

ADOPTED BY ORDINANCE – June 11, 2013

CERTIFIED BY DATCP – May 17, 2013

FURTHER AMENDMENTS APPROVED

BY TOWN BOARD – May 16, 2013

AMENDED BY ORDINANCE – February 17, 2013

Town of Carlton Zoning Ordinance i

TABLE OF CONTENTS

Article I – Title, Authority, Intent, and Purpose1

Section 1 – Title1

Section 2 – Authority1

Section 3 – Intent1

Section 4 – Purpose1

Article II – Definitions1

Section 5 – General Definitions1

Section 6 – Words Defined2

Article III – Establishment of Districts9

Section 7 – Establishment of Districts9

Section 8 – Zoning Map9

Section 9 – Interpretation of District Boundaries10

Article IV – Regulations11

Section 10 – Application of Regulations11

Section 11 – District Regulations13

Section 12 – Parking29

Section 13 – Regulation of Offensive Materials and Conditions30

Section 14 – Mobile Home Regulations32

Section 15 – Standards for Conditional Uses32

Section 16 – Variance34

Town of Carlton Zoning Ordinance ii

Section 17 – Nonconforming Uses34

Article V – Administration36

Section 18 – Plan Commission36

Section 19 – Zoning Administrator37

Section 20 – Zoning Board of Appeals38

Section 21 – Appeals39

Section 22 – Building Permit40

Section 23 – Violations41

Section 24 – Schedule of Fees, Charges, and Expenses42

Article VI – Amendments42

Section 25 – Procedures for Amendments42

Article VII – Miscellaneous44

Section 26 – Interpretation44

Section 27 – Separability44

Section 28 – Repealer44

Section 29 – Effective Date45

Section 29 – Planned Unit Development Overlay45

Town of Carlton Zoning Ordinance I

ARTICLE 1 – TITLE, AUTHORITY, INTENT AND PURPOSE

Section 1. Title

This Ordinance shall be known, cited and referred to as: THE TOWN OF CARLTON ZONING

ORDINANCE, KEWAUNEE COUNTY, WISCONSIN.

Section 2. Authority

The Town of Carlton pursuant to the authority conferred by applicable provisions of Sections 60.4, 60.75, 61.35, 62.23 and other relevant provisions of the Wisconsin Statutes, 1975, hereby enacts a Zoning Ordinance to read as follows.

Section 3. Intent

This Ordinance is intended to promote the orderly development of the community in accordance

with the Official Town Comprehensive Plan or any of the components parts thereof as set forth in

the Official Town Map adopted herewith and the corresponding provisions of this Ordinance setting forth such plan.

Section 4. Purpose

The Zoning Ordinance of the Town of Carlton, Kewaunee County, Wisconsin is adopted for the

following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other

dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the town; to prevent the overcrowding of land; to avoid undue

concentration of population; to facilitate the adequate provision of transportation, water,

sewerage, schools, parks and other public requirements; to preserve prime agricultural land and to

foster a more rational patter of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.

ARTICLE II – DEFINITIONS

Section 5. General Definitions

For the purpose of this Ordinance, words used in the present tense shall include the future; words

used in singular shall include the plural number, and the plural the singular.

A. The word “shall” is mandatory and not discretionary.

B. The word “may” is permissive.

C. The word “lot” shall include the words “piece”, “parcel”, and “plates”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

D. All “measured distances” shall be to the nearest “integral foot”. If a fraction is onehalf foot or less, the next “integral foot” below shall be taken.

Town of Carlton Zoning Ordinance 2

Any words not herein defined shall be construed as defined in other respective state, county, and

town codes.

Section 6. Words Defined

Certain words and terms in this ordinance are to be interpreted as defined herein:

A. Accessory Use, Agricultural – Any of the following land uses on a farm:

1. A building, structure, or improvement that is an integral part of, or is incidental to, an

a. A facility used to store or process raw agricultural commodities, all of which are produced on the

b. A facility used to keep

c. A facility used to store or process inputs primarily for agricultural uses on the farm.

d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.

e. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.

f. 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.

g. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

3. A farm residence, including normal residential appurtenances.

4. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:

a. It is conducted on a farm by an owner or operator of that farm.

b. It requires no buildings, structures, or improvements other than those described in sections 1 and 3 above.

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

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

agricultural use. This may include, for example: farm livestock on the farm.

Town of Carlton Zoning Ordinance 3

B. Agricultural Operation - including, but not limited to, general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, but not including commercial seed, fertilizer, grain mills, food processing, or canning operations.

C. Agricultural Use - Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.

2. Keeping livestock.

3. Beekeeping.

4. Nursery, sod, or Christmas tree production.

5. Floriculture.

6. Aquaculture.

7. Fur farming.

8. Forest management.

9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

D. Agriculture-related Use - A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

1. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.

2. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.

3. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.

4. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.

5. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.

E. Automobile Wrecking Yard – Any premises on which more than three automotive vehicles, not in running or operating condition, are stored in the open.

Town of Carlton Zoning Ordinance 4

F. Base Farm Tract - All land, whether one parcel or 2 or more contiguous parcels, which is in a farmland preservation zoning district and is part of a single farm on the date on which DATCP first certifies this Ordinance regardless of any subsequent changes in the size of the farm.

G. Building – Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

H. Campgrounds or sites – A tract of land with or without buildings or other equipment on which one or more cabins are located or where temporary accommodations are provided for two or more automobile trailers or house cars or tents open to the public,

free or for a fee.

I. Common Ownership - Ownership by the same person or persons, or by persons that are all 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.

J. Conditional Use – A use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

K. Contiguous - Adjacent to or sharing a common boundary. Contiguous land 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 not contiguous if they meet only at a single point.

L. Dwelling, Single Family - A detached building designed for or occupied exclusively by one family, which does not include tents, cabins, or mobile homes.

M. Dwelling, Two Family – A detached or semi-detached building designed for or occupied exclusively by two families living independently of each other.

N. Family – Two or more persons, each related to the other by blood, marriage, or legal adoption. A family may include in addition thereto, not more than two roomers, boarders or permanent guests, whether or not gratuitous.

Town of Carlton Zoning Ordinance 5

O. Farm – All land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

1. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.

2. A majority of the land area is in agricultural use.

P. Farm Acreage - The combined total acreage of all of the following in the “base farm tract:

1. Farms.

2. Open space parcels of more than 10 acres

Q. Farm Residence - Any of the following structures located on a farm:

1. A single-family [or duplex] residence that is the only residential structure on the farm.

2. A single-family [or duplex] 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.

3. A migrant labor camp that is certified under s. 103.92, Wis. Stats.

R. 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. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the land owner.

S. Holding Tank - Tank for holding effluent.

T. Home Occupation - A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation and that no stock in trade is kept or sold, that no sign other than one unlighted name plate no more than three Town of Carlton Zoning Ordinance 6

feet square is installed and that no more than 4 employees, including family members living outside the premises, may be employed by the occupation.

U. Junk or Salvage Yard – Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber or other materials stored or customarily stored for salvage unless such accumulation shall be housed in a completely enclosed building.

V. Livestock - Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

W. Lot – A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this Ordinance and abutting on a public street or officially approved place, and having the area size and dimensions required by this Ordinance for the particular zoning district.

X. Lot Substandard – A lot smaller than the minimum required acreage or area that has been recorded with Register of Deeds prior to the adoption of this Ordinance.

Y. Mobile Home – A mobile home is that which is, or was originally constructed, and

designed to be transported by a 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, and includes any additions, attachments, annexed, foundations, and appurtenances. Units which are delivered to the site in sections and which when joined together total 20 or more feet in width, and which are placed upon a permanent foundation are considered single family dwellings.

Z. Nonconforming Use – A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments hereto, which use or occupancy does not conform to the regulations of this Ordinance or any amendments thereto for the zoning district in which it is situated. A land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.

AA. Nonfarm Residence – A single-family or multi-family residence other than a farm residence.

BB. Nonfarm Residential Acreage - The combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town of Carlton has approved nonfarm residences, all parcels of 10 acres or less that do not qualify as farms, and the parcel to which the conditional use permit application pertains. If a Town of Carlton Zoning Ordinance 7

residence is located or proposed to be located on an undivided farm, but does not qualify as a farm residence, the size of the residential parcel is deemed to be 10 acres.

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

DD. Parking Space, Off-Street – For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking area for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, highway, walk, alley and so that any automobile may be parked and unparked without moving another.

EE. Permitted Accessory Use or Structure – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the permitted use or structure.

FF. Permitted Use – A use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.

GG. Person - An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

HH. Prime Farmland - All 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. (a), which is identified as prime farmland in the county's certified farmland preservation plan.

II. Protected Farmland - Land that is any of the following:

1. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.

2. *Covered by a farmland preservation agreement under ch. 91, Wis. Stats.*
3. *Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.*
4. *Otherwise legally protected from nonagricultural development.*

Town of Carlton Zoning Ordinance 8

JJ. Public Hunting & Fishing Grounds – Land purchased or held in compliance with applicable state and federal government statues and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statues and regulations.

KK. Roadside Stand – A structure not permanently fixed to the ground area and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one lot.

LL. Sanitary Landfill – Sanitary Landfill operations are usually performed by depositing refuse in a natural or man-made depression or trench, or dumping it at ground level, compacting it to the smallest practical volume, and covering it with compacted earth or other material in a systematic and sanitary manner.

MM. Shooting Preserve – Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.

NN. Structure – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

OO. Structural Alterations – Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

PP. Variance – A variance is a relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owing to condition peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of the yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or uses in an adjoining district.

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

Town of Carlton Zoning Ordinance 9

ARTICLE III – ESTABLISHMENT OF DISTRICTS

Section 7. Establishment of Districts

For the purpose of this Ordinance, the Town of Carlton, Kewaunee County, Wisconsin, is hereby

divided into the following zoning districts:

A. A-1 Prime Agricultural Land / Farmland Preservation District

B. A-2 Agriculture – Rural Residential District

C. C-1 Conservancy District

D. N-1 Nuclear Utility District

Section 8. Zoning Map

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled “Zoning District Map for the Town of Carlton Kewaunee County, Wisconsin” dated May 15, 2013, which are incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto,

shall be as much a part of this Ordinance as though fully set forth and described herein.

A. The “Zoning District Map” is amended as follows:

1. The following parcels of land are placed into the N-1 District (checked area on the attached Exhibit A):

a. In Section 25:

(1) The S

(2) Government Lot 4

b. In Section 36:

(1) Government Lot 1

2. The following parcels of land are placed into the A-1 (Prime Agricultural) District (un-checked area on the attached Exhibit A):

a. In Section 25:

(1) The West

(2) Government Lots 1, 2 and the North

½ of Government Lot 3. ½ of the Northwest Quarter. ½ of GL 3.

Town of Carlton Zoning Ordinance 10

b. In Section 26:

(1) The South

Quarter.

(2) The South

(3) The Southeast Quarter.

c. In Section 35:

(1) The Northeast Quarter.

(2) The Northeast Quarter of the Southeast Quarter.

d. In Section 36:

(1) Government Lots 2 and 3.

3. The Kewaunee Power Station exists and currently operates one generating unit in the N-1 District and it is therefore a legal nonconforming use for which a conditional use permit is not currently required.

½ of the Northeast Quarter of the Northeast ½ of the Northeast Quarter.

a.

on the effective date when subject to the N-1 District regulations

are set forth on the attached Exhibit B

The general structures of the Kewaunee Power Station as they exist.

b. The extent of the Independent Spent Nuclear Fuel Storage

Installation Facility (one storage pad capable of holding 32 casks)

as it exists on the effective date when subject to the N-1 District

regulations is set forth on the attached Exhibit C

.

Section 9. Interpretation of District Boundaries

A. The following rules shall apply with respect to the boundaries of the various districts as shown on the “Zoning District Map”.

B. District boundary lines are the center lines of highways, streets, alleys, and

pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.

C. In areas not subdivided into lots and blocks wherever a district is indicated as a strip adjacent to the paralleling a street or highway, the depth of such strips shall be in
Town of Carlton Zoning Ordinance 11

accordance with dimensions shown on the maps measured at right angles from the center-line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad right-of-ways, unless otherwise indicated.

D. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Board of Appeals, after due hearing may extend the regulation for either portion of such lot.

ARTICLE IV – REGULATIONS

Section 10. Application of Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall

apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter

provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified

for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered.

1. To exceed the height or bulk.

2. To accommodate or house a greater number of families.

3. To occupy a greater percentage of lot area.

4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Ordinance.

C. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.

D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Town of Carlton Zoning Ordinance 12

E. Permitted Uses, Permitted Accessory Uses, and Conditional Uses. Permitted Uses, Permitted Accessory Uses, and Conditional Uses are not limited to the uses indicated for the respective districts. Additional uses shall be allowed upon written recommendation and approval of the Plan Commission.

F. The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:

1. Architectural projections including spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this

Ordinance.

2. Special structures including elevator penthouses, gas tanks, silos, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.

3. Holding tanks will be allowed in the Town of Carlton only if no other means of proper sewerage disposal is available at reasonable cost. The use of a holding tank must be approved by Kewaunee County. An individual landowner will be required to follow all regulations regarding holding tanks as established by Kewaunee County.

G. In any district. A single-family dwelling and customary accessory buildings may be erected on any single substandard lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance provided that no single-family dwelling and customary accessory buildings or other buildings or structures already existed on such substandard lot at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lots is located.

H. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established Town of Carlton Zoning Ordinance 13 for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

I. Exceptions, variances, conditional uses, and other modifications in the application of the regulations herein shall be made pursuant to the administrative and appeal procedures set forth in this Ordinance.

Section 11. District Regulations

A. A-1 Prime Agricultural Land / Farmland Preservation District.

1. Purpose. The purpose of this district is to maintain, preserve and enhance agricultural lands historically exhibiting high crop yields and to comply with the requirements of the Wisconsin Farmland Preservation Program (Chapter 91, Wis. Stats.). Such lands are generally classified as Prime Agricultural Lands and as Lands of State Wide Importance as rated by the U.S. Department of Agriculture, Soil Conservation Service, and shall include farmland of local significance where it is contiguous to either of the above, or part of a farming operation with either of the above. As a matter of policy,

it is hereby determined that the highest and best use of these lands is agriculture.

2. Permitted Uses. The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

a. Agricultural uses and accessory uses on farms, except that a conditional use permit is required for agricultural uses and accessory uses listed under Section 11.A.3.c:

b. Nonfarm residences constructed in a rural residential cluster according to a conditional use permit issued under Section 11.A.3.b for that cluster.

c. Undeveloped natural resource and open space areas.

d. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, Town of Carlton Zoning Ordinance 14 or that are 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.

e. Camping trailer, mobile home, and houseboat parking (not intended for living purposes).

f. Home occupations.

g. Maple syrup processing plants.

h. Roadside stands not to exceed one per farm.

i. Bed & Breakfasts. The use is subject to the requirements of s.

91.01(1)(d) and must be conducted by the owner or operator of the farm; requires no buildings, structures or improvements other than those identified under s. 91.01(1)(a) or (c); employs not more than 4 full-time employees annually; and, does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

3. Conditional Uses. The Town of Carlton may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the Town of Carlton shall determine in writing that the proposed use meets applicable conditions under this section. The Town of Carlton may issue the permit subject to any additional conditional uses that the Town of Carlton deems necessary to carry out the purposes of this ordinance.

a. Nonfarm residences. The Town of Carlton may issue a conditional use permit for a proposed nonfarm residence if all of the following standards will be met when the approved nonfarm residence comes into existence:

(1) If the nonfarm residence will be located in a base farm tract:

(a) The ratio of nonfarm residential acreage to farm acreage in the base farm tract will not exceed 1:20.

Town of Carlton Zoning Ordinance 15

(b) There will be no more than 4 dwelling units in

nonfarm residences, nor more than 5 dwelling units in residences of any kind, in the base farm tract.

(c) The minimum lot size for the nonfarm residence in a base farm tract is 1 acre.

(2) Neither the nonfarm residence, nor the parcel on which the nonfarm residence is located, will do any of the following:

(a) Convert prime farmland, or cropland other than a woodlot, from agricultural use if there is a reasonable alternative available to the permit applicant.

(b) Significantly impair or limit the current or future agricultural use of any other protected farmland.

b. Nonfarm residential clusters. The Town of Carlton may issue a single conditional use permit authorizing 2 or more proposed nonfarm residences if all of the following apply:

(1) The conditional use permit includes all of the following information:

(a) The total number of nonfarm residences authorized by the permit.

(b) A legal or survey description of each parcel on which a nonfarm residence is authorized.

(c) The number of nonfarm residences authorized on each parcel under Section 11 A.3.a (1) and (2), if more than one.

(d) The number of dwelling units authorized in each authorized nonfarm residence, if more than one.

(2) Each of the parcels described under Section 11.A.3.b(1) shares a boundary with at least one other parcel described under that section.

Town of Carlton Zoning Ordinance 16

(3) Each of the proposed nonfarm residences will meet all of the standards under Section 11.A.3.a when all of the proposed nonfarm residences have come into existence.

(4) The conditional use permit prohibits all of the following:

(a) Any further division of any parcel described in Section 11.A.3.b.

(b) Any nonfarm residence or dwelling unit on a parcel identified in Section 11.A.3.b., other than a nonfarm residence or dwelling unit identified in the permit.

c. Agricultural and accessory uses on farms.

(1) The Town of Carlton may issue a conditional use permit for any of the following the following uses if that use meets applicable conditions under Section 11.A.3.c.(2):

(a) A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility meets the standards prescribed in ch. ATCP

51, Wis. Adm. Code.

(b) Livestock sales facilities.

(c) Commercial fur farms.

(d) Commercial egg production.

(e) Signs in conformance with the Town of Carlton Sign Ordinance, excluding any commercial, off-premise signs.

(f) Corn mazes.

(g) Petting zoos, as an accessory use on the farm under s. 91.01(1).

(2) The Town of Carlton may issue a conditional use permit for an agricultural and accessory use under 11A.3.c(1) if all of the following apply:

(a) The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation Town of Carlton Zoning Ordinance 17 zoning district than to an industrial or commercial zoning district.

(b) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(c) The use and its location in the farmland preservation

zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(d) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.

(e) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

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

d. Public Hunting and Fishing Grounds or Shooting Preserves. The Town of Carlton may issue a conditional use permit if all of the following apply:

(1) The land is owned by the Town of Carlton or is accessory to the open space use of the parcel.

(2) No new structures are constructed specifically for this use.

e. Agriculture-related uses.

(1) The Town of Carlton may issue a conditional use permit for any of the following uses if that use meets applicable conditions under Section 11.A.3.d(2):

(a) A dairy plant that processes or handles milk from farms.

(b) A meat slaughter establishment.

(c) A food processing plant that processes raw agricultural commodities received from farms.

(d) A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.

Town of Carlton Zoning Ordinance 18

(e) An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce fuel or other products.

(f) A sawmill or other facility that processes wood or other forest products received directly from farms.

(g) A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.

(h) A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.

(i) A facility that is primarily engaged in providing agronomic or veterinary services to farms.

(j) A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities

received from farms.

(k) All other agriculture–related commercial enterprises, consistent with Chapter 91 Wis. Stats.

(2) The Town of Carlton may issue a conditional use permit for an agriculture-related use 11.A.3.d(1) if all of the following apply:

(a) The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.

(b) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(c) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(d) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.

(e) The use does not substantially impair or limit the current or future agricultural use of other protected

farmland.

Town of Carlton Zoning Ordinance 19

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

f. Compatible infrastructure.

(1) The Town of Carlton may issue a conditional use permit for any of the following uses if that use meets applicable conditions under Section 11.A.3.e.(2):

(a) Transportation uses, including roads, rail facilities, and agricultural aeronautic facilities.

(b) Communication uses, including transmission lines, cell towers, antennae and broadcast towers.

(c) Oil, gas and other pipelines.

(d) Electrical transmission lines.

(e) Wind turbines.

(f) Solar power generation facilities.

(g) Drainage facilities.

(2) The Town of Carlton may issue a conditional use permit for compatible infrastructure under 11.A.3.e(1) if the Town of Carlton determines that all of the following apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the

farmland preservation zoning district.

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(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 other protected farmland.

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

Town of Carlton Zoning Ordinance 20

g. Government and nonprofit community uses.

(1) The Town of Carlton may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Town of Carlton determines that all of the following apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(b) The use and its location in the farmland preservation

zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(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 other protected farmland.

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

h. Nonmetallic mineral extraction. The Town of Carlton may issue a conditional use permit for a nonmetallic mineral extraction operation if all of the following apply:

(1) The operation complies with all of the following:

(a) Subchapter I of ch. 295, Wis. Stats., and rules promulgated under that subchapter.

(b) Applicable provisions of county and local ordinances adopted under ss. 295.13 and 295.14, Wis. Stats.

(c) Any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.

(2) The operation and its location in the farmland preservation

zoning district are consistent with the purposes of the farmland preservation zoning district.

(3) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation Town of Carlton Zoning Ordinance 21

zoning district, or are specifically approved under state or federal law.

(4) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

(5) The operation does not substantially impair or limit the current or future agricultural use of other protected farmland.

(6) The conditional use permit requires the landowner to restore the affected land after the nonmetallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit.

i. Vegetation.

(1) Restriction. Unless done in furtherance of an agricultural operation, the planting of trees, shrubs, or vines in the A-1

*Prime Agricultural Land / Farmland Preservation District
is not allowed without a planting permit as per sec.*

11.A.3.i(2) of this Ordinance.

(2) Permit. Planting permits may be requested from the

Zoning Administrator and granted by the Plan

Commission for a fee of \$25. The Plan Commission shall

grant a permit after considering the applicant's existing or

proposed agricultural operation and whether the vegetation

requested will maintain, preserve, and enhance the

property's use for agricultural production.

4. Rezoning Land out of a Farmland Preservation Zoning District.

a. Except as provided in Section 11A.4.b, the Town of Carlton may not

rezone land out of a farmland preservation zoning district unless the

Town of Carlton does all of the following prior to the rezoning:

(1) Finds all of the following in writing, after public hearing,

as part of the official record of the rezoning:

(a) The rezoned land is better suited for a use not allowed

in the farmland preservation zoning district.

(b) The rezoning is consistent with any comprehensive

plan, adopted by the Town of Carlton, which is in

effect at the time of the rezoning.

Town of Carlton Zoning Ordinance 22

(c) The rezoning is substantially consistent with the

Kewaunee County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

(d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

(2) By March 1

DATCP and to Kewaunee County a report of the number of acres rezoned out of the A-1 District during the previous year and a map that clearly shows the location of those acres.

b. Section 11.A.4.a does not apply to any of the following:

(1) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.

(2) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Kewaunee County Farmland Preservation Plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the effective date of this ordinance.

5. Lot, Height, and Setback Requirements

a. Lot Width – Minimum 200 feet.

b. Farm Dwelling – Maximum 35 feet

c. Rear and Side Yards - Minimum of 20 feet from the lot line, except structures used for the housing of animals must be 100 feet from the lot line.

d. Front Yard

(1) Town Road - Minimum of 65 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

(2) County Road - Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

(3) State and Federal Highway - Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

st of each year the Town will provide to

Town of Carlton Zoning Ordinance 23

6. Farm Consolidation

a. Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of the effective date of this Ordinance and related from structures remaining after farm consolidation may be separated from the farm lot provided, however, that the parcel created conforms with all regulations set forth in this Ordinance, except that no such parcel shall be less than two acres except as provided under Section 11.A.3(a)(1).

B. A-2 Agricultural – Rural Residential District

1. Purpose. The purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas for rural residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soils, topography, or severance from larger agricultural parcels.

2. Permitted Uses

a. Agricultural Operations Permitted in the A-1 District.

b. Single family dwellings.

c. Home occupations.

d. Orchards.

e. Vegetable raising.

Plant nurseries.

f. Greenhouses.

g. Roadside stands not exceeding one per farm or residence.

h. Mobile home as per the regulations in Section 14.

i. Bed & Breakfasts.

3. Conditional Use

a. Sewage disposal plants.

Town of Carlton Zoning Ordinance 24

b. Sanitary landfill.

c. Automobile wrecking yards, junk yards, and salvage yards.

Cemeteries.

d. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.

e. Schools and Churches.

Utilities.

f. Public hunting and fishing grounds or shooting preserves.

Sand, gravel, and stone extraction.

g. Signs in conformance with the Town of Carlton Sign Ordinance.

h. Public campgrounds or sites.

i. All other agriculture-related commercial enterprises.

j. Petting zoos.

k. Corn mazes.

4. Area, Height and Yard Requirements

a. Lot Area - Minimum 2 acres measured from center of road

b. Lot Width - Minimum 200 feet.

c. Building Height - Maximum 35 feet

d. Yards

(1) Rear - Minimum 20 feet the lot line.

(2) One Side - Minimum 20 feet from the lot line.

(3) Other Side Minimum 6 feet from the lot line.

e. Front Yard

Town of Carlton Zoning Ordinance 25

(1) Town Road - Minimum of 65 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

(2) County Road - Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

(3) State and Federal Highway - Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

5. Dwellings

a. Four single family dwellings may be located on each 20 acres of land area in the district provided that no more than eight single family dwellings may be located within each quarter-quarter section of land area as established and defined by the official U.S. Government Rectangular System of Survey.

C. C-1 Conservancy Overlay District

1. Provisions for this district shall be identical to those of the Kewaunee County Shoreland and Flood Plain Zoning Ordinance adopted January 14, 1969, as amended from time to time by the Board of Supervisors of Kewaunee County and the Town of Carlton Comprehensive Plan as amended from time to time by the Town Board.

D. N-1 Nuclear Utility District

1. Purpose. The purpose of the N-1 District is to regulate new nuclear

generation facilities constructed after the effective date of this ordinance and any expansion, extension, reconstruction, enlargement, or change to uses associated with existing nuclear power plants and related facilities that have traditionally generated noise, smoke, dust, light, odors, heavy traffic, environmental concerns, social stigma and/or other secondary effects which have a high potential to produce complaints from adjoining properties or the general public, which can reduce values of adjoining properties, and which have a long-lasting effect on the subject and adjoining properties. Any uses other than permitted uses or any structures require a conditional use permit pursuant to Section 15 of the Town Zoning Ordinance.

Town of Carlton Zoning Ordinance 26

2. Permitted Uses. The following are permitted uses in the N-1 District:

a. Agriculture. Those uses permitted in the A-1 Prime Agricultural Land District pursuant to Section 11.1.a., except that no structures may be built without first obtaining a conditional use permit pursuant to Section 15.

b. Passive Outdoor Recreation. Passive, outdoor recreational land uses such as arboretums; natural and wildlife areas; hiking and nature trails; bicycle, cross country ski and horse trails; picnic areas; gardens, fishing and hunting areas; and, similar land uses.

3. Conditional Uses. The following are conditional uses which may be authorized in the N-1 District pursuant to the provisions of Section 15 and as set forth below:

a. Nuclear power generation.

b. Any expansion, extension, reconstruction, enlargement, or change in use of existing nuclear power generation facilities.

c. Temporary storage of spent nuclear fuel which had been generated onsite. Storage of spent nuclear fuel generated off-site is specifically prohibited.

d. Utility distribution and substation facilities.

e. Office, security, storage and training facilities necessary for the operation and maintenance of a nuclear power plant.

4. Dimensional Requirements

a. Lot Size. 40 Acres minimum.

b. Setbacks. Except for perimeter fencing, any structure shall be set back at least 500' from any property line.

5. Special Building Permit Requirements. In addition to the general requirements in Section 22 of this Zoning Ordinance, an application for a building permit for any property within the N-1 Nuclear Utility District requires approval by the Town Board. The Board shall make a determination as soon as practicable after the Town receives a complete building permit application. Failure by the Board to act on the application within 90 days of its receipt shall be deemed a denial of the application.

Town of Carlton Zoning Ordinance 27

6. Conditional Use Permit Requirements. In addition to the general informational and procedural requirements in Section 15 of this Zoning Ordinance, a conditional use permit applied for and issued pursuant to this

subsection shall abide by the following:

a. Application. The application shall include:

(1) A detailed site plan.

(2) A copy of any state or federal nuclear, utility, or similar license or permit of the applicant.

(3) Payment of the application fee applicable to the N-1 District, as established pursuant to Section 24.

(4) Advance deposit of Twenty-Five Thousand Dollars

(\$25,000.00) towards the initial costs of developing an

Impact Fee, if applicable, including the costs to prepare a public facility needs assessment.

b. Procedures. The application shall be processed as follows:

(1) Public Hearing. No more than sixty (60) days after the filing

of a completed application, a public hearing shall be held by

the Plan Commission. Notice of the hearing shall be

published as a Class 2 notice pursuant to Ch. 985, Wis. Stats.

At least ten (10) days before the hearing, written notice shall

be given to the applicant, any parties in interest, and to all

landowners within 500 feet of the applicant's land.

(2) Review and Recommendation. The Plan Commission shall

review the site and all aspects of the proposal, along with all

provisions for circulation of traffic and extension of public

utilities, and may recommend conditions necessary to

accomplish the intent and purpose of this Ordinance. The Plan Commission shall thereafter provide to the Town Board its written recommendations to grant or deny the conditional use permit, and applicable conditions.

(3) Town Board Action. The Town Board may authorize the issuance of a conditional use permit provided that such Town of Carlton Zoning Ordinance 28 conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, performance standards, street dedication, Certified Survey Maps, temporary and permanent storm water management, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking, may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this subsection.

(4) Revocation. The Town Zoning Administrator shall revoke the 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 Town Board.

(5) Professional Fees. The applicant is responsible for the reasonable and necessary charges for engineering, legal, and other professional or technical services and fees incurred by the Town for the review, administration, investigation, processing, implementation, and enforcement of the application and any permits that may be issued.

c. Term. Permits may be issued for periods as determined by the Board, but shall be subject to review annually.

d. Impact Fee. To compensate the Town and its residents for the capital costs that are necessary to accommodate land development related to nuclear power generation and spent fuel storage within the N-1 District, the landowner shall pay an impact fee to be determined as provided by Wis. Stat. § 66.0617.

Town of Carlton Zoning Ordinance 29

e. Special Conditions. Permits shall include the following terms and others which are not related to radiological health and safety issues:

(1) Regulatory Compliance. The permittee shall at all times be in compliance with any license or permit issued by, or

regulation or requirement of, the Federal Nuclear Regulatory Commission, the Wisconsin Public Service Commission, and any other body with regulatory authority over the subject property.

(2) Access. At reasonable times and upon reasonable notice, the Board or its designee may enter any property for which a permit has been issued under this subsection to conduct an inspection to determine whether the conditions stated in the permit have been met.

(3) Financial Responsibility. Provisions for protection of Town roads and other infrastructure as well as financial responsibility and/or insurance for road restoration, spent fuel storage and removal, and site reclamation. The Board may reduce the burden on the applicant by waiving one or more requirements if it concludes that the purpose of this subsection would still be met.

(4) Fencing. Appropriate security and visual-barrier fencing.

(5) Reporting. Provisions requiring the applicant to keep the Town and its citizens informed of activities taking place on the property.

Section 12. Parking

A. Minimum parking space requirements shall be provided in the following amounts:

1. Living quarters.

2. Dwelling (all types) – Two for each dwelling unit.

3. Hotel and Motel – One for each lodging unit.

B. Places of public assembly.

1. Auditorium, theater, churches – one for each six seats based on maximum seating capacity.

Town of Carlton Zoning Ordinance 30

2. Bowling Alley – five for each alley.

3. Dance Hall, skating rink, or private club – one for each 100 square feet of floor area used for dancing or assembly.

C. Industrial or manufacturing.

1. All – one for each five employees based on maximum 8 hour shifts.

D. Retail and wholesale.

1. Tavern, restaurant, retail stores, and offices – one for each 200 square feet of floor space.

2. Wholesale – one for each three employees.

E. Unspecified

1. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as for the previously mentioned uses which, in the opinion of the Plan Commission and Town Board shall be deemed most similar.

Section 13. Regulation of Offensive Material and Conditions.

A. General Regulations.

1. No person or entity shall cause or permit or otherwise encourage the

dumping, accumulation or escape of any material which is offensive to the public or constitutes a public nuisance as defined below.

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

B. Specific Regulations.

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

Town of Carlton Zoning Ordinance 31

a. Carcasses of animals, birds, or fowl not intended for human consumption or food which is not burned or otherwise disposed of in a sanitary manner within 24 hours after death.

b. Accumulations or storage of decayed animal or vegetable matter, offal, dead animals reduction, trash, rubbish, garbage, or any offensive material whatsoever was not produced on the property on which it is located and which is not incidental to the customary farm operations of the landowner of the property on which it is located.

c. The escape of smoke, soot, cinders, noxious acids, odors, fumes, gases, fly ash, industrial dust or other atmospheric pollutants in such quantities as to endanger the health of or offend persons of ordinary sensibilities or to threaten or cause substantial injury to property in

the town.

d. Any use of property, substance or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.

e. The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial waste or other substances.

2. Public Nuisance.

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

(1) Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) Unlawfully and substantially interfere with obstruct, or tend-to obstruct or render dangerous for passage any street,

Town of Carlton Zoning Ordinance 32

alley, highway, navigable body of water or other public way or the use of public property.

3. Application to Farming Operations.

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

b. This section is not intended to interfere with the operation of farm machinery and equipment at night for normal and customary farm operations.

Section 14. Mobile Home Regulations.

A. The following regulations shall apply to the location and placement of mobile homes, within the A-2 Agricultural – Rural Residential District:

1. A proposed site plan shall be submitted with the application and shall include the size of the mobile home along with the location on the building plot showing all yard measurements and locations of water supply and septic tank filter bed.

2. The mobile home shall be securely anchored to its foundations with tiedowns, having a minimum tensile strength of 2800 lbs. and the anchors embedded in concrete to withstand the tie-down strain. The amount of tiedowns shall be guided by the mobile home manufacturer's recommendations provided there are no less than 4 tie-downs.

3. All other district regulations shall apply.

Section 15. Standards for Conditional Uses.

A. Purpose. The purpose of conditional uses is to place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public

need.

B. Initiation. Any person having a substantial interest in land may apply for a permit to use such land for one or more of the conditional uses provided for herein in the applicable zoning district.

Town of Carlton Zoning Ordinance 33

C. Application. Applications for a conditional use permit shall be filed with the Town Clerk on a form so prescribed by the Town. In addition to other information which may be required by the Plan Commission or the Town Board, the application shall include:

- 1. A description of the subject premises and of the proposed use.*
- 2. Information showing how the proposed conditional use will conform to the standards set forth in the respective zoning district.*
- 3. Owners' names and addresses of all properties within the area subject to the conditional use and within four hundred (400) feet of the area.*
- 4. A fee receipt for the filing fee pursuant to Section 24.*

D. Plan Commission Public Hearing. Applications shall be referred to the Plan Commission, which shall hold a public hearing thereon preceded by a Class 2 notice pursuant to Chapter 985, Wis. Stats., listing the time, place, and the proposed conditional use(s). At least ten (10) days prior written notice shall also be given to the Clerk of any municipality within 1,000 feet of any affected land.

E. Plan Commission Findings and Recommendations. Following the public hearing and consideration of the requested conditional use—in light of the purposes and intent of this Zoning Ordinance—the Plan Commission shall recommend in writing to the

Town Board that the permit be granted as requested, granted with modifications, or denied.

F. Town Board Action. Upon consideration of the Plan Commission's recommendations, the Town Board shall decide on the request. The Board shall record its findings, including the imposition of conditions and guarantees that such conditions will be timely complied with when deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance, and shall thereupon make a final written permit or a decision regarding the grant or denial of the proposed conditional use. Should the Town Board not receive a recommendation from the Plan Commission within 60 days of the application being filed, the Town Board may proceed to hold a hearing on and/or decide on the request without the Plan Commission's input.

Town of Carlton Zoning Ordinance 34

Section 16. Variance

A. Application. An application for a variance shall be filed with the zoning Administrator. The application shall contain such information as the Plan Commission by rule may require.

B. Standards for a Variance. A variance may be granted by the Zoning Board of Appeals only when:

1. Because of the particular physical surrounds, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out.

2. Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

3. Alleged difficulty or hardship is caused by this Ordinance and has not been related by any person presently having a interest in the property.

4. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

5. Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion or the public streets, or increase the danger of fire, or endanger public health and safety, or substantially diminish or impair property values within the neighborhood.

C. Authorized Variance. A variance shall be granted by the Board of Zoning Appeals in accordance with the standards established above.

Section 17. Nonconforming Uses and Structures.

A. Purpose. The purpose and intent of this section is to provide for the regulation of nonconforming uses and the repair, maintenance, and restoration of certain nonconforming structures that existed at the time of the adoption or amendment of this Ordinance.

B. Nonconforming uses. The lawful use of a building, premises, structure, or fixture existing at the time of the adoption or amendment of this Ordinance may be

Town of Carlton Zoning Ordinance 35

continued although the use does not conform with the provisions of this Ordinance

subject to the following limitations:

5. The nonconforming use may not be extended, enlarged, reconstructed, substituted, moved or altered or the use expanded, except when required to do so by law or order, or so as to comply with the provisions of this Ordinance.

6. The total structural repairs or alteration in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50% of the Town's current assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use.

7. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to this Ordinance.

8. When a building, premises, structure, or fixture which is part of a conforming use is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50% of the Town's current assessed value, it shall not be restored except to comply with the provisions of this Ordinance.

9. Once a non-conforming use of a building, premises, structure, or fixture has been changed to conform with the provisions of this Ordinance it shall not revert back to a nonconforming use.

C. Nonconforming Structures. If the use of a building, premises, structure, or fixture conforms to the provisions of this ordinance, but that it does not conform with one or more of the development regulations of this Ordinance including setback, height, lot coverage, and side yard regulations, the lawful nonconforming structure may be

repaired, maintained, renovated, or remodeled in compliance with applicable state and local laws. A lawful nonconforming structure shall not be extended, enlarged, or moved except when required to do so by law or order, or so as to comply with the provisions of this Ordinance. If damaged or destroyed, a lawful nonconforming structure may be restored to the size (or larger if necessary for the structure to comply with applicable state or federal requirements), location, and use that it had immediately before the damage or destruction occurred, if all of the following apply:

1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.

Town of Carlton Zoning Ordinance 36

2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

ARTICLE V – ADMINISTRATION

Section 18. Plan Commission

A. Authority; Establishment. The Town Board, having previously been authorized to exercise Village powers under Wis. Stat. ' 60.10(2)(c) by the electors of the Town, exercises village powers under Wis. Stat. ' 60.22(3), to establish a seven (7) member Town Plan Commission under Wis. Stats. " 61.35 and 62.23.

B. Membership; Appointments.

1. The Plan Commission shall consist of seven members of recognized experience and qualifications appointed by the Town Board Chair and approved by the Town Board.

2. No more than 1 member may be a Town Board Supervisor or a member of

the Board of Appeals.

3. Members shall be appointed for staggered three-year terms commencing May

1 and ending April 30.

4. Members may be re-appointed to serve additional terms.

5. Vacancies shall be filled in the same manner as appointments for a full term.

6. The Town Board Chair shall designate a Plan Commission Chair.

C. Commission Staff

1. Recording Secretary. The Town Clerk, or the Clerk's designee, shall act as

recording secretary for the Commission to: prepare its correspondence;

receive and file all referrals, applications, papers, and records; prepare,

publish, and mail all required notices; and prepare and keep its minutes and

records of its proceedings.

2. When requested by the Commission the Zoning Administrator, Town

Attorney, Town Engineer or other Town staff shall attend meetings to

provide technical assistance.

D. Meetings

1. The Plan Commission shall meet at least annually, and more often as needed.

2. Special meetings may be called by the Commission Chair or upon the written

request of four (4) members of the Commission to the Town Clerk. Notice of

special meetings shall be provided to all Commission members and posted at

Town of Carlton Zoning Ordinance 37

least twenty-four (24) hours prior to the special meeting.

3. Minutes of the proceedings and a record of all actions shall be kept by the

Town Clerk or the Clerk's designee, showing the vote of each member upon each question, the reasons for the Commission's determination, and its findings. These records shall be immediately filed in the office of the Town Clerk and shall be a public record.

E. Jurisdiction; Duties; Powers. The Plan Commission shall have the following jurisdiction, duties, and powers:

- 1. To propose or review and recommend text and map amendments to the Town Zoning Ordinance for consideration and final action by the Town Board.*
- 2. To review conditional use permit applications and recommend their denial, approval, or conditional approval to the Town Board.*
- 3. To exercise the powers authorized by Wisconsin law, including those referenced in ' 62.23(4), Wis. Stats.*
- 4. To consider and make recommendations on all matters referred to the Commission, including those matters referenced in ' 62.23(5), Wis. Stats.*
- 5. To make and recommend an official map and amendments thereto to the Town Board in accordance with ' 62.23(6), Wis. Stats.*
- 6. To prepare and recommend land division regulations and amendments thereto to the Town Board in accordance with ' 236.45, Wis. Stats.*

Section 19. Zoning Administrator

A. A zoning administrator designated by the Town Board shall administer and enforce this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Town Board may direct. The Zoning Administrator shall have the following duties:

- 1. Issue all building permits and make and maintain records thereof.*
- 2. Issue all rezoning certificates and make and maintain records thereof.*
- 3. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.*
- 4. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.*
- 5. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.*

Town of Carlton Zoning Ordinance 38

- 6. Initiate, direct, and review from time to time, a study of the provisions of this Ordinance, and make reports of recommendations to the Town Board.*

Section 20. Zoning Board of Appeals

A. Jurisdiction. The Zoning Board of Appeals has the jurisdiction and authority to:

- 1. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this Ordinance.*
- 2. Hear and decide requests for variances from the terms of this Ordinance in the manner prescribed by and subject to the standards established herein.*
- 3. Receive from the Zoning Administrator his recommendations as related to the effectiveness of this Ordinance and report his conclusions and recommendations to the Town Board.*
- 4. Hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.*

B. Meetings and Rules

- 1. All meetings of the Board of Appeals shall be held at the call of its Chair, and at such times as the Board of Appeals may determine.***
- 2. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.***
- 3. Hearings shall be preceded by a Class 2 notice pursuant to Chapter 985, Wis. Stats., listing the time, place, and nature of the hearing.***
- 4. The Chair may administer oaths and compel the attendance of witnesses.***
- 5. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.***
- 6. All official proceedings regarding the action of the Board of Appeals shall be a matter of public record and placed on file with the Town Clerk.***

Town of Carlton Zoning Ordinance 39

- 7. The Board may adopt its own rules and procedure, not in conflict with this Ordinance or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.***

C. Decisions. All decisions and findings of the Board of Appeals on appeals or upon application for a variance shall be by the concurring vote of four Board members.

D. Board Membership.

- 1. The Board of Appeals shall consist of five (5) members and two (2)***

alternates appointed by the Town Board Chair and subject to confirmation by the Town Board. The Town Board Chair shall designate one member as Chair of the Board of Appeals.

- 2. The terms of members and alternates shall be staggered and shall last three (3) years. Not more than one (1) member of the Town Board nor more than one (1) member of the Plan Commission shall be a member or alternate of the Board of Appeals; all members and alternates shall reside in the Town.*
- 3. Vacancies shall be filled for the unexpired term of members and alternates.*

Section 21. Appeals

A. Scope of Appeals.

- 1. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator.*
- 2. Appeals shall be made within 30 days after the decision or the action complained of, by filing with the Town Clerk a notice of appeal specifying the grounds thereof.*
- 3. The Zoning Administrator shall forthwith transmit to the Board of Appeals the record upon which the action appealed from was taken.*

B. Findings on Appeals.

- 1. An appeal shall terminate all further proceedings on action unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed*

Town of Carlton Zoning Ordinance 40

unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of competent jurisdiction.

2. The Board of Appeals shall reach its decision within 60 days of the filing of the appeal.

3. The Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination that, in its opinion, ought to be done, and to that end it shall have all powers of the officer from whom the appeal is taken. The Board of Appeals shall maintain records of all actions relative to appeals.

C. Appeals from the Board of Appeals. Any person, board, taxpayer, department, or bureau of the Town aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, as authorized under the provisions of § 62.23 (7) (e), Wis. Stats.

Section 22. Building Permit

A. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a building permit has been issue by the Town Zoning Administrator.

B. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator.

C. The application for a building permit shall include information as lawfully may be required by the Town Zoning Administrator, including existing or proposed building

or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

D. Every building permit shall state that the use complies with the provisions of this Ordinance, and subject to the provisions of Section 10, subsection 7 above, no building permit will be issued unless acceptable results from a soil percolation test are presented with the application as required by the Zoning Administrator. The soil percolation tests required to be conducted prior to the submission of an application for a building permit herein may be conducted any month of the year.

Town of Carlton Zoning Ordinance 41

E. Application for said building permit shall be made in writing to the Town Zoning Administrator by the landowner or his authorized agent.

F. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit will be forwarded in writing by the Town Zoning Administrator to the applicant.

G. All applications for building permits for commercial and industrial uses shall be accompanied by the following:

1. A plat, in duplicate of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn at a minimum scale of 1 inch to 100 feet showing the actual dimension, as certified by a "registered land surveyor" or a "registered professional engineer", the piece or parcel, lot, logs, block, or blocks, or portions thereof, according to the registered or recorded plat of

such land.

2. A plat in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use of be made of the building, structure, or land; and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.

3. Said plat material shall be submitted to the Zoning Administrator. Required plat material shall be submitted in conjunction with an application for a building permit.

Section 23. Violations

A. Complaints Regarding Violations

1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

B. Penalties for Violations

1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of the Town of Carlton. Any person who violates this Ordinance or fails to comply with any

Town of Carlton Zoning Ordinance 42

of its requirements shall upon conviction thereof forfeit not less than \$10 and more than \$500 or in lieu of payment thereof be imprisoned for not more than 30 days and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offence.

2. The Owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offence and suffer the penalties herein provided. Nothing herein contained shall prevent the Town of Carlton from taking such other lawful action as is necessary to prevent or remedy any violation.

C. Abatement of Violation

1. Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Ordinance. Such removal may be performed by a Town agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

Section 24. Schedule of Fees, Charges, and Expenses

The Town Board shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, appeals, amendments, conditional uses, variances and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the

Zoning Administrator, and may be altered or amended only by the Town Board.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on

any application or appeal.

ARTICLE VI – AMENDMENTS

Section 25. Procedure for Amendments

A. Authority. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may by ordinance amend the district boundaries or the regulations established by this Ordinance or amendments thereto.

Town of Carlton Zoning Ordinance 43

B. Initiation. A zoning amendment may be initiated by the Town Board or by a petition filed by one or more of the owners of property within the area proposed to be changed.

C. Filing of Petition. Petitions for a zoning amendment shall be filed with the Town Clerk, and shall: describe the premises to be rezoned or the regulations to be amended; list the reasons justifying the petition; specify the proposed use; and include the following:

- 1. Plat plan, drawn to scale, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within four hundred (400) feet of the area proposed to be rezoned.*
- 2. Owners' names and addresses of all properties within the area to be rezoned and within four hundred (400) feet of the area proposed to be rezoned.*
- 3. Additional information as required by the Plan Commission or the Town Board.*

4. A fee receipt for the filing fee pursuant to Section 24.

D. Plan Commission Public Hearing. All proposed zoning amendments shall be referred to the Plan Commission, which shall hold a public hearing thereon preceded by a Class 2 notice pursuant to Chapter 985, Wis. Stats., listing the time, place, and the amendment(s) proposed, and meeting any other notice requirements required by § 62.23(7)(d), Wis. Stats.

E. Plan Commission Findings and Recommendations.

1. Following the public hearing and consideration of the requested amendment—in light of the purposes and intent of this Zoning Ordinance—the Plan Commission shall recommend in writing to the Town Board that the petition be granted as requested, granted with modifications, or denied.

2. When the proposed amendment seeks to change the zoning classification of particular property, the Plan Commission shall make findings based upon the evidence presented to it with respect to the following matters.

a. Existing uses of property within the general area of the property in question.

b. Zoning classification of property within the general area of the property in question.

Town of Carlton Zoning Ordinance 44

c. Suitability of the property in question to the uses permitted under the existing zoning classification.

d. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its

present zoning classification.

e. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

f. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

F. Town Board Action. After consideration of the Plan Commission's recommendations, the Town Board shall decide on the proposed amendment. Should the Town Board not receive a recommendation from the Plan Commission within 60 days of the amendment being filed, the Town Board may proceed to hold a hearing on and/or decide on the request.

G. Protest. A protest against a zoning amendment must comply with the requirements of § 62.23 (7)(d)2m., Wis. Stats.

H. Failure to Act. Should an application for a proposed amendment not be acted upon finally by the Town Board within 90 days 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.

ARTICLE VII – MISCELLANEOUS

Section 26. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be

minimum requirements, adopted for the promotion of the public health, safety, morals, or general

welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations ordinances, deed restrictions, or covenants, the most

restrictive, or that imposing the higher standards, shall govern.

Section 27. Separability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional

or invalid, such decision shall not affect the validity of the Ordinances as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 28. Repealer

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the Town of Carlton Zoning Ordinance 45

provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance

full force and effect.

Section 29. Effective Date

This Ordinance shall take effect from and after its passage and posting according to law, and shall

be effective for all areas of the Town of Carlton, excluding only those which are subject to extraterritorial zoning by an incorporated village or city which has exercised such power.

Section 30. Planned Unit Development Overlay (PUD)

A. Purpose. The purpose of the Planned Unit Development Overlay provision is to encourage quality and desirable development by allowing for greater flexibility and design freedom than that permitted under basic district regulations. These regulations

are established to permit and encourage diversification, variation and imagination in layout of development; to encourage the preservation of open space; and to encourage more rational, economic development with respect to the provisions of public services.

B. Unified Control. All land included for development as a PUD shall be under the legal control of the applicant, whether that applicant be an individual, partnership, or corporation or group of individuals, partnerships, or corporations. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations. The applicant shall state agreement to:

1. Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the special exception for PUD.

2. Provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans.

3. Bind their successors in title to any commitments made in the approval process.

C. Permitted Uses.

1. Any residential or commercial use permitted in the A-1 and A-2 Districts.

Town of Carlton Zoning Ordinance 46

D. General Requirements. All permitted uses shall be subject to the accessory use and

structure, sign, height and parking requirements of the district in which it is located.

E. Area and Density Requirements. A tract of land proposed for development as a Planned Unit Development shall contain a minimum area of two acres and a maximum density of 12 dwelling units per net acre.

F. Internal Lots and Frontage. Within the boundaries of the PUD, no minimum lot size or minimum yards shall be required, provided, however, that no structure shall be located closer to any peripheral property line than a distance equal to the height of such structure.

G. Access. Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street.

H. Engineering Design Standards. Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a Planned Unit Development, but precise standards shall be made a part of the approved plan and shall be enforceable as a part of this ordinance.

I. Procedures for Approving Planned Unit Developments.

1. Before submitting an application for a PUD, an applicant shall confer with the Plan Commission, Town staff and other Town department heads, if required, in connection with the preparation of the Planned Unit Development.

2. The purpose of the pre-application conference shall be to familiarize both the

applicant and the Plan Commission with each other's intentions with respect to the PUD before the applicant enters into binding commitments or incurs substantial expense.

3. At the pre-application conference, the Plan Commission shall familiarize the applicant with the PUD process and explain to the applicant issues that should be considered in planning the project. The applicant shall inform the Plan Commission of his development concept through general outlines and sketch plans. Any statement made by either the Plan Commission or the Town of Carlton Zoning Ordinance 47 applicant concerning potential disposition of a PUD application or the final form of the development shall not be legally binding.

4. A development plan shall accompany the application for a special exception permit and contain the following information:

a. Names of the owners and developer.

b. Scale, date, north arrow.

c. Existing streets, buildings, watercourses, easements and utility lines.

d. Proposed pattern of public and private.

e. Streets, accessways and parking areas.

f. Locations and arrangements of lots.

g. Buildings by dwelling types, open space areas and recreational facilities, if any.

h. Architectural drawings and sketches illustrating the design and character of the various buildings proposed.

i. Appropriate statistical data on the size of the development, number of dwellings by type, percentage of open space and other data pertinent to review.

j. General outline of deed restrictions and other documents pertaining to the development, operation and maintenance of the project.

5. Plan Approval. Upon approval of a development plan, a special exception permit shall be issued. All terms, conditions and stipulations made at the time of approval shall be binding upon the applicant or any successors in interest.

a. Preliminary and Final Plans. Approval of a development plan for a special exception does not constitute preliminary or final plat approval. Preliminary and final plats shall be submitted and processed in accordance with standard subdivision review procedures.

b. Changes in Plan. Minor changes in plans shall be made by application and follow procedures pursuant to Section 7.25. Minor Town of Carlton Zoning Ordinance 48 changes shall not be considered a reapplication for special exception permit. Substantial changes in plans shall be made by application and processed as a new application for a special exception permit.

c. Deviation from Approved Plans. Deviation from approved plans or failure to comply with any requirement, condition or safeguard during approval or platting procedures shall constitute a violation of these zoning regulations.

d. Building Permits. Final approval does not constitute approval for the construction of individual buildings or structures in the development.

Application for building permits shall be submitted and processed in accordance with standard procedures.

**ATTACHED WIND ORDINANCE 2009.2010
TOWN OF CARLTON NEW ZONING ORDINANCE
ADOPTED JUNE 11, 2013
ORDINANCE NO. 1 MORATORIUM**

2009/2010

2 ORDINANCE WIND ADOPTED OCTOBER 16, 2008 Changed April 12, 2011

AN INTERIM ZONING ORDINANCE CREATING ARTICLE VII, SECTION 30, OF THE

**TOWN OF CARLTON ZONING ORDINANCE ENACTING
A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING
PERMITS AND ZONING/LAND USE CHANGES**

WHEREAS, the Town of Carlton has recently adopted a comprehensive plan as provided by Wis. Stat. § 66.1001; and

WHEREAS, the Town Board hereby determines that it is necessary to enact an interim zoning ordinance establishing a temporary moratorium on the issuance of building permits, zoning amendments, conditional use permits, and land use changes to allow the Town to update its Zoning Code while preserving existing structures and land uses; and

WHEREAS, the Town Board hereby further determines that the enactment of this moratorium is a necessary use of the Town's police powers and zoning authority as authorized by Wis. Stats. § 60.61, § 60.62, § 61.35 and § 62.23 and other relevant provisions of the Wisconsin Statutes in order to protect the health, safety, morals and general welfare of the citizens of the Town of Carlton.

NOW, THEREFORE, the Town Board of the Town of Carlton does ordain as follows:

Section 1. Creating Code. Article VII, Section 30 of the Town of Carlton zoning ordinance is hereby created to read as follows:

“Section 30 Moratorium on Issuance of Building Permits, Zoning Amendments, Conditional Use Permits, and Land Use Changes for Unclassified Lands and Nonconforming Uses

(1) Moratorium

A moratorium on the issuance of building permits, zoning amendments, conditional use permits, and land use changes for unclassified lands and nonconforming uses by the Zoning Administrator within the Town of Carlton is enacted and shall apply to all applications, renewal applications, and requests for development, construction, enlargement, alteration, relocation and demolition of any building or structure or land use change that has not been submitted to the Zoning Administrator, Board of Appeals, Town Board, or Town Clerk on or before the date of

the enactment of this Ordinance, unless a waiver is granted as hereafter provided.

(2) Waiver

Any landowner otherwise precluded from obtaining a building permit, zoning permit, conditional use permit or land use change for developing, repairing, or using his or her land because of the prohibitions of this section may seek a waiver from the provisions of the moratorium. A landowner seeking a waiver shall file a letter petition with the Town Board. The letter petition shall include the names of the petitioners, owners, description of the subject property, the relief sought, and the reason for seeking relief. The Town Board may grant relief or a waiver upon such conditions as it deems necessary. If the waiver is granted, the landowner must comply with other all Town ordinances and requirements. Petitioners dissatisfied with the decision of the Town Board may appeal in accordance with Wis. Stat., Ch. 68.

(3) Violations and Penalties

Any person who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of, any of the provisions of this chapter shall, upon conviction, remove the structure or part thereof or discontinue the use which violates the terms of this chapter, and restore the affected property to its original condition prior to the violation to the fullest extent possible as determined by the Town within ninety (90) days of such conviction.

Upon failure to do so, the Town may order such removal and restoration. Such removal and restoration may be performed by the Town, an agent, or by outside contract, and the cost thereof shall be billed to the owner and be paid within thirty (30) days, and if not paid, shall become a delinquent special charge under the provisions of Wis. Stat. § 66.0627 and shall become a lien on the property, collectible as are other taxes.

Such person also shall, upon conviction, forfeit to the Town of Carlton not less than Twenty Dollars (\$20.00) or more than Two Thousand Dollars (\$2,000.00), plus costs of prosecution, for each offense. Each day during which such violation exists shall constitute a separate offense.

Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at the suit of the Town of Carlton, the State of Wisconsin, or any citizen thereof.

(4) Termination

The moratorium shall remain in effect for not longer than twenty-four (24) months from the date of enactment, unless earlier rescinded by the Town Board.”

Section 2. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect upon enactment and posting, as required by law.

Enacted this 11 day of August, 2009.

TOWN BOARD

David Hardtke, Chairman

Steve Tadisch, Supervisor #1

Ken Paplham, Supervisor #2

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Carlton on the 11 day of August, 2009.

*Town Clerk,
Linda Sinkula*

ORDINANCE NO. _____
AN ORDINANCE AMENDING THE TOWN OF CARLTON ZONING ORDINANCE,
KEWAUNEE COUNTY, WISCONSIN
The Town Board of the Town of Carlton, Kewaunee County, Wisconsin creates a Wind Energy Conversion System

Ordinance as follows:
1. General Provisions:
1.1 Title:

These regulations shall officially be known, cited and referred to as the Wind Energy Conversion System (WECS) Ordinance of the Town of Carlton, Kewaunee County, Wisconsin, and hereinafter will be referred to as “The Ordinance.”

1.2 Purposes:

1.2.1 State Regulatory History: Pursuant to Wisconsin Act 204, (enacted in 1998) state regulation and oversight (by the PSCW and DNR) of “small” electrical generating facilities less than 100 MW was virtually eliminated. As a direct result, the responsibility for review and approval of these facilities was shifted from Wisconsin state agencies to local units of government.

1.2.2 Local Regulatory History: Town of Carlton ordinances did not address wind energy conversion systems prior to this ordinance and therefore lacked the appropriate standards to ensure public health and safety.

1.2.3 Local Authority: Wisconsin state statutes preserve local authority regarding zoning related to wind energy conversion systems and allow for reasonable restrictions.

1.2.4 Minimize Conflict Between Incompatible Land Uses: It is in the public interest to ensure that conflict between incompatible land uses is minimized by limiting wind energy conversion system development in the vicinity of existing or planned residential or development and certain sensitive or high value environmental areas.

1.2.5 Public Health, Safety, and Welfare: Government officials have a duty to protect the public health, safety and welfare of its citizens and their environment and enact appropriate ordinances as they relate to the public health and safety issues associated with wind energy conversion systems. The quality and integrity of the environment are paramount to good health and impact many factors related to the safety of watersheds and water quality.

1.2.6 Decommissioning: Wind energy conversion systems are expected to have a useful life of 20 or more years. Decommissioning and removal of wind energy conversion systems and restoring the site at some point years into the future has proven to be very expensive, therefore it is in the public interest that the developer provide financial security to insure the removal of these facilities at some point in the future.

1.3 Ordinance: THEREFORE BE IT ORDAINED, that it is the intent of the Town of Carlton Town Board, in adopting this ordinance, to permit the use of proven wind energy conversion systems for energy production, and to promote safeguards ensuring the maintenance of the health and safety of the citizens of the Town of Carlton. Furthermore, it is the intent of the Town of Carlton Town Board that site-specific application of this Ordinance shall occur only in a manner that provides a harmonious balance between the suitability of a project site with existing land use and physical surroundings.

1.4 Authority: The Zoning Committee of the Town of Carlton, is vested with the authority to review and recommend approval, conditional approval, and rejection of applications for wind energy conversion systems, including preliminary and final plans.

1.5 Jurisdiction: This ordinance applies to all WECSs, as defined in table 1-1 and Section 2, proposed after _____, 2008, to be developed within the boundaries of the Town of Carlton, Kewaunee County, Wisconsin. Furthermore, no WECS shall be constructed without obtaining the approval of the Town of Carlton Zoning Administrator, the Town of Carlton Town Board, and duly issued permit(s).

Table 1-1

Wind driven machine on a tower or other support that produces electricity.

• Greater than 100 kw or • Over 170 ft. total height or
• Produces power for commercial resale.

Subject to WECSO

• 100 kw or less and

• Less than 170 ft. total height and

• Produces power for personal use.

• Requires a conditional use permit

• Section 5.19 also applies.

Wind driven machine that does not produce electricity

Total height of 50 ft. or less. • Not subject to WECSO

• Land Use Permit required A meteorological or wind test tower. • Requires conditional use permit

• WECSO sections 3.1.4, 5.1.2 and 5.17 apply.

1.6 Enactment: In order that all WECUs be constructed in accordance with the purposes and policies, these regulations are hereby adopted and made effective as of _____, 2008. All applications submitted after this date shall be reviewed pursuant to these regulations.

1.7 Interpretation, Conflict and Separability:

1.7.1 Interpretation: In interpreting these regulations and their application, the provisions of these regulations shall be held to be the requirements for the protection of public health and safety. These regulations shall be construed broadly to promote the purposes for which they are adopted.

1.7.2 Conflict: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Any other provision of these regulations that imposes restrictions different from any

other ordinance, rule or regulation, statute, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.

1.7.3 Separability: If any part, provision, or appendices of these regulations or the application of these regulations to any developer or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances. The Town of Carlton Town Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application, which is adjudged to be invalid.

3

1.8 Amendments: For the purpose of protecting the public health and safety, the Town of Carlton Zoning Administrator may from time to time recommend amendments to these regulations which shall be approved, approved with modifications or disapproved by the Town of Carlton Town Board at a public meeting following public notice. As technology advances, some or all of these regulations may become obsolete. Therefore, periodic review and revision of these regulations will be necessary.

1.9 Public Purpose: Regulation of the siting of WECSs is an exercise of valid police power delegated by the state of Wisconsin. The developer has the duty to comply with reasonable conditions set forth by the Town of Carlton Zoning Administrator, Town of Carlton Zoning Board of Appeals and / or Town of Carlton Town Board.

1.10 Enforcement, Violations and Penalties:

1.10.1 Enforcement authority shall be the responsibility of the Town of Carlton Zoning Administrator or her/his designees. See Appendix B.

1.10.2 Violations. It shall be unlawful to construct, install, reconstruct, substantially repair, improve, extend, enlarge, relocate, or convert any wind energy conversion unit (WECU) in violation of the provisions of this Ordinance. It shall also be unlawful to fail to obtain wind access permits as required by this ordinance.

1.10.3 There shall be penalties for any person, owner/operator, landowner, firm, association, corporation or representative agent who fails to comply with the provisions of this Ordinance or orders from the Town of Carlton Zoning Administrator. Upon written notification from the Town of Carlton Zoning Administrator, the initial penalty may be to cease operation of the applicable WECU(s) and/or a fine of not less than \$1,000 per occurrence for the first day. This penalty shall be doubled from that of the previous day for each day of continued violation. The Town of Carlton shall also be entitled to other relief including a temporary or permanent injunction, costs and reasonable attorney fees.

1.10.4 Excessive or continued violations of this ordinance may result in the revocation of the WECS CUP under Section 3.4 of this ordinance.

2. **Definitions:**

Ampacity: The current carrying capacity of conductors or equipment expressed in Amperes.

Ampere: The basic unit measuring the quantity of electricity.

Anemometer: A device for measuring the speed and direction of the wind.

Applicant: The person, firm, corporation, company, limited liability corporation or other entity which applies for approval under this ordinance, as well as the applicant's successor(s), assign(s) and/or transferee(s) as to any approved WECS or testing facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or testing facility. The duties and obligations regarding a zoning approval for any approved WECS or testing facility shall be with the owner of the WECS or testing facility, and jointly and severally with the owner and operator or lessee of the WECS or testing facility. Also known as owner or operator.

Aerodynamic Noise: A noise that is caused by the flow of air over and past the blades of a WECU.

Ambient Noise: Intermittent noise events such as from aircraft flying over, dogs barking, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road are all part of the ambient noise environment but would not be considered part of the background noise unless they were present for at least 90% of the time.

4

Background Noise: Sounds that would normally be present at least 90% of the time. The lull in the ambient noise environment. **Blade Glint:** The intermittent reflection of the sun off the surface of the blades of a single or multiple WECUs. **Broadband Noise:** The “swishing” or “whooshing” sound emitted as a function of a WECU(s) operation.

CUP: Conditional Use Permit
Electrical Pollution: A general term used to describe all electrical issues associated with the WECS.

Examples are objectionable currents and electromagnetic radiation. The term stray voltage is only one form of electrical pollution.

High Voltage Electrical Termination: Connecting of conductors to a device or system where the voltage exceeds 600 volts.

Inoperable: A WECU shall be determined inoperable if it has not generated power within the preceding two calendar quarters equal to at least 60% of the expected production.

Ice Throw: Accumulated frozen moisture or ice buildup on the rotor and/or blades of a WECU that is or can be thrown during normal spinning or rotation.

Impermissible Interference: The blockage of wind from a wind energy conversion unit or system for which a permit has been granted under this ordinance during a use period if such blockage is by any structure or vegetation on property, an owner of which was notified in advance by certified mail or delivered by hand of any property which the applicant proposed to be restricted by the permit. Impermissible interference does not

include: 1) Blockage by a narrow protrusion, including but not limited to a pole or wire, which does not substantially block the wind from a wind energy conversion unit or system. 2) Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice was mailed or delivered. 3) Blockage by any vegetation planted before the date the last notice was mailed or delivered.

Impulsive Noise: Short acoustical impulses or thumping sounds, which vary in amplitude and are caused by the interaction of wind turbine blades with distributed air flow around the tower of downwind WECU's.

Livestock Facility: A confinement area designed specifically for raising, controlling, feeding, and providing care for livestock. This may include but is not limited to: dairy barns, pastures, feedlots, freestall barns, calf hutches, horse barns, veal barns, feed storage areas, brooder and laying barns, farrowing and finishing barns, veterinary care.

Low Frequency Noise: An ongoing debilitation sound emitted during periods of turbulence as the blades are buffeted by changing winds that can cause structural vibration.

Measurement Point (MP): Location where sound and/or vibration measurements are taken such that no significant obstruction blocks sound and vibration from the site.

Mechanical Noise: Sound produced as a byproduct of the operation of the mechanical components of a WECU(s). Also known as “tonal noise”. Tonal noises are distinct and tend to be more noticeable at the same relative loudness of other types of noises.

5

Meteorological Tower: Used for the measurement of wind speed and direction, also known as a MET tower or wind test tower.

Nacelle: The enclosure located at the top of a WECU tower that houses the gearbox, generator and other equipment. **Noise:** Any unwanted sound. **Ownership Property Line:** A continuous line surrounding all contiguous adjacent parcels of property owned by a single individual, company, corporation, partnership or other legal entity.

Project Area: All of the properties within the project boundary and within a one-mile radius beyond the project boundary of a proposed or approved WECS project.

Project Boundary: A continuous line, which encompasses all WECU's and related equipment to be used in association with a WECS project.

Property Line: The recognized and mapped property parcel boundary line.

Related Equipment: Transformers, tower, electrical conductors, termination points, switches, fences, substations, and any other equipment necessary to operate a WECS.

Sensitive receptor: Places that are likely to be more sensitive to the exposure of the noise or vibration generated by WESC(s). This includes but is not limited to; schools, day-care centers, hospitals, parks, residences, residential neighborhoods, places of worship, and elderly care facilities.

Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of way, water line, or prospective line to the nearest vertical wall or other element of building or structure.

Setback Area: The land base that falls within a specified setback.

Shadow Flicker: The effect when the blades of an operating wind energy conversion unit pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.

Shadow Flicker and Blade Glint Zone: The land area that falls within the setback for shadow flicker or blade glint.

Small Wind Turbine (SWT): A wind driven machine with an output rating of 100 Kilowatts (kW) or less, with a total height of 170 feet or less that converts wind energy into electrical power for the primary purpose of "personal use" by the owner on the site of the property. The SWT includes the tower, turbine, footings, and all associated equipment.

Structures: Residences, livestock facilities, communications towers, commercial businesses, and all sensitive receptors.

Total Height: The distance between the ground at normal grade and the highest point of the installed WECU (being the tip of the blade when the blade is in the full vertical position).

6

Turbine: A wind driven machine that converts wind energy into electrical power, also known as a wind energy conversion unit.

Wetland: An area of land, which regularly persists in a wet state, or as, otherwise defined by the WDNR.

Wind Energy Conversion Unit (WECU): A wind driven machine with an output rating greater than 100 Kilowatts (kW) or with a total height of greater than 170 feet that converts wind energy into electrical power, or any wind driven machine of any output or height that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use. The WECU includes the tower, turbine, footings, and all equipment associated with individual units including the land area beneath encompassing the equivalent area of the circumference of the rotors.

Wind Energy Conversion System (WECS): All WECUs, related transformers, electrical conductors substations, and connection points to transmission or distribution lines.

Windmill: A wind-driven machine that does not produce electricity.

Wind test tower: The tower on which meteorological equipment is located to measure wind speed, direction, strength, etc., for the purpose of evaluating a potential for WECS siting.

3. Procedure and Application: A public hearing is required in order to obtain a conditional use permit (CUP) for each wind test tower. A CUP is required for a WECS. A public hearing is required for preliminary approval of a WECS and a second public hearing for final approval of a WECS.

3.1 Procedure:

3.1.1 Preliminary consultation. Applicant must meet with the Town of Carlton Zoning Administrator to verify application materials and procedures.

3.1.2 Applicant shall submit proof of sufficient liability insurance and all other insurances necessary so as to indemnify or otherwise hold the applicable governmental authorities harmless to any and all claims.

3.1.3 At least one public informational meeting held in consultation with any and all affected local municipalities.

3.1.4 A conditional use permit is required for installing a meteorological or wind test tower.

3.145.1 Conditions may include but are not limited to setbacks, height limitations, and limited term use; funds in escrow for potential damage to roads, installation and removal of the tower and legal, consulting, and committee fees.

3.1.5 Notice of hearing for preliminary approval of the WECS project shall be given by first class mail to owners of real property located within the project boundary and a two mile radius beyond the project boundary, as such owners are reflected on the last tax assessment roll and any update.

3.1.6 A public hearing shall be held on an application for a WECS CUP in accordance with the provisions of this ordinance and all of the procedural requirements and rights of appeal set forth

herein shall apply. A hearing shall be held first with the Town of Carlton Zoning Administrator. 3.2 Application: Every application for a WECS and/or wind test tower shall be made in writing to the Town of Carlton Zoning Administrator on forms provided by the Administrator and shall be accompanied by the filing fee set forth by the Town of Carlton Town Board. The CUP application shall include the following information:

3.2.1 Applicant: WECS owner/operator name and address.

3.2.2 Property Owner(s): Name and address of owners for all properties on which a WECU will be located.

7

3.2.3 Proof of Permission: Evidence that the applicant is the owner of the property involved or has the written permission of the owner(s) to make such an application.

3.2.4 Affected Property Owners: Name and address of property owners within WECS setback areas. Considering that development rights of adjacent property owners may be forfeited due to these setbacks as per this ordinance, a written agreement for non-development within the specified setback must be obtained and recorded on the affected properties' deeds. Copies of the agreements must be submitted with the application.

3.2.5 Impermissible Interference Notification; The applicant shall deliver by certified mail or by hand a notice to the owner of any property, which the applicant proposes to be restricted by the permit. The applicant shall submit to the Town of Carlton Zoning Administrator a copy of a signed receipt for every notice delivered in addition to the following information:

3.2.5.1 The name and address of the applicant, and the address of the land upon which the WECU is or will be located.

3.2.5.2 That the applicant has filed an application.

3.2.5.3 That the permit, if granted, may affect the rights of the notified owner to develop his or her property and to plant vegetation.

3.2.5.4 That any person may request a hearing within 30 days after receipt of the notice, and the address and procedure for filing the request.

3.2.6 Wind Access Agreements: Evidence (a signed statement from the applicant) that the applicant has negotiated with adjacent landowners and has obtained written agreements with all landowners who could potentially interfere with the applicant's access to the wind.

3.2.7 Application: A copy of the WECS plan must be sent to the Department of Natural Resources, Federal Aviation Administration, and the Public Service Commission for review so that their recommendations can be forwarded to the Town of Carlton Zoning Administrator. A written statement must be provided to the Town of Carlton Zoning Administrator from each of the above, with recommended restrictions, if any, and must include a telephone number of a contact person for verification purposes.

3.2.8 Site Plans and Reports: Plat map drawings and development plans in sufficient detail to clearly describe the following:

3.2.8.1 Physical dimensions of the proposed project area, existing properties, existing structures and proposed facilities/structures.

3.2.8.2 Location of meteorological or wind testing towers.

3.2.8.3 Location of all wells active or abandoned within the project boundary and a one-mile radius beyond the project boundary.

3.2.8.3.1 Before any construction activities commence, testing of all wells shall be completed to provide a baseline inventory of existing water quality conditions.

3.2.8.3.1.1 All property owners or occupants with wells within the project boundary and a one-mile radius beyond the project boundary shall be notified at least (60) sixty days in advance of planned commencement of well testing and offered permission forms.

3.2.8.3.1.2 Applicant shall receive written permission from property owners prior to sampling any wells. It shall be understood that when permission is denied, all responsibility for water quality remains with the property owner.

3.2.8.3.1.3 Tests shall be performed in accordance with all applicable laboratory standards and protocols by a state-approved testing laboratory. Testing shall include, but is not limited to, levels of arsenic, nitrates, phosphorus, calcium, magnesium, iron, lead, atrazine, bacteria, total dissolved solids and documentation of flow rates.

3.2.8.3.1.4 Test results shall be submitted to the Town of Carlton Zoning Administrator and the well owner.

3.2.8.4 Location of existing and proposed electrical lines and facilities. Denote underground and overhead installation method on existing lines. (Note: all proposed electrical lines shall be located underground.)

3.2.8.4.1 Easement: Applicant must submit copies of signed letters of intent to grant easements from all involved landowners and any governmental units responsible for the affected rights-of-way.

3.2.8.5 Erosion Control Plan Required: The Plan shall comply with all state statutes, county and local ordinances to minimize the potential adverse impacts on wetlands and Class I and II streams and the banks and vegetation along those streams and wetlands and to minimize erosion or sedimentation. The Plan should include but is not limited to the following practices:

3.2.8.5.1 Structures and access roads should use natural contours and avoid areas of steep slopes where high cuts and fills are required. If fills are required, the fill shall be compacted to at least 90% density, and finished grades shall not exceed a gradient of 2:1. Cut slope shall not exceed a gradient of 1½:1.

3.2.8.5.2 The smallest practical area of land should be exposed for the shortest practical time during development. The amount of vegetation removed during construction shall be the minimum necessary to operate equipment. Areas where vegetation is removed during construction shall be replanted prior to project startup.

3.2.8.5.3 Measures shall be used to prevent erosion until vegetation is re-established on areas from which it is removed, such as seeding and sodding, stockpiling and reuse of topsoil, temporary use of straw or fabric cover, aggregate cover, diversions authorized by state permit, sediment basins and filters.

3.2.8.5.4 No soils shall remain un-stabilized for more than sixty days.

3.2.8.6 Proposed plan for site restoration after construction.

3.2.8.7 Location of public and private airports and approaches.

3.2.8.8 All applicable setbacks from proposed WECUs.

3.2.8.9 Methods of electrical interconnection with detailed schematics.

3.2.8.10 Plan for ingress and egress to the proposed WECU site(s) identifying the following:

3.2.8.10.1 A description of the specific access route(s) to include:

3.2.8.10.1.1 All State, County and/or Town-maintained roads

3.2.8.10.1.2 A pre-construction inventory of road conditions paid for by applicant. Identify road surface materials stating the type and amount of surface cover, PASER ratings, and photographic or video documentation, performed by a Wisconsin certified professional engineer mutually agreed upon by applicant and municipality.

3.2.8.10.1.3 Dust control procedures.

3.2.8.10.1.4 A road maintenance schedule or program.

3.2.8.10.1.5 New road development associated with the project.

3.2.8.10.1.5.1 Any new roads shall comply with appropriate municipal construction standards.

3.2.9 Maps: All maps shall include the location of all proposed WECUs and related structures/facilities and access roads without obscuring map details. The Town of Carlton Zoning Administrator may require additional studies or maps, as it deems necessary.

3.2.9.1 Wind Resource Map: A map identifying wind characteristics including prevailing wind direction and minimum, maximum, and average wind speeds.

3.2.9.2 Land Use Maps: A location map to scale of current and planned land uses (based on the current land use plan and/or comprehensive plan) within the project boundary and a one mile radius beyond the project boundary on which the WECS is to be located.

3.2.9.3 Zoning Maps: A location map to scale of the existing zoning districts including all dwellings within the project boundary and a one-mile radius beyond the project boundary on which the WECS is to be located.

3.2.9.4 USGS Topographic Maps: (scale of 1:24,000), original WDNR wetland maps.

3.2.9.5 Plat Maps: showing land ownership.

3.2.9.6 Flood Plain Maps: flood Insurance Rate Maps (FIRM) if the site is within one-half mile of a flood plain.

3.2.9.7 Soil Survey Map

3.2.9.8 Historical, Cultural, Archeological, and Paleontological Resource Map: A map identifying sensitive historical, cultural, or archeological resources.

3.2.10 WECU Information and Certification: Specific information on the type, size, total installed height, rotor material, rated power output, performance history, safety history, and noise characteristics of each type of WECU, tower and electrical transmission equipment. Identify the length of service of the proposed components. The following information shall also be provided:

3.2.10.1 A structural safety certificate from a professional engineer stating that the structure has been designed to operate in cold weather conditions and is safe.

3.2.10.2 Certification of Structural Components: The compatibility of the foundation, tower, and generating unit (including the rotor and rotor-related equipment) shall be certified in writing by a professional engineer registered in Wisconsin. The Engineer shall certify compliance with sound engineering practices and compliance with the appropriate provisions of the Wisconsin building codes.

3.2.10.3 Certification of Electrical System: The electrical system design shall be certified in writing by an electrical engineer registered in Wisconsin as a Professional Engineer. The Engineer shall certify compliance with good engineering practices and with the appropriate provisions of the National Electric Code that have been adopted by the State.

3.2.10.4 Certification of Rotor Over-speed Control: The rotor over-speed control system shall be certified in writing by a mechanical engineer registered in Wisconsin as a Professional Engineer. The Engineer shall certify compliance with good engineering practices.

3.2.10.5 Ice Throw Calculations: A report from a Wisconsin professional engineer that: a) calculates the maximum distance that ice from the turbine blades could be thrown. (The basis of the calculation and all assumptions must be disclosed.); and b) the incidence of reported ice throws and the conditions reported at the time of the ice throw.

3.2.10.6 Blade Throw Calculations: A report from a Wisconsin professional engineer that: a) calculates the maximum distance that pieces of the turbine blades could be thrown (the basis of the calculation and all assumptions must be disclosed) and b) the incidence of reported blade throws and the conditions at the time of the blade throw.

3.2.10.7 WECU Specifications: Photographs or detailed drawings of each wind turbine model including the tower and foundation. Foundation at and around the tower base shall be designed so that no surface water or runoff can access subsurface aquifer at any time during construction, operation or decommissioning.

3.2.11 Computer Simulation or Drawings: Detailed computer and photographic simulation(s) overlaid on existing environment showing the proposed WECS project area fully developed with all proposed wind energy conversion units and related facilities.

3.2.12 Abandonment, Removal and Site Restoration Plan Required: The applicant shall submit a removal and site restoration plan and removal and site restoration plan cost estimate to the Town of Carlton Zoning Administrator for review and approval. The restoration plan shall identify the specific properties it applies to and shall indicate removal of all materials above and below ground; road repair costs, if any; and all re-grading and re-vegetation necessary to return the subject property to the condition existing prior to establishment of the wind energy facility. The restoration shall reflect the site-specific character including topography, vegetation, drainage, and any unique environmental features and shall be completed within one year. The plan shall include a certified estimate of the total cost (by element) of implementing the removal and site restoration plan.

3.2.13 Abandonment Liability: Signed and notarized legal document stating the landowner will be held liable for removal of the wind turbine(s) should the owner or operators' LLC (or other corporate distinction) become liquidated or the posted bond not be sufficient to cover the costs associated with removal.

3.2.14 Noise Report: A noise report that shall at a minimum include the following and be prepared by an acoustic engineer:

3.2.14.1 A sound and vibration assessment as identified in Appendix A.

3.2.14.2 A description of the project's proposed noise control features, including specific

measures proposed to protect workers, and specific measures proposed to mitigate noise impacts for sensitive receptors to a level of insignificance.

3.2.14.3 A report that outlines issues and considerations for individuals that use hearing aids.

3.2.15 Soils Report: A geotechnical report that shall at a minimum include the following:

3.2.15.1 Soils engineering and engineering geologic characteristics of the site based on onsite sampling and testing.

3.2.15.2 Foundation design criteria for all proposed structures.

3.2.15.3 Slope stability analysis.

3.2.15.4 Grading criteria for ground preparation, cuts and fills, soil compaction.

3.2.16 Shadow flicker and blade glint zone map: The applicant shall provide a shadow flicker and blade glint model for any proposed wind energy conversion unit. The model shall:

3.2.16.1 Model and describe the zones where shadow flicker and blade glint will likely be present within the project boundary and a one-mile radius beyond the project boundary. Include the topography, existing residences and locations of their windows, locations of other structures, wind speeds and directions, and existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speeds.

3.2.16.2 Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations.

3.2.16.3 Identify problem zones where shadow flicker will interfere with existing or future residences and roadways and describe proposed measures to mitigate these problems, including but not limited to a change in siting of the facility, a change in the operation of the facility, or grading or landscaping mitigation measures.

3.2.16.4 Name and address of property owners within shadow flicker and/or blade glint zones. Considering that development rights of adjacent property owners may be forfeited due to these zones as per this ordinance, a written agreement for nondevelopment within the specified zone must be obtained and recorded on the affected properties' deeds. Copies of the agreements must be submitted with the application.

3.2.17 Fire prevention, emergency rescue and control program: A statement of the potential fire and

rescue scenarios and a plan to identify, fund and provide rescue service agencies to ensure readiness and appropriate response.

3.2.18 Engineering schematics and specifications: Complete system-wide specifications including but

not limited to: power collection and electric interconnection system, towers, generating units,

11

controls, transformers, grounding, terminations and provisions for possible expansion.

3.2.19 Catastrophic Failure Report and Test Results: Data from the tower and turbine manufacturers

stating the wind speed and conditions that the turbine and tower are designed to withstand (including all assumptions), the incidence of catastrophic failures and the conditions reported at the time of failure, and the effectiveness of all automatic electrical and mechanical shutdown devices.

3.2.20 Air Navigation Plan: A plan to minimize potential "clutter" on airport radar facilities from the proposed WECUs.

3.2.21 Lighting Plan: A plan showing lighting on and around all WECUs and related facilities. Lighting

on WECUs shall be lit to FAA minimal standards only. Lighting shall be shielded from ground view to FAA maximum standards.

3.2.22 Utility Interconnection: Plan for interconnection and copy of written notification to the utility.

3.2.23 Microwave Communications Link Operators Notification: A copy of written notification of intent to

construct a WECS with project details to any microwave communications link operators that are

located within the project boundary and a two-mile radius beyond the boundary of a WECS.
3.2.24 Flood Plain Delineation: If a WECU is located within a 100-year flood plain area, as such flood

hazard areas are shown on Federal Emergency Management Agency maps, there shall be a report to identify the potential for wind erosion, water erosion, sedimentation and flooding, and to propose mitigation measures for such impacts.

3.2.25 Sufficient Wind Resource Study Results: Since the site shall have documented annual wind resources sufficient for the operation of the WECU (this requirement shall not apply to an anemometer tower), a study indicating these resources for a minimum of one year is required. Said study shall indicate the long-term commercial economic viability of the project. Anemometers to be placed shall be calibrated regularly to ensure a measurement of error of 1% or less. All anemometers shall be placed at the expected hub height of the wind turbine to be used. Sufficient wind resources, as described by the U.S. Department of Energy, include areas with a wind power class 4 or higher. The county shall retain the services of an independent, recognized expert to review the results of the wind resources study prior to acting on the application for a CUP.

3.2.26 Communications Interference Test Results: The applicant for a WECS shall pay for and perform pre-project testing of television signal strength and video taping of all channels in all residences and businesses within the project boundary and a three-mile radius beyond the project boundary. The applicant shall submit a report summarizing the findings and identifying any potential interference of television, telephone (including cellular and digital), microwave, satellite (dish), navigational, or radio reception.

3.2.26.1 Applicant shall receive written permission from property owners prior to communications interference testing. It shall be understood that when permission is denied, all responsibility for communications reception quality remains with the property owner.

3.2.27 Electrical Pollution Test Results: The applicant must perform two pre-construction electrical

pollution tests on all livestock facilities within the project boundary and a one-mile radius beyond the project boundary. The tests shall be performed by a mutually acceptable voltage investigator once in the spring and once in the fall. The tests shall be performed according to PSCW Phase II Stray Voltage Testing Protocol identified in Appendix C. A copy of the test results shall be sent to each of the following: property owners and PSCW Rural Electric Power Services staff and Town of Carlton Zoning Administrator or the Town of Carlton Town Board.

3.2.27.1 Applicant shall receive written permission from property owners prior to electrical pollution testing. It shall be understood that when permission is denied, all responsibility for electrical pollution remains with the property owner.

3.2.28 HAZMAT Reports: Copies of all HAZMAT reports shall be submitted.
12

3.2.29 Financial security to cover the following shall be provided by the applicant prior to preliminary project approval:

3.2.29.1 Legal and Consultant Fees: The applicant shall deposit in a joint escrow account with the appropriate municipal authorities a sum of \$25,000, as partial payment for the appropriate town and county planning commissions' expenses in hiring consultants and experts, as these authorities shall, at their discretion, deem desirable. At any time the balance of this fund shall fall below \$15,000, the applicant shall submit an additional \$15,000 so that the applicable municipal authority's full and actual expenses of examining and verifying the data presented shall be covered in total by the applicant. This deposit shall accompany the initial application and be considered a part thereof. If at any time the balance of this fund shall fall below \$15,000 for a period of 30 days, the application shall be considered to have been withdrawn.

3.2.29.2 Road repair costs for all classes of roads: The amount to be agreed upon by the applicant and the appropriate municipal authority with guidance from applicable experts to be deposited in a joint escrow account. When determining the amount of

such required security, the governing authorities may also require an annual escalator or increase based on current construction costs and/or the Federal Consumer Price Index. Such financial security shall be deposited or filed with the appropriate governing authorities prior to commencement of construction. This security shall be kept in full force and effect during the entire time that a WECS is in existence. Such security shall be irrevocable or non-cancelable (except by written consent by both the governing authorities and the current owner of the WECS) for the life of the approved permit. Failure to comply will subject the applicant to all available remedies of the governing authority, including possible enforcement action and revocation of the conditional use permit.

3.2.29.3 Advance payment for WECS site reclamation and restoration is to be placed in joint escrow account or surety bond, the amount to be determined by the appropriate municipal governing authorities to be sufficient to have the WECS fully removed and all components properly disposed of and the land returned to its original state should such structures become abandoned, dangerous, or not in compliance with this ordinance. Such financial security shall be kept in full force and effect during the entire time while a WECS facility exists or is in place. Such financial security shall be irrevocable and non-cancelable until such time as appropriate municipalities certify that reclamation and restoration are complete and release the obligation.

3.2.30 Complaint Resolution Procedure: Applicant shall submit a Complaint Resolution Procedure per

Appendix B.

3.2.31 Other Information: The applicant shall submit such additional information as may be reasonably

requested by the Town of Carlton Zoning Administrator and the Town of Carlton Town Board.

3.3 Use of Permit:

3.3.1 Project Start: Any WECS CUP that is granted shall be used not later than (2) two years from the

date of issuance, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of five (5) years; otherwise the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than five (5) years, the applicant may, prior to its expiration, request an extension of time to use the permit. A request for extension of time shall be made to the Town of Carlton Zoning Administrator. Extensions of time shall be made on forms provided by the Town of Carlton Zoning Administrator or his or her designees and shall be accompanied by the filing fee set forth in the Town of Carlton Ordinance and Services Fee Schedule. Within 30 days following the filing of a request for an extension, the

13

Town of Carlton Zoning Administrator or his/her designee shall review the application, make a recommendation thereon, and forward the matter on the regular agenda of Town of Carlton Town Board. An extension of time may be granted upon a determination that valid reason(s) exist for applicant not using the permit within the required period of time. If an extension of time is granted,

the total time allowed for the use of the permit shall not exceed a period of five (5) years, calculated from the effective date of the issuance of the permit.

3.3.2 Term of Permit: A WECS CUP shall be valid for the useful life of the equipment described in the

permit. The term of the permit shall be determined at the time of approval, and shall not exceed 20 years. The Town of Carlton Zoning Administrator shall review the permit every 5 years to ensure compliance with this ordinance and the provisions of the CUP. The owner/operator who seeks to extend the permit of an existing WECS beyond the original 20 years shall meet the requirements of

this ordinance, as amended from time to time, as if the WECS were a new facility.

3.4 Revocation of Permit: Grounds for revocation of a WECS CUP shall be limited to one of the following

findings as determined by the Town of Carlton Zoning Administrator.

3.4.1 The owner or operator of the facility fails to comply with the requirements of this ordinance

at the time of issuance of the applicable permit.

3.4.2 The owner/operator has failed to comply with the conditions of approval imposed.

3.4.3 The facility has not been maintained in accordance with the standards of this ordinance.

3.4.4 There have been excessive or continued violations.

3.5 Revocation Process:

3.5.1 The owner/operator of a WECS shall be notified, by certified mail with return receipt requested,

of noncompliance by the Town of Carlton Zoning Administrator or his/her designee.

3.5.2 The owner/operator shall comply within 30 days to the satisfaction of the Town of Carlton Zoning

Administrator or his/her designee.

3.5.3 If compliance is not obtained within 30 days, the Town of Carlton Zoning Administrator or his/her

designee shall notify the Town of Carlton Town Board of the noncompliance and request permission to proceed with the revocation process. This time period may be extended by staff to

adjust for seasonal limitations.

3.5.4 The Town of Carlton Zoning Administrator or his/her designee shall appear at the hearing before

the Town of Carlton Town Board to present the evidence of noncompliance. All other interested parties may also give testimony to the Committee.

3.5.5 A written decision of the Town of Carlton Town Board will be made. In instances where compliance with this ordinance cannot be established, the matter may be forwarded to the Town

of

Carlton attorney for appropriate legal action.

3.6 Appeals Procedures:

3.6.1 Administrative Decisions and Ordinance Interpretations

3.6.1.1 Any person aggrieved or affected by any action of the Town of Carlton Zoning Administrator or his/her designees may take appeals to the Town of Carlton Board of Appeals.

3.6.1.2 Appeals shall be taken within ten (10) calendar days of the date of the decision in which the party is aggrieved, by filing with the Town of Carlton Zoning Administrator a notice of appeal specifying the grounds thereof. The Town of Carlton Zoning Administrator or his/her designees shall forthwith transmit to the Town of Carlton Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Town of Carlton Board of Appeals is empowered to hear and decide appeals to:

3.6.1.2.1 Grant or deny appeals of administrative decisions of the Town of Carlton Zoning Administrator or his/her designees.

14

3.6.1.2.2 Grant or deny appeals of administrative interpretation of the ordinance by the Town of Carlton Zoning Administrator or his/her designees.

3.6.2 Principles Guiding Town of Carlton Board of Appeals Decisions. The following are principles that

shall guide the Town of Carlton Board of Appeals:

3.6.2.1 The burden is upon the appellant to prove the need for a variance.

3.6.2.2 Pecuniary hardships, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for granting a variance.

3.6.2.3 The board is bound to accept the WECS Ordinance as being correct.

3.6.2.4 The plight of the appellant must be unique, such as a shallow or steep parcel of land, or situation caused by other than her/his own action.

3.6.2.5 The hardship justifying a variance must apply to individual appellants parcel or structure and not generally to other properties in the same district.

3.6.2.6 The variance must not be detrimental to adjacent properties.

3.6.2.7 The Town of Carlton Board of Appeals in fulfilling its duties may modify, alter, or change any application.

4. Findings Necessary to Grant a WECS CUP: A WECS CUP shall not be granted unless the Town of Carlton

Zoning Administrator makes the following findings based on substantial evidence:

4.1.1 In Accordance with the Purpose and Intent of this Ordinance: The proposed WECS is in accordance with the purpose and intent of this ordinance.

4.1.2 Will Not Unreasonably Interfere With the Orderly Land Use and Development Plans: The proposed

WECS will not unreasonably interfere with the orderly land use and development plans of Town of Carlton.

4.1.3 Benefits to the Public Shall Exceed Any Burdens: The benefits to the public of the proposed WECS

shall exceed any burdens.

4.1.4 Not Detrimental to the Public Health and Safety of the Community: The proposed WECS will not be

detrimental to the public health and safety of the community.

4.1.5 Not Otherwise Adverse to the Environment, Neighborhood or Community: The proposed WECS

will not be hazardous or harmful to the environment or the neighborhood or community.

4.1.6 Complies With All Required Provisions of the Zoning Ordinance: The proposed WECS shall comply with all required provisions of this zoning ordinance.

4.1.7 No Person With Building Plans Affected: No person has demonstrated that she or he has present

plans to build a structure that would create an impermissible interference by showing that she or he

has applied for a building permit prior to receipt of a notice pursuant to Section 3.2.5 of this Ordinance, or has expended at least \$500 on planning or designing such a structure or by submitting any other credible evidence that she or he has made substantial progress toward planning or constructing a structure that would create an impermissible interference.

5. Development/Performance Standards: All WECS and testing structures shall comply with the Development/Performance Standards set forth in this section.

5.1 Safety Setbacks:

5.1.1 Structure Setbacks: 1800 Feet from all sensitive receptors and livestock facilities.

5.1.2 Property Line Setbacks: 1800 feet from all ownership property lines unless the property owners are within the same WECS, or an easement is granted by the nonparticipating land owner.

5.1.3 Public Roads and Highways Setbacks: 1800 feet from the right-of-way line of any public road or highway.

5.1.4 Above Ground Transmission Lines Greater than 12 kV Setbacks: 1.5 times the total height of the

15 WECU from the edge of the easement, but in no case less than 500 feet. The PSC will, if applicable, be contacted for a recommendation prior to the permit hearing.

5.1.5 Water Bodies and Wetland Setbacks: 2 times the total height of the WECU from the ordinary high

water mark of the water body or from the delineated boundary of a wetland. The DNR will be contacted for a recommendation prior to the permit hearing.

5.1.6 Turbine spacing: Minimum setback distances between turbines shall be 2 times the height of each

WECU. An applicant may request a lesser turbine spacing at the permit hearing if able to provide testimony by a qualified engineer that a lesser setback would not pose a safety hazzard.

5.1.7 Recreational Setbacks: No WECU shall be located within 2.5 times the height of the WECU from a

property line of a Town or County park, privately owned park or campground, or any other designated recreational area.

5.2 Evidence of Development Restrictions:

5.2.1 Affected Property Owners: Name and address of property owners within WECS setback areas,

shadow flicker zones, and blade glint zones. Copies of the affected property owners' deeds with appropriate development restrictions must be submitted after preliminary approval to the Town of Carlton Zoning Administrator prior to final approval.

5.2.2 Impermissible Interference: A signed agreement with adjacent landowners who agree to restrict

development on their land in such a way as to avoid decreasing wind velocity or increasing wind turbulence or otherwise create an impermissible interference at the location of the proposed WECU.

5.3 Easement: A signed agreement with all affected landowners permitting right-of-way easements for all

overhead and underground control and distribution systems. Landowners who have signed easement

agreements related to the WECS have the following specific rights. These rights are applicable for power

lines for the distribution or transmission of power from a WECS.

5.3.1 In constructing and maintaining high-voltage transmission lines on the property covered by the

easement the owner/operator of a WECS shall:

5.3.1.1 If excavation is necessary, ensure that the topsoil is stripped, piled and replaced upon completion of the operation.

5.3.1.2 Restore to its original condition any slope, terrace, or waterway which is disturbed by the construction or maintenance.

5.3.1.3 Insofar as is practicable and when the landowner requests, schedule any construction work in an area used for agricultural production at times when the ground is frozen in order to prevent or reduce soil compaction.

5.3.1.4 Clear all debris and remove all stones and rocks resulting from construction activity upon completion of construction.

5.3.1.5 Satisfactorily repair to its original condition any fence damaged as a result of construction or maintenance operations. If cutting a fence is necessary, a temporary gate shall be installed. Any such gate shall be left in place at the landowner's request.

5.3.1.6 Repair any drainage tile line within the easement damaged by such construction or maintenance.

5.3.1.7 Pay for any crop damage caused by such construction or maintenance.

5.3.1.8 Supply and install any necessary grounding of a landowner's fences, machinery or buildings.

5.3.2 The landowner shall be afforded a reasonable time prior to commencement of construction to

harvest any trees located within the easement boundaries, and if the landowner fails to do so, the landowner shall nevertheless retain title to all trees cut by the owner/operator of a WECS.

5.3.3 The landowner shall not be responsible for any injury.

16

5.4 Safety and Security:

5.4.1 Safety Shutdown: Each WECU shall be equipped with both manual and automatic controls to limit

the rotational speed of the blade within the design limits of the rotor. All turbines shall be equipped

with redundant braking systems. This includes both aerodynamic (including variable pitch) over speed controls, and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in the case of loss of load on the generator. Stall regulation should not be considered a sufficient braking system for over speed protection. A manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on/in the WECU structure.

5.4.2 Grounding: All structures associated with a WECS, which may be charged with lightning, shall be

grounded.

5.4.3 Wiring: All electrical conductors, telecommunications, and fiber-optics cables associated with the

WECS shall be underground.

5.4.4 Ground Clearance: The blade tip of any WECU shall, at its lowest point, have ground clearance of

not less than 75 feet.

5.4.5 Climability: WECU's shall not be climbable up to 15 feet above ground level.

5.4.6 Access Doors Locked: All access doors to WECU's and electrical equipment shall be lockable and

shall remain locked at all times when operator personnel are not present.

5.4.7 Self-Supporting Structures: All structures shall be self-supporting. No guy wire supported structures shall be permitted with the exception of meteorological towers.

5.4.8 Signage: Only appropriate warning signage shall be placed on WECUs, electrical equipment, and

WECS entrances. No advertising or promotional signage is permitted. See Section 5.15.

5.4.9 Fencing: Fencing or other appropriate measures at the periphery of the WECU site may be required to prevent unauthorized access to the WECU.

5.4.10 Post-construction Road Conditions and Repair: The applicant/owner/operator of the WECS shall

reimburse the municipality for any and all maintenance, repairs and reconstruction to the public roads resulting directly from the construction and any subsequent maintenance of the WECS.

5.4.10.1 A post-construction inventory of road conditions paid for by applicant shall be performed within 30 days of WECS completion. Identify road surface materials stating the type and amount of surface cover, PASER ratings, and photographic or video documentation, performed by a Wisconsin certified professional engineer mutually agreed upon by applicant and municipality.

5.4.10.2 Applicant agrees to confine construction traffic to previously agreed upon routes.

5.4.10.3 Roads shall be repaired or reconstructed to equivalent pre-construction PASER rating or better.

5.4.10.4 The municipality shall determine when and who maintains, repairs or reconstructs the applicable roads.

5.5 Noise and Vibration:

5.5.1 Noise Regulations Compliance: A WECS shall be considered in violation of the CUP unless the

applicant demonstrates that the project complies with all noise level limits. Noise levels in excess of the limits established in this ordinance shall be grounds for the Town of Carlton Zoning Administrator or his/her designee to order immediate shut down of all non-compliant WECUs.

5.5.2 Post construction noise and vibration measurements: Within twelve months of the date when the

project is fully operational, and within two weeks of the anniversary date of the pre-construction background noise measurements, repeat the existing sound and vibration environment measurements taken before the project approval. Post-construction sound level measurements shall be taken both with all WECUs running and with all WECUs off. Report post-construction measurements to the Town of Carlton Zoning Administrator (available for public review) using the same format as used for the pre-construction sound and vibration studies.

17

5.5.3 Noise Setbacks: The Town of Carlton Zoning Administrator may impose a noise setback that exceeds the other setbacks set out in this ordinance if he/she deems that such greater setbacks are necessary to protect the public health, safety, and welfare of the community.

5.5.4 Noise Standard: The noise due to WECU operations shall not be greater than 5 dBA above the

established background noise level for more than five 5 minutes out of any one hour time period as

measured per Appendix A.

5.5.5 Low Frequency Noise or Infrasound Noise: No low frequency noise or infrasound noise from

wind

turbine operations shall be created which causes the noise level both within the project boundary and a one-mile radius beyond the project boundary to exceed the following limits:

Center Sound	Pressure	Octave Frequency	Level	Band (Hz)	
2 to 1,70	16 ² , 68--20,	68--25, 67--1.5,	65--40, 62--50,	60--63, 57--80,55--100, 52--125	50
250	47--500	45--1000	42--2000		40
4000					37
8000					35

5.5.6 Pure Tone Penalty: In the event audible noise due to wind turbine operations contains a steady

pure tone, such as a whine, screech, or hum, the standards for Audible Noise shall be reduced by five (5) dB(A). A pure tone is defined to exist when: the one-third octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels on the two (2) contiguous one-third octave bands by five (5) dB(A) for center frequencies of 500 Hz

and above, and eight (8) dB(A) for center frequencies between 160 and 400 Hz, and by fifteen (15) dB(A) for center frequencies less than or equal to 125 Hz.

5.5.7 Repetitive, Impulsive Sound Penalty: In the event the audible noise due to wind turbine operations

contains repetitive impulsive sounds, the standards for Audible Noise shall be reduced by five (5) dB(A).

5.5.8 Pure Tone and Repetitive, Impulsive Tone Penalty: In the event the audible noise due to wind turbine operations contains both a pure tone and repetitive impulsive sounds, the standards for Audible Noise shall be reduced by a total of five (5) dB(A).

5.5.9 Operations – Low Frequency Noise: A WECU that emits impulsive sound below 20 Hz that adversely affects the habitability or use of any existing dwelling unit or other sensitive noise receptor shall be deemed unsafe and must be shut down immediately.

18

5.5.10 Noise Complaint and Investigation Process: See Appendix B.

5.6 Rescue, Fire and Hazard Protection: Owner/operator shall assure that the WECS complies with the

following fire control and Prevention measures and incurs associated costs.

5.6.1 Fireproof or fire resistant building materials and buffers or fire retardant landscaping.

5.6.2 Maintain firebreak areas cleared of vegetation and maintained as a fire/fuel break as long as the

WECU is in operation. Firebreaks shall be 30 feet around the periphery of the proposed WECU site, 10 feet around all transformers and 30 feet around all buildings.

5.6.3 Fire fighting and rescue services, including programs and costs associated with equipment and

training, for local fire protection and rescue personnel.

5.6.4 The owner/operator shall be responsible for compliance with all laws applicable to the generation,

storage, clean up, transportation and disposal of hazardous wastes generated during any phase of

the project's life.

5.7 Interconnection and Electrical Distribution Facilities:

5.7.1 All conductors associated with the distribution, control, and transmission of energy from WECUs

shall be installed underground.

5.7.2 All underground conductors, including neutral conductors, shall be insulated for the applicable

voltage and of the same ampacity. There shall be no bare neutral wires allowed.

5.7.3 Underground installations regardless of voltage must comply with all right-of-way and requirements

clearances as identified in this ordinance.

5.7.3.1 Rights of way width for distances greater than 100 feet of underground installation in unpaved areas shall be a minimum of 30 feet and a maximum of 50 feet unless otherwise specifically agreed to by the property owner.

5.7.3.2 Rights of way width for distances of 100 feet or less of underground installation in unpaved areas shall be a minimum of 20 feet unless otherwise specifically agreed to by the property owner.

5.7.3.3 Wherever practical, easements shall be placed immediately adjacent to the outside edge of road rights of way.

5.7.4 Owner/operator must submit copies of signed and recorded easements from all involved landowners and any governmental units responsible for the affected rights-of-way.

5.8 Electrical Pollution:

5.8.1 The owner/operator of the WECS shall respond within (5) five business days to any request for a electrical pollution investigation by a property owner within the project boundary and a one-mile radius beyond the project boundary.

5.8.2 The tests shall be performed by a mutually acceptable voltage investigator.

5.8.3 The tests shall be performed according to PSCW Phase II Stray Voltage Testing Protocol identified

in Appendix C.

5.8.4 Testing shall commence within (10) ten working days of the request. If testing cannot be initiated

within (10) days, the WECU(s) in question shall be shut down until the testing can be started.

5.8.5 The investigation shall be provided to the property owner at no cost up to a maximum of two investigations within a 12-month period. See Appendix C.

5.8.6 At no time shall the operation of a WECS increase the measured cow contact voltage (Vcc) or

primary neutral to remote voltage (Vpn) on a livestock facility within the project boundary and a one-mile radius beyond the project boundary, above the maximum pre-construction levels.

5.8.7 The owner/operator agrees to abide by all rules, procedures, standards, and reporting established

by the PSCW for electrical pollution.

5.8.8 Owner/operator is responsible for mitigating within five working days from determination any net

19 increase in cow contact voltages (Vcc) or primary neutral to remote voltages (Vpn) attributed to the

operation of the WECS. If corrections cannot be initiated within (5) five working days, the WECU(s) in question shall be shut down until the voltages in question are mitigated.

5.8.9 A copy of the test results shall be sent to the property owner, PSCW, Rural Electric Power Services staff, and the Town of Carlton Zoning Administrator within (30) days of test completion.

5.9 Unsafe and Inoperable WECUs; Site Reclamation:

5.9.1 Inoperable: A WECU shall be deemed inoperable if it has not generated power within the preceeding two calendar quarters equal to at least 50% of the expected production, and shall be promptly dismantled and removed from the property.

5.9.2 Unsafe: Any WECU that is found to present an imminent physical threat of danger to life or significant threat of damage to property shall be immediately shut down and repaired or otherwise made safe and certified so by a Wisconsin professional engineer prior to resumption of operation.

5.9.2.1 If a serious adverse unforeseen impact develops due to the operation of one or more WECU that has a serious detrimental effect on a particular resident, the affected resident has a right to request the Town of Carlton Zoning Administrator to order the cessation of the operation of the WECU(s) in question until the situation has been corrected.

5.9.2.2 Within 24 hours of an occurrence of a tower collapse, turbine failure, fires, thrown blade or hub, collector or feeder line failure, injured WECS worker or private person, the owner/operator shall notify the Town of Carlton Zoning Administrator.

5.9.3 Removal and Site Restoration: The owner/operator shall remove all equipment associated with the WECUs and restore the site to its original condition at the end of the permit or when any WECU is deemed inoperable or unsafe. The restoration shall include removal of all materials above and below ground; road repair, if any; and all re-grading and re-vegetation necessary to return the subject property to the condition existing prior to establishment of the WECS. The restoration shall

reflect the site-specific character including topography, vegetation, drainage, and any unique environmental features and shall be completed within one year. The owner/operator shall incur all costs associated with implementing the removal and site restoration plan.

5.9.3.1 Erosion Control: Owner/operator shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances as pertains to WECS removal and site restoration.

5.9.4 Public Nuisance: Every unsafe WECU and every inoperable WECU is hereby declared a public

nuisance, which shall be subject to abatement by repair, rehabilitation, demolition, or removal. An inoperable WECU shall not be considered a public nuisance provided the owner can demonstrate that modernization, rebuilding or repairs are in progress or planned and will be completed within no

more than six months.

5.10 Communications Interference: Any WECU shall be sited and operated so that they do not interfere

with television, telephone (including cellular and digital), microwave, satellite (dish), navigational, or

radio reception to neighboring areas. The applicant and/or operator of the facility shall be responsible

for the full cost of any remediation necessary to provide equivalent alternate service or correct any

problems; including relocation or removal of the facility, caused or exacerbated by the operation of

such equipment and any and all related transmission lines, transformers, and other components related thereto. The owner/operator of the WECS shall respond within five business days to any request for a communications interference investigation by a property owner within the project boundary and a three-mile radius beyond the project boundary. Testing shall commence within ten

working days of the request. Owner/operator is responsible for mitigating within ten working days from

determination of interference cause attributed to the operation of the WECS.

5.11 Interference with Aviation Navigational Systems:

5.11.1 No interference with Aviation Facilities: No WECS shall be installed or operated in a manner that causes interference with the operation of any aviation facility.

5.11.2 Compliance with FAA Regulations: All wind energy siting shall comply with Federal Aviation

Administration ("FAA") regulations for siting structures near an airport.

5.11.3 Locking Mechanisms to Limit Radar Interference Required: All WECSs shall include a locking mechanism that prevents the blades from rotating when not producing power, in order to limit airport radar interference or "clutter." The Town of Carlton Zoning Administrator may modify or eliminate the requirement for a locking mechanism if sufficient evidence is presented that no significant airport radar interference or "clutter" will be caused by the WECS.

5.12 Certification of Insurance: Owner/operator shall maintain liability and other insurances as specified in

Section 3.1.2 for the duration of the WECS project including decommissioning and reclamation. The

insurance carrier shall be instructed to notify all applicable governmental authorities of any

delinquency in payment of premiums. Failure to provide such insurances shall be considered abandonment and full and sufficient grounds for termination of the permit and disposal of the equipment and appurtenances as stated herein.

5.13

Monitoring:

5.13.1 Right to Enter Premises for Monitoring: Upon reasonable notice, Town of Carlton officials or

their designated representatives may enter a lot on which a WECS CUP has been granted for the purpose of monitoring noise, environmental impacts, and other impacts, which may arise. Twenty-four hours advance notice shall be deemed reasonable notice.

5.13.2 Post-construction Well Testing: All previously tested wells shall be tested again within (30) thirty days of WECS start-up. Pre-construction notification and testing procedures shall be followed (see Section 3.2.8.3). Applicant/owner/operator is responsible for all costs associated with well testing and corrective action if necessary.

5.13.2.1 Corrective Action: Adverse changes in flow rate or adverse changes in water quality that cause any of the tested wells that were previously in compliance with the applicable Wisconsin DNR drinking water quality standards for such substances in NR 809 to come out of compliance with such standards will be considered evidence of damage caused by WECS construction and require corrective action by the applicant. If any such well owners contact the applicant after construction commences but prior to the end of one year from WECS project completion and provide applicant with evidence that the integrity of their well or water quality in their well has been damaged by applicant's construction, the applicant shall promptly investigate all such complaints. If such investigation demonstrates that the likely cause of such damage was the construction, then applicant shall correct the problem by implementing reasonable corrective measures. Applicant's obligation to take corrective action or implement reasonable corrective measures shall be deemed satisfied if applicant provides the affected well owner with a reasonable emergency water supply immediately and commences measures to implement a permanent fix of the problem with the damaged well within (30) thirty days.

5.13.3 Termination Testing: After installation of the WECS, the applicant/operator shall perform annual thermal imaging on all high voltage electrical terminations. Testing shall be performed according to industry standards to include a photographic/digital record. A copy of the results including documentation of any maintenance performed shall be sent to the Town of Carlton Town Board.

21

5.13.4 Insulation Testing: After installation of the WECS, the applicant/operator shall perform an annual evaluation of high voltage electrical conductor insulation known in the electrical industry as HIPOT. All insulated high voltage conductors must be tested. Testing shall be performed according to industry standards. A copy of the results including documentation of any maintenance performed shall be sent to the Town of Carlton Town Board.

5.13.5 Noise Testing: After installation of the WECS, the applicant/operator shall perform noise testing according to section two of appendix A, Sites with Existing WECUs.

5.13.6 Periodic Reporting: The owner/operator shall submit periodic monitoring reports to the Town

of Carlton Town Board. The report shall contain data on the operations and environmental impacts, and shall be in the form prescribed by the Town of Carlton Zoning Administrator.

5.13.7 Power Production Report: The owner/operator shall submit an annual power production report to the Town of Carlton Town Board. The power production report shall cover the proceeding calendar year, and shall be in the form prescribed the Town of Carlton Zoning Administrator and shall include actual power production in kilowatt-hours for each WECU.

5.14

Time

Related

Conditions:

5.14.1 Phased Development May Be Required: A WECS CUP may require phased development in order to mitigate adverse impacts from such factors including but not limited to; the number of WECUs, the location of the wind energy conversion units and construction schedules.

5.14.2 Demonstration of Performance Characteristics May Be Required: The granting of a WECS

CUP may be conditioned upon the installation and operation of one or more WECU for a period not to exceed six months in order to demonstrate the performance characteristics of the WECU. If such monitoring condition is imposed, the permit shall specify the standards which must be met in order to continue development. If a standard has not met at the expiration of the required monitoring period, the applicant and the Town of Carlton Zoning Administrator may agree to an extension. The time within which the permit must be used shall be extended to include the period of the required monitoring.

5.15 Signage Limited: No advertising sign or logo shall be placed or painted on any WECU. A WECS CUP

may allow the placement of no more than two advertising signs relating to the development of the project site, but no sign shall exceed 15 square feet in surface area or eight feet in height.

5.16 Shadow Flicker or Blade Glint: The facility shall be designed such that shadow flicker or blade glint will not fall on, or in any existing sensitive receptor. Shadow flicker or blade glint expected to fall on a

roadway or a portion of a residential parcel may be acceptable under the following circumstances;

5.16.1 The flicker or glint will not exceed 10 hours per year; and

5.16.2 The flicker or glint will fall more than 100 feet from an existing residence; or

5.16.3 The traffic volumes are less than 500 vehicles per day on the roadway.

5.16.4 The flicker or glint shall not fall onto an intersection.

5.16.5 If shadow flicker or blade glint exceeds any of the conditions listed in Sections 5.16.1-5.16.4,

the source WECU(s) shall be shut down until the flicker or glint problem is remedied.

5.17 Color, Finish, Lighting:

5.17.1 Color and Finish: Wind energy conversion units shall be painted a non-obtrusive (e.g., light environmental color such as white, gray, or beige) color that is non-reflective.

5.17.2 Camouflage Facilities: The design of WECS buildings and related structures shall, to the extent reasonably possible use materials; colors, textures, screening and landscaping that will blend the facility to the natural setting and the existing environment.

5.17.3 Lighting Requirements: Shall be lit to FAA minimal standards only. Where acceptable to the FAA the Town of Carlton Zoning Administrator will approve red lights over white lights, and 22

steady lights over strobed or intermittent lights. Lighting shall be shielded from ground view to FAA maximum standards. Area and security lighting shall not exceed 175 watts each and 25 feet in height and shielded from neighboring sensitive receptors.

5.18 Conditions May Be Imposed: A WECS CUP may be subject to any condition deemed necessary to

minimize the possibility that the future development of nearby property will create an impermissible

interference or to minimize any burden on any person affected by granting the permit. Such conditions

or exemptions may include but are not limited to restrictions on the location of the WECS and requirements for the compensation of persons affected by the granting of the permit.

5.19 A small wind energy system shall be a conditional use in all zoning districts subject to the following

requirements:

5.19.1

Setbacks:

(a) A wind tower for a small wind system shall be set back a distance equal to its total height from:

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

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

(b) The setback distance from any overhead electrical utility lines shall be determined by the local utility.

5.19.2

Access:

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

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

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

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

5.19.5 Appearance, Color, and Finish: The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit.

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

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

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

5.19.9 Meteorological Towers: Meteorological towers for SWTs shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Small Wind Turbines.

5.19.10 Permit Requirements:

(1) **Building Permit.** A building permit shall be required for the installation of a small wind energy system.

(2) **Documents.** The building permit application shall be accompanied by a plot plan which includes the following:

23

(a) Property lines and physical dimensions of the property

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

(c) Location of the proposed wind system tower

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

(e) Any overhead utility lines;

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

(g) Tower foundation blueprints or drawings

(h) Tower blueprint or drawing

(3) **Fees:** The application for a building permit for a small wind energy system must be accompanied by the fee required for a building permit for a small wind energy system.

(4) **Expiration:** A permit issued pursuant to this ordinance shall expire if:

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

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

5.19.11 Abandonment:

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

(2) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner's

sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense. This ordinance shall take effect upon passage and publication.

Introduced by Supervisor _____
Vote: For _____ day of _____, 2008.
Adopted this _____ day of _____, 2008.
TOWN OF CARLTON
David Zellner, Chairman
ATTEST:

Linda Sinkula, Town Clerk
Published: _____
24

REFERENCES

National Wind Coordinating Committee's Permitting of Wind Energy Facilities: A Handbook
Commercial Wind Energy Facility & Wind Access Model Ordinance
Wisconsin Model Wind Ordinance Reference Guide
Wisconsin State Statutes
Wind ordinance: Shawano County, W isconsin
Wind Ordinance: White River Township, Michigan
Wind Ordinance: Eveline Township, Michigan
Wind Ordinance: Otsego Township, Michigan
Wind Ordinance: Door County, W isconsin
Wind Ordinance: Dodge County, W isconsin
Wind Ordinance: Riley County, Kansas
Conditional Use Permit: Town of Lincoln, W isconsin
Study Committee Report: Town of Lincoln, W isconsin
Site Permit for Large Wind Energy Conversion System: Murray County, Minnesota
Highland County, Virginia: What Highland Needs to Learn About Wind Energy Projects
Australia Environment Protection Authority: Environmental Noise Guidelines: Wind Farms
Public Service Commission of Wisconsin:
PSC Overview Series: Renewable Energy Resources
PSC Overview Series: Underground Electric Transmission Lines
PSC Overview Series: Right-of-Way and Easements for Electric Facility Construction
Measurement Protocols - Facts and Misconceptions
Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Plants
Information Requirements for Electric Generation Construction Projects over 100 MW
Policies and Procedures Concerning Stray Voltage for Electric Distribution Utilities in Wisconsin
The Phase II Stray Voltage Testing Protocol
25

Appendix A
Town of Carlton Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Wind Energy Conversion Systems

Introduction:

The potential sound and vibration impact associated with the operation of wind powered electric generators is often a primary concern for citizens living near proposed wind energy conversion systems (WECS). This is especially true of projects located near homes, residential neighborhoods, schools, and hospitals.

Determining

the likely sound and vibration impacts is a highly technical undertaking and requires a serious effort in order to collect reliable and meaningful data for both the public and decision makers.

*This protocol is based in part on criteria published in the Standard Guide for Selection of Environmental Noise Measurements and Criteria. and the Public Service Commission 1 mission of Wisconsin publication Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Electric Power Plants (February 2002).*²

The purpose is to first establish a consistent and scientifically sound procedure for estimating existing ambient sound and vibration levels in a project area, and second to determine the likely impact that operation of a new wind energy conversion system project will have on the existing sound and vibration environment. The characteristics of the proposed WECS project and the features of the surrounding environment will influence the design of the sound and vibration study. Site layout, types of wind energy conversion units (WECU) selected, and the existence of the significant local sound and vibration sources and sensitive receptors should be taken into consideration when designing a sound and vibration study. It will be necessary to have a qualified consultant

conduct the sound and vibration study. Note: Consult with the Town of Carlton Zoning Administrator prior to conducting any sound and vibration measurements.

These guidelines are meant to be general in nature and may need to be modified (with approval of the Town Board) to accommodate unique site characteristics. Consult with Town of Carlton Zoning Administrator for guidance on study design before you begin the sound and vibration study. During consultation, good quality maps or diagrams of the site will be necessary. Maps and diagrams should show the proposed project area layout and boundaries⁵, and identify important landscape features as well as significant local sound and vibration sources and sensitive receptors.

Measurement of the Existing Sound and Vibration Environment An assessment of the proposed WECS project areas existing sound and vibration environment is necessary in order to predict the likely impact resulting from a proposed project. The following guidelines must be used in developing a reasonable estimate of an area's existing sound and vibration environment. All testing is to be performed by an acoustical testing engineer approved by theTown of Carlton Zoning Administrator.

All measurements are to be conducted with industry certified testing equipment⁴. All test results must be reported to the Town of Carlton Zoning Administrator.

Sites with No Existing Wind Energy Conversion Units: Sound level measurements shall be taken as follows: At all properties within the proposed WECS project boundaries⁵. At all properties within a one mile radius of the proposed WECS project boundaries⁵. One test must be performed during each season of the year as follows:

<i>Spring:</i>	<i>March</i>	<i>15</i>	<i>-</i>	<i>May</i>	<i>15</i>
<i>26</i>					
<i>Summer:</i>	<i>June</i>	<i>1</i>	<i>-</i>	<i>September</i>	<i>1</i>
<i>Fall:</i>	<i>September</i>	<i>15-</i>		<i>November</i>	<i>15</i>
<i>Winter:</i>	<i>December</i>	<i>1-</i>		<i>March</i>	<i>1</i>

All measurement points (MPs) shall be located in consultation with the property owner(s) and such that no significant obstruction (building, trees, etc.) blocks sound and vibration from the site. Duration of measurements shall be a minimum of ten continuous minutes for each criterion (See Item C below) at each location.

One set of measurements shall be taken during each of the following four periods:
Morning: 6 a.m. - 8 a.m.
Midday: 12 noon - 2 p.m.
Evening: 6 p.m.- 8 p.m.
Night: 10 p.m. - 12 midnight

Sound level measurements must be made on a weekday of a non-holiday week. Measurements must be taken at 6 feet above the ground and at least 15 feet from any reflective surface³.

For each MP and for each measurement period, provide each of the following measurement criteria:

Unweighted octave-band analysis (162, 31.5, 63, 125, 250, 500, 1K, 2K, 4K, and 8K Hz) Lave, L10, L50, and L90, in dBA
 Lave, L10, L50, and L90, in dBC

A narrative description of any intermittent sounds registered during each measurement.

Wind speed at time of measurement.

Wind direction at time of measurement.

Description of the weather conditions during the measurement.

Provide a map and/or diagram clearly showing:

The layout of the project area, including topography, the project boundary lines⁵, and property lines.

The locations of the MPs.

The minimum and maximum distance between any MPs.

The location of significant local sound and vibration sources.

The distance between all MPs and significant local sound and vibration sources.

The location of all sensitive receptors including but not limited to:

Schools

Day-care centers

Hospitals

Residences

Residential neighborhoods

Places of worship

Elderly care facilities.

Sites with Existing Wind Energy Conversion Units:

Two complete sets of sound level measurements must be taken as defined below:

One set of measurements with the wind generator(s) off.

One set of measurements with the wind generator(s) running.

Sound level measurements shall be taken as follows:

At all properties within the proposed WECS project boundaries⁵

At all properties within a one mile radius of the proposed WECS project boundaries⁵.

One test must be performed during each season of the year as follows:

Spring: March 15 - May 15

Summer: June 1 - September 1

Fall: September 15- November 15

Winter: December 1- March 1

All measurement points (MPs) shall be located in consultation with the property owner(s) and such that no significant obstruction (building, trees, etc.) blocks sound and vibration from the site.

27

Duration of measurements shall be a minimum of ten continuous minutes for each criterion (See Item D below)

at each location.
Measurements shall be taken during each of the following four periods:
Morning: 6 a.m. - 8 a.m.
Midday: 12 noon - 2 p.m.
Evening: 6 a.m. - 8 p.m.
Night: 10 p.m. - 12 midnight

Sound level measurements must be made on a weekday of a non-holiday week. Measurements must be taken at 6 feet above the ground and at least 15 feet from any reflective surface³.

For each MP and for each measurement period, provide each of the following measurement criteria:

Unweighted octave-band analysis (164, 31.5, 63, 125, 250, 500, 1K, 2K, 4K, and 8K Hz)

Lave, L10, L50, and L90, in dBA

Lave, L10, L50, and L90, in dBC

A narrative description of any intermittent sounds registered during each measurement.

Wind speed at time of measurement.

Wind direction at time of measurement.

Description of the weather conditions during the measurement.

Provide a map and/or diagram clearly showing:

The layout of the project area, including topography, the project boundary lines⁵, and property lines.

The locations of the MPs.

The minimum and maximum distance between any MPs.

The location of significant local sound and vibration sources.

The distance between all MPs and significant local sound and vibration sources.

The location of all sensitive receptors including but not limited to:

Schools

Day-care centers

Hospitals

Residences

Residential neighborhoods

Places of worship

Elderly care facilities.

Sound level Estimate for Proposed Wind Energy Conversion System:

In order to estimate the sound and vibration impact of the proposed WECU(s) on the existing environment an estimate of the sound and vibration produced by the proposed WECU(s) must be provided.

Provide the manufacturer's sound level characteristics for the proposed WECU(s) operating at full load.

Include an unweighted octave-band (164, 31.5, 63, 125, 250, 500, 1K, 2K, 4K, and 8K Hz) analysis for the

WECU(s) at full operation for distances of 500, 1000, 1500, 2000, 2500 feet from the WECU(s).

Estimate the sound levels for the proposed WECU(s) in dBA and dBC at distances of 500, 1000, 1500, 2000,

2500 feet from the WECU(s). For projects with multiple WECUs, the combined sound level impact for all WECU's

operating at full load must be estimated.

Provide a contour map of the expected sound level from the new WECU(s), using 5dBA increments created by the

proposed WECU(s) extending out to a distance of 2500 feet.

Determine the impact of the new sound and vibration source on the existing environment. For each MP used in

the ambient study (note the sensitive receptor MPs):

Report expected changes to existing sound levels for Lave, L10, L50, and L90, in dBA .

Report expected changes to existing sound levels for Lave, L10, L50, and L90, in dBC .

Report all assumptions made in arriving at the estimate of impact and any conclusions reached regarding the potential effects on people living near the project area. Include an estimate of the number of hours of operation expected from the proposed WECU(s) and the WECU(s) under what conditions the WECU(s) would be expected to run.

Post-Construction Measurements:
Within twelve months of the date when the project is fully operational, and within two weeks of the anniversary

date of the Pre-construction ambient noise measurements, repeat the existing sound and vibration environment

measurements taken before the project approval. Post-construction sound level measurements shall be taken

both with all WECU(s) running and with all WECU(s) off.

Report post-construction measurements to the Town of Carlton Zoning Administrator, available for public review,

using the same format as used for the Pre-approval sound and vibration studies. Standard Guide for Selection of Environmental Noise Measurements and Criteria 1 (Designation E 1686-96). July

1996. American Society for Testing and Measurements.

2 Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Electric Power Plants.

February 2002. Public Service Commission of Wisconsin.

3 Environmental Noise Guidelines: Wind Farms. (ISBN 1 876562 43 9). February 2003. Environment Protection

Authority, Adelaide SA.

4 The Public Service Commission of Wisconsin Staff acknowledges that few sound level meters are capable of

measurement of the 16 Hz center frequency octave band. However, because noise complaints from the public

most likely involve low frequency noise associate with proposed WECS [power plants], we encourage applicants

to pursue the collection of this important ambient noise data. If obtaining the 16 Hz data presents a problem

contact PSCW Staff prior to collection of any field ambient measurement data.

5 Project Boundary: A continuous line encompassing all WECU's and related equipment associated with the

WECS project.

29

Appendix B

Complaint and Resolution Procedure:

Everyone involved with any phase of the WECS is responsible for ensuring an expeditious and equitable

resolution of all complaints. It is therefore necessary to establish a uniform method for documenting and handling

complaints related to the WECS project. As a part of the application (section 3.2), the applicant shall submit to the

Town of Carlton Zoning Administrator the procedures to be used to receive and respond to complaints regarding

wind energy conversion systems (WECS) and related facilities.

Definitions:

Complaint: A written, signed, and dated statement presented by a person expressing dissatisfaction, resentment,

or discontent as a direct result of the WECS and related facilities. Complaints do not include requests, inquiries,

questions, or general comments.

Substantial complaint: A complaint, if substantiated, could result in permit modification, suspension, or cessation of WECS operation pursuant to the applicable provisions of this Ordinance. Substantial complaints shall include health and/or safety concerns, or identification of violation(s) of the WECS CUP.

Person or Complainant: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Requirements:

The applicant/owner/operator shall report to the Town of Carlton Zoning Administrator all complaints received concerning any part of the WECS construction or operation in accordance with the following:

1. Complaints received by the applicant/owner/operator concerning the WECS CUP for site preparation, construction, operation, cleanup and restoration, and status of the resolution of such complaints shall be reported to the Town of Carlton Zoning Administrator in a uniform and timely manner (within 5 business days). All

substantial complaints shall be reported the same day received or on the following working day for complaints received after working hours. Such reports are to be directed to the Town of Carlton Zoning Administrator.

2. The reporting shall encompass a description of the complaint(s) and the frequency of similar complaints.

3. The applicant/owner/operator shall document all complaints by maintaining a record of all applicable

information concerning the complaint, including the following:

- a. Name of the applicant and WECS project.
- b. Name of complainant, address, and phone number.
- c. Precise property description or tract numbers (where applicable).
- d. Nature of complaint.
- e. Weather conditions related to the complaint (if applicable).
- f. Response given.
- g. Name of person receiving complaint and date of receipt.
- h. Name of person reporting complaint to the Town of Carlton Zoning Administrator, and phone number.
- i. Complaint resolution and date.

4. The applicant/owner/operator shall assign an individual to summarize complaints for transmittal to the Town of Carlton Zoning Administrator.

5. All substantial complaints shall be investigated on site and the complainant shall be invited to attend any such investigations.

6. The procedures shall be used for all complaints received by the applicant/owner/operator. Complaints received by the Town of Carlton Zoning Administrator: Copies of complaints received directly from aggrieved persons regarding site preparation, construction, operation, maintenance, cleanup and restoration, shall be promptly sent to the Applicant. Complaint Resolution Certification:

The Town of Carlton Zoning Administrator or her/his designee(s) shall certify in writing to all parties involved the complaint resolution. In the absence of a mutually acceptable resolution, it shall be the authority of the Town of

Carlton Zoning Administrator or his/her designee(s) to resolve the complaint or take action as authorized per Section 1.10 of this ordinance.

Article II – Definitions1

Section 5 – General Definitions1

Section 6 – Words Defined2

Article III – Establishment of Districts9

Section 7 – Establishment of Districts9

Section 8 – Zoning Map9

Section 9 – Interpretation of District Boundaries10

Article IV – Regulations11

Section 10 – Application of Regulations11

Section 11 – District Regulations13

Section 12 – Parking29

Section 13 – Regulation of Offensive Materials and Conditions
.....30

Section 14 – Mobile Home Regulations
.....32

Section 15 – Standards for Conditional Uses
.....32

Section 16 – Variance
.....
34

Town of Carlton Zoning Ordinance ii

Section 17 – Nonconforming Uses
.....34

Article V – Administration36

Section 18 – Plan Commission
.....36

Section 19 – Zoning Administrator
.....37

Section 20 – Zoning Board of Appeals
.....38

Section 21 – Appeals
.....
.39

Section 22 – Building Permit
.....40

Section 23 – Violations
.....4
1

Section 24 – Schedule of Fees, Charges, and Expenses
.....42

Article VI – Amendments42

Section 25 – Procedures for Amendments
.....42

Article VII – Miscellaneous44

Section 26 – Interpretation
.....44

Section 27 – Separability
.....44

Section 28 – Repealer
.....
44

Section 29 – Effective Date
.....45

Section 29 – Planned Unit Development Overlay
.....45

Town of Carlton Zoning Ordinance 1

ARTICLE 1 – TITLE, AUTHORITY, INTENT AND PURPOSE

Section 1. Title

This Ordinance shall be known, cited and referred to as: THE TOWN OF CARLTON ZONING

ORDINANCE, KEWAUNEE COUNTY, WISCONSIN.

Section 2. Authority

The Town of Carlton pursuant to the authority conferred by applicable provisions of Sections 60.4, 60.75, 61.35, 62.23 and other relevant provisions of the Wisconsin Statutes, 1975, hereby enacts a Zoning Ordinance to read as follows.

Section 3. Intent

This Ordinance is intended to promote the orderly development of the community in accordance

with the Official Town Comprehensive Plan or any of the components parts thereof as set forth in

the Official Town Map adopted herewith and the corresponding provisions of this Ordinance setting forth such plan.

Section 4. Purpose

The Zoning Ordinance of the Town of Carlton, Kewaunee County, Wisconsin is adopted for the

following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other

dangers; to promote and to protect the public health, safety, comfort, convenience and general

welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic

appearances and scenic values of the town; to prevent the overcrowding of land; to avoid undue

concentration of population; to facilitate the adequate provision of transportation, water,

sewerage, schools, parks and other public requirements; to preserve prime agricultural land and to

foster a more rational patten of relationship between residential, business, commercial and

manufacturing uses for the mutual benefit of all.

ARTICLE II – DEFINITIONS

Section 5. General Definitions

For the purpose of this Ordinance, words used in the present tense shall include the future; words

used in singular shall include the plural number, and the plural the singular.

A. The word “shall” is mandatory and not discretionary.

B. The word “may” is permissive.

C. The word “lot” shall include the words “piece”, “parcel”, and “plates”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

D. All “measured distances” shall be to the nearest “integral foot”. If a fraction is onehalf foot or less, the next “integral foot” below shall be taken.

Town of Carlton Zoning Ordinance 2

Any words not herein defined shall be construed as defined in other respective state, county, and

town codes.

Section 6. Words Defined

Certain words and terms in this ordinance are to be interpreted as defined herein:

A. Accessory Use, Agricultural – Any of the following land uses on a farm:

1. A building, structure, or improvement that is an integral part of, or is incidental to, an

a. A facility used to store or process raw agricultural commodities, all

of which are produced on the

b. A facility used to keep

c. A facility used to store or process inputs primarily for agricultural uses on the farm.

d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.

e. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.

f. 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.

g. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

3. A farm residence, including normal residential appurtenances.

4. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:

a. It is conducted on a farm by an owner or operator of that farm.

b. It requires no buildings, structures, or improvements other than those described in sections 1 and 3 above.

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

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

agricultural use. This may include, for example: farm livestock on the farm.

Town of Carlton Zoning Ordinance 3

B. Agricultural Operation - including, but not limited to, general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, but not including commercial seed, fertilizer, grain mills, food processing, or canning operations.

C. Agricultural Use - Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.

2. Keeping livestock.

3. Beekeeping.

4. Nursery, sod, or Christmas tree production.

5. Floriculture.

6. Aquaculture.

7. Fur farming.

8. Forest management.

9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

D. Agriculture-related Use - A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

1. Providing agricultural supplies, agricultural equipment, agricultural inputs or

agricultural services directly to farms, including farms in the farmland preservation zoning district.

2. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.

3. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.

4. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.

5. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.

E. Automobile Wrecking Yard – Any premises on which more than three automotive vehicles, not in running or operating condition, are stored in the open.

Town of Carlton Zoning Ordinance 4

F. Base Farm Tract - All land, whether one parcel or 2 or more contiguous parcels, which is in a farmland preservation zoning district and is part of a single farm on the date on which DATCP first certifies this Ordinance regardless of any subsequent changes in the size of the farm.

G. Building – Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

H. Campgrounds or sites – A tract of land with or without buildings or other equipment

on which one or more cabins are located or where temporary accommodations are provided for two or more automobile trailers or house cars or tents open to the public, free or for a fee.

I. Common Ownership - Ownership by the same person or persons, or by persons that are all 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.

J. Conditional Use – A use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

K. Contiguous - Adjacent to or sharing a common boundary. Contiguous land 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 not contiguous if they meet only at a single point.

L. Dwelling, Single Family - A detached building designed for or occupied exclusively by one family, which does not include tents, cabins, or mobile homes.

M. Dwelling, Two Family – A detached or semi-detached building designed for or occupied exclusively by two families living independently of each other.

N. Family – Two or more persons, each related to the other by blood, marriage, or legal adoption. A family may include in addition thereto, not more than two roomers,

boarders or permanent guests, whether or not gratuitous.

Town of Carlton Zoning Ordinance 5

O. Farm – All land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

1. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.

2. A majority of the land area is in agricultural use.

P. Farm Acreage - The combined total acreage of all of the following in the “base farm tract:

1. Farms.

2. Open space parcels of more than 10 acres

Q. Farm Residence - Any of the following structures located on a farm:

1. A single-family [or duplex] residence that is the only residential structure on the farm.

2. A single-family [or duplex] 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.

3. A migrant labor camp that is certified under s. 103.92, Wis. Stats.

R. 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. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the land owner.

S. Holding Tank - Tank for holding effluent.

T. Home Occupation - A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation and that no stock in trade is kept or sold, that no sign other than one unlighted name plate no more than three Town of Carlton Zoning Ordinance 6

feet square is installed and that no more than 4 employees, including family members living outside the premises, may be employed by the occupation.

U. Junk or Salvage Yard – Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber or other materials stored or customarily stored for salvage unless such accumulation shall be housed in a completely enclosed building.

V. Livestock - Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

W. Lot – A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this Ordinance and abutting on a public street or officially approved place, and having the area size and dimensions required by this Ordinance for the particular zoning district.

X. Lot Substandard – A lot smaller than the minimum required acreage or area that has

been recorded with Register of Deeds prior to the adoption of this Ordinance.

Y. Mobile Home – A mobile home is that which is, or was originally constructed, and designed to be transported by a 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, and includes any additions, attachments, annexed, foundations, and appurtenances. Units which are delivered to the site in sections and which when joined together total 20 or more feet in width, and which are placed upon a permanent foundation are considered single family dwellings.

Z. Nonconforming Use – A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments hereto, which use or occupancy does not conform to the regulations of this Ordinance or any amendments thereto for the zoning district in which it is situated. A land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.

AA. Nonfarm Residence – A single-family or multi-family residence other than a farm residence.

BB. Nonfarm Residential Acreage - The combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town of Carlton has approved nonfarm residences, all parcels of 10 acres or less that do not qualify as farms, and the parcel to which the conditional use permit application pertains. If a Town of Carlton Zoning Ordinance 7 residence is located or proposed to be located on an undivided farm, but does not qualify as a farm residence, the size of the residential parcel is deemed to be 10 acres.

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

DD. Parking Space, Off-Street – For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking area for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, highway, walk, alley and so that any automobile may be parked and unparked without moving another.

EE. Permitted Accessory Use or Structure – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the permitted use or structure.

FF. Permitted Use – A use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.

GG. Person - An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

HH. Prime Farmland - All 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. (a), which is identified as prime farmland in the county's certified farmland preservation plan.

II. Protected Farmland - Land that is any of the following:

- 1. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.*
- 2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.*
- 3. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.*
- 4. Otherwise legally protected from nonagricultural development.*

Town of Carlton Zoning Ordinance 8

JJ. Public Hunting & Fishing Grounds – Land purchased or held in compliance with applicable state and federal government statues and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statues and regulations.

KK. Roadside Stand – A structure not permanently fixed to the ground area and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one lot.

LL. Sanitary Landfill – Sanitary Landfill operations are usually performed by depositing refuse in a natural or man-made depression or trench, or dumping it at ground level, compacting it to the smallest practical volume, and covering it with compacted earth or other material in a systematic and sanitary manner.

MM. Shooting Preserve – Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.

NN. Structure – Anything constructed or erected, the use of which requires a

permanent location on the ground or attached to something having permanent location on the ground.

OO. Structural Alterations – Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

PP. Variance – A variance is a relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owing to condition peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of the yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or uses in an adjoining district.

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

Town of Carlton Zoning Ordinance 9

ARTICLE III – ESTABLISHMENT OF DISTRICTS

Section 7. Establishment of Districts

For the purpose of this Ordinance, the Town of Carlton, Kewaunee County, Wisconsin, is hereby

divided into the following zoning districts:

A. A-1 Prime Agricultural Land / Farmland Preservation District

B. A-2 Agriculture – Rural Residential District

C. C-1 Conservancy District

D. N-1 Nuclear Utility District

Section 8. Zoning Map

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled “Zoning District Map for the Town of Carlton Kewaunee County, Wisconsin” dated May 15, 2013, which are incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

A. The “Zoning District Map” is amended as follows:

1. The following parcels of land are placed into the N-1 District (checked area on the attached Exhibit A):

a. In Section 25:

(1) The S

(2) Government Lot 4

b. In Section 36:

(1) Government Lot 1

2. The following parcels of land are placed into the A-1 (Prime Agricultural) District (un-checked area on the attached Exhibit A):

a. In Section 25:

(1) The West

(2) Government Lots 1, 2 and the North

½ of Government Lot 3. ½ of the Northwest Quarter. ½ of GL 3.

Town of Carlton Zoning Ordinance 10

b. In Section 26:

(1) The South

Quarter.

(2) The South

(3) The Southeast Quarter.

c. In Section 35:

(1) The Northeast Quarter.

(2) The Northeast Quarter of the Southeast Quarter.

d. In Section 36:

(1) Government Lots 2 and 3.

3. The Kewaunee Power Station exists and currently operates one generating unit in the N-1 District and it is therefore a legal nonconforming use for which a conditional use permit is not currently required.

½ of the Northeast Quarter of the Northeast ½ of the Northeast Quarter.

a.

on the effective date when subject to the N-1 District regulations are set forth on the attached Exhibit B

The general structures of the Kewaunee Power Station as they exist.

b. The extent of the Independent Spent Nuclear Fuel Storage Installation Facility (one storage pad capable of holding 32 casks) as it exists on the effective date when subject to the N-1 District regulations is set forth on the attached Exhibit C

.

Section 9. Interpretation of District Boundaries

A. The following rules shall apply with respect to the boundaries of the various districts as shown on the “Zoning District Map”.

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

C. In areas not subdivided into lots and blocks wherever a district is indicated as a strip adjacent to the paralleling a street or highway, the depth of such strips shall be in Town of Carlton Zoning Ordinance 11 accordance with dimensions shown on the maps measured at right angles from the center-line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad right-of-ways, unless otherwise indicated.

D. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Board of Appeals, after due hearing may extend the regulation for either portion of such lot.

ARTICLE IV – REGULATIONS

Section 10. Application of Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall

apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter

provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered.

1. To exceed the height or bulk.

2. To accommodate or house a greater number of families.

3. To occupy a greater percentage of lot area.

4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Ordinance.

C. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.

D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Town of Carlton Zoning Ordinance 12

E. Permitted Uses, Permitted Accessory Uses, and Conditional Uses. Permitted Uses, Permitted Accessory Uses, and Conditional Uses are not limited to the uses indicated for the respective districts. Additional uses shall be allowed upon written recommendation and approval of the Plan Commission.

F. The district height limitations stipulated elsewhere in this Ordinance may be

exceeded, but such modifications shall be in accord with the following:

1. Architectural projections including spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.

2. Special structures including elevator penthouses, gas tanks, silos, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.

3. Holding tanks will be allowed in the Town of Carlton only if no other means of proper sewerage disposal is available at reasonable cost. The use of a holding tank must be approved by Kewaunee County. An individual landowner will be required to follow all regulations regarding holding tanks as established by Kewaunee County.

G. In any district. A single-family dwelling and customary accessory buildings may be erected on any single substandard lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance provided that no single-family dwelling and customary accessory buildings or other buildings or structures already existed on such substandard lot at the effective date of adoption or amendment of this Ordinance. Such not must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the

district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lots is located.

H. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established Town of Carlton Zoning Ordinance 13

for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which crates a lot with width or area below the requirements stated in this Ordinance.

I. Exceptions, variances, conditional uses, and other modifications in the application of the regulations herein shall be made pursuant to the administrative and appeal procedures set forth in this Ordinance.

Section 11. District Regulations

A. A-1 Prime Agricultural Land / Farmland Preservation District.

1. Purpose. The purpose of this district is to maintain, preserve and enhance agricultural lands historically exhibiting high crop yields and to comply with the requirements of the Wisconsin Farmland Preservation Program (Chapter 91, Wis. Stats.). Such lands are generally classified as Prime Agricultural Lands and as Lands of State Wide Importance as rated by the U.S.

Department of Agriculture, Soil Conservation Service, and shall include farmland of local significance where it is contiguous to either of the above, or part of a farming operation with either of the above. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture.

2. Permitted Uses. The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

a. Agricultural uses and accessory uses on farms, except that a conditional use permit is required for agricultural uses and accessory uses listed under Section 11.A.3.c:

b. Nonfarm residences constructed in a rural residential cluster according to a conditional use permit issued under Section 11.A.3.b for that cluster.

c. Undeveloped natural resource and open space areas.

d. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place,

Town of Carlton Zoning Ordinance 14

or that are 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.

e. Camping trailer, mobile home, and houseboat parking (not intended for living purposes).

f. Home occupations.

g. Maple syrup processing plants.

h. Roadside stands not to exceed one per farm.

i. Bed & Breakfasts. The use is subject to the requirements of s.

91.01(1)(d) and must be conducted by the owner or operator of the farm; requires no buildings, structures or improvements other than those identified under s. 91.01(1)(a) or (c); employs nor more than 4 full-time employees annually; and, does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

3. Conditional Uses. The Town of Carlton may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the Town of Carlton shall determine in writing that the proposed use meets applicable conditions under this section. The Town of Carlton may issue the permit subject to any additional conditional uses that the Town of Carlton deems necessary to carry out the purposes of this ordinance.

a. Nonfarm residences. The Town of Carlton may issue a conditional use permit for a proposed nonfarm residence if all of the following standards will be met when the approved nonfarm residence comes into existence:

(1) If the nonfarm residence will be located in a base farm tract:

(a) The ratio of nonfarm residential acreage to farm

acreage in the base farm tract will not exceed 1:20.

Town of Carlton Zoning Ordinance 15

(b) There will be no more than 4 dwelling units in nonfarm residences, nor more than 5 dwelling units in residences of any kind, in the base farm tract.

(c) The minimum lot size for the nonfarm residence in a base farm tract is 1 acre.

(2) Neither the nonfarm residence, nor the parcel on which the nonfarm residence is located, will do any of the following:

(a) Convert prime farmland, or cropland other than a woodlot, from agricultural use if there is a reasonable alternative available to the permit applicant.

(b) Significantly impair or limit the current or future agricultural use of any other protected farmland.

b. Nonfarm residential clusters. The Town of Carlton may issue a single conditional use permit authorizing 2 or more proposed nonfarm residences if all of the following apply:

(1) The conditional use permit includes all of the following information:

(a) The total number of nonfarm residences authorized by the permit.

(b) A legal or survey description of each parcel on which a nonfarm residence is authorized.

(c) The number of nonfarm residences authorized on each parcel under Section 11 A.3.a (1) and (2), if more than one.

(d) The number of dwelling units authorized in each authorized nonfarm residence, if more than one.

(2) Each of the parcels described under Section 11.A.3.b(1) shares a boundary with at least one other parcel described under that section.

Town of Carlton Zoning Ordinance 16

(3) Each of the proposed nonfarm residences will meet all of the standards under Section 11.A.3.a when all of the proposed nonfarm residences have come into existence.

(4) The conditional use permit prohibits all of the following:

(a) Any further division of any parcel described in Section 11.A.3.b.

(b) Any nonfarm residence or dwelling unit on a parcel identified in Section 11.A.3.b., other than a nonfarm residence or dwelling unit identified in the permit.

c. Agricultural and accessory uses on farms.

(1) The Town of Carlton may issue a conditional use permit for any of the following the following uses if that use meets applicable conditions under Section 11.A.3.c.(2):

(a) A new or expanded facility that will be used to keep

cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility meets the standards prescribed in ch. ATCP 51, Wis. Adm. Code.

(b) Livestock sales facilities.

(c) Commercial fur farms.

(d) Commercial egg production.

(e) Signs in conformance with the Town of Carlton Sign Ordinance, excluding any commercial, off-premise signs.

(f) Corn mazes.

(g) Petting zoos, as an accessory use on the farm under s. 91.01(1).

(2) The Town of Carlton may issue a conditional use permit for an agricultural and accessory use under 11A.3.c(1) if all of the following apply:

(a) The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation Town of Carlton Zoning Ordinance 17 zoning district than to an industrial or commercial zoning district.

(b) The use and its location in the farmland preservation

zoning district are consistent with the purposes of the farmland preservation zoning district.

(c) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(d) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.

(e) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

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

d. Public Hunting and Fishing Grounds or Shooting Preserves. The Town of Carlton may issue a conditional use permit if all of the following apply:

(1) The land is owned by the Town of Carlton or is accessory to the open space use of the parcel.

(2) No new structures are constructed specifically for this use.

e. Agriculture-related uses.

(1) The Town of Carlton may issue a conditional use permit for any of the following uses if that use meets applicable

conditions under Section 11.A.3.d(2):

(a) A dairy plant that processes or handles milk from farms.

(b) A meat slaughter establishment.

(c) A food processing plant that processes raw agricultural commodities received from farms.

(d) A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.

Town of Carlton Zoning Ordinance 18

(e) An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce fuel or other products.

(f) A sawmill or other facility that processes wood or other forest products received directly from farms.

(g) A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.

(h) A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.

(i) A facility that is primarily engaged in providing

agronomic or veterinary services to farms.

(j) A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.

(k) All other agriculture–related commercial enterprises, consistent with Chapter 91 Wis. Stats.

(2) The Town of Carlton may issue a conditional use permit for an agriculture-related use 11.A.3.d(1) if all of the following apply:

(a) The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.

(b) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(c) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(d) The use is reasonably designed to minimize conversion of land, at and around the use site, from

agricultural use or open space use.

(e) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

Town of Carlton Zoning Ordinance 19

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

f. Compatible infrastructure.

(1) The Town of Carlton may issue a conditional use permit for any of the following uses if that use meets applicable conditions under Section 11.A.3.e.(2):

(a) Transportation uses, including roads, rail facilities, and agricultural aeronautic facilities.

(b) Communication uses, including transmission lines, cell towers, antennae and broadcast towers.

(c) Oil, gas and other pipelines.

(d) Electrical transmission lines.

(e) Wind turbines.

(f) Solar power generation facilities.

(g) Drainage facilities.

(2) The Town of Carlton may issue a conditional use permit for compatible infrastructure under 11.A.3.e(1) if the Town of Carlton determines that all of the following

apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(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 other protected farmland.

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

Town of Carlton Zoning Ordinance 20

g. Government and nonprofit community uses.

(1) The Town of Carlton may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Town of Carlton determines that all of the following apply:

(a) The use and its location in the farmland preservation

zoning district are consistent with the purposes of the farmland preservation zoning district.

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(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 other protected farmland.

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

h. Nonmetallic mineral extraction. The Town of Carlton may issue a conditional use permit for a nonmetallic mineral extraction operation if all of the following apply:

(1) The operation complies with all of the following:

(a) Subchapter I of ch. 295, Wis. Stats., and rules promulgated under that subchapter.

(b) Applicable provisions of county and local ordinances adopted under ss. 295.13 and 295.14, Wis. Stats.

(c) Any applicable requirements of the Wisconsin

Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.

(2) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(3) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation

Town of Carlton Zoning Ordinance 21

zoning district, or are specifically approved under state or federal law.

(4) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

(5) The operation does not substantially impair or limit the current or future agricultural use of other protected farmland.

(6) The conditional use permit requires the landowner to restore the affected land after the nonmetallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit.

i. Vegetation.

(1) Restriction. Unless done in furtherance of an agricultural operation, the planting of trees, shrubs, or vines in the A-1 Prime Agricultural Land / Farmland Preservation District is not allowed without a planting permit as per sec.

11.A.3.i(2) of this Ordinance.

(2) Permit. Planting permits may be requested from the Zoning Administrator and granted by the Plan Commission for a fee of \$25. The Plan Commission shall grant a permit after considering the applicant's existing or proposed agricultural operation and whether the vegetation requested will maintain, preserve, and enhance the property's use for agricultural production.

4. Rezoning Land out of a Farmland Preservation Zoning District.

a. Except as provided in Section 11A.4.b, the Town of Carlton may not rezone land out of a farmland preservation zoning district unless the Town of Carlton does all of the following prior to the rezoning:

(1) Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

(a) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

(b) The rezoning is consistent with any comprehensive plan, adopted by the Town of Carlton, which is in

effect at the time of the rezoning.

Town of Carlton Zoning Ordinance 22

(c) The rezoning is substantially consistent with the Kewaunee County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

(d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

(2) By March 1

DATCP and to Kewaunee County a report of the number of acres rezoned out of the A-1 District during the previous year and a map that clearly shows the location of those acres.

b. Section 11.A.4.a does not apply to any of the following:

(1) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.

(2) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Kewaunee County Farmland Preservation Plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the effective date of this ordinance.

5. Lot, Height, and Setback Requirements

a. Lot Width – Minimum 200 feet.

b. Farm Dwelling – Maximum 35 feet

c. Rear and Side Yards - Minimum of 20 feet from the lot line, except structures used for the housing of animals must be 100 feet from the lot line.

d. Front Yard

(1) Town Road - Minimum of 65 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

(2) County Road - Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

(3) State and Federal Highway - Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

st of each year the Town will provide to

Town of Carlton Zoning Ordinance 23

6. Farm Consolidation

a. Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of the effective date of this Ordinance and related from structures remaining after farm consolidation may be separated from the farm lot provided, however, that the parcel

created conforms with all regulations set forth in this Ordinance, except that no such parcel shall be less than two acres except as provided under Section 11.A.3(a)(1).

B. A-2 Agricultural – Rural Residential District

1. Purpose. The purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas for rural residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soils, topography, or severance from larger agricultural parcels.

2. Permitted Uses

a. Agricultural Operations Permitted in the A-1 District.

b. Single family dwellings.

c. Home occupations.

d. Orchards.

e. Vegetable raising.

Plant nurseries.

f. Greenhouses.

g. Roadside stands not exceeding one per farm or residence.

h. Mobile home as per the regulations in Section 14.

i. Bed & Breakfasts.

3. Conditional Use

a. Sewage disposal plants.

Town of Carlton Zoning Ordinance 24

b. Sanitary landfill.

c. Automobile wrecking yards, junk yards, and salvage yards.

Cemeteries.

d. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.

e. Schools and Churches.

Utilities.

f. Public hunting and fishing grounds or shooting preserves.

Sand, gravel, and stone extraction.

g. Signs in conformance with the Town of Carlton Sign Ordinance.

h. Public campgrounds or sites.

i. All other agriculture-related commercial enterprises.

j. Petting zoos.

k. Corn mazes.

4. Area, Height and Yard Requirements

a. Lot Area - Minimum 2 acres measured from center of road

b. Lot Width - Minimum 200 feet.

c. Building Height - Maximum 35 feet

d. Yards

(1) Rear - Minimum 20 feet the lot line.

(2) One Side - Minimum 20 feet from the lot line.

(3) Other Side Minimum 6 feet from the lot line.

e. Front Yard

Town of Carlton Zoning Ordinance 25

(1) Town Road - Minimum of 65 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

(2) County Road - Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

(3) State and Federal Highway - Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

5. Dwellings

a. Four single family dwellings may be located on each 20 acres of land area in the district provided that no more than eight single family dwellings may be located within each quarter-quarter section of land area as established and defined by the official U.S. Government Rectangular System of Survey.

C. C-1 Conservancy Overlay District

1. Provisions for this district shall be identical to those of the Kewaunee County Shoreland and Flood Plain Zoning Ordinance adopted January 14, 1969, as amended from time to time by the Board of Supervisors of Kewaunee County and the Town of Carlton Comprehensive Plan as amended from time

to time by the Town Board.

D. N-1 Nuclear Utility District

1. Purpose. The purpose of the N-1 District is to regulate new nuclear generation facilities constructed after the effective date of this ordinance and any expansion, extension, reconstruction, enlargement, or change to uses associated with existing nuclear power plants and related facilities that have traditionally generated noise, smoke, dust, light, odors, heavy traffic, environmental concerns, social stigma and/or other secondary effects which have a high potential to produce complaints from adjoining properties or the general public, which can reduce values of adjoining properties, and which have a long-lasting effect on the subject and adjoining properties. Any uses other than permitted uses or any structures require a conditional use permit pursuant to Section 15 of the Town Zoning Ordinance.

Town of Carlton Zoning Ordinance 26

2. Permitted Uses. The following are permitted uses in the N-1 District:

a. Agriculture. Those uses permitted in the A-1 Prime Agricultural Land District pursuant to Section 11.1.a., except that no structures may be built without first obtaining a conditional use permit pursuant to Section 15.

b. Passive Outdoor Recreation. Passive, outdoor recreational land uses such as arboretums; natural and wildlife areas; hiking and nature trails; bicycle, cross country ski and horse trails; picnic areas; gardens, fishing and hunting areas; and, similar land uses.

3. Conditional Uses. The following are conditional uses which may be

authorized in the N-1 District pursuant to the provisions of Section 15 and as set forth below:

a. Nuclear power generation.

b. Any expansion, extension, reconstruction, enlargement, or change in use of existing nuclear power generation facilities.

c. Temporary storage of spent nuclear fuel which had been generated onsite.

Storage of spent nuclear fuel generated off-site is specifically prohibited.

d. Utility distribution and substation facilities.

e. Office, security, storage and training facilities necessary for the operation and maintenance of a nuclear power plant.

4. Dimensional Requirements

a. Lot Size. 40 Acres minimum.

b. Setbacks. Except for perimeter fencing, any structure shall be set back at least 500' from any property line.

5. Special Building Permit Requirements. In addition to the general requirements in Section 22 of this Zoning Ordinance, an application for a building permit for any property within the N-1 Nuclear Utility District requires approval by the Town Board. The Board shall make a determination as soon as practicable after the Town receives a complete building permit application. Failure by the Board to act on the application within 90 days of its receipt shall be deemed a denial of the application.

6. Conditional Use Permit Requirements. In addition to the general informational and procedural requirements in Section 15 of this Zoning Ordinance, a conditional use permit applied for and issued pursuant to this subsection shall abide by the following:

a. Application. The application shall include:

(1) A detailed site plan.

(2) A copy of any state or federal nuclear, utility, or similar license or permit of the applicant.

(3) Payment of the application fee applicable to the N-1 District, as established pursuant to Section 24.

(4) Advance deposit of Twenty-Five Thousand Dollars (\$25,000.00) towards the initial costs of developing an Impact Fee, if applicable, including the costs to prepare a public facilities needs assessment.

b. Procedures. The application shall be processed as follows:

(1) Public Hearing. No more than sixty (60) days after the filing of a completed application, a public hearing shall be held by the Plan Commission. Notice of the hearing shall be published as a Class 2 notice pursuant to Ch. 985, Wis. Stats. At least ten (10) days before the hearing, written notice shall be given to the applicant, any parties in interest, and to all landowners within 500 feet of the applicant's land.

(2) Review and Recommendation. The Plan Commission shall

review the site and all aspects of the proposal, along with all provisions for circulation of traffic and extension of public utilities, and may recommend conditions necessary to accomplish the intent and purpose of this Ordinance. The Plan Commission shall thereafter provide to the Town Board its written recommendations to grant or deny the conditional use permit, and applicable conditions.

(3) Town Board Action. The Town Board may authorize the issuance of a conditional use permit provided that such Town of Carlton Zoning Ordinance 28 conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, performance standards, street dedication, Certified Survey Maps, temporary and permanent storm water management, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions,

increased yards, or additional parking, may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this subsection.

(4) Revocation. The Town Zoning Administrator shall revoke the 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 Town Board.

(5) Professional Fees. The applicant is responsible for the reasonable and necessary charges for engineering, legal, and other professional or technical services and fees incurred by the Town for the review, administration, investigation, processing, implementation, and enforcement of the application and any permits that may be issued.

c. Term. Permits may be issued for periods as determined by the Board, but shall be subject to review annually.

d. Impact Fee. To compensate the Town and its residents for the capital costs that are necessary to accommodate land development related to nuclear power generation and spent fuel storage within the N-1 District, the landowner shall pay an impact fee to be determined as provided by Wis. Stat. § 66.0617.

Town of Carlton Zoning Ordinance 29

e. Special Conditions. Permits shall include the following terms and others

which are not related to radiological health and safety issues:

(1) Regulatory Compliance. The permittee shall at all times be in compliance with any license or permit issued by, or regulation or requirement of, the Federal Nuclear Regulatory Commission, the Wisconsin Public Service Commission, and any other body with regulatory authority over the subject property.

(2) Access. At reasonable times and upon reasonable notice, the Board or its designee may enter any property for which a permit has been issued under this subsection to conduct an inspection to determine whether the conditions stated in the permit have been met.

(3) Financial Responsibility. Provisions for protection of Town roads and other infrastructure as well as financial responsibility and/or insurance for road restoration, spent fuel storage and removal, and site reclamation. The Board may reduce the burden on the applicant by waiving one or more requirements if it concludes that the purpose of this subsection would still be met.

(4) Fencing. Appropriate security and visual-barrier fencing.

(5) Reporting. Provisions requiring the applicant to keep the Town and its citizens informed of activities taking place on the property.

Section 12. Parking

A. Minimum parking space requirements shall be provided in the following amounts:

- 1. Living quarters.***
- 2. Dwelling (all types) – Two for each dwelling unit.***
- 3. Hotel and Motel – One for each lodging unit.***

B. Places of public assembly.

- 1. Auditorium, theater, churches – one for each six seats based on maximum seating capacity.***

Town of Carlton Zoning Ordinance 30

- 2. Bowling Alley – five for each alley.***
- 3. Dance Hall, skating rink, or private club – one for each 100 square feet of floor area used for dancing or assembly.***

C. Industrial or manufacturing.

- 1. All – one for each five employees based on maximum 8 hour shifts.***

D. Retail and wholesale.

- 1. Tavern, restaurant, retail stores, and offices – one for each 200 square feet of floor space.***
- 2. Wholesale – one for each three employees.***

E. Unspecified

- 1. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as for the previously mentioned uses which, in the opinion of the Plan Commission and Town Board shall be deemed most similar.***

Section 13. Regulation of Offensive Material and Conditions.

A. General Regulations.

1. No person or entity shall cause or permit or otherwise encourage the dumping, accumulation or escape of any material which is offensive to the public or constitutes a public nuisance as defined below.

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

B. Specific Regulations.

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

Town of Carlton Zoning Ordinance 31

a. Carcasses of animals, birds, or fowl not intended for human consumption or food which is not burned or otherwise disposed of in a sanitary manner within 24 hours after death.

b. Accumulations or storage of decayed animal or vegetable matter, offal, dead animals reduction, trash, rubbish, garbage, or any offensive material whatsoever was not produced on the property on which it is located and which is not incidental to the customary farm operations of the landowner of the property on which it is located.

c. The escape of smoke, soot, cinders, noxious acids, odors, fumes,

gases, fly ash, industrial dust or other atmospheric pollutants is such quantities as to endanger the health of or offend persons of ordinary sensibilities or to threaten or accuse substantial injury to property in the town.

d. Any use of property, substance or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.

e. The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial waste or other substances.

2. Public Nuisance.

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

(1) Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) Unlawfully and substantially interfere with obstruct, or tend-to obstruct or render dangerous for passage any street,

alley, highway, navigable body of water or other public way or the use of public property.

3. Application to Farming Operations.

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

b. This section is not intended to interfere with the operation of farm machinery and equipment at night for normal and customary farm operations.

Section 14. Mobile Home Regulations.

A. The following regulations shall apply to the location and placement of mobile homes, within the A-2 Agricultural – Rural Residential District:

1. A proposed site plan shall be submitted with the application and shall include the size of the mobile home along with the location on the building plot showing all yard measurements and locations of water supply and septic tank filter bed.

2. The mobile home shall be securely anchored to its foundations with tiedowns, having a minimum tensile strength of 2800 lbs. and the anchors embedded in concrete to withstand the tie-down strain. The amount of tiedowns shall be guided by the mobile home manufacturer's recommendations provided there are no less than 4 tie-downs.

3. All other district regulations shall apply.

Section 15. Standards for Conditional Uses.

A. Purpose. The purpose of conditional uses is to place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

B. Initiation. Any person having a substantial interest in land may apply for a permit to use such land for one or more of the conditional uses provided for herein in the applicable zoning district.

Town of Carlton Zoning Ordinance 33

C. Application. Applications for a conditional use permit shall be filed with the Town Clerk on a form so prescribed by the Town. In addition to other information which may be required by the Plan Commission or the Town Board, the application shall include:

- 1. A description of the subject premises and of the proposed use.*
- 2. Information showing how the proposed conditional use will conform to the standards set forth in the respective zoning district.*
- 3. Owners' names and addresses of all properties within the area subject to the conditional use and within four hundred (400) feet of the area.*
- 4. A fee receipt for the filing fee pursuant to Section 24.*

D. Plan Commission Public Hearing. Applications shall be referred to the Plan Commission, which shall hold a public hearing thereon preceded by a Class 2 notice pursuant to Chapter 985, Wis. Stats., listing the time, place, and the proposed conditional use(s). At least ten (10) days prior written notice shall also be given to the Clerk of any municipality within 1,000 feet of any affected land.

E. Plan Commission Findings and Recommendations. Following the public hearing and consideration of the requested conditional use—in light of the purposes and intent of this Zoning Ordinance—the Plan Commission shall recommend in writing to the Town Board that the permit be granted as requested, granted with modifications, or denied.

F. Town Board Action. Upon consideration of the Plan Commission's recommendations, the Town Board shall decide on the request. The Board shall record its findings, including the imposition of conditions and guarantees that such conditions will be timely complied with when deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance, and shall thereupon make a final written permit or a decision regarding the grant or denial of the proposed conditional use. Should the Town Board not receive a recommendation from the Plan Commission within 60 days of the application being filed, the Town Board may proceed to hold a hearing on and/or decide on the request without the Plan Commission's input.

Town of Carlton Zoning Ordinance 34

Section 16. Variance

A. Application. An application for a variance shall be filed with the zoning Administrator. The application shall contain such information as the Plan Commission by rule may require.

B. Standards for a Variance. A variance may be granted by the Zoning Board of Appeals only when:

1. Because of the particular physical surrounds, shape, or topographical

condition of the specific property involved, a particular hardship to the owner would result, as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out.

2. Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

3. Alleged difficulty or hardship is caused by this Ordinance and has not been related by any person presently having an interest in the property.

4. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

5. Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion or the public streets, or increase the danger of fire, or endanger public health and safety, or substantially diminish or impair property values within the neighborhood.

C. Authorized Variance. A variance shall be granted by the Board of Zoning Appeals in accordance with the standards established above.

Section 17. Nonconforming Uses and Structures.

A. Purpose. The purpose and intent of this section is to provide for the regulation of nonconforming uses and the repair, maintenance, and restoration of certain nonconforming structures that existed at the time of the adoption or amendment of this Ordinance.

B. Nonconforming uses. The lawful use of a building, premises, structure, or fixture

*existing at the time of the adoption or amendment of this Ordinance may be
Town of Carlton Zoning Ordinance 35*

*continued although the use does not conform with the provisions of this Ordinance
subject to the following limitations:*

*5. The nonconforming use may not be extended, enlarged, reconstructed,
substituted, moved or altered or the use expanded, except when required to
do so by law or order, or so as to comply with the provisions of this
Ordinance.*

*6. The total structural repairs or alteration in such a nonconforming building,
premises, structure, or fixture shall not during its life exceed 50% of the
Town's current assessed value of the building, premises, structure, or fixture
unless permanently changed to a conforming use.*

*7. If the nonconforming use is discontinued for a period of 12 months, any
future use of the building, premises, structure, or fixture shall conform to this
Ordinance.*

*8. When a building, premises, structure, or fixture which is part of a conforming
use is damaged by fire, explosion, flood, the public enemy, or other calamity,
to the extent of more than 50% of the Town's current assessed value, it shall
not be restored except to comply with the provisions of this Ordinance.*

*9. Once a non-conforming use of a building, premises, structure, or fixture has
been changed to conform with the provisions of this Ordinance it shall not
revert back to a nonconforming use.*

C. Nonconforming Structures. If the use of a building, premises, structure, or fixture

conforms to the provisions of this ordinance, but that it does not conform with one or more of the development regulations of this Ordinance including setback, height, lot coverage, and side yard regulations, the lawful nonconforming structure may be repaired, maintained, renovated, or remodeled in compliance with applicable state and local laws. A lawful nonconforming structure shall not be extended, enlarged, or moved except when required to do so by law or order, or so as to comply with the provisions of this Ordinance. If damaged or destroyed, a lawful nonconforming structure may be restored to the size (or larger if necessary for the structure to comply with applicable state or federal requirements), location, and use that it had immediately before the damage or destruction occurred, if all of the following apply:

1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.

Town of Carlton Zoning Ordinance 36

2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

ARTICLE V – ADMINISTRATION

Section 18. Plan Commission

A. Authority; Establishment. The Town Board, having previously been authorized to exercise Village powers under Wis. Stat. ' 60.10(2)(c) by the electors of the Town, exercises village powers under Wis. Stat. ' 60.22(3), to establish a seven (7) member Town Plan Commission under Wis. Stats. ' ' 61.35 and 62.23.

B. Membership; Appointments.

1. The Plan Commission shall consist of seven members of recognized

experience and qualifications appointed by the Town Board Chair and approved by the Town Board.

2. No more than 1 member may be a Town Board Supervisor or a member of the Board of Appeals.

3. Members shall be appointed for staggered three-year terms commencing May 1 and ending April 30.

4. Members may be re-appointed to serve additional terms.

5. Vacancies shall be filled in the same manner as appointments for a full term.

6. The Town Board Chair shall designate a Plan Commission Chair.

C. Commission Staff

1. Recording Secretary. The Town Clerk, or the Clerk's designee, shall act as recording secretary for the Commission to: prepare its correspondence; receive and file all referrals, applications, papers, and records; prepare, publish, and mail all required notices; and prepare and keep its minutes and records of its proceedings.

2. When requested by the Commission the Zoning Administrator, Town Attorney, Town Engineer or other Town staff shall attend meetings to provide technical assistance.

D. Meetings

1. The Plan Commission shall meet at least annually, and more often as needed.

2. Special meetings may be called by the Commission Chair or upon the written request of four (4) members of the Commission to the Town Clerk. Notice of special meetings shall be provided to all Commission members and posted at

Town of Carlton Zoning Ordinance 37

least twenty-four (24) hours prior to the special meeting.

3. Minutes of the proceedings and a record of all actions shall be kept by the Town Clerk or the Clerk's designee, showing the vote of each member upon each question, the reasons for the Commission's determination, and its findings. These records shall be immediately filed in the office of the Town Clerk and shall be a public record.

E. Jurisdiction; Duties; Powers. The Plan Commission shall have the following jurisdiction, duties, and powers:

1. To propose or review and recommend text and map amendments to the Town Zoning Ordinance for consideration and final action by the Town Board.

2. To review conditional use permit applications and recommend their denial, approval, or conditional approval to the Town Board.

3. To exercise the powers authorized by Wisconsin law, including those referenced in ' 62.23(4), Wis. Stats.

4. To consider and make recommendations on all matters referred to the Commission, including those matters referenced in ' 62.23(5), Wis. Stats.

5. To make and recommend an official map and amendments thereto to the Town Board in accordance with ' 62.23(6), Wis. Stats.

6. To prepare and recommend land division regulations and amendments thereto to the Town Board in accordance with ' 236.45, Wis. Stats.

Section 19. Zoning Administrator

A. A zoning administrator designated by the Town Board shall administer and enforce

this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Town Board may direct. The Zoning Administrator shall have the following duties:

- 1. Issue all building permits and make and maintain records thereof.*
- 2. Issue all rezoning certificates and make and maintain records thereof.*
- 3. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.*
- 4. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.*
- 5. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.*

Town of Carlton Zoning Ordinance 38

- 6. Initiate, direct, and review from time to time, a study of the provisions of this Ordinance, and make reports of recommendations to the Town Board.*

Section 20. Zoning Board of Appeals

A. Jurisdiction. The Zoning Board of Appeals has the jurisdiction and authority to:

- 1. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this Ordinance.*
- 2. Hear and decide requests for variances from the terms of this Ordinance in the manner prescribed by and subject to the standards established herein.*
- 3. Receive from the Zoning Administrator his recommendations as related to the effectiveness of this Ordinance and report his conclusions and*

recommendations to the Town Board.

4. Hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

B. Meetings and Rules

1. All meetings of the Board of Appeals shall be held at the call of its Chair, and at such times as the Board of Appeals may determine.

2. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.

3. Hearings shall be preceded by a Class 2 notice pursuant to Chapter 985, Wis. Stats., listing the time, place, and nature of the hearing.

4. The Chair may administer oaths and compel the attendance of witnesses.

5. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

6. All official proceedings regarding the action of the Board of Appeals shall be a matter of public record and placed on file with the Town Clerk.

Town of Carlton Zoning Ordinance 39

7. The Board may adopt its own rules and procedure, not in conflict with this Ordinance or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.

C. Decisions. All decisions and findings of the Board of Appeals on appeals or upon

application for a variance shall be by the concurring vote of four Board members.

D. Board Membership.

1. The Board of Appeals shall consist of five (5) members and two (2) alternates appointed by the Town Board Chair and subject to confirmation by the Town Board. The Town Board Chair shall designate one member as Chair of the Board of Appeals.

2. The terms of members and alternates shall be staggered and shall last three (3) years. Not more than one (1) member of the Town Board nor more than one (1) member of the Plan Commission shall be a member or alternate of the Board of Appeals; all members and alternates shall reside in the Town.

3. Vacancies shall be filled for the unexpired term of members and alternates.

Section 21. Appeals

A. Scope of Appeals.

1. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator.

2. Appeals shall be made within 30 days after the decision or the action complained of, by filing with the Town Clerk a notice of appeal specifying the grounds thereof.

3. The Zoning Administrator shall forthwith transmit to the Board of Appeals the record upon which the action appealed from was taken.

B. Findings on Appeals.

1. An appeal shall terminate all further proceedings on action unless the Zoning

Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed

Town of Carlton Zoning Ordinance 40

unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of competent jurisdiction.

2. The Board of Appeals shall reach its decision within 60 days of the filing of the appeal.

3. The Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination that, in its opinion, ought to be done, and to that end it shall have all powers of the officer from whom the appeal is taken. The Board of Appeals shall maintain records of all actions relative to appeals.

C. Appeals from the Board of Appeals. Any person, board, taxpayer, department, or bureau of the Town aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, as authorized under the provisions of § 62.23 (7) (e), Wis. Stats.

Section 22. Building Permit

A. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator.

B. No change in a use shall be made until a building permit has been issued by the Town

Zoning Administrator.

C. The application for a building permit shall include information as lawfully may be required by the Town Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

D. Every building permit shall state that the use complies with the provisions of this Ordinance, and subject to the provisions of Section 10, subsection 7 above, no building permit will be issued unless acceptable results from a soil percolation test are presented with the application as required by the Zoning Administrator. The soil percolation tests required to be conducted prior to the submission of an application for a building permit herein may be conducted any month of the year.

Town of Carlton Zoning Ordinance 41

E. Application for said building permit shall be made in writing to the Town Zoning Administrator by the landowner or his authorized agent.

F. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit will be forwarded in writing by the Town Zoning Administrator to the applicant.

G. All applications for building permits for commercial and industrial uses shall be accompanied by the following:

1. A plat, in duplicate of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn at a minimum scale of 1 inch to 100 feet

showing the actual dimension, as certified by a “registered land surveyor” or a “registered professional engineer”, the piece or parcel, lot, logs, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.

2. A plat in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use of be made of the building, structure, or land; and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.

3. Said plat material shall be submitted to the Zoning Administrator. Required plat material shall be submitted in conjunction with an application for a building permit.

Section 23. Violations

A. Complaints Regarding Violations

1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

B. Penalties for Violations

1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall

Town of Carlton Zoning Ordinance 42

constitute the basis for a civil forfeiture action on behalf of the Town of Carlton. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$10 and more than \$500 or in lieu of payment thereof be imprisoned for not more than 30 days and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offence.

2. The Owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offence and suffer the penalties herein provided. Nothing herein contained shall prevent the Town of Carlton from taking such other lawful action as is necessary to prevent or remedy any violation.

C. Abatement of Violation

1. Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Ordinance. Such removal may be performed by a Town agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

Section 24. Schedule of Fees, Charges, and Expenses

The Town Board shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, appeals, amendments, conditional uses, variances and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Town Board.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on

any application or appeal.

ARTICLE VI – AMENDMENTS

Section 25. Procedure for Amendments

A. Authority. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may by ordinance amend the district boundaries or the regulations established by this Ordinance or amendments thereto.

Town of Carlton Zoning Ordinance 43

B. Initiation. A zoning amendment may be initiated by the Town Board or by a petition filed by one or more of the owners of property within the area proposed to be changed.

C. Filing of Petition. Petitions for a zoning amendment shall be filed with the Town Clerk, and shall: describe the premises to be rezoned or the regulations to be amended; list the reasons justifying the petition; specify the proposed use; and include the following:

1. Plat plan, drawn to scale, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within four hundred (400) feet of the area proposed to be rezoned.

2. Owners' names and addresses of all properties within the area to be rezoned and within four hundred (400) feet of the area proposed to be rezoned.

3. Additional information as required by the Plan Commission or the Town Board.

4. A fee receipt for the filing fee pursuant to Section 24.

D. Plan Commission Public Hearing. All proposed zoning amendments shall be referred to the Plan Commission, which shall hold a public hearing thereon preceded by a Class 2 notice pursuant to Chapter 985, Wis. Stats., listing the time, place, and the amendment(s) proposed, and meeting any other notice requirements required by § 62.23(7)(d), Wis. Stats.

E. Plan Commission Findings and Recommendations.

1. Following the public hearing and consideration of the requested amendment—in light of the purposes and intent of this Zoning Ordinance—the Plan Commission shall recommend in writing to the Town Board that the petition be granted as requested, granted with modifications, or denied.

2. When the proposed amendment seeks to change the zoning classification of particular property, the Plan Commission shall make findings based upon the evidence presented to it with respect to the following matters.

a. Existing uses of property within the general area of the property in question.

b. Zoning classification of property within the general area of the property in question.

Town of Carlton Zoning Ordinance 44

c. Suitability of the property in question to the uses permitted under the

existing zoning classification.

d. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

e. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

f. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

F. Town Board Action. After consideration of the Plan Commission's recommendations, the Town Board shall decide on the proposed amendment. Should the Town Board not receive a recommendation from the Plan Commission within 60 days of the amendment being filed, the Town Board may proceed to hold a hearing on and/or decide on the request.

G. Protest. A protest against a zoning amendment must comply with the requirements of § 62.23 (7)(d)2m., Wis. Stats.

H. Failure to Act. Should an application for a proposed amendment not be acted upon finally by the Town Board within 90 days 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.

ARTICLE VII – MISCELLANEOUS

Section 26. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general

welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations ordinances, deed restrictions, or covenants, the most

restrictive, or that imposing the higher standards, shall govern.

Section 27. Separability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional

or invalid, such decision shall not affect the validity of the Ordinances as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 28. Repealer

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the Town of Carlton Zoning Ordinance 45

provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance

full force and effect.

Section 29. Effective Date

This Ordinance shall take effect from and after its passage and posting according to law, and shall

be effective for all areas of the Town of Carlton, excluding only those which are subject to extraterritorial zoning by an incorporated village or city which has exercised such power.

Section 30. Planned Unit Development Overlay (PUD)

A. Purpose. The purpose of the Planned Unit Development Overlay provision is to encourage quality and desirable development by allowing for greater flexibility and design freedom than that permitted under basic district regulations. These regulations are established to permit and encourage diversification, variation and imagination in layout of development; to encourage the preservation of open space; and to encourage more rational, economic development with respect to the provisions of public services.

B. Unified Control. All land included for development as a PUD shall be under the legal control of the applicant, whether that applicant be an individual, partnership, or corporation or group of individuals, partnerships, or corporations. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations. The applicant shall state agreement to:

1. Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the special exception for PUD.

2. Provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans.

3. Bind their successors in title to any commitments made in the approval process.

C. Permitted Uses.

1. Any residential or commercial use permitted in the A-1 and A-2 Districts.

Town of Carlton Zoning Ordinance 46

D. General Requirements. All permitted uses shall be subject to the accessory use and structure, sign, height and parking requirements of the district in which it is located.

E. Area and Density Requirements. A tract of land proposed for development as a Planned Unit Development shall contain a minimum area of two acres and a maximum density of 12 dwelling units per net acre.

F. Internal Lots and Frontage. Within the boundaries of the PUD, no minimum lot size or minimum yards shall be required, provided, however, that no structure shall be located closer to any peripheral property line than a distance equal to the height of such structure.

G. Access. Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street.

H. Engineering Design Standards. Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a Planned Unit Development, but precise standards shall be made a part of the approved plan and shall be enforceable as a part of this ordinance.

I. Procedures for Approving Planned Unit Developments.

1. Before submitting an application for a PUD, an applicant shall confer with the Plan Commission, Town staff and other Town department heads, if

required, in connection with the preparation of the Planned Unit Development.

2. The purpose of the pre-application conference shall be to familiarize both the applicant and the Plan Commission with each other's intentions with respect to the PUD before the applicant enters into binding commitments or incurs substantial expense.

3. At the pre-application conference, the Plan Commission shall familiarize the applicant with the PUD process and explain to the applicant issues that should be considered in planning the project. The applicant shall inform the Plan Commission of his development concept through general outlines and sketch plans. Any statement made by either the Plan Commission or the Town of Carlton Zoning Ordinance 47 applicant concerning potential disposition of a PUD application or the final form of the development shall not be legally binding.

4. A development plan shall accompany the application for a special exception permit and contain the following information:

a. Names of the owners and developer.

b. Scale, date, north arrow.

c. Existing streets, buildings, watercourses, easements and utility lines.

d. Proposed pattern of public and private.

e. Streets, accessways and parking areas.

f. Locations and arrangements of lots.

g. Buildings by dwelling types, open space areas and recreational

facilities, if any.

h. Architectural drawings and sketches illustrating the design and character of the various buildings proposed.

i. Appropriate statistical data on the size of the development, number of dwellings by type, percentage of open space and other data pertinent to review.

j. General outline of deed restrictions and other documents pertaining to the development, operation and maintenance of the project.

5. Plan Approval. Upon approval of a development plan, a special exception permit shall be issued. All terms, conditions and stipulations made at the time of approval shall be binding upon the applicant or any successors in interest.

a. Preliminary and Final Plans. Approval of a development plan for a special exception does not constitute preliminary or final plat approval. Preliminary and final plats shall be submitted and processed in accordance with standard subdivision review procedures.

b. Changes in Plan. Minor changes in plans shall be made by application and follow procedures pursuant to Section 7.25. Minor Town of Carlton Zoning Ordinance 48

Y DATCP – May 17, 2013

**TOWN OF CARLTON,
TOWN OF CARLTON,**

1.

BY TOWN BOARD – May 16, 2013

AMENDED BY ORDINANCE – Feb. 17, 2013

AMENDMENTS APPROVED

TOWN OF CARLTON, KEWAUNEE COUNTY WISCONSIN

ZONING ORDINANCE

ADOPTED BY ORDINANCE-JUNE 11, 2013

CERTIFIED BY DATCP-MAY 17, 2013

FURTHER AMENDMENTS APPROVED BY TOWN BOARD-MAY 16, 2013

AMENDED BY ORDINANCE-FEBRUARY 17, 2013

TABLE OF CONTENTS

ttTtttTABLE TTTABLE OF CONTENTS

TOWN OF CARLTON ZONING ORDINANCE

Article I – Title, Authority, Intent, and Purpose1

Section 1 – Title1

Section 2 – Authority1

Section 3 – Intent1

Section 4 – Purpose1

Town of Carlton,

Kewaunee County

Wisconsin

Zoning Ordinance