

# **Zoning Ordinance**

**Town of Chilton  
Calumet County, WI**

**Adopted February 7, 2012  
Amended November 10th 2021**

Town of Chilton Zoning Ordinance  
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**TOWN OF CHILTON,  
CALUMET COUNTY, WISCONSIN  
CHAPTER 24  
ZONING ORDINANCE**

**Section 24.100 Statutory Authority and Purpose**

**24.101 AUTHORITY**

In accordance with the authority granted by Sections 60.61, 60.62, 61.35, 62.23, 91, and 295.14 of the Wisconsin Statutes and for the purpose listed in Section 62.23 (7)(c) of the Wisconsin Statutes, the Town Board of Chilton, Calumet County, Wisconsin, does hereby ordain these zoning regulations

**24.102 PURPOSE**

The purpose of this Ordinance is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Town; to aid in implementing the Town of Chilton Comprehensive Plan, to regulate and restrict the height, number of stories and size of yards, the density of population, location and use of buildings, structures and land for agriculture, trade, industry, residence or other purposes; encourage the protection, preservation, conservation and wise use of the Town's natural resources; encourage compatibility between different land uses, and for said purposes to divide the Town into districts of such number, shape and area as are deemed best suited to carry out the said purposes. The intention of the Ordinance is to establish reasonable standards of design and procedures for the administration and enforcement with pre-established penalties for violations.

**24.103 COMPLIANCE**

No land shall hereafter be used; and no structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without being in full compliance with the provisions of this ordinance. Existing conditions that exist prior to the establishment of this Ordinance dated 2/27/2012 are considered acceptable as long as they can be duly noted. New developments after the establishment of this Ordinance must be in compliance with the conditions as stated within this Ordinance.

**24.104 ABROGATION AND GREATER RESTRICTIONS**

It is not the intent of this Ordinance to repeal, impair, or interfere with any existing private covenants or public ordinances, except that the Ordinance shall apply whenever it imposes more severe restrictions on land use.

**24.105 INTERPRETATION**

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

**24.106 TITLE**

This Ordinance shall be known as and may be cited as the "Zoning Ordinance, Town of Chilton, Calumet County, Wisconsin."

**24.107 – 24.199 RESERVED**

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## Section 24.200 Definitions

### 24.201 GENERAL DEFINITIONS

For the purposes of this ordinance, certain words and terms are defined as follows. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be presumed to be interpreted by their customary dictionary definitions.

### 24.202 SPECIFIC WORDS AND PHRASES

**Abandonment of Nonmetallic Mining Operations.** The cessation of nonmetallic mining operations for more than 365 consecutive days where the cessation is not specifically set forth in an operator's application, operation or reclamation plan or permit, or is not specifically approved by the Planning, Zoning and Farmland Preservation Committee upon written request. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.

**Accessory Building.** A building or portion of a building subordinate to the main building but not a part of the main building and used for a purpose customarily incidental to the permitted use of the main building. Any minor structure with a door, walls, and roof shall be considered an accessory building.

**Adult-Oriented Establishment.** Shall have the meaning given in the Town of Chilton Adult-Oriented Establishment Ordinance. Adult Cabaret or Sexually Orientated Business.

**Alley.** A road or thoroughfare affording only secondary access to abutting property.

**Antenna.** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel), or parabolic antenna (disc).

**Base Farm Tract.**

1. All land, whether one parcel or two or more contiguous parcels, that is in the farmland preservation zoning district and that is part of a single farm as of the date of the adoption of this ordinance, regardless of any subsequent changes in the size of the farm.
2. Any other tract that DATCP by rule defines as a base farm tract.

**Basement.** That portion of any structure located partly below the average lot grade.

**Bed and breakfast establishments.** Meeting the applicable provisions of s. 91.01(1)(d)

**Boathouse.** A permanent structure used exclusively for the storage of watercraft and associated materials and includes all structures, which are totally enclosed, have roofs or walls or any combination of these structural parts.



**Building.** Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals or property. When separated by division walls without openings, each portion of such building, so separated shall be deemed a separated building.

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

**Buildable Area of a Lot.** That part of the lot bounded by the required building setback from the front, side, and rear yard line.

**Building Height.** The vertical distance from the top of the building roof to the average elevation at the finished grade at the building line.

**Co-Location.** The location of more than one antenna or set of antennas on the same tower structure.

**Conditional Use.** A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Conditional Use as applied is synonymous with past terms such as special exception or special use.

**Common Ownership.** Ownership by the same person or persons, or by a legal business entity that is wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

**Contiguous.** Adjacent to or sharing a common boundary. This includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are considered "contiguous" if they meet only at a single point.

**DATCP.** An abbreviation for the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

**Deck.** An exterior appendage to a building forming an approach, whether covered or not, and having a floor. For purposes of this ordinance, a deck shall be considered a part of the structure to which it is adjacent and shall comply with all provisions relative to that structure. Any freestanding deck shall be considered an accessory structure.

**Density.** A number of units in a given land area.

**Detached Structure.** A structure surrounded by an open space on the same lot.

**District, Basic.** A part or parts of the Town for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

**District, Overlay.** Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements

of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

**Dwelling Unit.** A building or portion thereof which provides or is intended to provide living quarters exclusively for one family. A duplex shall be considered one dwelling unit for purposes of density calculations only.

**Dwelling, Single-Family.** A detached building designed for or occupied exclusively by one family.

**Dwelling, Two-Family.** A detached building containing two dwelling units, designed for occupancy by not more than one family per dwelling unit.

**Expanded Livestock Facility.** Means the entire livestock facility that is created by the expansion, after May 1, 2006. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

**Expansion - Livestock Facility.** Means 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 livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

**Family.** A group of persons related by blood, marriage, or adoption and living together as a single housekeeping entity.

**Family Day Care Home.** A dwelling unit where supervision and care and/or instruction for more than 4 children under the age of 7 is provided for periods of less than 24 hours per day, and which is licensed by the Wisconsin Department of Children and Families.

**Farmland Preservation Plan.** A plan for the preservation of farmland in a county, including an agricultural preservation plan (the purposes of the farmland preservation program are to preserve agricultural lands, to promote soil and water conservation, to promote orderly land use planning and development, and to provide tax credits for owners of farmland covered by the program.) under subchapter. II of Chapter 91, 2016 Wis. Stat. and Chapter ATCP 49.

**Farm.** A parcel of land, or a collection of 2 or more contiguous parcels of land, which meets all of the following conditions:

1. All of the land is under common ownership.
2. More than half of the entire land area is assigned for property tax purposes to one or more of the following use classifications as defined by the Wisconsin Department of Revenue pursuant to s. 70.32(2)(a), Wis. Stats: (assessor, shall segregate into the following classes on the basis of use and set down separately in proper columns the values of land, exclusive of improvements in classes 1-7)
  - a. Agricultural land (class 4)
  - b. Agricultural forest (class 5m)
  - c. Productive forest (class 6)

**Farm Acreage.** For the purposes of 24.310(D)(2), acreage that is part of a farm, except that farm acreage does not include any nonfarm residential acreage.

**Farmland Preservation Zoning District.** Any of the following:

1. An area zoned for Exclusive Agricultural use under an ordinance described in Wis. Stat. 91.32. (Farmland Preservation certified ordinance)
2. A farmland preservation zoning district designated under Wis. Stat. 91.38 (1) (c) (requirements for certification in an ordinance described in Wis. Stat. 91.32 (2)).

**Farm Residence** means 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.
    - a. A parent or child of an owner or operator of the farm.
    - b. An individual who earns more than 50 percent of his or her gross income from the farm.
  2. A migrant labor camp that is certified under s.103.92 Wis. Stats.

**Fence.** A barrier intended to prevent escape or intrusion, or to mark a boundary. A fence does not include a railing serving a deck, porch, balcony, or similar items.

**Fence, Open.** A fence whose entire length is equal to or not greater than 50% opaque and whose individual elements or sections are also equal to or not greater than 50% opaque.

**Fence, Closed.** A fence whose entire length is more than 50% opaque and whose individual elements or sections are also greater than 50% opaque.

**Findings of Fact.** The facts that support and give credence to the recommendation on an amendment to the Zoning Ordinance made by the Plan Commission to the Town Board and the action taken by the Town Board.

**Floor Area.** The total area bounded by the exterior walls of a building at the floor level usable as living quarters, but not including unfinished basements, garages, porches, breezeways, and unfinished attics.

**Fresnel Zone:** A number of concentric ellipsoids of revolution, which define volumes in the radiation pattern of a (usually) circular aperture. Fresnel zones result from diffraction by the circular aperture. The cross section of the first Fresnel zone is circular. Subsequent Fresnel zones are annular in cross section, and concentric with the first. A Fresnel zone is created in a microwave radio path.

**Frontage.** The portion of a lot abutting a road measured along the road line.

**Game Management.** Is a term that refers to the management of wildlife in the hunting context.

**Garage, Private.** Any accessory building or space for which the primary use is or is designed to be for the storage of motor vehicles.

**Garage, Public.** Any building or premises, other than a private garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

**Gross Farm Revenue.** Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. It includes receipts accruing to a renter, but does not include rent paid to the landowner.

**Height.** The distance measured from the original grade at the base of the tower to the highest point of the tower.

**Hobby Farm.** A non-commercial farm operation with a limited number of animals and agricultural crop production, the income from which is incidental to the total household income.

**Home Business.** A gainful occupation conducted by conducted by members of the family and no more than two non-family members only within the residence or an accessory building where the space used is incidental to the residential use and no article is sold or offered for sale except such as is produced by such home business.

**Home Occupation.** A gainful occupation conducted by members of the family only within their place of residence where the space used is incidental to the residential use and no article is sold or offered for sale except such as is produced by such home occupation. No home occupation shall occupy more than 25% of the floor area of a dwelling or be conducted in any accessory building.

**Hotel-Motel.** A building in which lodging, with or without meals, is offered to transient guests for compensation.

**Junk or Salvage Yard.** An area consisting of buildings, structures, or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, the purchase or storage of used furniture and household equipment, house wrecking and structural steel materials and equipment yards, but not including used cars in operable condition.

**Lattice (Self-Support) Tower.** A tower that consists of vertical and horizontal supports and crossed metal braces, void of guy wires for stability.

**Livestock.**

1. For use in determining compliance with Wis. Stat. Chapter 91 Farmland Preservation, livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
2. For use in determining compliance with Wis. Admin. Code ACTP 51 Livestock Facility Siting, livestock means domestic animals traditionally used in Wisconsin in the production of food, fiber or other animal products. "Livestock" includes cattle, swine poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

**Livestock Facility.** Means 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 of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate “livestock facility.”

**Livestock Structure.** Means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. “Livestock structure” includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

**Lot.** For the purposes of this ordinance a lot shall be defined as a parcel of land on which a principal building or use and its accessory building or use are placed together with the required open spaces; provided that no such parcel shall be bisected by the public road, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for road purposes shall be included in the computation of lot size for the purposes of this ordinance.

**Lot Line, Front.** The lot line that fronts on the right-of-way line for a public or private road.

**Lot Width.** The distance between side lines of the lot measured at the front yard setback line.

**Maintenance.** Any work necessary to continue present use and upkeep of structure. If work involves replacement of materials, new material must be of comparable substance, style, use and proportional value as that being replaced.

**Manufactured Home.** A dwelling structure or component thereof fabricated in an offsite manufacturing facility for installation or assembly at the building site which is certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:

1. Is set on an enclosed continuous foundation in accordance with s. 70.43(i), Wis. Stats., and COMM 21, Subchapters 111, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
2. Is installed in accordance with the manufacturer's instructions;
3. Is properly connected to utilities; and
4. Meets other applicable standards of this Chapter.

**Mining Site Enlargement:** Any horizontal or vertical increase beyond dimensions of the original application for the project site.

**Minor Structure.** Any small, portable accessory structure or construction such as birdhouses, tool houses, ice shanties, pet houses, play equipment, and arbors. Also, walls and fences under four feet in height.

**Mobile Home.** A transportable factory built structure designed for long term occupancy built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above. Mobile homes can be required to be located in a mobile home park. Manufactured homes cannot be required to be located in a mobile home park.

**Model Home.** A single-family dwelling unit that is used as a model for inspection by prospective home buyers and is unoccupied as a residence, but is intended for eventual use as a single-family residence and which may or may not contain a home sales office.

**Modular Home.** A structure which is partially pre-assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. A double-wide structure transported and assembled at the site on a permanent foundation shall be construed as a modular home. For the purpose of this Ordinance, modular homes must meet the requirements of all applicable State and Local Building Codes. A modular home is subject to SPS 320.13, Wis. Adm. Code. A modular home is considered a single-family home in the Rural District.

**Monopole.** A tower of single pole design.

**Nonconforming Structure.** A building or premises lawfully used, occupied, or erected at the time of the passage of this ordinance or amendments thereto, which does not conform to the regulations of this ordinance with respect to width, height, area, yard, parking, loading, or distance requirements.

**Nonconforming Use.** The use or occupancy of a building or premises, which is lawful at the time of the enactment of this ordinance or amendment thereto, but which use or occupancy does not conform to the provisions of this ordinance or any amendments thereto.

**Nonfarm Residential Acreage.** For use in Section 24.310(C)(2), the combined total acreage of the following parcels located entirely within a base farm tract:

1. The parcel for which an application for a conditional use permit for a nonfarm residence is being made.
2. The parcel(s) for which a conditional use permit for a nonfarm residence has/have already been issued or has/have already been constructed.

**Nonmetallic Mining/Nonmetallic Mining Operation.** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel, and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; and topsoil operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as crushing, screening, scalping, dewatering and blending. The purpose is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Calumet County (reference Sec. 18.5. Nonmetallic Mining Reclamation Ordinance), in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.

Nonmetallic mining does not include the following activities:

1. Pre-mining activities such as site surveying, coring, test pits for exploratory purposes only, mapping and other functions necessary solely for proper preparation of a permit application.
2. Excavations or grading by a person solely for domestic use or aesthetics at his or her residence provided no material is removed from the property.
3. Excavations or grading conducted for highway construction purposes within the highway right-of-way provided construction plans have been approved by the governing jurisdictional body.
4. Grading conducted for farming, including agricultural drainage work for irrigation or stock watering ponds, preparing a construction site or restoring land following a flood or natural disaster, provided no excavated material is removed from the site.
5. Excavations for the foundation of structures provided that such excavations do not exceed a volume of material 1.5 times the volume of the polyhedron bounded by the natural grade, the bottom of the footings, and the exterior of the foundation walls.
6. Excavation for parking areas and stripping up to 1.5 feet of topsoil for subdivisions or commercial or industrial development provided all topsoil is retained on the property.
7. Minor land disturbances that are backfilled, such as installation of utilities, walks and driveways, sanitary waste disposal systems, fuel storage tanks, swimming pools and graves.
8. Excavation for dredging operations under the jurisdiction of the U.S. Army Corps of Engineers or the Wisconsin Department of Natural Resources.
9. Excavation of ponds developed for wildlife purposes in conjunction with the Soil Conservation Service, Land and Water Conservation Department or the Wisconsin Department of Natural Resources.
10. Excavation for drainage ponds that have received a County issued permit per this code and Chapter 10, Articles II and III, of the *Calumet County Code of Ordinances*.
11. Excavation activities directly related to sod farming.
12. Any mining operation, the reclamation of which is required in a permit obtained under Ch. 293, Wis. Stats.
13. Any activities conducted at a soil or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Ch. 289, Wis. Stats. where a hazardous waste disposal facility under Ch. 291, Wis. Stats.,

provided, however, that section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dykes or roads.

14. Any nonmetallic mining site or portion of a site that is subject to permit and reclamation requirements of the Department of Natural Resources under s. NR 135.18, 135.19, 135.27, and 135.28 Wis. Stats.
15. Nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to: manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing or production of ready-mix concrete.

**Nonmetallic Mining Refuse.** Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.

**Nonmetallic Mining Site.** The location where a nonmetallic mining operation is conducted or is proposed to be conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulage ways.

**Non-Participating.** All property owners or property (including a residence) which are not Participating property owners or property (see Participating).

**Open Space Parcel.** A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

**Operation.** Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications, it shall be deemed in operation.

**Ordinary High-Water Mark.** That point upon the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics.

**Participating.** A property owner or property (including a residence) that is subject to an agreement, authorization or lease with Licensee to place Wind Turbines upon or near such property.

**Prime Farmland.** Any of the following:

1. An area with a Class I or Class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
2. Land, other than land described in par. 1. that is identified as prime farmland in the Calumet County Farmland Preservation Plan.



**Principal Building.** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

**Professional Home Office.** Residences of real estate agents, insurance agents, clergyman, lawyers, artists, authors and other similar professions for the conduct of business activities. Such professional office shall not exceed 25% of the floor area of the residence and no more than one non-resident person shall be employed.

**Protected Farmland.** Land that is any of the following:

1. Located in a Farmland Preservation zoning district certified under Wis. Stats, Ch. 91.
2. Covered by a Farmland Preservation Agreement under Wis. Stats. Ch. 91.
3. Covered by an agricultural conservation easement under Wis. Stats. Ch. 93.73.
4. Otherwise legally protected from nonagricultural development as evidenced by documentation provided by the landowner who claims that the land is legally protected from nonagricultural development.

**Reclamation.** The rehabilitation of a nonmetallic mining site, including, but not necessarily limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

**Recreational Vehicle.** Any vehicle or trailer used for recreational purposes that is driven or towed and would include motor homes, boats that are trailered, snowmobiles and all-terrain vehicles that are driven or trailered, and other like vehicles.

**Residence, Farm.** Any of the following structures that is located on a farm:

1. A single-family or two-family residence that is occupied by any of the following:
  - a) An owner or operator of the farm.
  - b) A parent or child of an owner or operator of the farm.
  - c) An individual who earns more than 50 percent of his or her gross income from the farm.
2. A migrant labor camp that is certified under Wis. Stats. 103.92.

**Residence, Nonfarm.** A single-family or two-family residence other than a farm residence located on a Base Farm Tract for anyone other than a son, daughter, parent or farm employee.

**Residential Cluster, Nonfarm.** The grouping of lots for the purpose of development of nonfarm residences whereby the lots are contiguous, on nonprime farmland or other site deemed unsuitable for agricultural production or of limited agricultural value by the Plan Commission.

**Road.** All property dedicated or intended for public or private road purposes or subject to public easements.

**Road Right of Way Line.** The dividing line between a lot, trail, or parcel of land and an abutting road.

**Satellite Dish.** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallowish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas

**Setback.** The minimum horizontal distance between the lot line, right-of-way, or ordinary high-water mark and the nearest point of a building or any protection thereof, excepting uncovered steps.

**Shorelands.** Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or the to the landward side of the floodplain, whichever distance is greater.

**Sign.** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify a person or entity, or to communicate information of any kind to the public and which is intended to be visible from any road or from navigable water.

**Sign, Abandoned.** A sign which advertises a use that has ceased, or relates to an individual, firm, or association, profession, business, commodity, or product that no longer exists, or relates to an activity or purpose that is no longer applicable.

**Sign, Advertising.** A sign, except for directional signs, used to arouse a desire to buy a product or service, or to patronize a business or to identify a business.

**Sign, Directional.** An off-premise sign intended solely for the purpose of directing people to an establishment that is not located on a State highway.

**Sign Face Area.** The entire surface area of a sign display face upon which copy could be placed; or, if no background or frame, the total area of the smallest rectangle or rectangles, which can encompass all words, letter, figures, emblems, and any other element of the sign's message. When a sign has more than one display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign face area.

**Sign, Free Standing.** Signs that have their own base of support from the ground and are not attached to a building.

**Sign Lighting, Direct.** Any man-made illumination of a sign, where the actual source(s) of illumination is visible and identifiable.

**Sign Lighting, Indirect.** Any man-made illumination of a sign, where the actual source(s) of illumination is not visible and identifiable.

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

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

**Sign Permit.** A permit, issued by the Zoning Code Administrator, stating that a sign may be established, located, or altered subject to any conditions placed on the authorization and the provisions of this chapter.

**Sign, Projecting.** A sign, generally oriented perpendicular to the face of a building wall, which is attached to a building and which extends more than 6 inches from a building wall, typically having 2 viewable sides.

**Sign, Wall.** A sign affixed to or painted on a building wall and all other signs, oriented parallel to the face of a building wall, which are attached to a building wall and where no part of the structure of the sign extends more than 6 inches out from a wall as measured from the nearest points of attachment to the building nor above the roof of the building, nor beyond the end of a wall.

**SPS 316.** Wisconsin Administrative Code ch. SPS 316; Electrical

**Stormwater Management Plan.** A written stormwater management plan shall be developed and implemented by the responsible party in accordance with Section 10-59, Calumet County Code of Ordinances. The stormwater management plan shall meet all of the applicable requirements contained in the County Code of Ordinances.

**Story.** That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulations.

**Structure.** Anything constructed or erected, the use of which requires a more or less permanent location on or in 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.

**Swimming Pool.** An artificial structure, basin, chamber or tank containing a body of water for the primary purpose of swimming, diving, recreational, or therapeutic bathing. As used in this Ordinance the term is limited to in-ground and above-ground pools which are fitted with a filter for clarifying pool water, or which are designed to be fitted with a filter, whether installed or not. The term shall not include facilities located inside a residence, storable pools designed for seasonal setup and use which are stored at the end of the swimming season, or spas installed on decks or porches if a fitted hard cover designed to prevent entry is maintained in place at all times when the spa is not in use.

**Telecommunication Facility.** A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used

for transmitting, receiving, or relaying telecommunication signals, excluding those facilities exempted under 24.421(B).

**Tiny House (Home) Requirements.** A tiny house is a single-family dwelling that is 300 sq. ft. to 600 sq. Construction must meet WI SPS 327 Standards.

**Tourist Room Housing (TRH).** All lodging places and tourist cabins and cottages (dwellings), other than hotels, motels or resorts, in which sleeping accommodation are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients. For the purpose of compliance under Chapter ATCP 72 Wisconsin Administrative Code (Hotels, Motels and Tourist Rooming Houses).

**Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, monopole towers, and self-supporting lattice towers.

**Tower, Camouflaged.** Any telecommunication tower that, due to design or appearance, hides, obscures, or conceals the presence of the tower and antenna.

**Tower, Guyed.** A telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

**Tower Accessory Structure.** Any structure located at the base of a tower for housing, receiving or transmitting equipment.

**Use, Accessory.** A use customarily incidental to the principal use and on the same lot as the principal use. A permit may be required for an accessory use as provided for in 24.310 (B), (C), (D) and 24.411.

**Use, Conditional.** A "conditional use" is a use which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use. It is allowable only after the issuance of a conditional use permit by the Plan Commission.

**Use, Permitted.** A use that may lawfully be established in a particular district or districts, provided it conforms to all requirements, regulations, and standards of such district.

**Use, Principal.** The primary use of a property or structures.

**Variance.** A departure from the term of ordinance as applied to a specific building, structure, or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this ordinance for the district in which such building, structure or parcel of land is located, when the board finds that a literal application of such ordinance would result in a particular hardship to the owner as distinguished from a mere inconvenience.

**Vision Clearance.** An unoccupied triangular space at the intersection of two or more roads or highways, or highways and railways, which is bounded by the road lines,

highway or railway right-of-way lines and a setback line connecting points specified by measurement from the corner on each road, highway or railway line.

**Wetlands.** Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**Wind Energy Systems.** Equipment that converts and then stores or transfers energy from wind into useable forms of energy on a large, industrial scale for commercial or utility purposes.

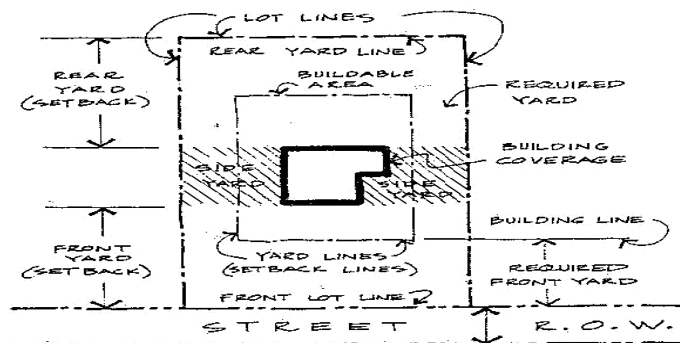
**Wind Turbine.** A mechanical device which captures the kinetic energy of the wind and converts it into electricity. The primary components of a wind turbine are the blade assembly, electrical generator (nacelle) and tower.

**Yard.** An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**Yard, Front.** A yard extending the full width of the lot or coterminous with the street right-of-way, being the minimum horizontal distance between the nearest part of the main building and the front lot line.

**Yard, Rear.** A yard extending the full width of the lot, being the minimum horizontal distance between the nearest part of the main building and the rear lot line, opposite a front yard or street right-of-way.

**Yard, Side.** A yard extending from the front yard to the rear yard, being the minimum horizontal distance between the nearest part of the main building and the side lot line. Generally, lots have two side yards, however, a corner lot has only one side yard.



24.203 – 24.299 RESERVED

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## Section 24.300 Districts

### 24.301 ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the Town of Chilton is hereby divided into the following Districts:

FP	Farmland Preservation
GA	General Agriculture
RR	Rural Residential

### 24.302 FARMLAND PRESERVATION ZONING DISTRICT MAP

The boundaries of the above listed zoning districts are hereby established as shown on the Official Zoning District Map which is considered, legally, as an integral part of this ordinance. This map, entitled "Town of Chilton Farmland Preservation Zoning Map", shall be certified by the Town Clerk and available for public inspection at the Town Hall. Any change in zoning district boundaries which may occur shall follow the amendment process, which requires approval by the Town of Chilton and by the Calumet County Board, and shall be recorded (shown graphically) on the map. No such change(s) shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

### 24.303 ZONING DISTRICT BOUNDARIES

#### A. Depiction of Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning district map the following shall apply:

1. Where the district boundaries are depicted as approximately following the centerlines of roads or highways, centerlines of streams, drainage ways, or road or highway right-of-way lines, such centerlines, or right-of-way lines, shall be construed to be such boundaries.
2. Where district boundaries are so depicted that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so depicted that they approximately follow section lines, quarter section lines or other government survey lines; or that they approximately follow political subdivision lines such as county lines, town lines or corporate limits; such government survey lines or political subdivision lines shall be construed to be said district boundaries.

### 24.304 ZONING DISTRICT USES

#### A. Determination of Use Classification.

1. The Town Zoning Code Administrator shall determine if a proposed use can be classified as a principal use already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this chapter.

2. If a proposed use that cannot be classified as a listed principal use, it shall be considered an unclassified use and shall be regulated as follows:
  - a) The Town Zoning Code Administrator shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this chapter.
  - b) If the Town Zoning Code Administrator determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be notified in writing.
  - c) The Town Zoning Code Administrator may refer unclassified uses to the Town Plan Commission if the Administrator is uncertain how to classify any uses not listed.
3. After making a determination regarding an unclassified use, the Town Zoning Code Administrator shall recommend an amendment to this chapter adding the previously unclassified use to the applicable zoning district.

#### **24.305 – 24.309 RESERVED**

### **24.310 FP FARMLAND PRESERVATION**

#### **A. Intent**

1. The intent of the FP Farmland Preservation District is to (1) preserve productive agricultural land for food and fiber production such as crop production, raising livestock, specialized agricultural activities including cash cropping, truck crop agricultural practices, hobby farming, orchards, keeping of horses for boarding, breeding and riding, the keeping and raising of domestic and exotic livestock and other suitable agricultural uses; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; reduce costs of providing services to scattered, non-farm uses; pace and shape urban growth; (5) implement the policies of the Calumet County Farmland Preservation Plan; (6) and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wis. Stat. Ch. 91.
2. To comply with the Farmland Preservation Law, only uses identified in Wis. Stat. Ch. 91.42 are allowed.
3. No building or use shall hereafter be established or enlarged within the FP Farmland Preservation District unless it conforms to the following regulations.

#### **B. Permitted Uses**

1. Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood as defined in Farmland

Preservation Chapter 91.01, as of February 27, 2012 (Ordinance Adoption Date) including, but not limited to:

- a) Crop, seed, vegetable or forage production.
- b) Keeping livestock (confinement or grazing).
- c) Beekeeping.
- d) Nursery, sod, or Christmas tree production.
- e) Floriculture.
- f) Aquaculture.
- g) Forest management.
- h) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- i) Any other use that DATCP, by rule, identifies as an agricultural use.

- 2. Agriculture-related uses means a facility or use whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
  - a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
  - b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
  - c) Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
  - d) Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
  - e) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
  - f) Any other use that DATCP, by rule, identifies as an agriculture-related use.
- 3. Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under Wis. Stat. Ch. 91.46 (1) (e).
- 4. Undeveloped natural resource and open space areas
- 5. 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 a state or federal law that preempts the requirement of a conditional use permit for that use.
- 6. Accessory Uses: Accessory use means any of the following land uses on a farm:
  - a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
    - 1) A facility used to keep livestock on the farm.
    - 2) A facility used to store or process inputs primarily for agricultural uses on the farm.
    - 3) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.



- 4) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
  - 5) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
  - b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
  - 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 par. a) or c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
  - e) Any other use that DATCP, by rule, identifies as an accessory use.
8. Residential properties existing before the adoption of this Ordinance, 2/27/2012 in the Farmland Zoning area.
9. Existing property owners of a farmstead tract located within Farmland Preservation Zoning District may survey off from the parent parcel a lot for their new residence with a minimum lot size of one-acre and the maximum lot size of 20-acres. The land division can occur only once from the base farm tract and for the base farm tract owner only.

### **C. Conditional Uses**

- 1. Fur farming for the purpose of producing an income or livelihood.
- 2. The creation of a nonfarm residence, a proposed new single-family or duplex nonfarm dwelling may be allowed as a conditional use according to (ATCP 49.23) or a proposal to convert a farm residence through a change in occupancy shall be subject to the following:
  - a) The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence per Wis. Statutes 91.46(2).
  - b) There will not be more than 4 dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
  - c) The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:
    - 1) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.

- 2) Significantly impair or limit the current or future agricultural use of other, protected farmland.

*Note 1: With respect to a farm residence located on a base farm tract that has been converted to a nonfarm residence and has not been separated from the farm by the creation of a lot, the amount of acreage to be considered nonfarm residence shall be at least one (1) acre or more as determined by the Plan Commission based on the area being used by the owner of the nonfarm residence.*

*Note 2: The maximum amount of nonfarm residential acreage cannot exceed the amount determined by the following formula (Nonfarm Residential acreage = Total Base Farm Tract acreage divided by 20).*

3. Nonfarm residential cluster created from a base farm tract that covers more than one nonfarm residence if all of the following apply:
  - a) The parcels on which the nonfarm residences would be located are contiguous.
  - b) Each of the propose nonfarm residences will meet all of the standards under 24.310(C)(2) when all of the proposed nonfarm residences have come into existence.
4. Transportation, communications, pipeline, electric transmission, utility or drainage uses if the following apply:
  - a) The use and its location are consistent with the purposes of the district.
  - b) The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - c) 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.
  - d) 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.
  - e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
  - f) Wind energy systems or conversions systems permitted in 91.46(4) which are Transportation, communications, pipeline, electric transmission, utility, or drainage use systems. Consideration and compliance with Wisconsin Administrative Code Chapter PSC 128 – Wind Energy Systems and Wis. Chapter 66.0401 – Regulation relating to solar and wind energy systems.
5. Governmental, institutional, religious, or nonprofit community uses if all of the following apply:
  - a) The use and its location are consistent with the purposes of the farmland preservation zoning district.

- b) The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - d) 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.
  - e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
6. Nonmetallic mineral extraction if all of the following apply:
- a) The operation complies with Chapter NR 135, Wisconsin Administrative Code Subchapter I of Wis. Stat. Ch. 295 (Nonmetallic mining reclamation; oil and gas; ferrous metallic mining) as amended and rules promulgated under that subchapter, with 24.422 of this Ordinance and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites or Calumet County Sec. 18.5. Nonmetallic Mining Reclamation Ordinance.
  - b) The operation and its location are consistent with the purposes of the district.
  - c) The operation and its location are reasonable and appropriate, considering alternative locations outside the district, or are specifically approved under state or federal law.
  - d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - e) The operation 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.
  - f) The owner restores the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.
7. Oil and gas exploration or production that is licensed by the Wisconsin Department of Natural Resources under subch. 2 of Wis. Stat. Ch. 295.

#### D. Standards

1. **Residential density:**
  - a) If the residential parcel is part of a base farm tract, the ratio and density standards in 24.310(C)(2) apply.
  - b) If the residential parcel is not a base farm tract, one dwelling unit per 20 acres
    - 1) An exception to b) is one dwelling unit may be built on an undeveloped parcel of less than 20 acres if the parcel existed as of the date of the adoption of this ordinance.
2. **Minimum lot area:** One (1) acre for all uses.
3. **Minimum lot width:** 150 feet.
4. **Front and rear yard setbacks:** NRCS specification or minimum 100 feet for animal waste storage structures or minimum well distance of 100' and

buildings housing animals and 50 feet for all other residential and non-residential buildings.

5. **Side yard setbacks:** NRCS specification or minimum 100 feet each or minimum well distance of 100' for animal waste storage structures and buildings housing animals and 25 feet each for all other residential and non-residential buildings.
6. **Accessory building setbacks:** 5 feet in the side and rear yard for accessory buildings of 200 square feet or less.
7. **Maximum building height:** No building used for dwelling purposes shall be more than 35 feet in height.

**E. Signs**

Signs as permitted under 24.420 Signs of this ordinance.

**F. Parking**

As regulated in 24.410 Standards

**24.311 GA GENERAL AGRICULTURE****A. Intent**

The intent of the GA General Agriculture District is to provide for general agriculture and related uses in those areas with adequate soil types, drainage and topography for farming; for limited residential development subject to the density standards of this district; and for limited commercial, industrial, and institutional development.

**B. Permitted Uses**

1. Adult-oriented establishments subject to the Chapter 42, Calumet County Code of Ordinances.
2. Agricultural uses as listed in Section 24.310(B)
3. Greenhouses
4. Home businesses and occupations
5. Professional home offices
6. Single and two-family farm and non-farm residences located so as to preserve productive farmland including nonfarm residential clusters when developed in accordance with Section 62-35 Cluster Subdivisions and, if applicable, Section 62-23 Base Development Yield of the Calumet County Land Division Ordinance
7. Wind energy systems that are in compliance with Wisconsin Administrative Code Chapter PSC 128 – Wind Energy Systems and Wis. Chapter 66.0401 – Regulation relating to solar and wind energy systems.
8. Woodlots and tree farms
9. Accessory uses
  - a) Uses listed in Section 24.310(B)(1)(a,b,d,e)
  - b) Horse stables where the horses are for the owner's private use
  - c) Private swimming pools located on the same lot as the principal residential structure
  - d) Unattached private garages and accessory buildings
  - e) Roadside stands, one (1) per operating farm, for on-premise sales of farm products produced thereon

**C. Conditional Uses**

1. Aircraft landing field, hangar, or accessory structures
2. Automobile repair shops including shops for general mechanical repairs, body repair and tire repair, and specialized automobile repairs, such as electrical, battery, or radiator repair, glass replacement or repair, carburetor repair, or wheel alignment but not including the rebuilding, retreading, recapping, vulcanizing or manufacturing of tires
3. Bed & Breakfast as well as air bed and breakfast establishments also known as Tourist Room Housing establishments.
4. Cemeteries
5. Churches and their affiliated uses
6. Commercial animal kennels and/or breeding activities
7. Construction firms and construction equipment or materials storage
8. Family day care home

9. Farm or garden equipment or supplies dealers
10. Junk or salvage yard
11. Miniature golf, golf driving range, and archery range
12. Mini-warehousing and nonagricultural related storage facilities
13. Non-metallic mining, including processing and storage
14. Off-road race courses for motorcycles and small recreational vehicle but not for automobiles and trucks
15. Plumbing, electrical, heating and air-conditioning equipment dealers
16. Private or public golf courses or country clubs
17. Processing of agricultural products such as but not limited to by specific enumeration, canning, dairy processing, livestock butchereries, livestock sales facilities or grain
18. Public buildings
19. Public and private schools
20. Public parks, trails, and recreation areas
21. Recreational or community center buildings and grounds
22. Refuse disposal sites, dumping grounds, sanitary landfill operations or similar uses; provided that such uses comply with solid waste disposal standards and pollution control requirements of the State of Wisconsin
23. Resorts, tourist cottages or cabins, commercial camping, ski lodges, group camps, and similar facilities
24. Riding stables or schools
25. Sales and servicing facilities for agricultural related machinery or equipment
26. Service and repair establishments
27. Small engine repair and sales and welding activities and farm implement repair activities in conjunction with the pre-existing agricultural use.
28. Sportsmen's clubs and related activities to include, but not limited to; rifle ranges, field shooting and the authorized raising of small game
29. Storage and sale of feed, fertilizer and other products essential to agricultural production
30. Taverns
31. Telecommunication antennas and towers
32. Temporary storage and mixing of cement, asphalt, or road oils
33. Utility installations, including public utility buildings and structures for gas, water and electrical service, telephone exchanges, transformer stations, substations, power generating plants including storage of equipment vehicles
34. Veterinary offices and facilities, and/or boarding facilities for domestic animals
35. Wastewater and/or sewage treatment facilities
36. Water storage facilities and accessory structures
37. Wind energy systems that are required to comply with Wisconsin Administrative Code Chapter PSC 128 – Wind Energy Systems and Wis. Chapter 66.0401 – Regulation relating to solar and wind energy system.

#### **D. Standards**

1. **Residential density:** One dwelling unit per 20 acres. An exception is one dwelling unit may be built on an undeveloped parcel of less than 20 acres that existed as of the date of adoption of this ordinance.

2. **Minimum and maximum lot area:** A minimum of one (1) acre for all uses and a maximum of five (5) acres for non-farm residential.
3. **Minimum lot width:** 150 feet.
4. **Front and rear yard setbacks:** NRCS specifications or a minimum of 100 feet for animal waste storage structures or a minimum well distance of 100 feet and buildings housing animals and 50 feet for all other residential and non-residential buildings.
5. **Side yard setbacks:** NRCS specification or a minimum of 100 feet each for animal waste storage structures or a minimum well distance of 100 feet and buildings housing animals and 25 feet each for all other residential and non-residential buildings.
6. **Accessory building setbacks:** 5 feet in the side and rear yard for accessory buildings of 200 square feet or less.
7. **Maximum building height:** No building used for dwelling purposes shall be more than 35 feet in height.

**F. Signs**

Signs as permitted under 24.420 Signs of this ordinance.

**G. Parking**

As regulated in 24.410 Standards

**24.312 RR RURAL RESIDENTIAL****A. Intent**

The intent of the RR Rural Residential District is to provide for single family residential on smaller lots at a higher density than in the GA General Agricultural District. This district is intended for transitional areas that are beginning to convert from agricultural or undeveloped land uses to residential uses.

**B. Permitted Uses**

1. Home businesses and occupations
2. Professional home offices
3. Single and two-family residences
4. Woodlots and tree farms
5. Accessory uses
  - a) Horse stables where the horses are for the owner's private use
  - b) Private swimming pools located on the same lot as the principal residential structure
  - c) Unattached private garages and accessory buildings

**C. Conditional Uses**

1. Bed & Breakfast as well as air bed and breakfast establishments also known as Tourist Room Housing establishments.
2. Cemeteries
3. Churches and their affiliated uses
4. Family day care home
5. Private and public golf courses or country clubs
6. Public buildings
7. Public and private schools
8. Public parks, trails, and recreation areas
9. Recreational or community center buildings and grounds
10. Resorts, tourist cottages or cabins, commercial camping, ski lodges, group camps, and similar facilities
11. Riding stables or schools
12. Telecommunication antennas and towers
13. Temporary storage and mixing of cement, asphalt, or road oils
14. Utility installations, including public utility buildings and structures for gas, water and electrical service, telephone exchanges, transformer stations, substations, power generating plants including storage of equipment vehicles
15. Wind energy systems that are exempt from the Town of Chilton's Wind Energy Systems Licensing Ordinance

**D. Standards**

1. **Residential density:** One dwelling unit for every two (2) acres.
2. **Minimum lot area:** A minimum of one (1) acre.
3. **Minimum lot width:** 150 feet.
4. **Front yard setback:** 50 feet.



5. **Side yard setback:** 15 feet.
6. **Rear yard setback:** 25 feet.
7. **Accessory building setbacks:** 5 feet in the side and rear yard for accessory buildings of 200 square feet or less.
8. **Maximum building height:** No building used for dwelling purposes shall be more than 35 feet in height.

**F. Signs**

Signs as permitted under 24.420 Signs of this ordinance.

**G. Parking**

As regulated in 24.410 Standards

**24.313 – 24.399 RESERVED**

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**Section 24.400 General Provisions****24.401 JURISDICTION**

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Town of Chilton.

**24.402 COMPLIANCE**

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

**24.403 CALUMET COUNTY ORDINANCES**

The following Calumet County ordinances may affect land regulated under this Zoning Ordinance. In a situation where the Town and County regulations conflict, the more restrictive regulations shall apply.

**A. Zoning Ordinance (Chapter 82 of the Calumet County Code of Ordinances)**

Parcels in a shoreland area are subject to the Calumet County Zoning Ordinance. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

**B. Land Division Ordinance (Chapter 62)**

All existing, undeveloped parcels of land of record in the County Register of Deeds office, and any new land divisions or subdivisions as defined in the Land Division Ordinance of Calumet County, Wisconsin, shall conform in full with the provisions of that ordinance. No building permit shall be issued for any lot until such compliance is assured.

**C. Floodplain Zoning Ordinance (Chapter 51)**

Parcels may be subject to the Floodplain Zoning Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance. This Ordinance is in effect in all unincorporated areas of Calumet County.

**D. Post Construction Stormwater Management Ordinance (Chapter 10)**

Parcels may be subject to the Post Construction Stormwater Management Ordinance of Calumet County if more than 20,000 square feet of impervious surface is created. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

**E. Construction Site Erosion Control Ordinance (chapter 10)**

Parcels may be subject to the Construction Site Erosion Control Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

**F. Animal Waste Storage Ordinance (Chapter 18)**

Parcels may be subject to the Animal Waste Storage Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from the Calumet County Land and Water Conservation Department prior to the issuance of any permit under this ordinance.

**G. Sanitation Ordinance (Chapter 74)**

No private onsite waste treatment system (POWTS), or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without full compliance with the Sanitation Ordinance, Calumet County, Wisconsin. No building permit shall be issued until any required installation of a safe and adequate water supply and sewage disposal system is assured and a sanitary permit is issued.

**H. Wind Energy System Ordinance (Chapter 79)**

Parcels may be subject to the Wind Energy Facility Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

**I. County Trunk Highway Ordinance (Chapter 32)**

Parcels may be subject to the County Trunk Highway Ordinance of Calumet County. Any permit required by said County ordinance shall be obtained from Calumet County prior to the issuance of any permit under this ordinance.

**24.404 WETLANDS AND SHORELANDS (Chapter 52 – Calumet County Shoreland Zoning)**

Wetlands, streams, rivers, and lakes are shown on the Town of Chilton's Zoning Map. Land use in or near these areas are or may be regulated by the Calumet County Zoning Ordinance. Landowners that are considering applying for a Zoning Permit should consult the Zoning Map to make an initial determination as to whether or not there are wetlands, streams, rivers, and/or lakes on or near their property. Landowners are cautioned that the mapping of these features is general in nature, and that a conclusive determination can only be made through an on-site visit by Calumet County and/or Wisconsin Department of Natural Resources staff.

**24.405 – 24.409 RESERVED**

**24.410 STANDARDS****A. Standards Applicable in Districts**

Standards such as setback, lot size and other dimensional requirements applicable to the various zoning districts are indicated, by district, in 24.300 Zoning Districts and Maps of this ordinance. Standards listed for each zoning district shall apply to permitted, accessory, and conditional uses in that district unless otherwise specified.

**B. Building and Lot Requirements**

1. All applicable State and Federal Codes shall apply to construction within the Town.
2. Every building hereafter erected, structurally altered, or relocated shall be placed on a legally created lot of record.
3. No lot shall hereafter be created that does not meet the minimum width, area and density requirements of this ordinance. No lot shall be so reduced that it fails to meet the width, area and density requirements of this ordinance.
4. No lot shall have more than one principal building or use unless otherwise specified in this ordinance.

**C. Yard Requirements**

1. In the case of a corner lot which abuts any two (or more) roads, the frontage upon which the main entry of a principal building faces shall be deemed "front yard" and shall meet the required front yard setback. The other frontage(s) shall be deemed the "side yard(s)" and the minimum setback shall be sixty (60) percent of the required front-yard setback for the same lot.
2. Every part of the required area of a yard shall be open and unobstructed except for permitted accessory buildings, minor structures, and the ordinary projections of sills, cornices and ornamental features. Fire escapes may project into a required yard area not more than five feet.

**D. Exception to Maximum Building Height**

The maximum building height standards of this ordinance shall not apply to agricultural buildings (such as silos and grain storage structures), church spires, church belfries, water towers or any type of power or communication utility tower or pole.

**E. Vision Clearance Triangle**

No structure in excess of 3 feet in height, vehicle, or object of natural growth, except annually harvested crops that are not trees, shall be located in a vision clearance triangle as described herein. In each quadrant of any public road intersection or road-railroad intersection, there shall be a vision clearance triangle bounded by the road (and/or track) centerlines and a line connecting points on them in accordance with the following, except no vision clearance

triangle shall be required on the side of the intersection where there is 1-way traffic incapable of turning onto the intersecting street:

1. 250 feet from the centerline intersection along all railroads.
2. 250 feet from the centerline intersection along all State and/or Federal roads.
3. 200 feet from the centerline intersection along County roads.
4. Except as provided in 6. below, 150 feet from the centerline intersection along town roads outside a platted subdivision.
5. Except as provided in 6. below, 125 feet from the centerline intersection along town roads within, or bounded by, a platted subdivision.
6. For lots which are located in a platted subdivision and which are served by public sewer the vision clearance triangle shall be bounded by the intersection of the platted lot lines abutting the roads as measured 25 feet from said intersection along said lot lines.
7. No vision clearance triangle shall be required when a private road intersects with a public road or railroad.

**F. Structures Prohibited Within Setback Lines**

No new buildings, new sign, or other new structure, including cemeteries, nor any part thereof, shall be placed between the setback lines established by this ordinance and the road right-of-way except as provided by this ordinance and no such building, sign or structure or part thereof existing within such setback lines of the effective date of this ordinance, shall be moved, except outside such setback lines, or altered, enlarged or added to in any way that increases or prolongs the permanency thereof.

**G. Structures Permitted Within Setback Lines**

1. The following kinds of structures may be placed between the setback line and the highway right-of-way:
  - a) Open fences.
  - b) Underground telephone, telegraph and energy transmission lines may be constructed within the setback lines.
  - c) Underground structures not capable of being used as foundations for future prohibited overground structures.
  - d) Signs permitted within setback lines as provided in 24.420 Signs
  - e) Access or service highways constructed according to plans approved by the Town. In giving such approval, the Town shall give due consideration to highway safety and maximum sight distances.
2. This subsection shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided that no such crops, shrubbery or trees shall obstruct the view across the sectors of any intersection.

**H. Vehicle Storage**

1. Vehicle is defined as a car, van, or truck that has been designed and sold with the intent to be licensed and operated on a public road.

2. Inoperable vehicles are not permitted to be stored outside in any district unless permitted by conditional use as a junk or salvage yard.
3. All other vehicles stored outside for more than thirty (30) days on a property must be licensed and capable of operating.

#### **I. Junk or Salvage Yards**

1. Junk or salvage materials shall not be located within 600 feet of a public road-right-of-way and shall be setback from all side and rear yards a minimum of 100 feet.
2. Junk or salvage materials shall not be located in a wetland, floodplain, or on karst features considered highly susceptible to groundwater contamination.
3. Junk or salvage materials shall be enclosed by a suitable fence or vegetative screen so the materials are not visible from other property in the vicinity of the junk or salvage, nor from a public road, or from the navigable water. The fence or vegetative screen shall be a minimum of 8 feet in height and shall be properly maintained to satisfy the obscuring objective.
4. Junk or salvage materials shall not be piled higher than the height of the fence of the vegetative screen.
5. For fire protection, an unobstructed firebreak shall be maintained that is 15 feet in width and completely surrounds the junk or salvage yard.
6. Appropriate measures shall be taken to prevent water and soil contamination from oils, gasoline, grease, or other contaminants. At a minimum there shall be 5 feet of soil between the surface of the ground and the water table or bedrock. If wells are located within 1,000 feet of the site, the Town of Chilton may require a liner and bonds for removal of contaminated soil.
7. A written plan stating how waste oil and other chemicals will be disposed of shall be approved by the Town of Chilton and followed accordingly. The Town of Chilton reserves the right to periodically inspect the site to determine compliance with the written plan.

#### **J. Parking Requirements**

1. General Requirements
  - a) In all districts, and in connection with every use, there shall be provided off-road parking stalls at the time any use or structure is erected, moved, or enlarged.
  - b) Adequate access to a public road shall be provided for each parking space.
  - c) The size of each parking space shall be not less than 190 square feet exclusive of the space required for ingress and egress.
  - d) Location of parking stalls or driveway except in residential districts shall not be closer than 25 feet to a residential district lot line. The parking stalls shall be located on the same lot as the principal use but not over 400 feet from such use.
  - e) All recreational vehicles shall be parked or stored either in a garage or accessory building or in the side or rear yards, subject to the side and rear yard requirements of the district. No more than two such

vehicles may be stored outdoors.

2. Off-Road Loading and Unloading Space

On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public road or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way.

- a) **Retail Business** - One (1) space of a least 10 x 25 feet for each 3,000 square feet of floor area or part thereof.
- b) **Wholesale and Industrial** - One (1) space of at least 10 x 50 feet for each 10,000 square feet of floor area or part thereof.
- c) **Bus and Truck Terminals** - Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.

3. Number of Parking Spaces Required

Use	Minimum Number of Spaces
Dwelling units	2 spaces for each dwelling unit
Hospitals, dormitories, lodging and boarding houses	1 space for each 2 beds plus 1 space for each 3 employees
Hotels, motels	1 space for each guest room plus 1 space for each 3 employees
Nursing homes	1 space for each 5 beds plus 1 space for each 3 employees
Medical and dental clinics	10 spaces for each doctor
Churches, community centers, and other places of public assembly.	1 space for every 5 seats
Colleges, secondary and elementary schools	1 space for each 2 employees plus 1 space for each 10 students of 16 years of age or more.
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 space for each 150 square feet of floor area and 1 space for each 2 employees
Manufacturing & processing plants and warehouses	1 space for each 2 employees
Financial institutions, business, government, and professional offices	1 space for each 300 square feet of floor area and 1 space for each 2 employees



Funeral Homes	1 space for each 4 seats
Lodges and clubs	1 space for each 5 members
Automobile repair garages	1 space for each regular employee plus 1 space for each 250 square feet of floor area used for repair work.
Gasoline Filling Stations	3 spaces for each grease rack or similar facility plus 1 space for each attendant

### 24.411 ACCESSORY BUILDINGS AND USES

#### A. Permit Requirements

All accessory buildings and structures shall require a zoning permit except for the following:

1. Minor structures such as birdhouses, birdbaths, clothesline poles, flagpoles, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses or play houses which do not exceed 120 square feet in footprint, play apparatus which does not exceed 16 feet in height and cover more than 10% of the lot area, non-commercial fuel storage tanks and pumps, lawn ornaments, mailboxes, garbage containers, accessory heating units such as pellet burners, ice fishing shanties, and school bus waiting shelters.
2. Agricultural fences which meet the requirements of Ch. 90, Wis. Stats.
3. Accessory buildings or structures that contain less than 120 square feet of floor area or cover less than 120 square feet of footprint on the lot.

#### B. Relationship to Principal Use Building

The construction of an accessory building may precede the construction of a principal use building subject to the principal use building being constructed and occupied within three (3) years from the date of the permit granted for the construction of the accessory building.

#### C. Yard Setbacks

Yard setbacks are stated in the standards for a district in 24.300. Any accessory building projected forward of the rear building line of the principal building shall satisfy the same yard requirements as the principal building.

#### D. Foundation

All accessory buildings shall be placed on a foundation of wood or concrete.

**E. Swimming Pools**

Access to private swimming pools shall be controlled to prevent unguarded entry to the pool. In-ground swimming pools shall either be surrounded by a fence of not less than four (4) feet nor more than six (6) feet in height with a self-closing and self-latching gate or have a cover that can be locked securely. Aboveground pools with sidewalls of at least four (4) feet in height and a tip-up ladder are not required to have a fence.

**F. Items Prohibited as Accessory Structures**

Items such as, but not limited to, boats, truck bodies, semi-trailer boxes, manufactured homes, mobile homes, buses, railroad cars, shipping containers and trailers shall not be used as accessory structures.

**G. Electrical**

Electrical installation must be consistent with Chapter SPS 316. This chapter gives the Town of Chilton jurisdiction over the inspection of electrical wiring installation at commercial structures, one- and two-family dwellings, farms, public buildings, places of employment, campgrounds, manufactured homes communities, public marinas, piers, docks or wharves and recreational vehicle parks.

**24.412 CONDITIONAL USES****A. Approval Required**

Any use listed as a conditional use in this Ordinance shall be permitted only upon successful completion of the following:

1. Application to the Town Plan Commission or Town Zoning Code Administrator.
2. Approval by the Plan Commission.
3. Issuance of a Conditional Use Permit.

**B. Application**

Application for conditional use permits shall be submitted in writing to the Town Plan Commission or Town Zoning Code Administrator on forms provided by the Town. The forms shall be accompanied by a plan showing the location, size, and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of the conditional use permit is established in 24.503 of this Ordinance

In this section, the following terms apply:

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

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

If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the ordinance or those imposed by the Town Board, the Town shall grant the conditional use permit. Any condition imposed must be related to the purpose of this ordinance and be based on substantial evidence.

### **C. Public Hearing**

1. Before action is taken upon an application for a conditional use permit, the Town Plan Commission shall hold a public hearing. A class 1 notice shall be given as provided in Wis. Stat. Ch. 985. The Plan Commission shall report its decision in writing and the grounds for its decision.
2. As a matter of practice, an earnest effort will be made to send by regular mail a copy of the notice for public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Calumet County Register of Deeds Office) of all lands located within 300 feet (or more if deemed necessary by the Plan Commission) of any part of the parcel or parcels included in the conditional use permit application. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any decision of the Plan Commission.

### **D. Review**

In all cases of proposed establishment of a conditional use specified in this Ordinance, the Plan Commission shall review the site, existing and proposed structures, intended use of structure, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, and other aspects of the proposed use.

### **E. Standards for Approval**

No permit for a conditional use shall be granted unless the Plan Commission shall find that the following standards are met and all requirements and conditions described, must be reasonable and to the extent practicable, measurable and may include conditions such as the permit's duration, transfer or renewal. The applicant and all requirements and conditions established by the Town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. As such, the following standards are subject to review relative to the conditional use requested:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and traffic hazards in the public roads.
6. Not result in the loss, destruction of or damage to water quality and quantity control features or facilities, or any other natural, historic, scenic resource, including floodplains, floodways, rivers, streams, soil and vegetation.

#### **H. Existing Nonfarm Residences in the Farmland Preservation Zoning District**

The Town of Chilton may, upon its own initiative or upon application by a property owner, grant a conditional use permit for an existing nonfarm residence in the Farmland Preservation Zoning District. Findings for this conditional use shall be based on the following:

1. The nonfarm residence was located on a lot of record as recorded in the Calumet County Register of Deeds Office prior to adoption of this ordinance, and
2. The nonfarm residence is shown on the Town of Chilton's Existing Land Use Map as a residential land use.

#### **I. Existing Conditional Uses**

Any use existing on the effective date of adoption of this ordinance, other than an existing nonfarm residence in the Farmland Preservation Zoning District, which is classified by this ordinance as a conditional use in the district in which it is located shall be deemed to have been granted approval as a conditional use under this ordinance, subject to maintaining the character and extent of such use or structure existing on that date. Any change in such use shall require approval according to the terms of this ordinance.

#### **J. Conditions and Guarantees**

Prior to granting a permit for a conditional use, the Plan Commission may stipulate such conditions and restriction upon the establishment, maintenance and operation of the conditional use as it may find necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards specified in **E. Standards** above. Establishment,

maintenance and operation shall be construed to include, but shall not be limited to such factors as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operation control, hours of operation, traffic circulation, deed restrictions, circulation, deed restrictions, access restrictions, yard and parking requirements, permit's duration, transfer or renewal insofar as the Plan Commission shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this ordinance. In all cases in which a permit for conditional use is granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary to fulfill the purpose and intent of this ordinance and as proof that the conditions stipulated in connection therewith are being and will be complied with.

**H. Compliance with Other Provisions**

Conditional uses shall comply with all other provisions of this ordinance such as lot width and area, yards, height, parking and loading.

**I. Authorization of Permit**

The Plan Commission may authorize the Zoning Code Administrator to issue a conditional use permit for conditional use specified in this ordinance after review and a public hearing, provided such uses are in accordance with the purpose and intent of this ordinance.

**J. Resubmittal of Application**

No application for a conditional use which has been denied wholly or in part by the Plan Commission shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditional is included in the resubmitted application.

**K. Violation and Revocation**

A violation of any permit restriction as set forth herein and determined by the Plan Commission shall be deemed a revocation of said permit and said use shall be removed immediately. Nothing in this section shall be deemed to give the owner, applicant or occupant of said lands a vested interest in the use established in said permit. In addition, the Plan Commission shall revoke a Conditional Use Permit if at any time there has been a failure to comply with the conditions imposed or if there has been a substantial change in the development, unless such change has been approved by the Plan Commission.

**L. Expiration**

A Conditional Use Permit shall be deemed to authorize only one particular use and shall expire if the authorized use ceases for more than twelve (12) consecutive months for any reason. Any permit issued shall expire if action has

not been taken to establish the conditional use within six (6) months from the date the Plan Commission approved the permit. Conditional Use Permits may be granted with an expiration date and the expiration will be specifically stated on the permit. If the permit is not updated or conditions are not complied with by the term of the permit, the permit will be terminated.

#### **24.413 NONCONFORMING USES, STRUCTURES, LOTS, AND SIGNS**

##### **A. Applicability and Intent**

Any lawful use of land or structures, or any lot or structure which lawfully existed at the effective date of adoption or amendment of this ordinance which would not be permitted or permissible by the provisions of this ordinance as adopted or amended, shall be deemed a nonconforming use, lot, or structure, respectively. It is the intent of this ordinance to permit such nonconformities to continue, subject to certain restrictions. No use, lot, or structure will receive nonconforming status under this section unless it lawfully existed at the effective date of adoption or amendment of this ordinance.

##### **B. Abolishment**

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

##### **C. Nonconforming Uses of Land**

1. Where at the effective date of adoption or amendment of this ordinance a use of land lawfully exists, which would not be allowed as a permitted or conditional use in the district in which it is located, such use may be continued subject to the following restrictions:
  - a) Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this ordinance.
  - b) Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the effective date of adoption or amendment of this ordinance.
  - c) When such use is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a use allowed as a permitted or conditional use, a nonconforming use shall not thereafter be resumed.
  - d) No additional structure in connection with such use shall be erected.

##### **D. Nonconforming Uses of Structures**

1. Where at the effective date of adoption or amendment of this ordinance the use of a structure lawfully exists, which would not be allowed as a permitted or conditional use in the district in which it is located, such use may be continued subject to the following restrictions:

- a) No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use that is a permitted or conditional use in the district in which it is located.
- b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this ordinance. Any nonconforming use that occupied a portion of a building not originally designed or intended for such use shall not be extended to any part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.
- c) There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
- d) When such use of a structure is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a permitted or conditional use, a nonconforming use shall not thereafter be resumed.
- e) If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

#### **E. Nonconforming Structures**

- 1. Where at the effective date of adoption or amendment of this ordinance a structure lawfully exists which could not be erected in the district in which it is located by reason of restriction on area or coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may continue in existence subject to the following restrictions:
  - a) Such structure shall not be altered in any manner which would increase the degree of nonconformity. The total structural repairs or alterations in such nonconforming structure shall not during its life exceed 50 percent of the fair market value of the structure.
  - b) If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

#### **F. Nonconforming Characteristics of Use**

If characteristics of use such as lighting, parking, noise or other matters pertaining to the use of land, structures and premises are made nonconforming

by the provisions of this ordinance as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

**G. Nonconforming Lots of Record**

1. In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership, and provided all other requirements for the district are met.
2. If two or more lots, or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this ordinance, the lands involved shall be considered to be in individual parcel for the purposes of this ordinance, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.

**H. Nonconforming Signs**

No nonconforming sign shall be altered in any manner that would increase the degree of nonconformity. If such sign is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, such sign shall be replaced as a conforming sign. If a nonconforming sign is destroyed or damaged to an extent of less than 50 percent of its replacement cost at the time of destruction, it may be reconstructed provided any reconstruction does not increase the degree of nonconformity that previously existed.

**I. Casual, Temporary, or Illegal Use**

The casual, temporary, or illegal use of land or structures, or land structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

**J. Repairs and Maintenance**

Nothing in this ordinance shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.

**24.414 – 2419 RESERVED**



**24.420 SIGNS****A. Intent**

The purpose of these requirements is to ensure that the outstanding visual resources of the Town of Chilton are protected and that traffic safety is enhanced by setting requirements for the size, number, placement, and lighting of signs.

**B. Applicability**

1. Signs restricted. Unless exempted under par. 2., no sign shall hereafter be located, erected, structurally altered, moved, or reconstructed, except as permitted by this article.
2. Signs exempted. The following shall be exempt from the requirements of this article:
  - a) Memorial signs and tablets displayed on public property or in cemeteries.
  - b) Official traffic and parking signs and informational, legal or directional notices erected by federal, state, or local units of government.
  - c) Guidance signs authorized by the Wisconsin Department of Transportation under Trans. 200.03, Wis. Admin. Code.
  - d) Official Government Entity Flags.
  - e) Outdoor murals or other outdoor artwork which do not advertise a product, service, logo or other insignia considered advertising as determined by the Code Administrator.

**C. General Sign Requirements**

1. The following requirements shall apply to all permitted signs, unless exempted in 24.420(B)(2):
  - a) No undulating, swinging, rotating or unauthorized moving sign shall be permitted.
  - b) No sign or sign illumination shall obstruct clear visibility of traffic along any public road or intersection of roads or driveways nor be illuminated in such a way so as to cause glare or impaired driver visibility upon public roads. All lighting must use hoods and lens which cast light downward and away from any public road right-of-way or adjacent property, or, be illuminated by a ground level spot light whose beams are shielded to prevent light from illuminating any public road right-of-way, adjacent property, or sky above the limits of the sign structure.
  - c) Unless further restricted elsewhere in this chapter, no sign shall be located less than five feet from a public road right-of-way or less than five feet from an adjacent property line.
  - d) Signs shall not be located or maintained in such a way that prevents free ingress or egress from any floor, window, or fire escape; and no sign shall be attached to a fire escape.
  - e) No sign shall be placed on or over the roof of any building.
  - f) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals or devices.

- g) No sign shall be painted or mounted on rocks or other natural features, except that nameplates and/or addresses for residences and “No Hunting”, “No Trespassing”, “No Dumping” and signs of a similar nature may be affixed to trees.
- h) No sign shall contain obscene or derogatory language, symbols, or pictures.
- i) Wall signs.
  - 1) Size. Unless further restricted in size elsewhere in this chapter, the sign face of a wall sign shall not exceed 20% of the area of the side of the building to which it is attached. If more than one sign is present, the combined sign face area shall not exceed 20% of the area of the side of the building to which they are attached.
  - 2) Design. Wall signs shall not extend more than six inches on the building’s wall surface, nor beyond the end of the wall.
- j) Window Signs. Unless restricted in size elsewhere in this chapter, the sign face area of window signs shall not exceed 20% of the glass area of the window.
- k) Projecting Signs.
  - 1) Size. Unless further restricted in size elsewhere in this chapter, the sign face area of a projecting sign shall not exceed 24 square feet.
  - 2) The sign shall not extend more than five feet from the wall to which it is attached.
  - 3) The bottom of such sign shall be at least seven feet above the grade directly below the sign.
  - 4) The top of such sign shall not extend above the building’s roof.
- l) Free-Standing Signs
  - 1) Size. The maximum size of free-standing signs shall be as follows:
    - a. Directional signs shall not exceed three square feet in sign face area.
    - b. Name plates and/or addresses for residences; “No Hunting”, “No Trespassing”, “No Dumping”, and signs of a similar nature; “Open/Closed” signs; “Vacancy/No Vacancy” signs; temporary on-premise real estate signs; and operational signs designating entrances, exits, service areas, parking areas, restrooms, and other functional operations of a building or premises shall not exceed 4 square feet in sign face area.
    - c. Unless further restricted in size elsewhere in this chapter, on-premise signs shall not exceed 200 square feet in sign face area.
    - d. Unless further restricted in size elsewhere in this chapter, off-premise signs, except for directional signs, shall not exceed 32 square feet in sign face area.

1. No such sign shall be more than 10 miles away from the location to which it relates.
- 2) Number. The maximum number of free-standing advertising signs shall be as follows:
  - a. On-premise: Unless permitted elsewhere in this chapter, the maximum number of signs is limited to two signs per parcel. If more than one parcel of land is used to support the business or service being advertised, for purposes of this section, the multiple parcels shall be considered one parcel.
  - b. Off-premise: There shall be no more than two such signs relating to any one such use in the approaching direction along any one highway.
- 3) Location
  - a. No sign shall be located less than five feet from an adjacent property line.
  - b. No sign shall be located less than 10 feet from a public road right-of-way.
- 4) Height
  - a. No free-standing sign shall exceed 1.5 times the height of the building it serves, as measured from finished grade to the top of the sign support structure, or 35 feet in height, whichever is lower.

#### **D. Specific Requirements for Particular Signs**

1. In addition to the requirements of 24.20(C) General Sign Requirements, the following requirements shall be met for each specified sign. There shall be no specific requirements for particular signs that are not listed in this section, but such signs shall comply with the requirements of 24.420(C) General Sign Requirements.
  - a) Directional Signs. Directional signs shall be subject to the following:
    - 1) Such signs may be in addition to or in lieu of off-premise advertising signs erected in accordance with 24.420(C)(1)(l).
    - 2) Directional signs are permitted where a change in travel direction is required. A directional sign that indicates that a use is straight ahead is permitted only where the person seeking the use might normally follow a main travel route. For example, if the main travel route curves, and the driver needs to veer off the curve to travel straight ahead to reach the advertised business.
    - 3) No more than four such signs shall be permitted for each use.
    - 4) Directional signs shall only contain information identifying the name of an establishment, the distance to the establishment, and a directional arrow. No other information shall be identified on the sign.
    - 5) Such signs shall only be permitted in proximity of road intersections, outside of vision clearance triangles, and

- shall not obstruct clear visibility of traffic along any public road or intersection of roads.
- b) Temporary real estate signs advertising the sale, rent, or lease of the property on which the sign is placed, shall be subject to the following:
    - 1) Signs shall be limited to a maximum of 24 square feet in sign face area.
    - 2) Such signs shall be located at least 10 feet from an adjoining property line.
    - 3) Such signs shall not be illuminated.
    - 4) Such signs shall be removed within 10 days of the sale, rent, or lease of the property.
    - 5) The number of such signs shall be limited to one along each road that abuts the property.
  - c) Temporary on-site construction signs, promoting a building under construction and/or the contractor(s) for such building, shall be subject to the following:
    - 1) Only one construction sign shall be allowed per contractor per construction project.
    - 2) The sign advertising the name of the construction project shall not exceed 32 square feet in sign face area. Individual contractor signs shall not exceed four square feet in sign face area.
    - 3) No such sign shall be erected prior to beginning of construction.
    - 4) All such signs shall be removed within one week after completion of construction and prior to occupancy.
    - 5) Construction signs which are free-standing signs shall be located at least 15 feet from any public road right-of-way.
  - d) Temporary New Development Signs.
    - 1) Signs promoting a new subdivision, apartment complex, and other new developments shall not exceed 32 square feet in sign face area.
    - 2) Such signs shall only be on-premise of the new development.
    - 3) Said sign shall be erected on the site of the new development for a maximum of 24 months, regardless of completion or occupancy of said development. After the 24-month period, the sign shall be removed.
  - e) On-Premise Residential Neighborhood Signs.
    - 1) Such signs shall only be free-standing signs.
    - 2) Signs shall be limited to identifying the name of a neighborhood area such as the subdivision or housing development.
    - 3) Said signs shall not exceed 24 square feet in sign face area.
    - 4) The sign shall be placed only at the entrance to the neighborhood area.
  - f) Election Campaign Signs shall be subject to the following:
    - 1) Such signs located on residential property, as defined in Sec. 12.04, Wis. Stats., shall not be erected or displayed

- prior to the election campaign, as defined in Sec. 12.04 Wis. Stats., and shall be removed within 7 days after the election.
- 2) Such signs located on property other than residential property, as defined in Sec. 12.04, Wis. Stats., shall meet the following:
    - a. The signs shall not be placed on public property.
    - b. The signs shall not exceed 11 square feet in sign face area.
    - c. The signs shall not be erected or displayed earlier than 60 days prior to the election to which they pertain.
    - d. The signs shall be removed within seven days after the election.
    - e. The signs shall not be illuminated.
  - g) Roadside Stands shall be limited to one (1) on-premise sign, not to exceed 8 square feet in sign face area, and, two (2) off-premise signs, each not to exceed 12 square feet in sign face area.
  - h) Model Homes shall be subject to the following:
    - 1) No more than one (1) on-premise sign.
    - 2) Sign shall not exceed 8 square feet in sign face area and shall not be illuminated.
    - 3) No pennants, banners, flags or similar devices are allowed. One "open/closed" sign shall be permitted, provided it is affixed to the 8 square foot sign and does not project beyond the face of the 8 square foot sign.
  - i) Home Occupations shall be limited to one (1) on-premise sign, not to exceed 4 square feet in sign face area.
  - j) Home Businesses shall be limited to one (1) on-premise sign, not to exceed 12 square feet in sign face area.
  - k) Bed and Breakfast Establishments shall be limited to one (1) on-premise sign, not to exceed 12 square feet in sign face area.
  - l) Family Day Care Homes shall be limited to one (1) non-illuminated on-premise sign, not to exceed 4 square feet in sign face area.
  - m) Day Care Center's shall be limited to one (1) non-illuminated on-premise sign, not to exceed 12 square feet in sign face area.

## E. Permits

1. The following signs shall require a sign permit:
  - a) Directional signs.
  - b) Temporary new development signs.
  - c) On-premise residential neighborhood signs.
  - d) Election campaign signs which exceed 11 square feet in sign face area and which are not located on residential property, as defined in Sec. 12.04, Wis. Stats.
  - e) On-premise advertising signs that are free-standing or projecting.
  - f) All off-premise advertising signs, except temporary civic event signs that promote events of community significance.
2. All other signs not listed in par. 1. shall not require a sign permit, but shall comply with the other requirements of this chapter.

3. The changing or altering of the sign face area shall require a sign permit, unless the sign is exempted from permit requirements. The changing of text or logos or the repainting and routine maintenance of signs shall not be deemed changes or alterations requiring a sign permit. However, if the change involves the replacement of, or change in, the structural component of the sign or sign support structure, said change shall only be authorized upon the issuance of a sign permit.

*Note: Most sign support structures are deemed structures and require a zoning permit, regardless if a sign has been affixed to said structure.*

#### **F. Nonconforming Signs**

1. Except as specified in par. 2, nonconforming signs may continue, but structural alterations or repairs are prohibited, unless the sign is brought into conformity with the provisions of this chapter. No such sign face shall be enlarged or reduced in size unless the sign is brought into conformity with this chapter.
2. Signs that are nonconforming because they are in a public road right-of-way or contain obscene language, symbols or pictures must be removed from the property or brought into conformance with the regulations of this chapter within 12 months of the adoption of this chapter. If such sign is not removed or brought into compliance, the owner or lessee of the property upon which the sign is located shall be subject to prosecution and fines as provided in 24.504 Enforcement and Penalties.

#### **G. Abandoned Signs**

1. Abandoned signs shall be removed by the owner or lessee of the property upon which the sign is located, unless the sign message is changed in compliance with this chapter. Such removal or change of message shall be completed within one year of the date upon which the sign becomes an abandoned sign.
2. If the owner or lessee fails to remove the sign, the Town Zoning Code Administrator shall give the owner 30 days written notice to remove said sign or change its message in compliance with this chapter. Upon failure to comply with the notice, the owner or lessee of the property upon which the sign is located shall be subject to prosecution and fines as provided in 24.504 Enforcement and Penalties.

### **24.421 TELECOMMUNICATIONS TOWERS AND ANTENNAS**

#### **A. Intent**

The intent of this section is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antennas, and related facilities. The regulations are designed to protect and promote public health, safety, community welfare, aesthetic quality of the Town of Chilton, and encourage managed development of telecommunication infrastructure. The section shall:

1. Provide a process for obtaining necessary permits for telecommunication facilities, while at the same time protecting the interests of the citizens of the Town of Chilton.
2. Ensure that a non-discriminatory, competitive, and broad range of telecommunication services and high-quality telecommunications are provided to serve the community.
3. Minimize conflicting uses of the land and adverse visual effects.
4. Protect environmentally sensitive areas of the Town of Chilton by regulating the location, design, and operation of telecommunication towers, antennas, and related facilities.
5. Encourage the use of alternative support structures, co-location of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate three or more providers.

#### **B. Exemptions**

This Ordinance shall not govern the installation and or use of:

1. Television antennas, satellite dishes, and receive-only antennas, provided that they are for personal use of the landowner, the primary use of the property is not a "telecommunication facility", and the antenna use is accessory to the primary use of the property.
2. Amateur radio antenna and their supporting towers, poles, and masts that are owned and/or operated by a federally-licensed amateur radio operator or is used exclusively for receive-only antennas.
3. Mobile services providing public information coverage of news events of a temporary or emergency nature.
4. Any other devices not mentioned above that are exempt according to Section 704 of the Telecommunications Act of 1996.

#### **C. General Requirements**

These provisions shall apply to all telecommunications facilities located within the Town of Chilton.

1. All telecommunication facilities shall comply with Federal Communication Commission (FCC), Occupational Safety and Health Association (OSHA), and Federal Aviation Administration (FAA) rules, Wis. Stat. 66.0404, Wis. Stat. 91.46 and Chapter 82, Calumet County Code of Ordinances. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or

- antenna is leasing the property upon which the tower or antenna is installed.
2. All telecommunication facilities shall comply with the manufacturer's specifications as it relates to design and installation.
  3. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
  4. The landowner shall provide written authorization for siting the telecommunication facilities on a leased property.
  5. All towers and antennas must be adequately insured for injury and property damage.
  6. Any required federal, state, or local agency licenses shall be provided prior to the issuance of the building permit for proposals to erect new telecommunication facilities.
  7. No sign, other than warning, permit number, or equipment information, shall be affixed to any telecommunication facilities.
  8. No telecommunication facility shall be artificially illuminated or have strobe lights attached to it unless required by FCC or FAA regulations. Light, if required, shall be shielded from the ground.
  9. Camouflaged telecommunication facilities are encouraged and may be required in historical, environmental; or other sensitive areas as determined by the Town of Chilton.
  10. All telecommunication towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted that a guyed tower is required.
  11. Telecommunication facilities shall not interfere with or obstruct existing or proposed public safety or fire protection telecommunication facilities. The applicant at no cost to the Town shall correct any actual interference and/or obstruction.
  12. A bond with a corporate surety, duly licensed in the State of Wisconsin, in the amount of twenty thousand dollars (\$20,000) to assure that the applicant, its representatives, its agents, and its assigns will comply with all the terms, conditions, provisions, requirements, and specifications contained in this ordinance, including abandonment.

**D. Prohibited Areas for Telecommunication Facilities**

1. No telecommunication facility may be located in the following areas:
  - a) Floodplains
  - b) Wetlands



- c) Shorelands
- d) Conservancy-zoned districts
- 2. Notwithstanding the above, the Zoning Administrator shall issue a land use (building) permit provided:
  - a) The applicant requests to attach an antenna to an existing tower, structure, or utility pole, and,
  - b) The antenna does not extend more than twenty (20) feet above the highest point of an existing tower, structure, or pole,
  - c) Any modification or additional equipment attached to an existing tower must have engineering or structural calculations completed and certified that the tower is structural capable of supporting the additions without compromising its integrity.

**E. Zoning Districts Permitting Telecommunication Facilities with Conditional Use Permit Review and Approval:**

Telecommunication facilities may be allowed in the following zoning districts, provided they meet the requirements of the district and the requirements of this chapter:

- 1. All agricultural-zoned districts.

**F. Conditional Use Permit Requirements**

All applications for conditional use permits shall include the following information:

- 1. A report from a registered professional engineer and/or other professionals which:
  - a) Describes the facility's height and design, including a cross-section and elevation;
  - b) Certifies the facility's compliance with electrical standards and structural standards that allow it to accommodate at least three (3) antennas;
  - c) Describes the tower's capacity, including the potential number and type of antennas that it can accommodate;
  - d) Describes the lighting to be placed on the facility if required by the FCC or FAA;
  - e) Certifies that the facility will not cause destructive interference with previously established public safety communication system;
  - f) A plat of survey showing the parcel boundaries and a legal description, support facilities, location, access, landscaping and fencing;
  - g) Federal Communication Commission (FCC) license and registration numbers, if applicable. Also copies of Findings of No Significant Impacts Statement from FCC or Environmental Impact Study, if applicable;
  - h) Proof of liability coverage that is satisfactory to the Plan Commission;
  - i) An alternatives analysis shall be prepared by the applicant which identifies all reasonable, technically feasible alternative locations and/or facilities which could provide the proposed

telecommunication service. The intention of the alternatives analysis is to present alternative strategies which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the Town. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. The Town may require independent verification of this analysis at the applicant's expense.

- j) A tabular and map inventory of all the applicant's existing telecommunication towers that are located within the Town of Chilton and includes all of the applicant's towers within fifteen hundred (1,500) feet of the Town's corporate boundaries. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication towers and the ability of the tower or antenna structure to accommodate additional co-location antennas.
2. Each application shall include a facility plan. The Town will maintain an inventory of all existing and proposed telecommunication facility installations. All applicants shall provide the following information in each plan:
    - a) Written description of the type of consumer services each applicant will provide to its customers (cellular, PCS, SMR, ESMR, paging, or other anticipated telecommunication services), the carrier provider, applicant, landowner, and service provider.
    - b) Provide a list of the applicant's existing telecommunication sites, existing sites to be upgraded or replaced, and proposed facility sites as they are determined and requested within the Town and within fifteen hundred (1,500) feet of the Town's corporate boundaries.
    - c) Provide a map of the area that shows the geographic service areas for the provider of the existing and proposed facility sites as they are determined and requested by the provider.
    - d) The name, address, and telephone number of the officer, agent, and/or employee responsible for the accuracy of the application.
  3. Written acknowledgement by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the building permit or conditional use permit.
  4. Additional Information and Analysis
    - a) The Code Administrator or the Plan Commission may, at his/her or its discretion, require visual impart demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless telecommunication facilities, or facility design alternatives for the proposed facilities.
    - b) The Code Administrator or Plan Commission may employ, on behalf of the Town, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant.

The applicant shall pay the costs of such review and/or independent analysis.

## **G. Performance Standards**

1. General
  - a) Except as provided in this subchapter, all telecommunication facilities shall meet the dimensional standards of the zoning district in which they are located. Where the facilities are the principal use on a separate parcel, the parcel shall meet the minimum lot size requirements of the respective zoning district. On a parcel of land that already has a principal use, the facilities shall be considered an accessory use and a smaller area of land may be leased provided that all requirements of this ordinance can be met.
2. Setbacks and Separation
  - a) The tower shall be set back from the nearest property line a distance equal to 1.1 times the height of the facility. This setback may be reduced to one-half the height of the facility if the applicant submits an engineering report from a registered professional engineer that certifies that the facility is designed and engineered to collapse upon failure within the distance from the facility to the property line. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.)
  - b) The tower shall not be located within five hundred (500) feet of any residence other than the applicant's residence.
  - c) Towers shall be set back from the nearest road right-of-way a distance equal to the height of the tower or the setbacks established in 24.300 Districts of this ordinance, whichever is greater.
  - d) All guy wire anchors shall be at least twenty-five (25) feet from all property lines except on leased parcels.
3. Co-Location/Sharing of Facilities
  - a) No new facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing facility tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:
    - 1) No existing facility towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
    - 2) Existing facility towers or structures are not-of sufficient height to meet the applicant's engineering requirements.
    - 3) Existing facility towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - 4) The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing

- facility tower or structure would cause interference with the applicant's proposed system.
- 5) The fees, cost, or contractual provisions required by the owner to share an existing facility tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are considered unreasonable.
  - 6) The applicant demonstrates that there are other limiting factors that render existing facility towers or structures unsuitable.
- b) New facilities shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is one hundred thirty (130) feet or more in height. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.
4. Screening and Landscaping. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment, and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived by the governing authority. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible.
  5. Security Fencing. All towers shall be reasonably protected against unauthorized access. The bottom of the tower shall be enclosed with a minimum of an 8-foot high fence with a locked gate.
  6. Lighting as required by FCC or FAA with approval from the Town of Chilton.
  7. Color and Materials
    - a) All towers and antennas shall use building materials, colors, textures, screening, and landscaping that blends the facilities with the surrounding natural features to the greatest extent possible. The tower shall be painted light blue or other color that is demonstrated to minimize visibility. Galvanized towers may be permitted.
    - b) All metal towers shall be constructed or treated with corrosion resistant material.
  8. Parking and Access. Adequate parking spaces shall be provided on each site so that parking on public road right-of-way's will not be necessary. Access must be provided by an all-weather driveway, and access must be approved by the applicable highway offices.
  9. Height. The applicant shall identify the height of the proposed tower and provide justification for the height chosen. The Plan Commission can modify the height after review of the application. Satellite dishes and parabolic antennas shall be situated as close to the ground as possible to reduce the visual impact without compromising their function.

**H. Revocation**

## 1. Grounds for Revocation

Grounds for revocation of the conditional use permit shall be limited to one of the following findings as determined by the Town of Chilton Plan Commission:

- a) The owner of such site, service provider, and/or tower owner fails to comply with the requirements of this ordinance as it existed at the time of the issuance of the conditional use permit.
- b) The permittee has failed to comply with the conditions of approval imposed.
- c) The facility has not been properly maintained.
- d) A permit shall expire twelve (12) months after issuance if the tower and/or supporting facilities have not been erected. An extension of time may be granted by the Plan Commission upon request.

## 2. Revocation Process:

- a) If one of the findings exists, the Town shall notify the permittee of the noncompliance. The permittee will be given an opportunity to present their position to the Plan Commission or a minimum of 30 days to comply.
- b) If compliance is not received within 30 days, the Plan Commission shall hold a hearing to review the noncompliance. Notice shall be given, testimony received, and a written decision made by the Plan Commission based on substantial evidence.

**I. Abandonment**

The owner of a telecommunication facility under this ordinance shall notify the Town of Chilton when the facility is no longer in operation. All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed within twelve (12) months of the cessation of operations unless the Town approves a time extension. After the facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground to within five (5) feet of ground level. If removal and/or restoration is not completed, the Zoning Administrator may order removal utilizing a performance bond which shall be provided by the telecommunication provider to the amount of \$20,000. The Town of Chilton will be named as obligee in the bond and must approve the bonding company.

**J. Appeals Procedure**

Appeals may be taken by aggrieved party as provided under 24.502 Board of Appeals.

**K. Fees**

Fees for permits are provided under 24.503(G) Fees.

**L. Penalties**

Penalties for violations are provided under 24.504 Enforcement and Penalties.

## 24.422 NONMETALLIC MINING

### A. Intent

The intent of these regulations is to promote public health, safety and general welfare; protect the demand for and economical extraction of nonmetallic minerals; permit the development and utilization of nonmetallic mineral resources in a manner compatible with neighboring land uses; preserve environmentally sensitive areas, such as the Niagara Escarpment, which is a unique geological formation; avoid the degradation of existing private and public water supplies; and, to minimize potential adverse environmental impacts of nonmetallic mining operations through the use of best management practices. These regulations are to be used in concert with Sec.18-5 of the Calumet County Code of Ordinances (the Calumet County Nonmetallic Mining Reclamation Ordinance, NR 135 Wisconsin Administrative Code and Subchapter I of Chapter 29, Wisconsin Statutes).

### B. Application

In addition to the application requirements of 24.412 Conditional Uses, all applications for a proposed nonmetallic mining operation shall include the following information, except that the Town may waive portions of the specified information upon finding that, because of the nature or method of the operation, such information is not relevant or is unnecessary to a full and proper evaluation of the application:

1. General Information
  - a) The name and mailing address of the property owner(s), and operator, if different from the owner. If the applicant is a corporation, partnership, limited liability company or limited liability partnership, the application shall include the exact name of the business entity; the date of incorporation, registration or organization; the state in which the entity was incorporated, registered or organized; and the name, address and phone number of the designated contact person for the applicant.
  - b) The name, address and phone number of an individual who is responsible for the daily operation and maintenance of the site and who will serve as the primary contact person for the Town.
  - c) A signed statement the applicant, owner or operator, if different, is familiar and will be in compliance with the provisions of this section, including the responsibility to pay the required fees and any possible citations, if imposed for a violation, for the administration and effective enforcement of this section.
2. Site Plan. A site plan, drawn at a scale of 1" = 200' which produces a clearly legible drawing, which shall include the following:
  - a) North point, scale, and date.

- b) Property boundaries of the operators owned and/or leased land.
  - c) Location and boundaries of the nonmetallic mining site, including extent of the area to be excavated, related storage, stockpiling and processing areas, the progression of all activities throughout the duration of the permitted activity, and areas where nonmetallic mining refuse is to be deposited. The plan shall include the areas proposed for operation as a result of the application, and, any known future areas of operation to be subject of a separate, future application, as well as any areas not subject to this chapter, due to being a legal nonconforming use or being covered by a conditional use permit issued prior to the effective date of this chapter.
  - d) Location of all access points, roads, rights-of-way, and utility easements on or abutting the property.
  - e) Location of all structures within 500 feet of the mining site.
  - f) Location and direction of flow of both ground and surface water on or within 300 feet of the mining site and, the disposition of both ground and surface water. Said location and direction to be portrayed graphically. Maps prepared by the County or State may be used to satisfy this requirement. Maps that are not prepared by the County or State shall be prepared by a qualified professional engineer, geologist or hydrologist.
  - g) Benchmarks, if needed for the contour maps.
  - h) A topographic map, with a contour interval of not more than 4 feet, of the proposed mining site and the area within 300 feet of the mining site. The site plan shall specify the reference elevation, such as mean seal level, an on-site benchmark or other commonly accepted references.
  - i) Areas to be used for drainage and erosion control management or sedimentation ponds, if any.
  - j) Proposed parking areas, signs, and fencing, including a description of the purpose of the fencing.
  - k) Typical cross section of the site showing the water table.
  - l) All wetlands on the property shall be staked in the field and identified on the site plan.
3. Operation Plan. An operation plan which shall include a description of the proposed nonmetallic mining operation and methods and procedures to be used in mining the site. The operation plan shall also include the following:
- a) A legal description and general location map of the tracts of land involved. If property lines are vague or disputed, the property shall be surveyed and marked so all property lines are clearly identified. Such survey shall be initiated and paid for by the applicant, owner or operator, if different.
  - b) The approximate date of the commencement of the operation.
  - c) Type of mining, processing, and transportation equipment to be used.
  - d) Estimated type and amount of materials to be extracted.
  - e) Roads and drives to be used on site, including all points of ingress and egress, and, all primary transportation routes to transport material to State or Federal highways. Access to roads shall not be approved unless written consent is provided by the Town.

- f) Estimated number of truckloads per day, and estimated weight of material per truckload.
  - g) Operational measure to be taken to minimize noise, dust, air contaminants, and vibrations.
  - h) Operational measures to be taken to prevent groundwater and surface water degradation.
  - i) Measured or estimated depth to groundwater and general groundwater flow direction at the site. Information from the Calumet County groundwater flow maps and aquifer susceptibility maps shall be referenced. If excavations below the water table are to occur, operational measures to be taken to prevent entry of contaminants into the groundwater.
  - j) Operational measures to be taken to stabilize topsoil and other material stockpiles.
  - k) Operational measures to be taken to ensure no wetland is disturbed, unless written approval to disturb the wetland(s) is secured from the U.S. Army Corps of Engineers or the Wisconsin Department of Natural Resources.
4. Drainage and Erosion Control Plan
- a) All nonmetallic mining operations shall comply with all Wis. State Stats. 295 and the Wis. Admin. Code NR 135 provisions regulating erosion control measures and water drainage and discharge from the mining site. All new nonmetallic mining operations shall provide a copy of their Wisconsin Department of Natural Resources Nonmetallic Mining Stormwater Permit, to the Town, prior to beginning mining operations at the site. Calumet County Post-Construction Stormwater Management Ordinance requirements must be met before operation can begin. Article II of Chapter 10 of the Calumet County Code of Ordinances must be followed in its entirety.
  - b) All expansion or reconfigured operations, or, operations which are altered so as to add impervious surface, that are not required to obtain a DNR Stormwater Permit, shall comply with Chapter 10, Article II, of the Calumet County, Code of Ordinances (the Calumet County Erosion Control Ordinance) and Chapter 10, Article III, of the Calumet County Code of Ordinances (the Calumet County Post-Construction Stormwater Management Ordinance), as applicable. A plan illustrating how compliance with these ordinances will be achieved shall be provided at the time of conditional use permit application.
  - c) If a permit is not required in subds. B., 4. a) and b) above, then the applicant, or owner or operator, if different, shall submit a plan which includes the following:
  - d) A written description detailing stormwater drainage and erosion control measures to be taken on site for all mapped information; contours of which shall be shown at 4 foot intervals; existing drainageways, subsurface tile drains, pipes and culverts; existing floodplains, wetlands and water bodies within 300 feet of the boundaries of the property; arrows illustrating the direction of surface water drainage; the impact of the nonmetallic mining activity on adjacent properties both upstream and downstream



- from the mining site in order to demonstrate that runoff rates from mining activity will not exceed pre-mining runoff rates of a 10- year 24-hour storm; location and design details of runoff detention facilities planned or constructed; and, temporary and permanent erosion control measures.
- e) A copy of the application for, or, if issued, the Wisconsin Department of Natural Resources WPDES permit, if applicable, shall be submitted to the Town prior to the beginning of mining activities.
  - f) Copies of all other required local, County, State or Federal erosion control or runoff management permits shall be submitted to the Town prior to the beginning of mining activities.
5. Reclamation Plan
- a) An approved reclamation plan shall be provided in compliance with NR 135. At the time of application for the conditional use permit the applicant shall have a Draft Reclamation Plan developed in accordance with specifications provided by the East Central Wisconsin Regional Planning Commission (ECWRPC). If the conditional use permit is granted, the applicant shall submit a Final Reclamation Plan to the Town, which has been approved by ECWRPC, prior to beginning mining activities.
  - b) The nonmetallic mining operation shall comply with all Wisconsin State Statutes and the Wisconsin Administrative Code provisions regulating reclamation activities. The reclamation plan shall demonstrate the site will be reclaimed with preferential treatment to enhancing natural features or for use as an agricultural site that has soils that are comparable, or of higher quality crop potential, to pre-mining soils and/or neighboring fields and adequate drainage to support plant life. Applicants are encouraged to develop reclamation plans that illustrate the site will provide a public benefit such as public recreational trails or park space.
6. Lease(s). If the mining site is leased to the operator, a letter which authorizes the operator to enter upon the lessor's land for the purpose of nonmetallic mining.
7. Insurance
- a) The applicant shall provide the Town with an agreement to defend and hold the Town harmless against any third party claims resulting from or arising out of any negligent, intentional, or wrongful act or omission of the applicant, its employees, officers, or agents in conducting the operations of the nonmetallic mining operation and site that have been permitted by the issuance of the conditional use permit up until the completion of the final reclamation, except to the extent that the Town shall be found solely liable for any such claims or damages. The hold harmless agreement shall be subject to the approval of the Town's Corporation Counsel.
  - b) The applicant shall submit a certificate of insurance identifying the Town and its elected officials, employees and agents as additional insureds with the following minimum coverage limits:
    - 1) Comprehensive General Liability Insurance, including blanket contractual liability insurance, insuring the applicant's obligation to indemnify the Town as provided in

this section insuring the Town, its officials, agents, and employees against liability for personal injury, including death of persons resulting from injuries occurring on or in any way related to the use or occupancy of the permitted premises in a minimum amount of \$1 million per occurrence, and, against liability for damage to property occurring on or in or relating in any way due to the permitted premises with the combined aggregate of \$2 million.

- 2) Comprehensive General Public Liability Insurance against claims for bodily injury, death or property damage, occurring on, in, or about the permitted premises or arising out of the operation of the permitted premises. Such insurance shall afford protection of not less than \$1 million with respect to bodily injury or death to any one person, with the combined aggregate of \$2 million with respect to any one accident, and not less than \$100,000 with respect to property damage, without deductibles.
8. Additional Information. By written request the Town may require submittal of such other information as may be necessary to determine the nature of the nonmetallic mining operation and proposed reclamation and the effect on the surrounding area.

### **C. General Requirements**

1. Setbacks. The setbacks in this section shall apply to all nonmetallic mining activity including, without limitation, the storage of waste materials, stockpiling, inventory, and equipment. The Town reserves the right to require greater setbacks for sand and gravel operations in order to protect the integrity of the sloped perimeters from erosion. The setback requirements are inapplicable to berms or other methods of landscaping.
  - a) The nonmetallic mining operation shall be located at least 50 feet from all exterior lot lines and at least 100 feet from public road centerline or 25 feet from the road right-of-way, whichever is greater. Adjoining nonmetallic mining operations are not subject to the exterior lot line setback for the lot line that is shared by those operations, if agreed to by the adjoining landowner or operator.
  - b) No nonmetallic mining operation shall be conducted within 500 feet of a dwelling unit other than that of the owner or operator, unless written permission from the property owner has been obtained by the owner or operator.
  - c) No nonmetallic mining operation shall be less than 1200 feet from the perimeter, if the perimeter has been delineated by the DNR, or the property line if the perimeter has not been delineated by the DNR, of an active, inactive or abandoned landfill, unless a hydrogeologic study demonstrates that groundwater contamination will not occur as a result of the activity nor will groundwater flow be disrupted. The study shall be conducted by a qualified registered engineer, geologist or hydrogeologist, demonstrating the impact on existing groundwater flow patterns.

Unless otherwise determined by the Town, the location of the landfill will be based on Wisconsin Department of Natural Resources data.

2. Hours of Operation. Nonmetallic mining operations of whatever the nature, are limited to the hours of 6 a.m. to 6 p.m., Monday through Friday, and 6 a.m. to 2 p.m. on Saturday. No nonmetallic mining activity may be conducted on Sundays or legal holidays. Maintenance is allowed outside the approved hours of operation. Hours of operation established by a valid conditional use permit will not be altered under this section. The hours of operation restrictions may be adjusted to address special circumstances or demonstrated problems, but only if the Town provides its written consent to the modification after notice and a hearing.
3. Dust Control. The operator shall use industry best management practices in its efforts to control and minimize fugitive dust, including one of the following: landscaped earthen berms, paved entrance roadways, standard methods of water spray, dust covers on transfer points, and contract sweeping, if needed.
4. Noise Control. The applicant shall comply with all applicable noise regulations and industry recommendations, provided such recommendations are not cost prohibitive.
5. Vibration and Blasting. The nonmetallic mining operation and activities shall comply with all Wisconsin State Statutes and Wisconsin Administrative Code provisions pertaining to blasting activities. Upon request by the Town, the operator shall submit the blasting logs to the Town.
6. Groundwater Monitoring.
  - a) The applicant shall send a certified letter, with receipt requested, to all neighboring properties which are assessed structures in excess of a value of \$1000 which are located within 1000 feet of the proposed perimeter of the mining extraction area. The letter shall notify the owner of the owner's right to have a baseline test performed within 30 days of receipt of the letter on the landowner's well. The applicant shall be responsible for all well testing where the property owner has indicated in writing within the 30-day period mentioned that they want to have their well tested and have granted permission for access and testing on the property. Mine operators are strongly encouraged to get written evidence from all property owners that choose not to participate in the baseline testing. Baseline testing shall test for, as a minimum, bacteria, turbidity and drawdown. Testing must be completed and results obtained prior to commencing any permitted activity on site. Drawdown tests shall be conducted when requested in writing by a well owner who believes the quantity of water in the well has been impacted by the mining activities. All tests shall be performed by a qualified third-party professional.
  - b) All test results shall be provided to both the owner and the Town within 10 days of receipt of the test results. If test results show that the well is not suitable for use as a result of the mining activity, the applicant shall take all reasonable steps to alleviate any problems including, but not limited to, immediately providing a temporary water source, well repair, or code compliant well

- replacement. In no case shall bottled water be provided as a permanent solution. The applicant shall also be responsible for, at the applicant's option, either repairing the well, drilling a new well or casing a well which was found compliant and safe at the time the conditional use permit was issued which later revealed turbidity, or drawdown problems as a result of the mining activity. Wells that were not included in the baseline testing, due to the installation date, or an owner indicating a willingness to be exempt from the baseline testing, are not subject to these provisions.
- c) An applicant may install a residential well for use in the nonmetallic mining operation. High-capacity wells and high capacity well systems, both as defined in Wis. Admin. Code NR 812.07, as amended, shall comply with Wisconsin State Law and Wisconsin Administrative Codes, concerning high capacity well systems.
7. Home Inspections
- a) To ensure dwellings and structures are not damaged from blasting or vibration, the applicant or their designee shall comply with Wisconsin Administrative Code, SPS 307, Explosives and Fireworks.
- b) The applicant shall maintain a list of all complaints of damage and submit the log to the Town upon request. The log shall be accompanied by a descriptive of the applicant's follow-up action.
8. Spill Prevention
- a) The applicant shall comply with the applicable State and Federal requirements regarding chemical storage and handling and spill response. This includes, but is not limited to, OSHA or MSHA, EPA's Spill Prevention Control and Countermeasures (SPCC).
- b) All mining operations shall comply with Sec. 18-40 of the Calumet County Code of Ordinances (the Calumet County Illicit Discharge and Connection Ordinance).
9. Limits of Operation
- a) All mining activity shall be limited to the dimensions authorized by permit.
- b) For operations that were approved by a permit that predates this chapter, the extent of mining activity shall be limited to the parameters approved by the permit that authorized the mining activity.
- c) If the mining activity predated the adoption of zoning in the town in which the mining activity is located, the mining activity can continue up to, but not extend past, the lot lines of the tract of land upon which the activity was occurring at the time of adoption of this chapter.
- d) In no case shall mining activity extend to an adjacent parcel unless expressly approved by permit.
10. Dumping Prohibited. The owner and/or operator of a nonmetallic mining operation shall not place junk material into or outside of the nonmetallic mining site. Nor shall they allow junk materials to accumulate as a result of dumping by others.
11. Landscaping and Screening. Unless an alternative landscaping and screening plan is approved by the Town, all mining activity shall comply with the following:

- a) A berm shall be installed around the perimeter of the operation, except for entrances and exits, in compliance with the following:
- 1) Prior to construction of said berm, the applicant shall submit and obtain approval from the Town for a detailed berm, landscaping and related drainage and erosion control plan.
  - 2) The berm shall be installed within 14 days of stripped overburden and topsoil becoming available from the quarry site or from suitable outside sources. The berm can be installed in phases as material becomes available.
  - 3) Only clean overburden from the mining site or suitable outside sources shall be used in constructing the berm.
  - 4) The berm shall be at least 10 feet above the surface of the center of the adjacent public road. For areas not adjacent to a public road, a berm half the height of the largest wheel of equipment used in the mining operation shall be installed around the active mining area, but in no case of a lesser height than required by the Mine Safety and Health Administration.
  - 5) The outward-facing slopes of said berm shall not be steeper than 3 horizontal units to 1 vertical unit. The inner-facing slopes may be steeper, but must be stabilized and maintained to remain stable.
  - 6) The berm shall be constructed so as to not result in flooding, concentrated runoff, inadequate drainage or excessive erosion or sedimentation.
  - 7) The exterior of the berm shall be kept free of noxious weeds, trash and debris.
- b) Berm Landscaping Tree Requirements. The following requirements shall be met at the time of the establishment of the berm.
- 1) Number of Trees. There shall be at least 10 evergreen trees per 100 linear feet of landscape buffer, or 15 deciduous trees per 100 linear feet of landscape buffer, or a combination of 70% evergreen and 30% deciduous accounting for at least 15 trees per 100 linear feet of landscape buffer.
  - 2) Tree Placement. The trees may be staggered provided that the centers of the trees are not greater than 15 feet apart, and provided there is at least 1 tree within each 10-foot horizontal segment of the landscape buffer.
  - 3) Height. The required trees shall be at least 4 feet in height at the time of the establishment of the landscape buffer. The required trees, at maturity, shall be at least 15 feet in height.
  - 4) Tree Materials. Tree species to be located in landscape buffers shall be suitable for survival in Calumet County's climate and soil conditions found at the site.

*Note: To select suitable trees, applicants are urged to consult with foresters, landscape architects, or*

*arboriculturists; or, to refer to the publication, A Guide to Selecting Landscape Plants for Wisconsin, by E.R. Hasselkus, available from University of Wisconsin Cooperative Extension Service.*

- 5) Maintenance. Mature landscape buffers shall be maintained so as to retain the spacing and height requirements. Trees may be thinned provided an opaque screening is still maintained.

#### **D. Permits**

1. Permit Review. Provided the application demonstrates compliance with the provisions of this section, a conditional use permit application shall be scheduled for a public hearing and processed accordingly with 24.412 Conditional Uses. When reviewing the application, the Town shall consider, as a minimum, the following:
  - a) The appropriateness of the proposed operation in relation to the existing nearby land uses.
  - b) Any applicable recommendations of the Natural Resources Conservation Service (NRCS) Technical Guide Sections I-V.
  - c) The effect of the proposed operation upon existing private and public water quality and quantity.
  - d) The economic impact of the proposed operation on private enterprises and local government (i.e. road repair expenses).
  - e) The effect of the proposed operation on public health and safety.
  - f) The location of, and effect upon, the proposed operation with respect to floodplains, floodways, drainage paths, and shorelands.
  - g) Evidence no wetlands per NR 352, will be filled or negatively impacted as a result of the mining activity.
  - h) For operations located in a Farmland Preservation zoning district, said operation shall also satisfy the requirements of s. 91.46(6), Wis. Stats.
2. Duration and Renewal of Permit. Conditional use permits for nonmetallic mining shall be effective for 5 years, unless a lesser time period is specified by the Town. Renewals of permits shall be issued as follows:
  - a) Applications for permit renewal must be submitted at least 60 days prior to the expiration date of the existing permit. Such applications shall comply with the requirements of sub. B.1.a), b), and c), Application, General Information, but not need any items shown on previously submitted applications, unless different. Renewal applications may merely indicate no change in such items. Any changes from prior applications shall be shown on applications for permit renewal.
  - b) In light of the fact that the anticipated life of the nonmetallic mining operation is likely to exceed 5 years, and because the applicant will be making a substantial investment in the development of the nonmetallic mining site during the initial 5-year term, the conditional use permit shall be renewed unless the applicant fails to comply with the requirements of the conditional use permit and this chapter. To

- ensure compliance, the Town shall annually inspect the nonmetallic mining operation.
- c) No permit renewal shall be granted unless the project is in compliance with the terms of the existing permit, including the reclamation approved by the Town or the East Central Wisconsin Regional Planning Commission, unless a plan for coming into compliance has been submitted and approved by the Town. The renewal permit shall not be terminated or denied without first providing the applicant with a notice of a hearing and a hearing at which the applicant shall be given the right to respond to the alleged default. Termination or non-renewal shall occur only in the event of an applicant's failure to comply with any material term of the original permit, the operation and reclamation plan, the performance standards incorporated herein, or upon a significant change in material circumstances rendering continued operation under the conditional use permit to be contrary to the health, safety, or welfare of the Town of Chilton.
  - d) Permit renewals may be conditioned upon correction of any unanticipated environmental impacts that occur during the original or renewal permits.
  - e) Unless a public informational hearing is requested by a person who resides within, owns property within, or whose principal place of business is within 300 feet of the nonmetallic mining site, no public hearing shall be required to be held with the respect to a renewal application. However, if the application provides for an enlargement of the previously approved mining site, or, otherwise provides for an alteration or change in the method of operations or reclamation previously approved, a new conditional use permit shall be required and approved only after finding such change will not adversely affect neighboring properties.
  - f) Renewal permits shall be issued for another 5 years.
3. Transfer of Permit. When an operator succeeds to the interest of another at an uncompleted site, the first operator shall be released of the responsibilities imposed by the permit, but only if:
    - a) The operation is in compliance with the requirements of this section and the permit for the operation.
    - b) The operator assumes the responsibility of the former operator to complete the reclamation of the entire mining site by written, signed and notarized document and provides financial assurance for such reclamation.
- E. Mining Site Enlargement.** Any proposed mining site enlargement shall be processed as a new application pursuant to this section. All provisions of this section shall apply to the proposed enlargement.
- F. Failure to Open and Operate.** Failure of an operator to take substantial steps to open and operate a mining site within one (1) year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future mining activity.

- G. Abandonment of Nonmetallic Mining Operations.** If abandonment of nonmetallic mining operations occurs, new mining operations shall not be permitted, except upon permit issuance as prescribed by this section.

#### **24.423 WIND ENERGY**

**A. Setbacks**

1. Each Wind Turbine must be set back:
  - a) At least 1.1 times the total height of the Wind Turbine from the property line of a participating property owner.
  - b) At least 1,000 feet from the property line of a non-participating property, unless the owner of the non-participating property grants an easement for a lesser setback. The easement must be recorded with the County Register of Deeds and may not provide for a setback that is less than 1.1 times the total height of the Wind Turbine.
  - c) At least 1.1 times the total height of the Wind Turbine or 500 feet, whichever is greater, from any public road or power line right-of-way.
  - d) At least 1.1 times the total height of the Wind Turbine from the nearest above-ground public electric power line or telephone line.
  - e) At least 1.1 times the total height of the Wind Turbine from the nearest navigable body of water or State DNR designated wetlands in excess of two acres in size.
2. No Wind Energy System shall be located so as to interfere with a microwave communication within a Fresnel zone.
3. Wind Energy Systems shall also comply with the requirements of:
  - a) Calumet County's Chapter 79 Wind Energy Ordinance to the extent that it is more restrictive than the
  - b) s. 91.46(4), Wis. Stats. if in a Farmland Preservation zoning district.

#### **24.424 – 24.499 Reserved**



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**Section 24.500 Administration and Enforcement****24.501 CODE ADMINISTRATION****A. Administration of the Ordinance**

The administration of this ordinance is hereby vested in the following offices of the Town of Chilton:

1. Town Board of Chilton.
2. Plan Commission.
3. Board of Appeals.
4. Town Zoning Code Administrator.
5. Building Inspector
6. Town Constable, when granted authority by action of the Town Board.

**B. Duties**

The duties of the Town Board, Plan Commission, or designated staff include:

1. Provide necessary forms and applications for permits.
2. Issue zoning and sign permits where the provisions of this Ordinance have been complied with.
3. Issue conditional use permits and certificates of compliance.
4. Identify and keep an accurate file of all nonconforming uses and structures.
5. Review at public hearings all petitions for rezoning and amendments to this ordinance and make recommendations to the Town Board.
6. Maintain complete files of applications, permits, and other relevant information.
7. Upon reasonable cause to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

**C. Town Zoning Code Administrator**

The Town Board will appoint or hire a Town Zoning Code Administrator. Unless otherwise specified in this ordinance, the Town Zoning Code Administrator shall be the enforcement officer under this Ordinance. The Town Zoning Code Administrator shall administer the provisions of this Ordinance and shall issue, after inspection, permits required by this Ordinance.

**D. Zoning Permit**

1. Zoning permits, certifying that any such use, structure, or site complies with the provision of this chapter, shall be required in the following instances unless specifically exempted there from by this chapter:
  - a) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof, except for the following:
    - 1) Signs requiring a sign permit

- 2) Any reconstruction, conversion, or structural alteration that does not result in any change to the existing outer walls and/or roof of an existing building.
- 3) Structures which are less than twelve (12) inches in height above grade elevation (provided such structure meets all setback and impervious surface requirements of this chapter).
- b) Establishment of any permitted use, except uses permitted as conditional uses.
2. An application for a zoning permit shall be submitted to the Town Zoning Code Administrator on forms furnished by the Town and shall include the following information:
  - a) Name and address of the property owner.
  - b) Signature of the property owner or agent.
  - c) Location ID number, deed, legal description or other identifier of the subject property.
  - d) Statement concerning the proposed structure or use of the site.
  - e) An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing the following:
    - 1) Boundaries, dimensions, and areas of the subject site.
    - 2) The spatial relationship of the subject site to abutting public roads and right-of-way's, private roads, easements, and navigable waters.
    - 3) The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and right-of-way's, private roads, property lines, proposed and existing wells (whether in use or abandoned) and Private Onsite Waste Treatment Systems (POWTS), ordinary high watermark of navigable waters, and any known sinkholes or depressions on the land. The plan shall include any proposed decks or other structures necessary to exit doors or fire escapes, and, any other appurtenances, structures or buildings to be located on the property during construction for which a permit is required.
    - 4) Location of proposed or existing road access points, parking and loading areas, and driveways.
  - f) Building plans including all floor plans and at least two elevation views. The plan shall include any proposed decks or other structures necessary to exit doors or fire escapes, and, any other appurtenances, structures or buildings to be located on the property during construction for which a permit is required.
  - g) Additional information as may be required on the application or by the Town Zoning Code Administrator in order to determine the full compliance with the requirements of this chapter.
  - h) Water supply and wastewater disposal. Satisfactory evidence that a safe and adequate supply of water and approved (POWTS) facilities will be provided, in accordance with the requirements of the *Calumet County Sanitary Ordinance*, or its successor code, shall be submitted.
3. All permit applications shall be accompanied by a fee established by the Town Board. All fees are non-refundable.

4. No application shall be accepted by the Town Zoning Code Administrator until deemed complete as judged by the Town Zoning Code Administrator and until the application is signed and all fees established have been paid in full.
5. Upon the Town Zoning Code Administrator's determination that the proposed use or structure complies with the provisions of this chapter, a zoning permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of the chapter and any conditions attached to the permit. An application for a use or structure not in conformity with the provisions of this chapter shall be denied a zoning permit and the reasons for denial shall be stated. In the event the permit is denied, the application fee will not be refunded. No permit shall be issued for uses or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.
6. The Town of Chilton reserves the right to withhold issuing a permit until compliance has been determined with other applicable chapters of the *Town of Chilton Code of Ordinances*.
7. Zoning permits to establish a use shall expire 12 months from the date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this chapter.
8. Except as par. 9. below applies, zoning permits for the construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of a zoning permit shall be considered a violation of this chapter.
9. If construction has commenced prior to the expiration of a zoning permit, but is not completed prior to such expiration, a 12-month renewal zoning permit shall be issued by the Town Zoning Code Administrator upon submittal of a renewal application, required application items and fee. Additional renewals shall be granted by the Town Zoning Code Administrator upon a finding that progress had been made during the previous year toward completion of the structure. If a 12-month period passes without evidence of progress towards completion, the Town Zoning Code Administrator shall advise the Town Board of same and the Town Board may hold a public hearing on the matter and may impose a completion schedule. The cost of the public hearing shall be paid for by the applicant. For purposes of this chapter, a structure shall be deemed completed when the roof, exterior walls, doors, windows, and sub floors are in place and finished, appurtenances authorized by the permit (such as decks) are completed, and the sanitary waste disposal system and well have been installed.
10. If a use or structure does not comply with the issued zoning permit or this chapter, the permit shall be terminated by the Town Zoning Code Administrator. If a use permitted by a zoning permit ceases for a period of more than 18 months, the zoning permit shall terminate, and all future activity shall require a new zoning permit.

#### **E. Certificate of Occupancy**

1. No vacant land shall be occupied or used and no building or structure hereafter erected, altered or moved shall be occupied or used until a certificate of occupancy shall have been issued by the Town Zoning Code Administrator. Such certificate shall be applied for coincidental with the application for a zoning permit and shall be issued within ten days after the erection, alteration, repair or moving of such building. Such building shall have been completed in conformity with the provisions of this Ordinance and in conformity with the statements on the application for the zoning permit.
2. Upon written request from the owner, the Town Code Administrator shall issue a certificate of occupancy for any building or premises existing at the time of the adoption of this Ordinance, certifying, after inspection, the extent of any kind of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.

#### **F. Sign Permits**

1. This section only applies to those signs requiring a sign permit as specified in 24.309(E) Permits that are erected, moved, structurally altered or reconstructed.
2. All applications for sign permits shall be made to the Town Zoning Code Administrator on forms furnished by the Town and shall include the following:
  - a) Name, address, and signature of the property owner of the site for the proposed sign location, if different from the applicant.
  - b) Type, description, and dimensions of the proposed sign.
  - c) Location of the building, structure or lot to which or upon which the sign is to be attached or erected.
  - d) A plan, drawn at a scale which produces a clearly legible drawing, showing the following:
    - 1) The spatial relationship of the proposed sign to abutting public road right-of-way's, private roads, navigable water, and property lines.
    - 2) The spatial relationship of the proposed sign to existing structures and adjacent free-standing or projection signs. Additional information as may be required on the application or by the Town Zoning Code Administrator in order to determine the full compliance with the requirements of this chapter.
3. All sign permit applications shall be accompanied by a fee established by the Town Board. All fees are non-refundable.
4. No application shall be accepted by the Town Zoning Code Administrator until deemed complete as judged by the Town Zoning Code Administrator and until all necessary attachments and fees established have been paid in full.
5. Applications for sign permits shall be reviewed by the Town Zoning Code Administrator for compliance with the requirements of this chapter. If compliance is found, the sign permit shall be issued. If compliance is not found, the permit shall be denied and the reasons for denial stated.

6. All sign permits shall expire 12 months from the date of issuance. No sign shall be erected, moved, reconstructed, or altered after expiration of a sign permit unless a new sign permit is obtained.
7. If a sign does not comply with the issued sign permit or this chapter, the sign permit shall be terminated by the Town Zoning Code Administrator.

## 24.502 BOARD OF APPEALS

### A. Establishment of Board

In order that the objectives of this ordinance may be more fully and equitably achieved and a means for interpretation provided, there is established a Board of Appeals (hereinafter referred to as the Board) for the Town of Chilton.

### B. Membership and Terms of Office

1. **Board Members.** The Board shall consist of five (5) members. The Town Chairman shall appoint the members with the approval of the Town Board. No Town Board member may serve on the Board of Appeals. The members of the Board of Appeals shall all reside within the town. The Chairman shall appoint the chairperson.
2. **Terms.** The terms of the first five Board members appointed shall be as follows: one for one (1) year, two for two (2) years and two for three (3) years respectively. Thereafter, successors shall be appointed in such manner at the expiration of each term and their terms of office shall be three (3) years.
3. **Alternates.** The Town Chairman may appoint two (2) alternates for staggered terms of three (3) years. For the purpose of those first appointed, one alternate shall serve for two (2) years and one (1) shall serve for three (3) years. The Chairman shall annually designate a first alternate and a second alternate. All subsequent appointees shall be for three (3) year terms.
4. **Vacancies.** Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
5. **Compensation.** The actual and necessary expenses incurred by the Board in the performance of its duties shall be paid and allowed by the Town Board as in cases of other claims against the Town. The Town Board may also compensate the members of the Board and their assistants as may be authorized by the Town Board.

### C. Rules, Meetings, Decisions and Records.

1. **Rules.** The Board shall adopt rules for the conduct of the business of the Board in accordance with the provisions of this ordinance. The Board may adopt further rules as necessary to carry into effect the regulations of the Town Board. No rule may be changed without the concurring vote of a majority of the Board.
2. **Meetings.** Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his or her absence, the acting chairperson, may

administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

3. **Quorum.** The quorum for any meeting shall consist of three (3) members.
4. **Records and Decisions.** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions or decisions shall be taken by resolution in which the concurring vote of a majority of the members of the Board shall be necessary. Each resolution shall contain a written statement of the grounds forming the basis of such resolutions. Notice of filing of all actions and decisions shall be mailed to the parties in interest as determined by the Board.

#### **D. Powers and Duties – Appeals**

1. **Powers.** The Board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
2. **Procedures.** An application for an appeal shall be made by filing a written application on a form provided by the Town. Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the town affected by any decision of any administrative officer of the town. Such appeal shall be made within thirty (30) days of the date of the written order, requirement, decision or determination appealed from by filing with the Town Zoning Code Administrator and with the Board a notice of appeal specifying the grounds thereof. The Town Zoning Code Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board may request the applicant to provide additional information as may be needed to determine the case.
3. **Stays.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
4. **Withdrawal or Amendment.**
  - a) If the applicant elects to withdraw the appeal any time before final determination is made by the Board, this fact shall be noted on the application, with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the files of the Board, to the Zoning Code Administrator, the Building Inspector or officer and to the applicant.

- b) Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the chairperson shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for deferral.

#### E. Powers and Duties - Variances.

1. **Powers.** The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.
2. **Application.** An application for a variance shall be made by filing a written application on a form provided by the Town. Such applications shall:
  - a) State the name and address of applicant and owner.
  - b) State the location of property for which the variance is sought.
  - c) State the specific variance desired.
  - d) State the facts sufficient and demonstrate that the findings prescribed in paragraph 3. below exist and support such statements with any plans and/or data as are required by the Board.
3. **Requirements for a Variance.** In general, the power to authorize a variance from the requirements of the ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this ordinance. Variances shall only be granted when the Board finds that the following standards are met:
  - a) **Unnecessary hardship.** That there are present actual physical conditions applying to the parcel, building, structure, use or intended use on that parcel that are creating the unnecessary hardship in the application of this chapter, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations is required.
  - b) **Unique condition.** That the conditions described in the petition for the variance are unique, exceptional, extra ordinary, or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish



the basis for chapter changes or amendments, or of having that affect if relied upon as the basis for granting a variance.

- c) **Public interest.** That in granting the variance there will not be a substantial detriment to neighboring property and the grant of the variance will not be contrary to the purpose of this chapter and the public interest.
- d) **Conditions not Self-Created.** That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.
- e) **Effect on Uses.** No variance shall have the effect of allowing in any district a use not permitted in that district.

#### F. Public Hearings

1. **Time Period.** Upon filing with the Board an application for an appeal or variance, the Board shall fix a reasonable time [not more than sixty (60) days from the filing date] for a public hearing.
2. **Notice of Hearing.** A Class 2 notice pursuant to Chapter 985, Wisconsin Statutes, shall be published specifying the date, time and place of the hearing and matters to come before the Board.
3. **Notification of Neighbors.** As a matter of practice, an earnest effort will be made to send by regular mail a copy of the notice for the public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Calumet County Register of Deeds Office) of all lands located within 300 feet (or more if deemed necessary by the Board of Appeals) of any part of the parcel or parcels included in the conditional use permit application. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any decision of the Board of Appeals.

#### G. Appeals from Board Decisions.

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the municipality, may within thirty (30) days after the filing of the decision in the office of the Board, commence an action seeking the remedy available by certiorari.

### 24.503 AMENDMENTS, PUBLIC HEARINGS, AND FEES

#### A. Amendments

The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time. An amendment to the text of the Ordinance and/or to the Zoning Ordinance Map may be initiated by any resident or owner of property or by the Town Board or Plan Commission by filling out the appropriate town form and paying the required hearing fee. The petitioner, in the case of a zoning map amendment shall submit, with the application, a list containing names and addresses of all owners of property within 300 feet of the property or properties proposed to be rezoned.

**B. Commission Recommendation and Town Board Action**

1. The Plan Commission shall review all proposed zoning changes and amendments within the corporate limits and/or to the Zoning Ordinance.
2. The Plan Commission shall hold a public hearing upon each proposed change or amendment, giving at least ten (10) days prior notice by publication at least one (1) time during the preceding thirty (30) days.
3. The notice shall include the hearing time and location and the change or amendment proposed.
4. As a matter of practice, an earnest effort will be made to send by regular mail a copy of the notice for public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Calumet County Register of Deeds Office) of all lands located within 300 feet of any part of the parcel or parcels included in the conditional use permit application, zoning amendment petition, variance petition, or appeal. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any decision of the Plan Commission and/or Town Board or Board of Appeals.
5. The Plan Commission shall submit a written recommendation to the Town Board prior to the Town Board's public hearing. The Plan Commission shall include findings of fact in their recommendation. If a petitioner is rezoning lands out of the FP Farmland Preservation District, all of the following must apply:
  - a) The 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 (Preferred Land Use Map 8-2).
  - c) The rezoning is substantially consistent with the county certified farmland preservation plan (Farmland Preservation Plan Map 37D, July 2, 2019).
  - d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
6. The Town Board shall hold a public hearing after receiving said recommendation, giving at least ten (10) days prior notice by publication; said publication shall be by Class 2 notice and shall list the time, place and change or amendment proposed. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.
7. Following said hearing and after careful consideration of the Plan Commission's recommendations and findings of fact, the Town Board shall take action to approve, amend, or deny the proposed change or amendment or to refer it back to the Plan Commission for reconsideration. In taking action, the Town Board shall include findings of fact.
8. If the Town Board approves the zoning amendment, it is forwarded to Calumet County and shall only become effective upon approval by the Calumet County Board of Supervisors.

**C. Protest**

1. A protest against a change or amendment must be duly signed and acknowledged by:
  - a) The owners of 20% or more of the area included in the proposed amendment; or
  - b) The owners of 20% or more of the area immediately adjacent to the subject area and extending one hundred (100) feet therefrom; or
  - c) The owners of 20% or more of the area directly opposite the subject area and extending one hundred (100) feet from the road frontage of such opposite land.
2. The amendment shall not become effective except by the favorable vote of three-fourths of the members of the Town Board voting on the proposed change and upon approval of the Calumet County Board of Supervisors.

**D. Failure to Act**

If an application for a proposed amendment is not acted upon finally by the Town Board within six (6) months of the date upon which the findings and recommendations of the Plan Commission are filed with the Board, it shall be deemed to have been denied.

**E. Certification of Changes and Amendments**

1. This zoning ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection in order for owners of land that is zoned Farmland Preservation in the Town of Chilton to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program required by Wis. Stats. 91.38.
2. The Town of Chilton shall notify the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection of any amendments as required by Wis. Stats. 91.36(8). By March 1 of each year, the Town of Chilton will provide all of the following to DATCP:
  - a) A report of the number of acres that the Town of Chilton has rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres.
  - b) Copies of the reports shall be provided to Calumet County

**F. Fees**

1. **Standard Fee:** All persons, firms, or corporations performing work, which by this Ordinance shall require the issuance of a permit or the holding of a public hearing, shall pay a nonrefundable fee for such permit or hearing to the Plan Commission or its administrative staff (zoning code administrator) to help defray the cost of administration, investigation, processing and legally required advertising. The schedule of fees shall be determined annually by the Town Board and shall be kept on record with the Town Clerk.

2. **Schedule of Fees:** The schedule of fees shall be determined annually by the Town Board and shall be kept on record with the Town Clerk.

**G. Development Agreement and Reimbursement of Services**

To promote and enhance public safety and general welfare, and to ensure that essential improvements are made, the Town may deem it necessary to require a development agreement and/or reimbursement of Town expenses incurred as a result of a proposed development.

1. **Development agreement:** Before final approval of an application for development, the Town may require the developer to enter into a written development agreement with the Town to install any required improvements and comply with development requirements and to file a bond, letter of credit, or cash deposit in an amount determined by the Town as a guarantee of the performance of the developer's obligations under the development agreement.
2. **Reimbursement of Town expenses:** The Town Board may utilize the services of such professionals as it deems appropriate to advise and assist the Town Board, Town Plan Commission, and Board of Appeals regarding a development. Before final approval of an application for development, the Town Board may require the developer to reimburse all fees, charges and costs incurred by the Town for such professional services, including but not limited to plan review, inspection, engineering, legal and administrative. The Town Board may, from time to time, establish a schedule of such professional charges by resolution. The Town Board may require that the estimated cost for such professional services be included in the bond, letter of credit, or cash deposit to be provided to the Town.

**24.504 ENFORCEMENT AND PENALTIES**

**A. Unlawful Structure or Use**

Any building or structure hereafter erected, moved, placed, or structurally altered or any use hereafter established in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) shall be deemed an unlawful structure or use.

**B. Authority to Bring Action**

The Town Board may direct the Town's legal counsel to bring action to enjoin, remove, or vacate any use, erection, moving, placement, or structural alteration of any building or use in violation of this Ordinance.

**C. Fine for Violation of Ordinance**

Any person violating this ordinance or any part thereof shall be forced to comply with the ordinance and shall pay all expenses involved in correcting the same. A fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) for each offense together with the cost of prosecution shall be levied and in the event of nonpayment of the fine, and/or the costs of

prosecution, the violator shall be imprisoned in the County Jail of Calumet County until such fine has been paid not to exceed thirty days. Each day that a violation shall continue to exist shall constitute a separate offense.

#### **24.505 LEGAL STATUS PROVISION**

##### **A. Severability**

The provisions of this ordinance are severable. If any Court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure; such judgment shall not affect the application of said provision to any other property, building, or structure, not specifically included in said judgment.

##### **B. Conflicting Provision**

All other Town of Chilton ordinances or parts of Town of Chilton ordinances in conflict with the provisions of this Ordinance are hereby repealed.

##### **C. Effective Date**

This Ordinance shall be in force from and after its passage, approval, publication, and recording according to law.

#### **24.506 – 24.599 Reserved**

Drafted by:

\_\_\_\_\_  
Wally Sedlar, Principal Planner/Environmental Program Manager  
Martenson & Eisele, Inc.

Reviewed by:

\_\_\_\_\_  
Tyler J. Claringbole, Attorney  
Town of Chilton

**As Provided by Statute**

DATE

\_\_\_\_\_  
John J. Schwarz, Chairman  
Town of Chilton

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
County Board Chairman  
Calumet County

**Attest:**

\_\_\_\_\_  
Sheila Koehler-Oakley, Clerk  
Town of Chilton