

**Town of Carlton,
Kewaunee County Wisconsin**

Zoning Ordinance

**AMENDED AND ADOPTED BY TOWN BOARD – December 10, 2019
ADOPTED BY ORDINANCE – June 11, 2013
CERTIFIED BY DATCP – May 17, 2013**

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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 one-half foot or less, the next “integral foot” below shall be taken.

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 agricultural use. This may include, for example:
 - a. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - b. A facility used to keep livestock on the farm.
 - 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.
- B. Adjusted Tract Area – The area of the total parcel without any primary conservation areas.
- C. 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.
- D. 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.
- E. 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.
- 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. Certified Survey, Certified Survey Map, or CSM - A map of a minor land division prepared in accordance with sec. 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Chapter.
- J. Common Facilities - All the real property and improvements set aside for the common use and enjoyment of the residents of a conservation development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation area, drainage easements, and any utilities that service more than one unit, such as sewerage and well facilities.
- K. Common Open Space - Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common Open Space shall not be part of individual residential parcels, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.
- L. 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.
- M. Comprehensive Plan - The official guide for the physical, social, and economic growth of a municipality, properly enacted or adopted according to statute, which is now or may hereafter be in effect.
- N. 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.
- O. Conservation areas, primary - Those areas that are automatically set aside when determining open space for conservation development subdivisions. The following are areas of primary conservation: all lands located within existing street rights-of-way, all lands located within existing utility and railway rights-of-way, all lands located within floodplain, all lands located within wetlands, all slopes of 12% or greater.
- P. Conservation areas, secondary - Those areas identified in, but not limited to, Section 30.D.3 of this Ordinance.
- Q. Conservation Easement - The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

- R. Conservation Subdivision - A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary conservation areas and all or some of the secondary conservation areas within the boundaries of the subdivision and retains a minimum of forty percent of the adjusted tract area as protected open space.
- S. 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.
- T. Development Agreement (or Developer’s Agreement) - An agreement by which the Town and the Subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement and which shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town.
- U. Dwelling, Single Family - A detached building designed for or occupied exclusively by one family, which does not include tents, cabins, or mobile homes.
- V. Dwelling, Two Family – A detached or semi-detached building designed for or occupied exclusively by two families living independently of ear other.
- W. 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.
- X. 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.
- Y. 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
- Z. 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.

- AA. Final Plat - A map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Chapter for the purpose of precisely dividing larger parcels into smaller parcels and used in conveying these new parcels.
- BB. 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.
- CC. Holding Tank - Tank for holding effluent.
- DD. 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 feet square is installed and that no more than 4 employees, including family members living outside the premises, may be employed by the occupation.
- EE. Homeowners' Association - A Wisconsin membership corporation which serves as an association of homeowners within a Subdivision or Certified Survey Map having shared common interests, responsibilities with respect to costs and upkeep of common private property of a Subdivision or Certified Survey Map. Such common property includes private recreation and open space areas within the Subdivision or Certified Survey Map.
- FF. 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.
- GG. Livestock - Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
- HH. Lot – A parcel of land having a width and depth sufficient to provide the space necessary for on e 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.

- II. 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.
- JJ. 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.
- KK. 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.
- LL. Nonfarm Residence – A single-family or multi-family residence other than a farm residence.
- MM. 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 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.
- NN. Open Space - The area of lands within a conservation design subdivision that cannot be developed. This area includes 40% of the adjusted tract area held in common ownership. This area is for passive/ active recreational use by the residents of the development and, where specified, the larger community.
- OO. Open Space Parcel - A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
- PP. 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.
- QQ. 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.

- RR. Permitted Use – A use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.
- SS. Person - An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- TT. Plat - A map of a subdivision.
- UU. Preliminary Plat - A map showing the salient features of a proposed subdivision as described in Section 18.39 of this Chapter, submitted to the Town Board and Kewaunee County for the purposes of preliminary consideration prior to any major land division.
- VV. 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.
- WW. 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.
- XX. 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.
- YY. Recreation Land, Active - Areas that are altered from their natural state to accommodate organized athletic activities (e.g. soccer, football, baseball, golf). Active recreation lands may also require the installation of equipment (e.g. playground apparatus, riding stables, shooting ranges, golf ranges, etc.).
- ZZ. Recreation Land, Passive - Areas that are left in a natural state with minimal alteration for scenic enjoyment (e.g. walking/hiking trail) and outdoor activities with minimal impact on the landscape (e.g. birding, hunting).
- AAA. 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.

- BBB. 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.
- CCC. 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.
- DDD. 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.
- EEE. Structural Alterations – Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.
- FFF. Subdivision - The division of a parcel or parcel of land by the owner thereof or his agent where the act of division creates one or more parcels of land.
- GGG. 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.
- HHH. View shed - The geographical area that is visible from a location. It includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, trees).
- III. Yard – An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

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
- E. PUD Planned Unit Development (Overlay)

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

- A. The following parcels of land are placed into the N-1 District (checked area on the attached Exhibit A):
 - 1. In Section 25:
 - a. The S½ of Government Lot 3.
 - b. Government Lot 4.
 - 2. In Section 36:
 - a. Government Lot 1.
- B. The following parcels of land are placed into the A-1 (Prime Agricultural) District (un-checked area on the attached Exhibit A):
 - 1. In Section 25:
 - a. The West ½ of the Northwest Quarter.
 - b. Government Lots 1, 2 and the North ½ of GL 3.
 - 2. In Section 26:
 - a. The South ½ of the Northeast Quarter of the Northeast Quarter.
 - b. The South ½ of the Northeast Quarter.
 - c. The Southeast Quarter.
 - 3. In Section 35:

- a. The Northeast Quarter.
- b. The Northeast Quarter of the Southeast Quarter.

4. In Section 36:

- a. Government Lots 2 and 3.

- C. 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.
- D. The general structures of the Kewaunee Power Station as they exist on the effective date when subject to the N-1 District regulations are set forth on the attached Exhibit B.
 - 1. 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 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.
- 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 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.
- J. The Town requires a Certified Survey Map for transactions involving land parcel transfer sales.

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, 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.
 - (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 2 acres.
 - (d) Neither the nonfarm residence, nor the parcel on which the nonfarm residence is located, will do any of the following:
 - i. Convert prime farmland, or cropland other than a woodlot, from agricultural use if there is a reasonable alternative available to the permit applicant.
 - ii. 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.
 - (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 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.
 - (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.
- (l) 10’ beyond right-of-way for signs larger than 4’ x 4’ and illuminated signs.
- (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.
 - (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.
- 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 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.

- (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.
 - b. By March 1st of each year the Town will provide to 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.
 - c. 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, Width, and Setback Requirements.
- a. Lot Width – Minimum 200 feet.
 - b. 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.
 - c. 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 not more than 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 not more than 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 not more than 300 feet.
6. Setbacks for Specific Uses/Structures
- a. Manure Storage.
 - (1) From centerline of road – 250 feet.
 - (2) From adjacent property line – 250 feet.
 - b. Manure Stacking Locations.
 - (1) From centerline of road – 100 feet.
 - (2) From adjacent property line – 100 feet.
 - c. Barnyards.
 - (1) From centerline of road – 65 feet.
 - (2) From adjacent property line – 100 feet.
 - d. Concrete (6” or greater in height).
 - (1) From centerline of road – 65 feet.
 - (2) From adjacent property line – 250 feet.
 - e. Wildlife Ponds.
 - (1) From centerline of road – 250 feet.
 - (2) From adjacent property line – 65 feet.
7. Farm Consolidation. 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. The following land uses are allowed without a conditional use permit in the A-2 district:
 - a. Agricultural Operations Permitted in the A-1 District.
 - b. Single-family dwellings.
 - c. Home occupations, not including hair salons, barbers, day spas, and the like.
 - d. Orchards.
 - e. Vegetable raising.
 - f. Plant nurseries.
 - g. Greenhouses.
 - h. Roadside stands not exceeding one per farm or residence.
 - i. Mobile home as per the regulations in Section 14.
 - j. Bed & Breakfasts.
 - k. Churches, mosques, synagogues, temples, and other such places of worship.
 - l. Cemeteries.
 - m. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
 - n. Schools and Churches.
 - o. Public hunting and fishing grounds or shooting preserves.
 - p. Sand, gravel, and stone extraction.
 - q. Signs in conformance with the Town of Carlton Sign Ordinance.
 - r. Public campgrounds or sites.
 - s. All other agriculture-related commercial enterprises.
 - t. Petting zoos.
 - u. Corn mazes.
 - v. Self-service storage facilities.
 - w. Truck, automobile, and small engine repair.
 - x. Repair of agricultural equipment.
 - y. Fabrication of concrete, fiberglass, and similar containment units for septic and similar systems.
 - z. Metal fabrication and welding shop
 - aa. General contracting, including: construction, electrical, excavating, landscaping, plumbing, and the like.
 - bb. Woodworking, cabinet making, and similar.
 - cc. Taverns.
 - dd. Gas stations, convenience stores.
 - ee. Vineyards, wineries, distilleries, breweries.
 - ff. Hair salons, barbers, day spas, and the like.
 - gg. Horse stables, riding stables.
 - hh. Hall rental for compensation.
3. Conditional Use.

- a. Utilities.

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.
 - (4) Front Yard.
 - (a) 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 not more than 300 feet.
 - (b) 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 not more than 300 feet.
 - (c) 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 not more than 300 feet.

5. Setbacks for Specific Uses/Structures

- a. Manure Storage.
 - (1) From centerline of road – 250 feet.
 - (2) From adjacent property line – 250 feet.
- b. Manure Stacking Locations.
 - (1) From centerline of road – 100 feet.
 - (2) From adjacent property line – 100 feet.
- c. Barnyards.
 - (1) From centerline of road – 65 feet.
 - (2) From adjacent property line – 100 feet.
- d. Concrete (6” or greater in height).
 - (1) From centerline of road – 65 feet.
 - (2) From adjacent property line – 250 feet.
- e. Wildlife Ponds.
 - (1) From centerline of road – 250 feet.
 - (2) From adjacent property line – 65 feet.

6. Dwellings. 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 unless located within a conservation subdivision under the PUD Overlay.

C. C-1 Conservancy Overlay District. 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.
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 on-site. 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.
 - f. Lot Size. 40 Acres minimum.
 - g. 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 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 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.
- 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.
 - a. Dwelling (all types) – Two for each dwelling unit.
 - b. Hotel and Motel – One for each lodging unit.
 - 2. Places of public assembly.
 - a. Auditorium, theater, churches – one for each six seats based on maximum seating capacity.
 - b. Bowling Alley – five for each alley.
 - c. Dance Hall, skating rink, or private club – one for each 100 square feet of floor area used for dancing or assembly.
 - 3. Industrial or manufacturing. All – one for each five employees based on maximum 8 hour shifts.
 - 4. Retail and wholesale.
 - a. Tavern, restaurant, retail stores, and offices – one for each 200 square feet of floor space.
 - b. Wholesale – one for each three employees.
 - 5. Unspecified. 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.

- 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.

C. Public Nuisance.

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

- a. Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public.
- b. In any way render the public insecure in life or in the use of property.
- c. Greatly offend the public morals or decency.
- d. 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.

D. Application to Farming Operations.

1. 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.
2. 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 tie-downs, having a minimum tensile strength of 2800 lbs. and the anchors embedded in concrete to withstand the tie-down strain.

The amount of tie-downs 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.
- 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.

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 on 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 continued although the use does not conform with the provisions of this Ordinance subject to the following limitations:
1. 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.
 2. 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.
 3. 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.
 4. 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.

5. 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.
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 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 driveway permits 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.
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.
7. Driveways.
 - a. A-1 driveways should be 60' wide.
 - b. A-2 driveways should be 40' wide.
 - c. Future requirements of driveway widths shall be regulated by 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.

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 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.
- 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.** 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 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. 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.
- 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.
 - 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

- A. 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.
- B. In those instances where district regulations set forth a list of permitted uses including the phrase "Uses of a similar nature..." it is understood that the list of permitted uses is not exhaustive or all inclusive but that other uses of a like or similar nature may also be permissible. The determination of whether a proposed use is of a like or similar nature to one enumerated shall be made by the Town Board.

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 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.
 2. Conservation subdivision, as defined in Section 30.D below.
- D. Conservation subdivisions.
1. General. This article is designed to preserve rural character, natural resource areas, farmland, and other large areas of open land, while permitting residential development. The conservation design subdivision standards, in addition to the land division standards outlined in Article II, apply to all divisions of a parent parcel when requested by a Subdivider where the division creates more than four (4) new parcels.
 2. Lot Size. The minimum lot size in a conservation subdivision shall be one acre (43,560 sq. ft.).
 3. Primary Conservation Areas. All primary conservation areas shall be permanently preserved during the development of a conservation subdivision.
 4. Secondary Conservation Areas. Secondary conservation areas are defined as those natural, agricultural, cultural, and or historical resources within the Town that are not otherwise protected by federal, state, or county laws, regulations, or ordinances. Secondary conservation areas are resources that should be preserved when possible and/or economically feasible during the process of residential development. The final determination of secondary conservation areas within a given development will be made by the Town Board, based upon recommendations from the Plan Commission and/or Zoning Administrator. Secondary conservation areas in the Town of Carlton may include, but are not necessarily limited to:

- a. Stream corridors. Stream corridors within 100 feet of the ordinary high-water mark of any perennial stream.
 - b. Wetlands. Within 100 feet of the boundary of any wetland, as delineated.
 - c. Prime Agricultural Lands. As determined by the Kewaunee County Soils Survey and/or Kewaunee County Land Conservation Department.
 - d. Historic Structures or Places. Please deemed by the Town Board to be historically or culturally significant.
 - e. Scenic Views of Lake Michigan. When relevant, view sheds shall provide unencumbered views of Lake Michigan from within and without the proposed subdivision.
 - f. Other Resources. Any other resources deemed by the Town Board to be worthy of preservation during the platting process.
5. Open Space Standards.
- a. Minimum. The minimum amount of preserved open space in a conservation design subdivision shall be forty percent of the gross tract area including all primary conservation areas.
 - b. Location. The required open space should be situated, when practicable, to take advantage of the site's natural, historic, and cultural features, to create contiguous areas of preserved open space and habitat. The size and shape of the areas established as open space shall be sufficient and suitable for agricultural, natural resource protection, recreation, or other intended uses and should remain as large and contiguous as the property will allow.
 - c. Active Recreation Area. Not more than 30% of the required open space shall consist of active recreation area.
 - d. Trails. The Town Board encourages, and may require, that each conservation subdivision include an internal trail system providing access to homeowners with a section of the trail system identified for potential future public use as part of an integrated community trail network. The section identified for potential public use may vary by development and circumstance. The Town Board may require easements or walkways to access open space that does not abut public right-of-way.
 - e. Ownership and Maintenance of Common Open Space. Unless otherwise approved by the Town Board, preserved open space and any other community facilities in a conservation subdivision shall be owned and maintained by a Homeowners' Association. All documents and instruments relating to the ownership, use, and maintenance of open space shall be reviewed and approved by the Town. A Homeowners' Association shall be created and operated under the following provisions:
 - (1) The Owner shall submit all documentation in connection with the creation of a Homeowners' Association and its powers, duties and responsibilities for Town review prior to approval.
 - (2) The Homeowners' Association shall be created as a separate legal entity by the Owner, with its bylaws, organization and responsibilities contained in a document recorded with the Kewaunee County register of Deeds.
 - (3) Membership in the Homeowners' Association shall be mandatory for all lot owners and their successors and assigns.
 - (4) The Homeowners' Association shall be authorized to levy fees and assessments against all lots in an amount sufficient for payment of real estate taxes and to discharge its duties and responsibilities.
 - (5) Unpaid fees and assessments by any lot owner shall become and remain a lien on the lot until paid, with the Homeowners' Association authorized to bring any action against a lot owner for the collection of fees and assessments.
 - (6) Modification of any bylaws shall require approval of the Town.

6. Identification of Conservation Areas. Developers of proposed conservation subdivisions shall utilize the following checklist to identify all primary and secondary conservation areas on the parcel.

- a. Gross Tract Area (GTA): _____ acres
- b. Primary Conservation Areas (PCA): _____ acres
- c. Adjusted Tract Area (ATA): _____ acres
- d. Secondary Conservation Areas (SCA): _____ acres
- e. Net Development Area (NDA): _____ acres

7. Any conservation subdivision comprised of 20 or more lots shall be served by a clustered wastewater treatment systems approved by the Town and permitted by Kewaunee County and the Wisconsin Department of Safety and Professional Services.

8. Any conservation subdivision comprised of 20 or more lots shall be served by a community water system approved by the Town and permitted by Wisconsin Department of Natural Resources.

E. 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, unless otherwise agreed to by Plan Commission.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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 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.

G. 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.

1. 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.
2. Changes in Plan. Minor changes in plans shall be made by application and follow procedures pursuant to Section 30.F. Minor 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.
3. 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.
4. 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.