ways which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements and in the division of land.

(2) Vision Clearance at Intersections

In each quadrant of every public street, road or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road center lines and a line connecting points on said centerline at a specified distance from their point of intersection, in the manner illustrated in Section 17.23 of this Chapter and titled "Basic Illustration of Clear Vision Triangles."

The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads. The term "centerline" in this section shall be interpreted as follows:

- A. Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.
- B. Where there is a divided pavement within a right-of-way, the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection C. below.
- C. Where there is a divided pavement within a right-of-way, and the distance between the centerline of the pavements, measured along the centerline of the intersecting street or road, is sixty (60) feet or greater, the center lines of the pavements shall be used separately, in the manner illustrated in Section 17.23 of this Chapter, and entitled "Illustration of Designation of Centerline for Clear Vision Triangles," to designate the clear vision triangles.

The distance specified from the point of intersection of the center lines to the aforesaid points on the center lines shall be as specified in the table as follows:

<u>Classification</u>	<u>Triangle Side Distance</u>
Arterial	300 ft.
Collector	200 ft
Local	150 ft.

Within the clear vision triangle, no object shall be allowed above a height of two and one-half (2 ½) feet above the average elevation of the streets at the aforesaid points on their respective center lines, if it substantially obstructs the view across the triangle.

In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. In a like manner, this restriction shall not apply to posts and wire fences, provided that they do not obstruct visibility across the clear vision triangle.

(3) Objects Permitted Within Setback lines and Vision Triangles

- A. Open fences.
- B. Telephone, telegraph and power transmissions poles, lines and portable equipment that is readily removable in its entirety.
- C. The planting and harvesting of field crops, shrubbery and trees, except that no trees or shrubbery shall be planted within a vision clearance triangle so as to obstruct the view.

(4) Access Control

The Plan Commission may require that common access be provided to any lots created by a division of land. Access points shall not be within four hundred seventy (470) feet of each other (measured from center to center of each access point).

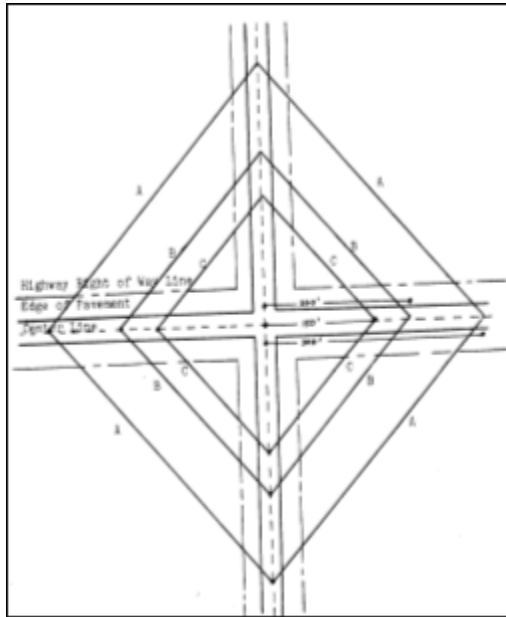


Figure 1 Basic Illustration of Clear Vision Triangles

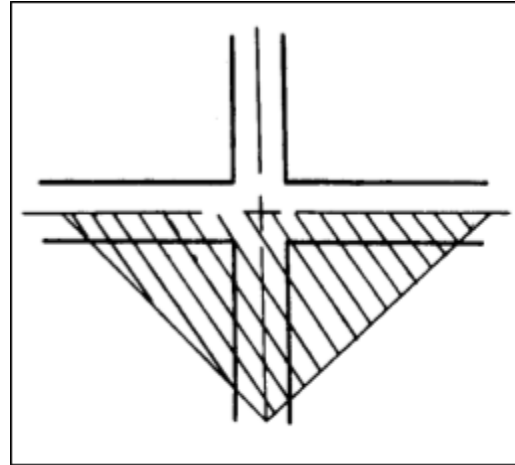


Figure 22 Undivided Pavement

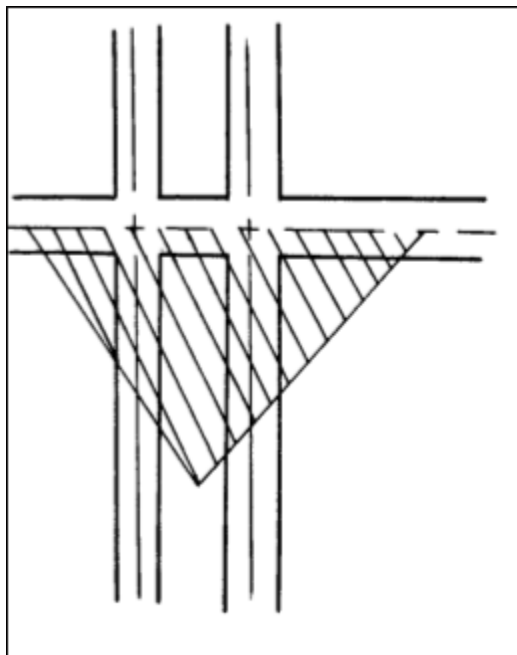


Figure 3 Divided Pavement Not Widely Separated

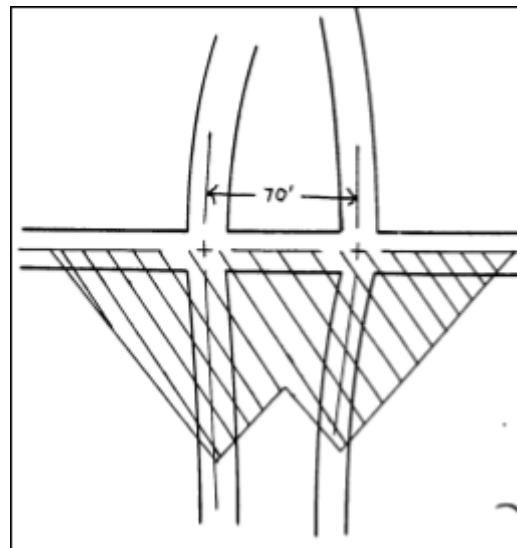


Figure 4 Divided Pavement Widely Separated

Section 17.24 NONCONFORMING USES, STRUCTURES, AND LOTS

(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 Chapter may be continued although the use does not conform with the provisions of this Chapter; however:

- A. Only That 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 Chapter.
- B. Total Lifetime Structural Repairs or alterations shall not exceed fifty (50) percent of the current fair market value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- C. Substitution of New Equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- D. Licenses. This Chapter is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this Chapter.
- E. Conformance with State Statutes. Any regulation of non-conforming uses in a Farmland Preservation district must follow the requirements of §60.61 Wis. Stats.

(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 Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, it may be restored with the approval of the Board of Adjustment.

(3) Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter; however, it may be extended, enlarged, reconstructed, moved, or structurally altered with the approval of the Board of Adjustment.

(4) Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustment 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 Plan Commission.

(5) Substandard Lots

In any residential or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Chapter.

- A. All the district requirements shall be complied with insofar as practical but shall not be less than the following:

Minimum Lot Size

Width 50 ft.

Area 7,500 sq. ft. except in shoreland area

Yard Setbacks

Minimum Front Yard Setback 35 ft.

the second street yard on corner lots shall not be less than 10 ft.

All front yard setbacks are to also refer to Section 17.23 of this

Chapter for setbacks on Federal, State and County roads

Minimum Rear Yard Setback 20 ft.

Minimum Side Yard Setback..... 10 percent of the frontage, but not less than 5 ft.

- B. Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a building permit.

Section 17.25 CHANGES AND AMENDMENTS

(1) Authority

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Chapter when the amendment is consistent with the Comprehensive Plan and Future Land Use Map.

Such Change or Amendment shall require the review and recommendation of the Plan Commission.

(2) Initiation

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

(3) Petitions

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Building Inspector, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, and specify the proposed use.

(4) Recommendations

The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied in writing to the Town Board.

(5) Hearings

The Town Clerk shall notify all property owners within one thousand (1,000) feet of the land in question and after publishing a class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed. The Plan Commission and Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

(6) Town Board's Action

Following such hearings and after careful consideration of the Town Plan Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

(7) Protest to Proposed Change

A proposed amendment, supplement or change to the Chapter 17, Zoning must be adopted by not less than a 2/3 vote of the Town Board if a protest against the proposed amendment, supplement or change is presented to the Town Board prior to or at the public hearing under subd. 1 and:

- A. The protest is signed and acknowledged by the owners of at least 50% of the area proposed to be altered; or
- B. The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within three hundred (300) feet of the parcel or parcels to be rezoned.

Section 17.26 PERFORMANCE STANDARDS

(1) Compliance

This Chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

(2) Air Pollution

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 7718.

(3) Fire and Explosive Hazards

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000

(4) Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises except activities in the M-1 Light Industrial District which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(5) Liquid or Solid Wastes

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

(6) Odors * (*Does not apply in Agricultural Districts)

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be NR 154.18, Wisconsin Administrative Code. Agriculture odors associated with normal agricultural activities are exempted from this section.

(7) Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

(8) Vibration

No activity in any district except the M-1 Light Industrial District shall emit vibrations which are discernible without instruments outside its premises. No activity in an M-1 Light Industrial District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

(10)Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no activity shall discharge any liquid, gaseous or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR 102 of the Wisconsin Administrative Code for all navigable waters.

Section 17.27 SIGNS

(1) Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except those signs permitted under Sections 17.06 (2), 17.07 (2), 17.08 (2) and 17.09 (2) of this Chapter, and without being in conformity with the provisions of this Chapter, §84.30 Wis. Stats., and Chapter HY 19 of the Wisconsin Administrative Code. The sign shall also meet all the structural requirements of local and state building codes.

(2) Signs Permitted in All Districts Without a Zoning Permit

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

- A. 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
- B. 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.
- C. Real Estate Signs not to exceed sixteen (16) square feet in display area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- D. Name, Occupation, and Warning Signs not to exceed two (2) square feet in display area located on the premises, and not closer than fifty (50) feet between signs.
- E. Bulletin Boards of public, charitable, or religious institutions not to exceed sixteen (16) square feet in display area located on the premises.
- F. Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- G. Official Signs such as traffic control, parking restrictions, information, and notices.
- H. Signs for political candidates which shall not be larger than sixteen (16) square feet provided that they are put up no earlier than thirty (30) days before the election and removed within five (5) days after the election.
- I. Temporary Signs or banners when authorized by the Plan Commission.

(3) Signs Permitted in All Business and Industrial Districts

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

- A. Wall Signs placed against the exterior wall of a building will not extend more than twelve (12) inches from the wall, and will not extend above the roof line. The maximum area of all wall signs shall not exceed an area equal to three (3) square feet for each lineal front foot of building.

- B. Projecting Signs fastened to, suspended from, or supported by structures 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 required yard; shall not be less than ten (10) feet from all lot lines; shall not extend above the roof line; 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.

- C. On-Premise Ground Signs in the CHI District shall be limited to one (1) sign for each individual business premises and advertise the business name, services offered, or products sold on the premises, shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one premises, and shall have a maximum height of thirty (30) feet.
- D. On-Premise Ground Signs in Other Business and Industrial Districts shall be limited to one (1) sign for each individual business premises and advertise the business name, services offered or products sold, shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides for any one premises, shall have a maximum height of thirty (30) feet, and shall be at least fifty (50) feet from the boundary of any residential district.

Two (2) of the above signs shall be permitted for each business or industrial use. The total sign area for both signs shall not exceed the greatest maximum area allowed.

- E. 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.
- F. Off-Premise Ground Signs shall require a conditional use permit from the Plan Commission. Such signs shall not be located within fifty (50) feet of the existing or proposed right-of-way of any state or county trunk highway or any Town road measured horizontally along a line perpendicular to the center of the highway; shall not be located within one thousand (1,000) feet of any other off-premise ground sign located on the same side of the road; shall not exceed thirty (30) feet in height; shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides; shall conform to all yard and setback requirements of the district in which it is located; and shall not be located within five hundred (500) feet of a residential district.

(4) 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 devices. No sign 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 ways.

(5) Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 17.24 of this Ordinance shall apply.

(6) Bonds

Every applicant for a zoning permit for a sign shall, before the permit is granted, execute a surety bond in the sum to be fixed by the Building Inspector, but not to exceed twenty-five thousand dollars (\$25,000); and it shall be of a form and type approved by the Town Attorney; indemnifying the municipality against all loss, cost damages or expense incurred or sustained by or recovered against

the municipality by reason of the erection, construction, or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin, and conforming to the requirements of this section, may be permitted by the Town Attorney in lieu of a bond.

(7) Moveable or Temporary Signs

No moveable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to the real estate. Any motor vehicle used on a regular basis for a bona-fide business purpose other than advertising is excepted from the above prohibition.

(8) Lighting of Signs

Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this Chapter.

(9) Roof-mounted Signs

Signs erected on the roof of a building shall be prohibited by this Chapter.

(10) Areas of Special Control

Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

- A. Architectural, historic, or scenic areas whose special and unique characteristics or whose natural beauty requires special sign regulations to insure that all signs used within the area are compatible with each other and with the area.
- B. Integrated centers of intensive business areas over five (5) acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this ordinance.

(11) Permit Fees

Fees for sign permits must be paid according to the Town of Union Fee Schedule.

Section 17.28 EFFECTIVE DATE

This Chapter is effective upon publication or posting. The Town Clerk shall properly post or publish this Chapter as required under §60.80 Wis. Stats.

Adopted this _____ day of _____ 20__ .

Kendall Schneider
Town Board Chairman

Date

Posted this _____ day of _____, 20__.

Published this _____ day of _____, 20__.

Attest:

Regina Riedel
Town Clerk

Date

APPENDIX A

APPLICATION FOR CONDITIONAL USE PERMIT -

NEW LIVESTOCK FACILITIES WITH 499 OR LESS ANIMAL UNITS OR AN EXPANSION OF 20% OR GREATER THAT WILL RESULT IN LESS THAN 499 ANIMAL UNITS.

1. Legal Name of Applicant (Business Entity):			
2. Type of Business Entity: check one			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Cooperative
<input type="checkbox"/> LLC	<input type="checkbox"/> Trust		
<input type="checkbox"/> Other Describe:			
3. Other names, if any, under which applicant does business (list all):			
4. Contact Individual:		Name:	
Phone:		E-mail:	
5. Business Address:			
Street Address:			
City/Village/Town:			
County:			
State:			
Zip:			
6. Principal Owners or Officers (list if applicant is an entity other than an individual):			
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:

Name:		Title:	Phone:
Address:	City:	State:	Zip:

Application (continued)			
7. Description of Proposed Livestock Facility			
Check one: <input type="checkbox"/> New Livestock Facility <input type="checkbox"/> Expanded Livestock Facility			
Address of Proposed Livestock Facility:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
8. Total Animal Units Enter total animal units from worksheet 1: Total Animal Units: _____. This is the maximum livestock facility size for which the applicant requests approval at this time.			
9. Site Map of Livestock Facility Attach a scale map or aerial photo of the proposed livestock facility site. The map or photo shall be appropriately sized and marked, so that it clearly and legibly shows all of the following: <ul style="list-style-type: none"> • All existing and proposed livestock structures. Label each livestock structure to show structure type, and whether existing or proposed. • The area lying within 1,000 ft. of any of the livestock structures. Show all existing buildings, property lines, roadways, navigable waters, and known karst features within that area. • Topographic lines, at 2 ft. elevation intervals, for the area within 300 feet of the livestock structures. • Map scale and north direction indicator. 			
10. Location of Livestock Structures The applicant certifies that: <ul style="list-style-type: none"> • All livestock structures comply with applicable property line and road setbacks as identified in the zoning ordinance. • All waste storage structures comply with setbacks in zoning ordinance. • All livestock structures comply with applicable local shoreland, wetland, and floodplain zoning ordinances (copies available from Town or County P&D) government). • Wells comply with the Wisconsin well code (NR 811 and 812). New or substantially altered livestock structures are separated from existing wells (including neighbors' wells) by setback 			

distances required in NR 811 and 812.

Application (continued)

11. Other Laws

The following laws, among others, may apply to the operation of a livestock facility. Local approval of a livestock facility siting application is NOT based on these laws. However, violations may have other legal consequences:

- Soil conservation and nonpoint pollution laws (contact the land conservation department). Livestock facilities that have 500 or more animal units, must follow the DATCP 51 approval process. Livestock facilities that have 1000 or more animal units or that discharge pollutants directly to waters of the state, must also obtain a WPDES permit from DNR.
- Pesticide and agricultural chemical laws administered by DATCP.
- Animal disease control laws administered by DATCP.
- Animal mortality laws administered by DATCP.
- Vehicle weight limits and state prohibitions against spilling waste on roads.
- Food safety and animal health licenses administered by DATCP. All livestock operations must register, and some (such as dairy farms) must hold a state license.
- Air pollution control regulations administered by DNR.
- Building, electrical, plumbing and sanitation codes administered by the Wisconsin Department of Commerce. A local authority may disapprove a proposed livestock facility that violates a conforming local code.
- Construction site erosion control laws administered by DNR.
- Local erosion control and stormwater management ordinances.
- Petroleum storage laws administered by the Wisconsin Department of Commerce.
- High capacity well regulations administered by DNR.

12. Worksheets

Complete worksheets as required (follow instructions on each worksheet) and attach to application.

Worksheet 1 – Animal Units.

Worksheet 2 – Waste and Nutrient Management. If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

Worksheet 3 – Waste Storage Facilities. If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

Worksheet 4 – Runoff Management. If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

Application (continued)

Authorized Signature:

I certify that the information contained in this application (including worksheets and all attachments) is complete and accurate to the best of my knowledge.

Signature of Applicant or Authorized Representative

Date

Print Name

Title

APPENDIX B**APPLICATION FOR CONDITIONAL USE PERMIT - OTHER FARMS**

1. Legal Name of Applicant (Business Entity):			
2. Type of Business Entity: check one			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Cooperative
<input type="checkbox"/> LLC	<input type="checkbox"/> Trust		
<input type="checkbox"/> Other Describe:			
3. Other names , if any, under which applicant does business (list all):			
4. Contact Individual:			
Name:			
Phone:		E-mail:	
5. Business Address:			
Street Address:			
City/Village/Town:			
County:			
State:			
Zip:			
6. Principal Owners or Officers (list if applicant is an entity other than an individual):			
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:

7. Description of Proposed FacilityCheck one: ☐ New Facility ☐ Expanded Facility

Address of Proposed Facility:

Address:		City:	State:	Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #	

8. Total UnitsEnter total number of animals from **Worksheet 1A:****Total Animals:** _____. This is the maximum total number of animals for which the applicant requests approval at this time.**9. Site Map of Facility**

Attach a scale map or aerial photo of the proposed facility site. The map or photo shall be appropriately sized and marked, so that it clearly and legibly shows all of the following:

- All existing and proposed animal housing structures. Label each structure to show structure type, and whether existing or proposed.
- The area lying within 1,000 ft. of any of the structures. Show all existing buildings, property lines, roadways, navigable waters, and known karst features within that area.
- Topographic lines, at 2 ft. elevation intervals, for the area within 300 feet of the livestock structures.
- Map scale and north direction indicator.

10. Location of Structures

The applicant certifies that:

- All animal structures comply with applicable property line and road setbacks as identified in the zoning ordinance.
- All waste storage structures comply with setbacks in zoning ordinance.
- All structures comply with applicable local shoreland, wetland, and floodplain zoning ordinances (copies available from the Town or the County Planning and Development Agency).
- Wells comply with the Wisconsin well code (NR 811 and 812). New or substantially altered livestock structures are separated from existing wells (including neighbors' wells) by setback distances required in NR 811 and 812.

11. Other Laws

The following laws, among others, may apply to the operation of a livestock facility. Local approval of a livestock facility siting application is NOT based on these laws. However, violations may have other legal consequences:

- Soil conservation and nonpoint pollution laws (contact the land conservation department). Livestock facilities that have 500 or more animal units, must follow the DATCP 51 approval process. Livestock facilities that have 1000 or more animal units or that discharge pollutants directly to waters of the state, must also obtain a WPDES permit from DNR.
- Pesticide and agricultural chemical laws administered by DATCP.
- Animal disease control laws administered by DATCP.
- Animal mortality laws administered by DATCP.
- Vehicle weight limits and state prohibitions against spilling waste on roads.
- Food safety and animal health licenses administered by DATCP. All livestock operations must register, and some (such as dairy farms) must hold a state license.
- Air pollution control regulations administered by DNR.
- Building, electrical, plumbing and sanitation codes administered by the Wisconsin Department of Commerce. A local authority may disapprove a proposed livestock facility that violates a conforming local code.
- Construction site erosion control laws administered by DNR.
- Local erosion control and stormwater management ordinances.
- Petroleum storage laws administered by the Wisconsin Department of Commerce.
- High capacity well regulations administered by DNR.

12. Worksheets

Complete worksheets as required (follow instructions on each worksheet) and attach to application.

Worksheet 1A – Animal Numbers.

Worksheet 2 A– Waste and Nutrient Management. If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

Worksheet 3A – Waste Storage Facilities. If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

Worksheet 4A – Runoff Management. If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

Application (continued)	
Authorized Signature: I certify that the information contained in this application (including worksheets and all attachments) is complete and accurate to the best of my knowledge.	
_____ Signature of Applicant or Authorized Representative	_____ Date
_____ Print Name	_____ Title

Application (continued)
For Office Use Only:
Application #:
Date Application Received:
Date Completeness Determined:
Date Notice Sent to Applicant:
Date Notice Sent to Adjacent Landowners:
Decision Date:
Approved or Disapproved:
Date Appeal Filed (if any):
OTHER INFORMATION:

APPENDIX C**APPLICATION FOR CONDITIONAL USE PERMIT –
MANURE IRRIGATION SYSTEMS FOR APPLICATION OF LIQUID ANIMAL WASTE
BYPRODUCTS**

1. Legal Name of Applicant (Business Entity):			
2. Type of Business Entity: check one			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Cooperative
<input type="checkbox"/> LLC	<input type="checkbox"/> Trust		
<input type="checkbox"/> Other Describe:			
3. Other names , if any, under which applicant does business (list all):			
4. Contact Individual:			
Name:			
Phone:		E-mail:	
5. Business Address:			
Street Address:			
City/Village/Town:			
County:			
State:			
Zip:			
6. Principal Owners or Officers (list if applicant is an entity other than an individual):			
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:

Application (continued)				
7. Description of Irrigation System Proposed:				
8. Provide a list for all Properties where proposed irrigation systems will be operated.				
a. Legal Name of Property Owner:				
Address:		City:	State:	Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #	
if additional space is needed please refer to last page of application.				
9. Site Map of Facility where manure byproducts will originate. Attach an aerial photo of all proposed irrigation sites. The photo shall be appropriately sized and marked, so that it clearly and legibly shows all of the following: <ul style="list-style-type: none"> • All existing and proposed animal housing structures. Label each structure to show structure type, and whether existing or proposed. • The area lying within 1,000 ft. of any of the structures. Show all existing buildings, property lines, roadways, navigable waters, and known karst features within that area. • Topographic lines, at 2 ft. elevation intervals, for the area within 300 feet of the livestock structures. • Map scale and north direction indicator. 				
10. Site Map(s) of all proposed irrigation systems. Attach aerial photos of all proposed irrigation sites. The photo shall be appropriately sized and marked, so that it clearly and legibly shows all of the following: <ul style="list-style-type: none"> • All existing inhabited dwellings. Label each dwelling with owner's name. • Indicate on the map the approximate location of well that services dwelling. • Indicate on the map the set back lines from the nearest point of proposed irrigation edge to each dwelling and any potable well. (can not be closer than 250 to a well and 500 feet to an inhabited dwelling) • Topographic map showing 2 ft. elevation intervals for all areas of proposed irrigation, and all dwellings and wells within 1000 feet of irrigation edge. • Map scale and north direction indicator. • Location of all monitoring wells. 				

11. Minimum Standards for Irrigation Water Management Plan:

- All liquid animal waste byproducts (manure) shall be analyzed by a WDATCP certified lab prior to any application to determine limiting nutrient. (Nitrogen or Phosphorus).
- The system may not under any condition, deliver any limiting nutrient (N-P) in excess of the crop identified in the nutrient management plan for any given year.
- No end guns are allowed on any proposed center pivot irrigation system.
- Only low pressure nozzles on drop tubes are to be used to reduce odor and drift.
- Drop tubes shall be as close to ground surface as practicable.
- Droplet size must be greater than 200 µm mean diameter to minimize aerosolization and drift.
- Applications are limited from late morning through early afternoon as odors disperse better when temperatures are rising.
- Monitor Wind Conditions - Shut down pivot system when wind direction can impact neighbors.
- Must follow NR 445 Standards - Hazardous Air Pollutants.
- No more than 10,000 gallons per acre day may occur.
- Assure no runoff or ponding occurs during application period and 24 hours after application has been completed.
- The Center Pivot Irrigation area may not include any floodplain (NR 116), wetland, surface water quality management area or direct conduits to groundwater (NR 243).
- All applications will only occur during period when biological processes are most active in the soil; June through late August.
- The system shall not be run the day of or day after a rain event or until the soils are not considered saturated, as defined in NR 243.
- An Emergency Response Plan shall be included with the application.
- Groundwater Monitoring Wells shall be installed.

NOTE: The Planning and Zoning Committee may add additional conditions or restrictions on a case-by-case basis regarding limitations, monitoring and/or operations.

Application (continued)

12. Other Laws

The following laws, among others, may apply to the operation of an Irrigation system for application of Animal waste byproducts.

Local approval of this application is NOT based on these laws. However, violations may have other legal consequences:

- Soil conservation and nonpoint pollution laws (contact the land conservation department). Livestock facilities that have 500 or more animal units must follow the DATCP 51 approval process. Livestock facilities that have 1000 or more animal units or that discharge pollutants directly to waters of the state, must also obtain a WPDES permit from DNR.
- Local erosion control and storm water management ordinances.
- Construction site erosion control laws administered by County
- Rock County Animal Waste Management Ordinance.
- Pesticide and agricultural chemical laws administered by DATCP.
- Animal disease control laws administered by DATCP.
- Vehicle weight limits and state prohibitions against spilling waste on roads.
- Food safety and animal health licenses administered by DATCP. All livestock operations must register, and some (such as dairy farms) must hold a state license.
- Air pollution control regulations administered by DNR.
- Building, electrical, plumbing and sanitation codes administered by the Wisconsin Department of Commerce. A local authority may disapprove a proposed livestock facility that violates a conforming local code.
- Petroleum storage laws administered by the Wisconsin Department of Commerce.
- High capacity well regulations administered by DNR.

Authorized Signature:

I certify that the information contained in this application (including worksheets and all attachments) is complete and accurate to the best of my knowledge.

Signature of Applicant or Authorized Representative

Date

Print Name

Title

Application (continued)	
For Office Use Only:	
Application #:	
Date Application Received:	
Date Completeness Determined:	
Date Notice Sent to Applicant:	
Date Notice Sent to Adjacent Landowners:	
Decision Date:	
Approved or Disapproved:	
Date Appeal Filed (if any):	
OTHER INFORMATION:	

Continued from item 8

Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #

Town # T- -N	Range # R - -E	Section #	¼ Section #	

Instructions: Use this worksheet to determine the number of animal units for which you request approval. You may request approval for a number that is large enough to accommodate current and potential future expansions. If the town approves the requested number of animal units, that is the maximum number that you may keep for 90 days or more in any 12-month period. You may not exceed that number without additional approval(s).

To complete this worksheet:

1. Identify each type of livestock that you might keep at the proposed facility. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12-month period.
2. Multiply the number of animals of each type by the relevant Animal Unit Factor to obtain animal units of each type.
3. Sum the animal units for all livestock types to obtain the Total Animal Units for which you request approval.

	Livestock Type	Animal Unit Factor	Animal Units For Proposed Facility		
DAIRY CATTLE	Milking and Dry Cows	1.4	1.4 X	=	
	Heifers (800 lbs. to 1200 lbs.)	1.1	1.1 X	=	
	Heifers (400 lbs. to 800 lbs.)	0.6	0.6 X	=	
	Calves (up to 400 lbs.)	0.2	0.2 X	=	
BEEF	Steers or Cows (600 lbs. to market)	1.0	1.0 X	=	
	Calves (less than 600 lbs.)	0.5	0.5 X	=	
	Bulls(each)	1.4	1.4 X	=	
SWINE	Pigs (55 lbs. to market)	0.4	0.4 X	=	
	Pigs (up to 55 lbs.)	0.1	0.1 X	=	
	Sows (each)	0.4	0.4 X	=	
	Boars (each)	0.5	0.5 X	=	
POULTRY	Layers (each)	0.01	0.01 X	=	
	Broilers (each)	0.005	0.005X	=	
	Broilers – continuous overflow watering	0.01	0.1 X	=	
	Layers or Broilers - liquid manure system	0.033	0.033 X	=	
	Ducks – wet lot (each)	0.2	0.2 X	=	
	Ducks - dry lot (each)	0.01	0.01 X	=	
	Turkeys (each)	0.018	0.018 X	=	
SHEEP (each)		0.1	0.1X	=	
GOATS (each)		0.1	0.1X	=	
Total Number of Animal Units for this application			=		

APPENDIX D

WORKSHEET 1 – ANIMAL UNITS

APPENDIX E
WORKSHEET 1A – ANIMALS

Instructions: Use this worksheet to determine the number of animals for which you request approval. You may request approval for a number that is large enough to accommodate current and potential future expansions. If the town approves the requested number of animals that is the maximum number that you may keep for 90 days or more in any 12-month period. You may not exceed that number without additional approval(s).

To complete this worksheet:

1. Identify each type of animals that you might keep at the proposed farm. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12-month period.
2. Sum the animals for all types to obtain the Total Animals for which you request approval.

ANIMALS		Total Animals Proposed	
EQUINE	HORSES	1.0	X =
	PONIES	1.0	X =
	DONKEY	1.0	X =
	MULE	1.0	X =
CAMELIDS	CAMEL	1.0	X =
	ALPACA	1.0	X =
	LLAMA	1.0	X =
BISON	BUFFALO	1.0	X =
	YAK	1.0	X =
CERVIDAE	DEER	1.0	X =
	ELK	1.0	X =
	REINDEER	1.0	X =
CAPTIVE GAME BIRDS	PHEASANTS	1.0	X =
	PARTRIDGES	1.0	X =
	QUAILS	1.0	X =
FUR BEARING ANIMALS	FOX	1.0	X =
	MINK	1.0	X =
	RABBITS	1.0	X =
	OTHER	1.0	X =
RATITES (Flightless Birds)	OSTRICH	1.0	X =
	EMU	1.0	X =
	OTHER	1.0	X =
OTHER ANIMALS NOT LISTS (please describe)		1.0	X =
TOTAL NUMBER OF ANIMALS		=	

**APPENDIX F -
WORKSHEET 2 - Nutrient Management (590)**

Name of Qualified Planner:	Planners Business Name, Address and Phone #:	
Check Qualifications: <input type="checkbox"/> 1. NAICC-CPCC <input type="checkbox"/> 2. ASA-CCA <input type="checkbox"/> 3. ASA – Professional Agronomist <input type="checkbox"/> 4. SSSA – Soil Scientist <input type="checkbox"/> 5. DATCP – Approved - Course <input type="checkbox"/> 6 Other DACTP approved credentials:	Cropland Areas Owned included:	Name of Farm Operator:
	Rented Farm Acres included: Landowner Names and Acreage;	

Use the following checklist as guidance to review and certify 590 nutrient management plans. An electronic copy of the SNAP+ database (where available) shall be submitted upon request to facilitate completion of the plan review.

The following SNAP+ reports (where available) shall be submitted with the 590 checklist: Compliance Check, Field Crop Report, Field Data and 590 Assessment, Manure tracking (where applicable).

Signed Checklist Present:	
	Current version of the 590 checklist signed by a qualified nutrient management planner. Current checklist link below: http://datcp.wi.gov/Farms/Nutrient_Management/Planning/index.aspx
Planner Credentials:	
	Planner signing the checklist has been verified as a “qualified” 590 Nutrient Management Planner (circle the applicable credential). Professional Agronomist (CCA, ARPACS), NRCS Certified Conservation Planner, Farmer Training Graduate, OTHER (approved by ARC/State Agronomist).
Eligible Acreage Criteria:	
	Cross-reference 590 plan fields/acreage with the NRCS contracted tract(s)/fields. The financial assistance payment is limited to the total acres verified to meet the 590 practice standard and the smaller of: The total acreage reported by the planner _____ Acres or The total acreage by tract(s) contracted _____ Acres.
Plan Narrative Criteria – Verify the following:	
	The plan contains a detailed introductory narrative describing implementation of the nutrient management plan on the overall farm operation. The narrative shall include a summary of crops by total acres grown, typical crop rotation(s), tillage practices by crop and a summary of any nutrient sources applied other than commercial fertilizer. For livestock farms the livestock type, number, size classes, typical manure land application schedule and application method shall be addressed.
	The narrative addresses planning factors that may affect nutrient recommendations such as prior year drought, premature hay death, emergency winter application of manure or failure of an initial crop planting due to flooding, crusting etc
	The use of a single Phosphorus management strategy: (Circle one) <div style="display: flex; justify-content: space-around;"> Phosphorus Index Soil Test Phosphorus </div>

	Deficiencies in the plan and known by the planner were documented in the narrative and a strategy provided to address the deficiency during the development of the next annual plan update.
Soil Test Criteria – Verify the following:	
	The soil tests were conducted by a DATCP certified lab.
	A minimum of one composite soil sample per 5 acres.
Nutrient Management (590) checklist	
	The soil test analysis was conducted within the last 4 years. Note: For initial plans, soil test print-outs from the lab shall be included.
Where Gleaning/Pasturing of Livestock Occurs – Verify the following:	
	When nutrients are mechanically applied the rate, timing and form is recorded in the nutrient management plan, based on soil test recommendations and complies with the 590 practice standard.
	When nutrients are deposited by grazing animals an estimate of nutrients deposited as manure within a field are credited and do not exceed N and P requirements for the crop. The 590 plan shall include an assessment of animal units per acre, over the entire grazing season. Pastures stocked at greater than 1 AU/acre must have a nutrient management plan and a calculated PI. The location of feeding areas and the duration of feeding on each site must be documented in the plan.
Plant Tissue Analysis Criteria - Verify the following:	
	DATCP approved laboratory used.
	Nutrient application recommendations (rate, timing, form) were based on a UW recommendation for the plant tissue analysis results. When UW recommendations are not available cite the basis for the nutrient application recommendation.
	The actual nutrient applications were done according to the tissue analysis recommendation.
Crop Management and Nutrient Application Criteria for Each Field – Verify the following:	
	Documentation of current and prior year crops and projected yield goals per crop. Planned yield goals substantially above regional averages must be supported by prior year yield data.
	The presence of a record of planned nutrient application recommendations and documentation of an “actual” applied rate for all major nutrients by form and source.
	Lime applications are planned to maintain soil pH within the range for optimal nutrient uptake for the most PH sensitive crop in the rotation OR the narrative documents that client has decided that liming to achieve optimum pH is not desired
	Potassium (K) nutrient applications are planned to maintain levels in the optimum range OR the plan narrative documents that the client has decided fertilizing to achieve optimum K levels is not desired.
Nitrogen (N) application rates (select all applicable responses below): – Verify the following:	
	The agronomical predominant soil map unit was selected to reflect the relative productivity of the entire field.
	N starter fertilizer applied at rates greater than 20lbs./ac. for corn or 40lbs./ac. potatoes was included in the total N annual recommendation.
	N application rates did not exceed the N requirements of the crop to be grown by more than 20% when legumes, manures or other organic sources are used to meet the entire N requirements of the crop
	When commercial or a combination of commercial plus organic sources of N are applied the total N applied did not exceed the annual N requirements of non-legume or legume crops based on the guidelines outlined in UW Publication A-2809 <i>Nutrient Application Guidelines for Field, Vegetable, and Fruit Crops in Wisconsin—Chapter 6</i> .
	Supplemental in-season N applications during the growing season in excess of the UW recommendation were based on pre-side dress soil nitrate test, tissue analysis or OTHER documentation.
	The appropriate legume credits were applied to the Nitrogen recommendations.
Phosphorous Management Strategy Criteria	

	Identify fields that have soil test P levels in the “non-responsive” range for the highest P demanding crop in the rotation and verify that commercial P fertilizer applications were limited to 20 lbs/ac. of P205 starter fertilizer annually for corn or UW starter fertilizer recommendations for other crops.
Nutrient Management (590) checklist	
	Verify the following where a Phosphorous Index P management strategy has been adopted (select the appropriate response below): <input type="checkbox"/> The PI calculated by SNAP+ does not exceed 6 (or a lower value established as the plan target). <input type="checkbox"/> The field slope, slope below the field and distance to surface water used to calculate the PI have been reviewed and verified as valid (remote sensing or in field verification).
	Verify the following when the Soil test P strategy is used: <input type="checkbox"/> Less than 50 ppm soil test P - nutrient application rates does not exceed the total P corrective fertilizer r recommendation for the crop rotation and the N needs of the following crop or the N removal for the following legume crop. <input type="checkbox"/> 50-100 ppm soil test P - P application does not exceed the total crop P removal for crops to be grown over the rotation (maximum length of 8 years). <input type="checkbox"/> Greater than 100 ppm soil test P - no P applications, unless required by the highest P demanding crop in the rotation. When P applications occur, the application rate shall be 25% less than the cumulative annual crop removal over the planned rotation (maximum length of 8 years). <input type="checkbox"/> For land with potatoes in the rotation, total P applications shall not exceed crop removal over a maximum rotation length of 8 years when soil tests are in the optimum, high, or excessively high range for potatoes.
Manure Management Criteria – Verify the following:	
	Organic nutrient sources other than manure applied to fields were analyzed for nutrient content and properly credited in the plan.
	Liquid manure applied within a Surface Water Quality Management Area on non-frozen soils does not exceed the soil infiltration rate based on soil surface texture class and surface residue cover per field.
	Documentation of the manure type (solid/slurry/liquid), nutrient analysis results by source as applied, application methods, rates, locations, timing and method of incorporation are documented for livestock operations.
	First year available manure nutrient credits were appropriately applied to crop nutrient recommendations based on manure analysis by an approved DATCP lab. (UW approved book values may be used for development of an initial plan).
	Calibration of manure/organic nutrient source application equipment is documented in the plan.
	An estimate of the quantity of manure generated annually is included in the plan and that estimates of manure production and application volumes are relatively comparable. Significant differences or removal of manure from the farm not documented in the land application plan shall be addressed in the plan narrative
Soil Erosion Control Criteria – Verify the following	
	Concentrated flow channels are vegetated. A review of aerial photos, soil and topographic maps shall be conducted to determine areas where concentrated flow channels are likely to occur.
	Soil loss estimates for the “entire declared” rotation for each field are at tolerable levels or below for the dominant critical erosion planning soil map unit. Documentation shall include computation results utilizing SNAP + /RUSLE2 or WEPS planning tools. Review the tillage and residue management by crop to validate the soil loss calculation.
Plan Map Criteria	
	Field boundaries for crop field maps, nutrient application restriction maps and soil maps shall be clearly defined and consistent between maps. Field acreage and field identification number shall be clearly labeled and consistent. A map key explaining symbols, coloration or other features displayed on the maps shall be included.
	Verify that a cross reference list is provided when soil test record and/or nutrient management plan map field numbers do not match the NRCS conservation plan and/or Financial Assistance contract maps.

	Restriction maps shall clearly identify sensitive features including Surface Water Quality Management Areas, wells, highly permeable soils, high water table soils, shallow soils over bedrock, concentrated flow channels, slopes with winter spreading restrictions, non-farmed wetlands, direct conduits to groundwater (sinkholes, non-metallic mines, tile inlets).
Nutrient Management (590) checklist	
General Nutrient Management Restrictions/Prohibitions	
	<p>Verify that the following general nutrient application restrictions/prohibitions were addressed when writing the plan and identified on a reference map to prevent inappropriate application of nutrients (select ALL that apply):</p> <p><input type="checkbox"/> Fields exceeding tolerable soil loss (T)</p> <p><input type="checkbox"/> Surface water, established concentrated flow channels, non-harvested permanent vegetative buffers, non-farmed wetlands, sinkholes, nonmetallic mines and wells.</p>
	<p><input type="checkbox"/> Manure applications within 50 feet of a potable drinking water well</p> <p><input type="checkbox"/> Areas contributing runoff within 200 feet upslope of direct conduits to groundwater such as a well, sinkhole, fractured bedrock at the surface, tile inlet, or nonmetallic mine (nutrients applied within these areas must be effectively incorporated within 72 hours).</p> <p><input type="checkbox"/> Land where vegetation is not removed mechanically or by grazing (except to provide nutrients for establishment and maintenance).</p>
Frozen or Snow-covered Soils Nutrient Application Restrictions:	
	Rates did not exceed the P removal of the following growing season's crop when manure was applied or 7,000 gallons per acre when liquid manure was applied.
	No commercial nutrients applied on slopes greater than 9%. Manure application is allowed on slopes up to 12% if the field is contoured or contour strip cropped. Restriction Map required.
	Nutrients were not applied within a Surface Water Quality Management Area or to locally identified areas as contributing nutrients to direct conduits to groundwater or surface water as a result of runoff. Restriction Map required.
	No commercial N or P sources applied except to pastures or winter grains. The pasture/winter grain exclusion DOES NOT apply to areas covered by additional site specific nutrient application restrictions (SWQMA/direct conduit to groundwater).
	<p>Verify nutrient application on non-frozen soil within a Surface Water Quality Management Area includes at least one of the following supporting practices (select ALL that apply):</p> <p><input type="checkbox"/> Established vegetative buffers</p> <p><input type="checkbox"/> 30% or more residue or vegetative cover</p> <p><input type="checkbox"/> Nutrients are incorporated within 72 hours</p> <p><input type="checkbox"/> Cover crop applied</p>
	Areas With an Identified Risk of Delivery of Nutrients to Groundwater (high permeability soils, soils with < 20 inches to bedrock, soils with <12 inches to apparent water table, fields within 1000 feet of a municipal well.
Restriction Map required.	
	<p>Verify on irrigated fields the use of ONE of the following management strategies:</p> <p><input type="checkbox"/> Split or delay N application to apply a majority of crop N requirement after crop establishment.</p> <p><input type="checkbox"/> On irrigated fields use a nitrification inhibitor with ammonium forms of N was used.</p>
	Verify no fall commercial N sources applied except for establishment of fall seeded crops. The fall seeded crop exclusion DOES NOT apply to areas covered by additional site specific nutrient application restrictions. Allowed commercial nutrient applications shall be restricted to 30 lbs./ac. of available N per acre. NOTE: Sources of Nitrogen that are associated with a corrective application of commercial Phosphorous fertilizer (MAP/DAP) are exempted from this requirement if; the Phosphorus application rate is done according to a current soil test and the planner verifies in the plan narrative that NON- ammonium based Phosphorus fertilizer formulations were

	unavailable). All fall nitrogen fertilizer applications MUST be credited toward the following years crop requirement.
--	--

Nutrient Management (590) checklist	
	<p>Verify when manure is applied in late summer or fall to meet the fertility needs of next year's crop and soil temperatures are greater than 50 degrees F, ONE of the following strategies was implemented:</p> <p><input type="checkbox"/> Nitrification inhibitor with liquid manure and a maximum N rate of 120 pounds available N per acre was applied.</p> <p><input type="checkbox"/> Applications of manure occurred after September 15 and a maximum available N rate of 90 pounds per acre was applied.</p> <p><input type="checkbox"/> Fields with perennial crops or fall-seeded crops and a maximum N application rate of 120 pounds of available N per acre or the crop N requirement, whichever is less was applied.</p>
	<p>Verify when manure is applied in the fall when soil temperatures are 50 degrees F or less, no more than 120 pounds per acre of available N or the crop N requirement of the following year crop, whichever is less, was applied.</p>
<p>Authorized Signature: I certify that the 590 Nutrient Management plan has been developed and implemented or will be implemented in accordance with the criteria of the 590 Nutrient Management standard, the technical note guidance and meets the documentation requirements in this checklist.</p>	
<p>_____ Signature of Applicant or Authorized Representative</p>	
<p>_____ Date</p>	

**APPENDIX F -
WORKSHEET 2 - Nutrient Management (590)**

Attach a Completed Nutrient Management Plan and a Nutrient Management Plan Checklist to application if applicable.

Current version of the 590 checklist signed by a qualified nutrient management planner. Current checklist link: http://datcp.wi.gov/Farms/Nutrient_Management/Planning/index.aspx

Current version of the 590 standard and technical note link: <http://www.snapplus.net/standard.php>

Authorized Signature:

I certify that the 590 Nutrient Management plan has been developed and implemented or will be implemented in accordance with the criteria of the 590 Nutrient Management standard, the technical note guidance and meets the documentation requirements in the checklist.

Signature of Applicant or Authorized Representative

Date

Instructions: This worksheet must be signed by a registered professional engineer or certified agricultural engineering practitioner. This worksheet must identify every waste storage facility in the proposed livestock facility (including storage structures and transfer systems).

You are NOT required to complete this worksheet if you already hold a WPDES permit for the proposed livestock facility (for the same or greater number of animal units). Simply check the following box, sign at the bottom of this page, and include a copy of the WPDES permit with your application.

☐ I have enclosed a copy of my WPDES permit in place of Worksheet 2

New or Substantially Altered Facilities: Design specifications for the following new or substantially altered waste storage facilities must comply with the **Rock County Animal Waste Storage Ordinance**. Applications for a permit under this ordinance maybe obtained from the Rock County Land Conservation Department. [Identify each facility and attach design specifications for each facility.]

Existing Facilities Retained: The following waste storage facilities will continue in use without being altered. Each facility meets one of the following:

- ☐ The facility (list each facility) was constructed in accordance with the Rock County Animal Waste Storage Ordinance and shows no apparent signs of structural failure or significant leakage.
- ☐ The facility (list each facility) was constructed prior to 2001 (adoption of the Rock County Animal Waste Storage Ordinance) and in accordance with NRCS technical standards that existed at the time of construction, is in good condition and repair and shows no apparent signs of structural failure or significant leakage.
- ☐ The facility (list each facility) was constructed prior to 2001 (adoption of the Rock County Animal Waste Storage Ordinance) and not in accordance with NRCS technical standards that existed at the time of construction, a plan to update the facility, in accordance with the Rock County Animal Waste Management Ordinance is attached to the application.

Facilities To Be Abandoned: The existing waste storage facility(s) will be closed according to a closure plan that complies with the **Rock County Animal Waste Storage Ordinance**. [Attach closure plan for each facility.]

Total Storage Capacity: The waste storage facilities in the proposed livestock facility have a combined useable storage capacity of _____ gallons or tons (cannot include required “freeboard” in useable capacity).

Signatures:

Print Name of Engineer (include WI License No.) or Certified Agricultural Engineering Practitioner

Signature of Engineer or Practitioner

Date

Name of Firm and Address

APPENDIX G

WORKSHEET 3 – ANIMAL WASTE STORAGE FACILITIES

APPENDIX H

WORKSHEET 4 – RUNOFF MANAGEMENT

Instructions: This worksheet must be signed by a registered professional engineer or certified agricultural engineering practitioner (you must also sign). Signers attest to statements in this worksheet. You are responsible for compliance.

You are NOT required to complete this worksheet if you already hold a WPDES permit for the proposed livestock facility (for the same or greater number of animal units). Simply check the following box, sign at the bottom of this page, and include a copy of the WPDES permit with your application.

☐ Enclosed is a copy of my WPDES permit in place of Worksheet 5.

ANIMAL LOTS

1. New or Substantially Altered Animal Lots: All new or substantially altered animal lots will be constructed according to the attached design specifications that comply with NRCS Technical Guide Standard 635 (January, 2002). [Identify animal lots and attach design specifications for each animal lot.]

2. Existing Animal Lots Near Surface Waters: The following animal lots are located within 300 feet of a stream or 1,000 feet of a lake. According to the BARNY runoff model, each of these animal lots has (or with minor alterations will have) predicted average annual phosphorus runoff of less than 5 lbs. per year (measured at the end of the treatment area). Runoff does not discharge to any direct conduit to groundwater. [Identify animal lots and minor alterations if any.]

3. Other Existing Animal Lots: The following animal lots are NOT located within 300 feet of a stream² or 1,000 feet of a lake. According to the BARNY runoff model, each animal lot has (or with minor alterations³ will have), a treatment area that reduces phosphorus runoff to an average of less than 15 lbs. per year (measured at the end of the treatment area). Runoff does not discharge to any direct conduit to groundwater. [Identify animal lots and minor alterations if any.]

FEED STORAGE

1. General. The operator agrees to manage feed storage to prevent significant discharge of leachate or polluted runoff to waters of the state.

2. Existing Feed Storage (High Moisture Feed). Existing paved areas and bunkers that may be used to store or handle high moisture feed (70% or higher moisture content) will meet the following standards:

- Surface water runoff will be diverted from entering the paved area or bunker. ⁴
- Surface discharge of leachate will be collected before it leaves any paved area or bunker, if the paved area covers more than one acre. Collected leachate will be stored and disposed of in a manner that prevents discharge to waters of the state.

3. New or Substantially Altered Feed Storage Structures (High Moisture Feed): New or substantially altered feed storage structures (buildings, silos, bunkers or paved areas) used to store or handle high moisture feed (70% or higher moisture content) will be designed, constructed and maintained to the following standards [attach design specifications]:

- Surface water runoff will be diverted from entering the feed storage structure. ¹
- Surface discharge of leachate will be collected before it leaves the feed storage structure. ²
- The top of the feed storage structure floor will be at least 3 vertical feet from groundwater and bedrock. ³
- Any feed storage structure with an area greater than 10,000 sq. ft. will have a subsurface drainage system

to collect leachate that may leak through the structure floor. The subsurface drainage system must consist of drainfill material below the surface material, a tile drainage network designed to collect the leachate and deliver it to storage, and a subliner. The tile drainage network must, at a minimum, be installed at the perimeter of the structure only on the down gradient side(s). The sub-liner must, at a minimum, consist of one of the following:

Worksheet 4 - Continued

- Two feet of soil, either in place or installed, having a minimum of 50% fine soil particles (that pass a #200 soil sieve).
 - Two feet of soil, either in place or installed, having a minimum of 30% fine soil particles (that pass a #200 soil sieve) and a minimum PI (plasticity index) of 7.
 - A 40 mil liner of HDPE, EPDM or PVC.
 - A geosynthetic clay liner.
- e) Collected leachate will be stored and disposed of in a manner that prevents discharge to waters of the state. 2

PROHIBITION STANDARDS

The livestock facility will be designed, constructed and maintained to do all of the following:

1. Divert runoff from contact with animal lots, waste storage facilities, paved feed storage areas or manure piles within 300 ft. of a stream or 1,000 ft. of a lake.
2. No unconfined manure pile (>175 cu. ft) within 300 ft. of a stream or 1,000 ft. of a lake.
3. Prevent any overflow of waste storage facilities.
4. Restrict livestock access to waters of the state, as necessary to maintain adequate vegetative cover on banks adjoining the water (this does not apply to properly designed, installed and maintained livestock or farm equipment crossings).

Professional
Engineer's
Embossed
Seal

Signature of Applicant or Authorized Representative

Date

Print Name of Engineer (include WI License No.) or Certified Practitioner

Signature of Engineer or Practitioner

Date

Name of Firm and Address

1 Runoff may be diverted by means of earthen diversions, curbs, walls, gutters, waterways or other practices, as appropriate.

2 Use safe methods to dispose of collected leachate. For example, leachate may be transferred to waste storage and then applied to land at agronomic rates.

3 A tile system or curtain drain may be used to intercept lateral groundwater seepage, as necessary, to achieve the required distance to groundwater.

APPENDIX I

LIVESTOCK FACILITIES FEE SCHEDULE

Animal Units	Permit Fee	Public Hearing Fee
>10 - 49	\$	
50 -149	\$	
150 - 499	\$	
500 - 999	\$1,000.00 (max)	NA
>1000	\$1,000.00 (max)	NA