

# TOWN OF NEW DENMARK ZONING ORDINANCE

Property of the Town of New Denmark

PREPARED JOINTLY BY THE BROWN COUNTY  
PLANNING COMMISSION, THE NEW DENMARK  
TOWN BOARD AND THE TOWN OF NEW DENMARK  
CITIZENS PLANNING AND ZONING ADVISORY  
COMMITTEE.

ADOPTED August 12, 1974 AMENDED September 9, 1985  
AMENDED April 14, 2014 AMENDED \_\_\_\_\_, 2015

(DATCP draft submittal date 9/1/2015)



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## ARTICLE I - TITLE AND AUTHORITY

### TITLE

This Ordinance shall be known, cited and referred to as: THE TOWN OF NEW DENMARK ZONING ORDINANCE, BROWN COUNTY, WISCONSIN.

### AUTHORITY

The Town of New Denmark pursuant to Sections 60.61 – 60.66, 60.82, 61.351, 62.23, 66.0435, 91.73, 93.90 101.12 and 101.65 of the Wisconsin Statutes, hereby enacts a zoning ordinance to read as follows:



## ARTICLE II - INTENT, PURPOSE AND SEVERABILITY

### A. 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 component parts thereof.

### B. Purpose

The Zoning Ordinance of the Town of New Denmark, Brown 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, agricultural makeup, rural nature, 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; and to foster a more rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.

### C. Severability

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

If any application of this ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.





## ARTICLE III – DEFINITIONS

### A. General

For the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.

The word “shall” is mandatory and not discretionary.

The word "may" is permissive.

The word "lot" shall include the words "piece", "parcel", and "plats", the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for" and "occupied for". 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 constructed as defined in other respective state, county and town codes.

### B. Words Defined

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

1. **ACCESSORY USE OR BUILDING** - a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the main use of the principal structure.
2. **AGRICULTURE** - is the use of land for agricultural] purposes, including soil tillage for the production of crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, provided, however, that the operation of any such accessory use shall be secondary to that of the primary agricultural activities occurring thereon.
3. **AIRPORT** - any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
4. **ALLEY** - a public or private right-of-way primarily designed to serve as secondary access to abutting properties.

5. AUTO WRECKING YARD - any premises on which more than one (1) automotive vehicle, not in running or operating condition, is stored in the open.
6. BASEMENT - that portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.
7. BLOCK - a tract of land bounded by streets, or by a combination of streets and public walks, cemeteries, railroad right-of-tray, shorelines of waterways or municipal boundary lines.
8. BOARDING HOUSE/BED & BREAKFAST - a building or premises other than a hotel where lodging and meals are furnished for compensation for four (4) or more persons not members of a family.
9. BUILDING - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.
10. BUILDING, TEMPORARY - any building not permanently affixed to the land for a period of time not to exceed six (6) months, or as otherwise allowed by specific ordinance. Any building with indoor plumbing, electrical or utility service or manufactured homes used as residence and affixed to a foundation shall not be classified as temporary buildings.
11. BUILDING HEIGHT - the vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof; to the deckline of a mansard roof and to the average height between the eaves and the ridge of a gable, hip or gambrel roof.
12. BREWERY – establishment for the commercial production or bottling of beer or other malt beverages.
13. CLINIC, MEDICAL OR DENTAL - an organization of specializing physicians or dentists or both, who have their offices in a common building. A clinic shall not include in-patient care.
14. CLUB - an association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.
15. COMMERCIAL FEEDLOTS - an agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot or slaughter house.

16. CORNER SIDE - a yard extending along a side lot line from front yard to rear yard when said side lot line is coterminous with a street right-of-way line.
17. CONDITIONAL USE – uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
18. DISTILLERY – an establishment for the commercial production or bottling of alcohol or spirits.
19. DRIVE IN RESTAURANT- an establishment which provides no permanent interior seating, but allows window service and carry out counter service for food products to automobile customers.
20. DWELLING - a building, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including single family dwellings, two-family dwellings and multiple family dwellings, but not including hotels and motels.
21. DWELLING UNIT - one (1) or more rooms which are arranged, permanently installed, shall always be included for each "dwelling unit".
22. DWELLING, SINGLE-FAMILY - a building designed for and occupied exclusively by one (1) family.
23. DWELLING, TWO-FAMILY - a building designed for and occupied exclusively by two (2) families.
24. DWELLING, MULTIPLE-FAMILY - a building used and deigned as a residence for three (3) or more families including tenement housing, row houses, apartment houses and apartment hotels.
25. ESTABLISHMENT BUSINESS - a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.
26. FAMILY - any member or individual related by blood, adoption, marriage, or domestic partnership not to exceed two (2) persons not so related living together on the premises as a single housekeeping unit, including any domestic servant.
27. FARM - any parcel of land, in a zoning district other than Agricultural-Farmland Preservation District (AG-FP), which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.
28. FARMING – the operation of a farm as defined in Section 102.04(3) of the Wisconsin Statutes producing income for the property owner in the amount of six thousand dollars (\$6,000.00) in one calendar year or eighteen thousand (\$18,000.00) over a period of three (3) years.

29. FRONTAGE- the length of all contiguous property fronting on one side of a street between two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all property abutting on one (1) side between an intersecting street and the dead end of the street.
30. FRONTAGE, ZONING LOT - the length of all the contiguous property of such zoning lot fronting on a street, measured between side lot lines.
31. FUR FARM - agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
32. GRADE - the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
33. GARAGE, PRIVATE - an accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried on.
34. GARAGE, PUBLIC AND STORAGE - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.
35. HARD SURFACED - a driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.
36. HOME OCCUPATION – An accessory use of a residential dwelling unit by the resident thereof; provided that the accessory use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.
37. HOTEL - a building in which lodging, with or without meals is offered transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.
38. INDUSTRIAL PARK - a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing then with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.
39. RECYCLING (SALVAGE) YARD - an open area where waste or scrap material are bought sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and metals, paper, rags, rubber tires, bottles, and automobiles.

40. LODGING HOUSE - a residential building, or portion thereof - other than a motel, apartment hotel, or hotel – containing lodging rooms which accommodate persons who are not members of the keeper's family.
41. LOT - a parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building together with the open spaces required by this ordinance and abutting on, but not including the public street or right-of-way.
42. LOT OF RECORD - a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Brown County or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Brown County.
43. LOT, ZONING - a single tract of land located within a single block, which (at the time of filing for a Building Permit), is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lot" may or may not coincide with a lot of record.
44. LOT, CORNER - a lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
45. LOT, DEPTH OF - the mean horizontal distance between the front lot line and the realloft line of a lot, measured within the lot boundaries.
46. LOT, INTERIOR - a lot other than a corner lot.
47. LOT, LINES - the peripheral boundaries of a parcel of land including the public street or right-of-way lines as a boundary line but not including the area within the public street or right-of-way.
48. LOT, AREA – the area lying within the peripheral boundary lines of a parcel of land not including that land lying within the public street or right-of-way.
49. LOT, THROUGH - interior lot having frontage on two (2) nonintersecting streets.
50. LOT, WIDTH OF - the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
51. MOBILE HOME - any vehicle or structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped, used or intended to be used primarily for human habitation, including any addition, attachments, annexes, foundations and appurtenances thereto.

52. MOBILE HOME PARKS - any site, parcel or tract of land designed, maintained, intended or developed with facilities for locating two (2) or more mobile homes. It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.
53. MOTEL - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.
54. MOTOR VEHICLE - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
55. NON-CONFORMING USE - any use of land, building, or structure, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.
56. PARKING SPACE - a graded and surfaced area of not less than one hundred (100) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
57. PLANNED UNIT DEVELOPMENT - a tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.
58. PROFESSIONAL OFFICE - the office of a doctor, practitioner, dentist, minister, architect, landscape architect professional engineer, lawyer, author, musician, or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation; the office shall not exceed one-half (1/2) the area of only one (1) floor of the residence and only one (1) resident person is employed.
59. ROADSIDE STAND - a structure not permanently fixed to the ground 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 three hundred (300) square feet in ground area and limited to the ten (10) feet maximum height.
60. SANITARY LANDFILL - disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals.

61. SETBACK - minimum horizontal distance between the front line of a building or structure and the front property line.
62. SIGN - a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court or public office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the content shall so indicate.
63. SIGN, ADVERTISING - a sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.
64. SIGN, BUSINESS - a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.
65. STOCK FARM - an agricultural operation, usually non-dairying in nature where livestock are raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.
66. STORY - that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.
67. STREET - a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land, thoroughway or however otherwise designated, but does not include driveways to buildings.
68. 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.
69. STRUCTURAL ALTERATION - Any repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.
70. USE, PRINCIPAL - the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted", "conditional" or "nonconforming".

71. WINERY – an establishment for the commercial production and bottling of wine.
72. YARD - open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.
73. YARD, FRONT - a yard extending along the full length of the front lot line between the side lot lines.
74. YARD, SIDE - a yard extending along a side lot line from the front yard to the rear yard.
75. YARD, REAR - a yard extending along the full length of the rear lot line between the side lot lines.



## ARTICLE IV – GENERAL PROVISIONS

### A. Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the Town of New Denmark.

### B. Existing Ordinance

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of New Denmark or are established by Federal, State and County Laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this Ordinance shall apply.

### C. Building and Uses

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved; and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.
2. All principal structures shall be located on a lot and only one (1) principal structure shall be located, erected or moved onto a lot.
3. Permitted, Permitted Accessory Uses, and Conditional Uses are limited to the uses indicated for the respective zone districts. Additional uses shall be allowed upon written recommendation and approval by the Town Plan Commission.
4. Accessory and temporary buildings which are not a part of the main building shall not occupy more than thirty (30) percent of the area of the required rear yard, shall not be more than twenty-five (25) feet high. The above height and area regulation shall not apply to accessory and temporary buildings designated as farm structures. However, the farm structures shall be located on a minimum farm site of five (5) acres.
5. If a nonconforming use of a building or premises is discontinued for a period of twelve (12) months, any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.
6. When a building containing a nonconforming use is damaged by fire, explosion, act of God, violent wind, vandalism, fire, flood, ice, snow, mold, or infestation; to the extent of more than sixty percent (60%) of its current local assessed value; such structure may only be restored to a nonconforming use in conformity with Sec. 60.61(5m) Wisconsin Statutes (2013-14).

7. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this ordinance. If the lot area is less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by a family if it meets the requirements of the Brown County Sanitary and Subdivision Ordinances.
8. Where the Town Building Inspector has issued a Building Permit pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit.
9. Where a Building Permit for a building or structure has been issued in accordance with the law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed accordance with the approved plans on the basis of which the Building Permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of Article XIX.

D. Area Regulations

1. Lot size shall comply with the required regulations of the established district.
2. No Building Permit shall be issued for a lot that has been created by the accumulation of two (2) or more separate parcels.
3. No Building Permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

E. Height Regulations

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Accessory farm buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this Ordinance.

3. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be elected to a height not exceeding sixty (60) feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
4. Residence may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.

F. Front, Side and Rear Yard Regulations

1. No front yard shall be used for open storage of boats, vehicles or any other equipment except for vehicular parking or driveways. All open storage areas shall be properly landscaped.
2. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or any other open space required for another building.
3. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.
4. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building will meet district requirements.

G. Fences, walls and Hedges

1. A fence, wall, hedge or shrubbery may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding five (5) feet above the ground level. No fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. In a required rear yard, the height of fences, walls or hedges shall be limited to eight (8) feet; unless the rear lot line abuts a side lot line on neighboring property in which case the height limitation shall be five (5) feet.
2. No fence, wall, hedge or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property, to a height exceeding eight (8) feet.

3. In any district no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.

#### H. Parking Standards

1. Parking areas may be located in any yard space for commercial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
2. Each parking space shall be less than two hundred (200) square feet exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained, and shall have the aisles and spaces clearly marked.
5. All parking areas and appurtenant passageways and driveways serving commercial use shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
6. Where a Building Permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said Building Permit may be provided in lieu of any different amounts required by this ordinance.
7. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least fifty percent (50%) of any existing deficiency in parking or loading facilities.

8. None of the off-street parking facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. Off-street loading

1. In all districts, loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.



## ARTICLE V - ESTABLISHMENT OF ZONES

### A. Zone District

For the purpose of this ordinance, the Town of New Denmark, Brown County, Wisconsin is hereby divided into the following zoning districts:

R-1	Residential District
A-R	Agricultural-Residential District
AG-FP	Agricultural Farmland Preservation District
A-1	Agricultural District
B-1	Community Business District
I-1	Limited Industrial District
C-1	Conservancy District

### B. 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 New Denmark, Brown County, Wisconsin, adopted November 10, 2008" 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. All zoning plats established prior to the original Zoning Map dated August 12, 1974 are grandfathered in as zoned even if said plats fail to meet the requirements set forth herein.

### C. Zone Boundaries

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

1. District boundary lines are the center line 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. Conservancy districts shall follow soil unit delineations identified on the U.S.D.A. Soil Conservation Service Soil Maps for the Town of New Denmark as determined by the Town Zoning Administrator.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and 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 show on the map from section, quarter section, or division lines, or center lines of, streets and highways, or railroad rights-of-way, unless otherwise indicated.

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

D. Exempted Uses

The following uses are exempted by this Ordinance and permitted in any zone district, poles, wires, cable conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications, and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission anal Federal Aviation Agency rules and regulations, and other authorities having jurisdiction.



## ARTICLE VI - R-I RESIDENTIAL

The following regulations shall apply in R-I Districts:

### A. Permitted Uses

1. Single-family dwellings
2. Two-family dwellings
3. Public, parochial and private, elementary, junior high and senior high schools
4. Parks, playgrounds and athletic fields
5. Public recreational and community center buildings and grounds
6. Transmission lines, substations, telephone and telegraph lines and public utility installments
7. Churches, chapels, temples, synagogues, mosques, rectories, parsonages and parish houses

### B. Permitted Accessory Uses

1. Private garages, carports and driveways
3. Tool houses, sheds and other similar buildings used for the storage of common supplies

### C. Conditional Uses

1. Multi-family dwellings
2. Home occupations
3. Mobile home parks
4. Planned unit development
5. Religious institutions in the form of convents, seminaries and monasteries
6. Cemeteries

7. Fire stations, police stations, post offices and other municipal facilities necessary for town operation.

8. Artificial Lakes

D. Lot Requirements with Public Sewer Only

1. Area – 10,000 square feet minimum

2. Zoning Lot Frontage – 85 feet minimum

E. Height Regulations

1. All structures – 35 feet maximum, except as provided by Article IV, Subsection E, Height Regulations

F. Building Setbacks

	<u>Principal Structure</u>	<u>Temporary &amp; Accessory Building</u>
Front Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way
Side Yard	1 story – 10 feet minimum each side; 2 story – 15 feet minimum each side	10 feet minimum
Rear Yard	25 feet minimum	10 feet minimum
Corner Side	25 feet minimum from right of way	25 feet minimum from right-of-way

G. Building Size

1. Minimum size of dwelling shall be one thousand one hundred (1,100) square feet.

H. Accessory Building

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

I. Parking

Parking shall conform to the requirements as set forth in Article XIV Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Article XIII Sign Regulations.



## ARTICLE VII – A-R AGRICULTURE-RESIDENTIAL

The following regulations shall apply in A-R Districts:

### A. Permitted uses

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves.
2. Agricultural warehouses
3. Commercial feed lots and stock farms
4. Parks, recreational sites and golf courses
5. Single family dwellings
6. Farm ponds
7. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations and railroad right-of-way and passenger depots, not including switching, storage freight yards, or siding.

### B. Permitted Accessory Uses

1. Roadside stands provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
2. Additional structures necessary for the continuance of the farming operation.

### C. Conditional Use

1. Fur farms as defined under Article III
2. Artificial lakes
3. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches and other religious institutions.
4. Airfields, airports and heliports
5. Cemeteries

- 6. Quarries, sand and gravel pits
- 7. Town sanitary landfills and town solid waste disposal sites
- 8. Wineries where the fruit used to produce the wine is grown on site.

D. Lot Requirements

Area - 1½ acres minimum  
 Zoning Lot Frontage – 200 feet minimum

E. Height Regulations

Farm Structures – 60 feet maximum\*  
 Residential Dwellings – 35 feet maximum\*

F. Building Setbacks

	Principal Structure	<u>Temporary &amp; Accessory Buildings</u>
Front Yard	50 feet minimum from right-of-way	50 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

\*Except as provided by Article IV, Subsection E, Height Regulations

G. Building Size

Minimum size of residential dwelling shall be one thousand one hundred (1,100) square feet.

H. Accessory Buildings

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

I. Parking

Parking shall conform to the requirements as set forth in Article XIV, Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Article XIII Sign Regulations.

K. Other Requirements

1. Other structures or buildings allowed within the A-R District shall meet the requirements of the district and remaining articles of the Zoning Ordinance as determined by the Town Zoning Administrator.





## ARTICLE VIII(A) – AGRICULTURAL FARMLAND PRESERVATION DISTRICT (AG-FP)

Lawful uses which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this Ordinance, shall be permitted in all **AG-FP** Districts. The following shall apply in **AG-FP** Districts:

### A. Definitions

In this farmland preservation ordinance:

1. “Accessory use” means any of the following land uses on a farm:
  - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
  - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
  - c. A farm residence, including normal residential appurtenances.
  - d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
    - i. It is conducted on a farm by an owner or operator of that farm.
    - ii. It requires no buildings, structures, or improvements other than those described in par (a) or (c).
    - iii. It employs no more than 4 full-time employees annually.
    - iv. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
2. “Agricultural use” means any of the following activities conducted for the purpose of producing an income or livelihood:
  - a. Crop or forage production.
  - b. Keeping livestock.
  - c. Beekeeping.
  - d. Nursery, sod, or Christmas tree production.

- e. Floriculture.
  - f. Aquaculture.
  - g. Fur farming.
  - h. Forest management.
  - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
3. “Agriculture-related use” means 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:
- a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural service directly to farms, including farms in the farmland preservation zoning district.
  - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
  - c. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
  - d. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
  - e. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
4. “Common ownership” for purposes of the farmland preservation ordinance means ownership by the same person or persons. “Common ownership” includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. 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.
5. “Contiguous” means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by 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.

6. “Farm” means 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:
  - a. 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.
  - b. A majority of the land area is in agricultural use.
7. “Farm residence” means a single-family or duplex residence that is the only residential structure on the farm.
8. “Gross farm revenue” means 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.
9. “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game bird, camelids, ratites and farm-raised fish.
10. “Open space parcel” means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
11. “Person” means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
12. “Prime agricultural farmland” means all of the following:
  - a. 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.
  - b. Land, other than land described in par. (a), which is identified as prime farmland in the county’s certified farmland preservation plan.
13. “Prior nonconforming use” means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of the ordinance.

14. "Protected farmland" means land that is any of the following:

- a. Located in a farmland preservation zoning district certified under ch.91, Wis. Stats.
- b. Covered by farmland preservation agreement under ch.91, Wis. Stats.
- c. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.
- d. Otherwise legally protected from nonagricultural development.

B. Land Use in Farmland Preservation District; General.

Only the following land uses are allowed in a farmland preservation zoning district:

1. Uses allowed under Sections C and D without a conditional use permit.
2. Uses allowed under Section E with a conditional use permit.
3. Prior nonconforming uses, subject to 60.61(5) Wis. Stats.

C. Permitted Uses.

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

1. Agricultural Uses, as defined herein.
2. Undeveloped natural resources and open space area.
3. 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.

D. Permitted Accessory Uses.

The following accessory land uses are allowed without a conditional use permit in a farmland preservation zoning district:

1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:
  - a. A facility 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.
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 such as a pool, deck, or patio.
4. A home 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 the farm.
  - b. It requires no buildings, structures, or improvements other than those described in par. (a) or (c).
  - c. It employs no more than 4 full-time employees annually. It does not impair or limit the current future agricultural use of the farm or other protected farmland.

E. Conditional Use.

1. General.

- (a) The Town of New Denmark Plan Commission 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. The Town of New

Denmark Plan Commission shall follow the procedures described in Town of New Denmark Zoning Ordinance Article XIX. Administration and Enforcement.

- (b) Before issuing a conditional use permit under par. (a), the Town of New Denmark Plan Commission shall determine in writing that the proposed use meets applicable conditions under this section. The Town of New Denmark Plan Commission may issue the permit subject to any additional conditions which the Town of New Denmark Plan Commission deems necessary to carry out the purposes of this ordinance.

## 2. Certain Conditional Uses.

- a. The Town of New Denmark may issue a conditional use permit for the certain conditional uses under Section E (2) (b) if all of the following apply:
  - i. The use supports permitted 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.
  - ii. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - iii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - iv. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use of open space use.
  - v. The use does not substantially impair or limit the current or future agricultural use of other protected land.
  - vi. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- b. Conditional Uses include:
  - 1. Farmstead food processing facilities.

2. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
3. A dairy plant that processes or handles milk from farms.
4. A meat slaughter establishment.
5. A food processing plant that processes raw agricultural commodities received from farms.
6. 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.
7. 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 bulk fuel or other bulk products.
8. A sawmill or other facility that processes wood or other forest products received directly from farms.
9. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
10. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
11. A facility that is primarily engaged in providing agronomic or veterinary services to a farm.
12. 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.
13. 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.

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

3. Compatible Infrastructure.

a. The Town of New Denmark may issue a conditional use permit for a proposed use under Section E, Conditional Use, if all of the following apply:

- i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- ii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- iii. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
- iv. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- v. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

b. The Town of New Denmark may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under par. (a):

1. Transportation uses, including rail facilities, and agricultural aeronautic facilities.
2. Communication uses, including cell towers, antennae and broadcast towers.

F. Government and Nonprofit Community Uses.

1. The Town of New Denmark may issue conditional use permits for a government use, or for an institutional, religious or community use, if the Town of New Denmark determines that all of the following apply:



- a. The use and its location in the farmland preservation zoning district are consistent with the purpose 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.

2. Government and Nonprofit Community Conditional Uses Include:

- a. Fire stations, police stations, post offices, and other government administration buildings.
- b. Schools, colleges, and universities.
- c. Religious institutions, including cemeteries and mausoleums.
- d. Public parks and recreation areas.

G. Dimensional Requirements

1. Lot Requirements within the AG-FP District:

Area – 35 Acres minimum

Zoning lot frontage – 500 feet minimum of contiguous frontage as defined herein.

2. Height Regulations:

Farm Structures – 60 feet maximum \*

Residential Dwellings – 35 feet maximum

3. Building Setbacks:

	Principal Structure	Temporary & Accessory Buildings
Front Yard	50 feet minimum From right-of-way	50 feet minimum From right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum

4. Building Size:

Minimum size of a residential dwelling shall be one thousand one hundred (1,100) square feet

5. Accessory Buildings:

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

\*Except as provided by Article IV, Subsection E, Height Regulations.

H. Other Requirements

1. Parking:

Parking shall conform to the requirements as set forth in Article XIV, Off-Street Parking Requirements.

2. Signs:

Signs shall be regulated as set forth in Article XIII, Sign Regulations

3. Other structures or buildings allowed within the **AG-FP** District shall meet the requirements of the District and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

4. Soils within the **AG-FP** district shall be actively farmed using accepted conservation practices so as to insure a continuation of farming, prevent erosion of the soils and prevent depletion of soil quality.

5. Farm dwellings and related structures, existing prior January 1, 2015, which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of one and one-half (1.5) acres and two hundred (200) feet of contiguous lot frontage.

6. Existing nonconforming residences located in the **AG-FP** that were constructed before January 1, 2014 may be continued in residential use and may be exempted from any limitations imposed or authorized under Article XVIII, Nonconforming Uses, Items 1, 2, 3, and 4.

I. Rezoning Land Out Of A Farmland Preservation Zoning District.

1. Except as provided in sub. (2), Town of New Denmark Plan Commission may not rezone land out of a farmland preservation zoning district unless the Town of New Denmark Plan Commission finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:
  - 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 New Denmark Plan Commission, which is in effect at the time of the rezoning.
  - c. The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
  - d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
2. Subsection 1. does not apply to any of the following:
  - a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.
  - b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
3. The Town will report by March 1 of each year, to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection and Brown County, the number of acres of the land in the Town that has been rezoned out of AG-FP District under Subsection (1) during the prior year and a map clearly showing the location of those acres in compliance with sec. 91.48 (2) & (3) Wis. Stats.



## ARTICLE VIII(B) – A-1 AGRICULTURAL DISTRICT

Lawful uses which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this Ordinance, shall be permitted in all A-1 Districts.

The following shall apply in A-1 Districts:

### A. Permitted Uses

1. Agriculture, dairying, floriculture, forestry, general farming, grazing greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, truck farming, game farms, wildlife sanctuaries and game preserves
2. Commercial feed lots and stock farms
3. Farm ponds
4. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations, and public highway rights-of-way and improvement projects

### B. Permitted Accessory Uses

1. Single family dwellings for those resident owners and laborers actually engaged in the farming operation, as defined herein.
2. Roadside stands provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
3. Additional structures necessary for the continuance of farming operation.

### C. Conditional Uses

1. Fur farms as defined under Article III
2. Artificial lakes
3. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches and other religious institutions, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.

4. Airfields, airports and heliports, if public facilities or incidental to the farm operation.
5. Cemeteries, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
6. Quarries, sand and gravel pits if public facilities or incidental to the farm operation.
7. Town sanitary landfills and town solid waste disposal sites, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
8. Commercial raising of animals including foxes, mink and rabbits.
9. Riding academies and stables, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
10. Agricultural warehouses, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
11. Parks, recreation sites, and golf courses, if they are public facilities.
12. Railroad right-of-way and passenger depots, not including switching, storage freight yards, or sidings, which do not conflict with agricultural uses and /or are found necessary in light of alternative locations available for such uses.
13. Wineries where a portion of the fruit used to produce the wine is grown on site.
14. Mobile Home Parks pursuant to Article XII

D. Lot Requirements

Area - 35 acres minimum

Zoning lot frontage – 500 feet minimum of contiguous frontage as defined in herein.

E. Height regulations

Farm Structures – 60 feet maximum\*

Residential Dwellings – 35 feet maximum\*

F. Building Setbacks

	Principle Structure	<u>Temporary &amp; Accessory Buildings</u>
Front Yard	50 feet minimum From right-of-way	50 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Yard	50 feet minimum from right-of-way	50 feet minimum from right-of-way

G. Building Size

Minimum size of a residential dwelling shall be one thousand one hundred (1,100) square feet.

H. Accessory Buildings

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

\*Except as provided by Article IV, Subsection E, Height Regulations

I. Parking

Parking shall conform to the requirements as set forth in Article XIV off-street parking requirements.

J. Signs

Signs shall be regulated as set forth in Article XIII sign regulations.

K. Other requirements

1. Other structures or building allowed within the A-1 District shall meet there requirements of the District and reaming articles of the zoning ordinance as determined by the Town Zoning Administrator.

2. Soils with in the A-1 District shall be actively farmed using accepted conservation practices so as to insure a continuation of farming, prevent erosion of the soils an prevent depletion of soil quality.
3. Lands applicable – Soils of United States Department of Agriculture Land Capability Class I, II, and III Classification shall be considered as prime agricultural lands for the purpose of this Article.
4. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of one and one-half (1.5) acres and two hundred (200) feet of contiguous lot frontage.
5. Existing nonconforming residences located in the A-1 Agriculture Districts at the time of the passage of this ordinance may be continued in residential use and may be exempted from any limitations imposed or authorized under Article XVIII Nonconforming Uses, Items 1, 2, 3, and 4.



## ARTICLE IX – B-1 COMMUNITY BUSINESS DISTRICT

The following regulations shall apply in B-1 districts:

### A. Permitted Uses

1. Antique Shops
2. Art Shops
3. Bakery - retail
4. Banks and financial institutions
5. Barber shops
6. Beauty shops
7. Bicycle sales, rental and repair stores
8. Book and stationary stores
9. Business and professional use
10. Candy and confectionary stores
11. Carpet, rug and drapery stores
12. Clinics - doctor and dentist offices
13. Clothing and dry goods stores
14. Recognized fraternal and nonprofit clubs and lodges
15. Drug stores and pharmacies
16. Electrical and household appliance stores, including radio and television sales
17. Florist shops
18. Food stores, grocery stores and meat markets (retail sales only).
19. Hardware and paint stores

20. Jewelry stores
21. Liquor and packages goods stores
22. Post offices
23. Music stores including instrument sales and repairs
24. Office supply stores
25. Office machine sales stores
26. Parking lots and off-street loading areas
27. Laundrettes
28. Pet shops
29. Printing offices
30. Restaurants including the serving of alcoholic beverages
31. Shoe stores
32. Sporting good stores
33. Studios – photography, dance, design and artist – illustrators
34. Taverns
35. Tailor shops, toy shops, etc.
36. Variety stores
37. Radio and television stations excluding towers
38. Dry cleaning establishments
39. Furniture stores

B. Permitted Accessory Uses

1. Uses incidental to and on the same zoning lot as a principal use.

C. Conditional Uses

1. Agricultural implement dealers

2. Animal hospitals and veterinary clinics
3. Automobile service stations and garages
4. Bowling alleys
5. Building material and product sales
6. Business schools
7. Contractor or constructions offices
8. Drive-in establishments
9. Dwelling and rooming units above the ground floor of a business establishment
10. Express offices and delivery stations
11. Commercial greenhouses
12. Hotels and motels
13. Model homes and garage displays
14. Monument shops
15. Mobile home parks
16. Mobile home and trailer sales and rentals
17. Public utility and service uses
18. Shopping centers
19. Stadiums, auditoriums and arenas
20. Theaters
21. Undertaking establishments and funeral parlors
22. Car washes
23. Used motor vehicle sales and services
24. Wholesale establishments
25. Wineries, breweries and distilleries

D. Lot requirements

With Public Sewer: Area – 15,000 square feet minimum  
Zoning lot frontage – 85 Feet minimum

Without Public Sewer: Area – 40,000 square feet minimum  
Zoning lot frontage – 100 feet minimum

E. Height Requirements

All Structures – 35 feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principle Structure	<u>Temporary &amp; Accessory Buildings</u>
Front Yard	30 feet minimum From right-of-way	30 feet minimum from right-of-way
Side Yard	10 feet minimum	10 feet minimum
Rear Yard	15 feet minimum	15 feet minimum
Corner Yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way

G. Building Size

1. Minimum of eight hundred (800) square feet.

H. Accessory Building

All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

I. Parking

Parking shall conform to the requirements as set forth in Article XIV Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Article XIII sign regulations.

K. Other Requirements

Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other articles of the zoning ordinances as determined by the Town Zoning Administrator.



## ARTICLE X – I-1 LIMITED INDUSTRIAL DISTRICT

### A. Permitted Uses

1. Automotive service stations and garages
2. Automotive body repairs, upholstery, and cleaning establishments
3. Brick and structural clay products manufacturing
4. Building materials sales and storage
5. Commercial bakeries
6. Contractors, architects, and engineer offices, shops and yards
7. Cosmetic production
8. Dairy processing plants for milk and cheese
9. Electronic and scientific precision equipment
10. Feed and seed sales
11. Food processing establishments
12. Freight yards, terminals, and transshipment depots (motor trucks)
13. Fuel and ice sales
14. Glass products production and sales
15. Light machinery production
16. Lodges and offices of labor organizations
17. Manufacturing and bottling of non-alcoholic beverages
18. Municipal facilities
19. Parking lots
20. Printing and publishing establishments

21. Public utility and service uses
22. Warehouses, storage, and distribution facilities

B. Permitted Accessory Uses

1. Uses incidental to and on the same zoning lot as a principal uses

C. Conditional Uses

1. Air, motor, railroad, and water freight terminals
2. Auto wrecking yards
3. Paper products manufacturing
4. Parks and recreational sites
5. Petroleum products, storage, processing and sales
6. Planned industrial unit development
7. Plastic manufacturing
8. Sewage treatment plants
9. Stadiums, auditoriums and arenas open or enclosed
10. Woodworking and wood products
12. Wineries, breweries and distilleries
11. Other manufacturing, processing or storage uses as determined acceptable by the Town Zoning Administrator and the Town Planning Commission.

D. Lot requirements

With Public Sewer:           Area – 40,000 square feet minimum;  
  Zoning lot frontage – 100 Feet minimum

Without Public Sewer:       Area – 40,000 square feet minimum  
  Zoning lot frontage – 100 feet minimum



E. Height Requirements

Principal Structure– 60 feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principle Structure	<u>Temporary &amp; Accessory Building</u>
Front Yard	25 feet minimum From right-of-way	25 feet minimum from right-of-way
Side Yard	10 feet minimum	10 feet minimum
Rear Yard	20 feet minimum	20 feet minimum
Corner Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way

G. Accessory Building

All accessory buildings hereinafter constructed in the I-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

H. Parking

Parking shall conform to the requirements as set forth in Article XIV Off-Street Parking Requirements.

I. Signs

Signs shall be regulated as set forth in Article XIII sign regulations.

J. Other Requirements

Additional structures and buildings allowed in the I-1 Limited Industrial District shall meet the regulations of this district and other articles of the zoning ordinances as determined by the Town Zoning Administrator.



## ARTICLE XI – C-1 CONSERVANCY DISTRICT

The purpose of the Conservancy District is to provide adequate natural areas for the drainage of surface and storm waters, and to protect and promote the general health, safety and welfare of the community; and to protect the natural resource areas containing swamps, wildlife habitat, and natural water or drainage courses.

The following regulations shall apply in C-1 Districts:

### A. Permitted Uses

1. Stream bank protection
2. Hunting, trapping, and fishing where not otherwise prohibited
3. Wildlife preserves
4. Public water
5. Wild crop harvesting
6. Sustained yield forestry
7. Fish hatcheries
8. Fences
9. Grazing and general farming provided a minimum of ten (10) feet of open land in its natural state be maintained between the grazing or farmed area and the edge of the stream bank with crossing permitted for cattle.\*
10. Other uses which would not impair the natural fauna, flora, or water regimen.

\* The interpretation of this section is as follows:

A farmer will be able to grow cultivated crops to within ten (10) feet of the stream bank edge. He will be able to graze cattle along the stream without fencing if his cattle are not causing pollution of the stream. If there is a pollution problem, the farmer-operator will be required to erect a fence within ten (10) feet of the stream bank or otherwise abate the pollution in such manner as may be determined by the Town Planning Commission. If a fence has to be erected, provision will be allowed for watering cattle in the stream.

### B. Conditional uses

1. Bridle and hiking paths

2. Parks, playgrounds, and other open recreation areas, if public.
3. Outdoor archery, rifle, or trap or skeet-shooting ranges, if public.
4. Golf courses and golf driving ranges, if public facilities
5. Irrigation
6. Sod Farming
7. Truck gardening
8. Roads
9. Utilities
10. Accessory structures provided the structures will not be designed for human habitation, and will be constructed to offer the minimum encroachment on the resource.

C. Other Requirements

Any use allowed in the C-1 District shall meet the regulations of this district and the other articles of the zoning ordinance as determined by the Town Zoning Administrator.

D. Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this Ordinance is considered reasonable for normal water or flooding levels. This Ordinance does not imply that areas adjacent to district boundaries, or uses permitted within such a district will always be free from flooding or water damage. Nor shall this ordinance create a liability on the part of the Town or any officer or employee thereof for any flood or water damagers that may result from reliance or compliance with this Ordinance.

## ARTICLE XII – MOBILE HOME PARKS

This article shall regulate the parking, location and maintaining of all mobile homes and mobile home parks within the Town of New Denmark.

Mobile home parks shall be allowed as Conditional Uses in the R-1 Residential District only.

Mobile home parks shall be prohibited in all other zoning districts within the Town of New Denmark.

No mobile home park space shall be rented or leased for a period of less than thirty (30) days.

### A. Definitions

The following definitions are in addition to Article III to further clarify and explain word usage in conjunction with this article on mobile home parks.

Mobile homes, mobile home parks and accessory use of a building shall apply as defined in Article III, Definitions.

1. UNIT – one (1) mobile home with wheels removed.
2. DEPENDENT UNIT – a mobile home lacking a bath or shower and toilet facilities.
3. INDEPENDENT UNIT – a mobile home that contains a kitchen, toilet facilities, bath or shower and fully equipped for living purposes.
4. PERSON – shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee or other agent, heir of assign.
5. SPACE – a plot of land, whether leased, sold, rented, or transferred, which is intended for location of one (1) mobile home only.

### B. Location Outside of Mobile Home Park

1. No person shall park or occupy a mobile home outside of an approved mobile home park except as provided for in Sub-section C of this Article and except as provided by Article VIII, Section C.
2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibition imposed by the traffic and parking regulation or ordinance for that street, alley or highway.

C. Permit for Location Outside of Mobile Home Park

(Permits issued under this section are nontransferable and will expire under change of occupancy.)

1. Upon a showing of a hardship and/or immediate necessity for use, the Town Zoning Administrator may issue special written permits allowing the location of a mobile home outside of a mobile home park for a period not to exceed ninety (90) days for any one (1) premises in any twelve (12) month period. The permit shall be granted only upon the written consent of the owner, legal agent of the owner, or the lessee of the location for which the permit is issued. Not more than one (1) mobile home shall be granted a permit to locate on any one (1) premises outside a mobile home park. Any violation of this clause shall comply with the penalty as set forth in Article XIX Administration and Enforcement of this Ordinance.
2. Application for the permit shall be made to the Town Clerk and shall be accompanied by an inspection fee of two hundred (\$200.00), and shall state the name and permanent addresses of the occupants of the mobile home, the license number of the mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location, whether any occupant is employed in state; the exact location of premises, and the owner's and/or occupants sanitary facilities, and the permission of the occupant of the dwelling house for their uses; and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within two hundred (200) feet of the proposed location of the mobile home, and a statement of permission from the owner for their use.
3. All occupied mobile homes not located in a mobile home park shall be subject to the remaining regulations of this Ordinance.

D. Mobile Home Park License

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased, rented or controlled by him a mobile home park within the Town of New Denmark without first securing a license from the Town Board. The license shall expire one (1) year after issuance and must be renewed annually.
2. An annual fee of two hundred (\$200.00) shall be charged for the mobile home license or the renewal thereof.
3. The application for a license or renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of

the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application), and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises.

4. The applicant shall further comply with mobile home regulations as set forth in the Wisconsin Statutes Chapter 66.0453, and all amendments thereto.

E. Mobile Home Park Plan

1. Prior to the issuing of any license or permit for a mobile home park, the developer shall submit three (3) copies of the Mobile Home Park Plan to the Town Plan Commission of New Denmark. The plan shall be approved in writing by the Town Plan Commission prior to the start of construction or development of the park.
2. Each Mobile Home Park Plan submitted to the Town Plan Commission shall require the following information:
  - a. Exact area and extent of the proposed park, accompanied by a legal description or certified survey map. Plans shall be drawn at a scale of one (1) inch to two hundred (100) feet minimum.
  - b. All roadways, driveways, and ingress and egress points, and parking bays.
  - c. Complete layout of storm, sanitary and water systems for the park.
  - d. Plan for electrical distribution and lighting facilities.
  - e. Method and plan of garbage removal.
  - f. Plans for providing adequate fire protection for the park.
3. All mobile home parks shall further comply with the sanitation and health regulations as set forth by the State of Wisconsin and Brown County
4. Electrical service to mobile home spaces shall conform to the regulations as set forth in Chapter SPS 316 Wisconsin Administrative Code and all amendments thereto.
5. An adequate supply of pure water, furnished through a pipe distribution system with supply faucets shall be furnished for drinking and domestic purposes.
6. All mobile homes shall be independent units.

F. Driveways, Roadways, and Parking

1. All drives, parking areas, and walkways shall be hard surfaced.
2. Within the mobile home parks, a minimum roadway width of thirty (30) feet shall be established.
3. The mobile home park shall have direct access to a state highway, county highway or town road. There shall be sufficient points of ingress and egress to provide proper traffic movement as determined by the Plan Commission.
4. There shall be one (1) hard surfaced off-street automobile parking space for each mobile home unit. Minimum dimension of the parking space shall be ten (10) feet by twenty (20) feet in size.

G. Site and Yard Requirements

The following regulations shall apply to all mobile home spaces that are sold, rented, leased or transferred in an approved mobile home park.

1. Mobile homes and Mobile Home Parks shall be a Conditional Use in the Residential R-1 District.
2. The minimum size of a mobile home park shall be five (5) acres in sewered area.
3. Space Size:
  - a. Unsewered Locations: (Hardship Sites Only)  
Each mobile home space –  
  
Area - 1 ½ acre minimum  
Width - 100 feet minimum
  - b. Sewered Locations:  
Each mobile home space –  
  
Area - 5,000 square feet minimum  
Width - 50 feet minimum
4. A concrete or bituminous pad shall be constructed on each mobile home space. The minimum size of this pad shall be ten (10) feet side by fifteen (15) feet in length. The minimum thickness of the surfacing shall be four (4) inches. The pad shall enclose all utility connections for the mobile home.



5. Each mobile home space shall provide a front yard setback of ten (10) feet and a rear yard setback of twenty (20) feet. Side yards shall have a minimum setback of five (5) feet each.
6. The yard setbacks shall be seeded and landscaped and in no case shall they be used for off –street parking or be occupied by a mobile home and/or its accessory buildings except for the following conditions:
  - a. Structures for utility outlets and garages serving more than one (1) mobile home space may be located within the side or rear yard setback of a common lot line.
  - b. The hitch used for pulling the mobile home may protrude into the front yard setback.

#### H. Parking Fee and Assessment

The Town Board of New Denmark shall have the authority to impose a parking fee on mobile homes within an approved mobile home park or outside of an approved park as provided for in Section 66.0435 of the Wisconsin Statutes.

The parking fee shall be based on the following regulations:

1. There is hereby imposed on each owner or operator of a mobile home park licensed hereunder a parking permit fee on each occupied mobile home unit which shall have been parked in such mobile home park. The parking fee shall also apply to mobile home units located outside of an approved mobile home park. The amount of the parking fee shall be determined by the Town Board of New Denmark and the local Town Assessor in accordance with Wisconsin State Statute, Chapter 66.0435 and as amended. No mobile home space shall be rented for a period of less than thirty (30) days.
2. The local assessor shall determine the total fair market value of each occupied mobile home, minus the tax exempt household furnishings, and then equalized to the general level of assessment on other real and personal property in the Town of New Denmark.
3. The value of each occupied mobile home thus determined shall be multiplied by the general property gross tax rate, less any credit rate for the property tax relief credit, established on the preceding year's assessment of general property.
4. Total annual parking permit fee shall be divided by twelve (12) to determine monthly fee.

5. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year.
6. Said parking fee shall be collected by the owner or operator of the mobile home park and paid to the local taxing authority on or before the 10th day of the month following the period for which such parking permit is due.
7. No fee shall be imposed on a mobile home from another state, unless said unit has been placed within the Town of New Denmark for a sixty (60) day period.
8. The Town of New Denmark may retain ten percent (10%) of the parking fee for administration costs.
9. The Town of New Denmark shall pay to the school district in which park is located, within twenty (20) days after the end of each period such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax for school purposes bears to the total tax levy for all purposes in the municipality.

#### I. Management

1. In every mobile home park there shall be located the office of the attendant or person in charge of said park. A copy of the park license and of this ordinance shall be kept in said office.
2. It is hereby made the duty of the attendant or person in charge, together with the licensee to:
  - a. Keep a register of all occupants, to be open at all times to inspection by state, federal and local officials, which shall show for all occupants of the mobile home park the following:
    1. Names and addresses
    2. Number and ages of all children
    3. Number of public elementary school children
    4. Number of public secondary school children
    5. State of legal residence
    6. Dates of entrance and departure
    7. License numbers of all mobile homes and towing or other vehicles
    8. State issuing such license
    9. Purpose of stay in park
    10. Place of last location and length of stay
    11. Place of employment of each occupant

- b. Maintain the park in a clean, orderly and sanitary condition at all times.
- c. Insure that the provisions of this Ordinance are complied with and enforced and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to his attention.
- d. Report to the health officer all cases of persons or animals afflicted or suspected of being affected with any communicable diseases.
- e. Maintain in convenient places, approved by the New Denmark fire Inspector, hand fire extinguishers in the ratio of one (1) for each eight (8) mobile home spaces.
- f. Collect the monthly parking permit fee provided for in Section H of this Article. A book shall be kept showing the names of persons paying said service charges and the amount paid.
- g. Submit with the total monthly parking permit fee payment to the Town Treasurer, a monthly report showing the names of persons paying said fees, and the amount paid if less than for a full month. The report to also indicate departure time for current tenants, and arrival time for new tenants including departure time if occurring the same month.

J. Penalty

Violation of Article XII Section thereof, shall result in a penalty imposed upon the violator as regulated in Article XIX Administration and Enforcement; Section O, Penalties.



## ARTICLE XIII – SIGN REGULATIONS

The following regulations shall apply to all signs hereinafter erected or established with the Town of New Denmark.

### A. General

1. This section of the Ordinance shall apply to all billboards, boards, fences or structures of any kind used for advertisements purposes, or upon which any advertisement is shown, painted or displayed, etc.
2. No sign shall hereafter be erected, located, moved, reconstructed, and extended, enlarged, converted, or structurally altered without a permit from the Town Zoning Administrator except signs in Section B of Article XIII which are exempt from the provisions of this Ordinance.

### B. Signs Exempt

All signs are prohibited in the Agricultural, Residential, and Agriculture-Residential zones except for the following:

1. Agricultural signs pertaining to the products of the agricultural premises not to exceed thirty-two (32) square feet in area for any one (1) farm. Height of this respective sign shall not exceed eight (8) feet. Two (2) such signs shall be permitted per farm. The sign shall be limited to the name of the premises, the producer, and product being sold or produced.
2. Real estate signs which advertise the sale, rental or lease of the premises upon which said signs are temporarily located. In the Residential Zone, no sign shall exceed eight (8) square feet in area; whereas such signs shall not exceed 12 square feet in the Agriculture-Residential Zone. Corner lots in Residential Zones shall be permitted two (2) signs.
3. Name, occupation, and warning signs not to exceed two (2) square feet located on the premises. Corner lots shall be permitted two (2) such signs.
4. Bulletin boards of similar devices for churches and religious institutions shall not exceed thirty-two (32) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet. Religious signs may be erected off the immediate premises.
5. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.
6. Official signs such as traffic control, parking restrictions, information and notices.

7. Temporary signs or banners when authorized by the Town Plan Commission.

C. R-1 Residential Districts, A-R Agricultural-Residential Districts, and A-1 Agricultural Districts

In this district, all types shall be of a non-flashing or non-illuminated type.

1. All signs shall be confined to the immediate property being solely advertised or displayed. Religious signs are exempt.
2. No sign shall project higher than one (1) store or eight (8) feet above the finished ground level, whichever is lower.
3. Non-residential building use in a residential district shall have no sign larger than twelve (12) square feet in area and displaying only the name and address of the building.
4. No sign shall project beyond the property line into the public way.
5. Signs shall be set back ten (10) feet from any yard in an interior lot.
6. Signs erected on corner lots shall conform to the required yard setbacks.

D. B-1 Community Business District

All signs hereafter established within the Community Business Zone Districts shall conform to the following regulations set forth.

1. All signs over thirty-two (32) square feet advertising or displaying business places shall be constructed on the said business premises only. Business signs constructed off the premises shall be permitted only upon hearing by the Town of New Denmark Plan Commission and approval by the Town Board
2. Illuminated and flashing signs including LED displays shall be permitted only in the Community Business District. LED displays shall be permitted only upon approval by the Town of New Denmark Plan Commission at a public hearing and approval by the Town Board.
3. Roof signs shall not exceed five (5) feet in height above the peak of the roof. The sign shall further comply with the height and yard requirements of the district. No roof sign shall exceed one hundred (100) square feet of area on all sides combined for any one (1) premises.

4. Window signs shall be placed only on the inside of business buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
5. Wall signs placed against the exterior of a building shall not extend more than six (6) inches outside of a building wall surface, shall not exceed five hundred (500) square feet in area for any one (1) premises, and shall not exceed twenty (20) feet in height above the average ground level.
6. Ground signs shall not exceed twenty (20) feet in height above the average ground level; shall meet all yard requirements for the district and shall not exceed two hundred (200) square feet in area on all sides combined for any one (1) premises.
7. Property signs fastened to, suspended from, or supported by structure on a premises developed for business, shall not exceed 100 square feet in area for all sides combined on any one (1) premises; shall not extend more than ten (10) feet into any required yard; shall not exceed a height of 20 feet above the average ground level; and shall not be less than ten (10) feet above any pedestrian way, not less than 15 feet above a driveway.
8. One (1) pedestal – type sign, a ground sign generally supported by one (1) or more metal posts and not exceeding a height of twenty-five (25) feet, shall be permitted per use in the Community business district Zone. Such Sign shall not exceed a total area of fifty (50) square feet on a side.
9. No sign shall be permitted within fifty (50) feet of any residence.
10. No sign shall be closer than forty (40) feet to the intersection of the right-of-way lines of any intersecting road.
11. No sign shall extend into the public way.
12. Signs located within corner lots shall conform to yard setbacks.
13. No advertising signs or devices shall be altered or reconstructed unless the alteration or reconstruction shall be in compliance with the provisions of this ordinance.

E. I-1 Limited Industrial District

All signs hereafter established within the Limited Industrial Zone District shall conform to the following regulations set forth.

1. All types of flashing signs including LED displays shall be prohibited in the Limited Industrial Districts.
2. Illuminated signs shall be permitted within the district.
3. Pedestal-type signs shall be permitted with the conditions as set forth in Article XIII Section D – Community Business Districts.
4. Wall, roof, window and ground signs shall also comply with the required regulations as set forth in Article XIII Section D – Community Business District.
5. Signs shall further comply with the regulations as set forth in the Community Business Zone District.



## ARTICLE XIV – OFF-STREET PARKING REQUIREMENTS

The following regulations shall apply to all zoning districts within the Town of New Denmark.

### A. General

1. All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall conform to the requirements herein.
2. Buildings or uses existing on the effective date of this Ordinance which are subsequently altered or enlarged so as to require the provisions of the parking spaces under this Ordinance shall conform to the requirements as set forth herein.

### B. Size

1. Each required off-street parking space shall be at least ten (10) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles.
2. All angle parking shall conform to the requirements as set forth.

<u>Angle</u>	<u>Stall Depth*</u>	<u>Width of Aisles*</u>
30°	17	12
45°	19	15
60°	20	18
90°	18	28

\*In feet

3. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

### C. Plans

1. Except for residential uses, the design of parking lots of areas shall be subject to the approval of the Town Plan Commission in accordance with standards herein required.

### D. Parking Standards

1. SINGLE-FAMILY DWELLINGS – two (2) spaces for each dwelling unit.
2. TWO-FAMILY DWELLINGS – one and one-half (1½) spaces for each dwelling unit.

3. MULTI-FAMILY DWELLINGS – one and one-half (1½) spaces for each dwelling unit.
4. MOTELS – one (1) space for each guest room plus one (1) stall for each three (3) employees.
5. HOTELS – one (1) space for each two (2) guest rooms plus such additional space as shall be required for supplemental uses, such as bars, ballrooms, or nightclub facilities in the hotel.
6. LODGING, ROOMING AND BOARDING HOUSES – one (1) space for each two (2) beds plus one (1) stall for each three (3) employees.
7. CHURCHES AND PLACES OF WORSHIP – one (1) space for every five (5) seats.
8. HOSPITALS – one (1) space for each two (2) hospital beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
9. MEDICAL AND DENTAL CLINICS – three (3) parking spaces shall be provided for each doctor.
10. SANITARIUMS, REST HOMES, CONVALESCENT HOMES, AND NURSING HOMES – one (1) parking space for each four (4) beds plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
11. ELEMENTARY SCHOOLS – one (1) parking space for each employee.
12. JUNIOR HIGH SCHOOLS – one (1) parking space for each employee.
13. SENIOR HIGH SCHOOLS – one (1) parking space for each employee, plus one (1) space for each ten (10) students in the school.
14. COLLEGES & UNIVERSITIES – one (1) parking space for each employee, plus one (1) space for each six (6) students.
15. PUBLIC LIBRARIES, ART GALLERIES, MUSEUMS – one (1) space for each fifty (50) square feet of gross floor space.
16. FRATERNITIES, SORORITIES & DORMITORIES – one (1) space for each three (3) residents, plus one (1) space for the manager.

17. RESTAURANTS – parking space equal to fifty percent (50%) capacity in persons, plus one (1) space for each three (3) employees.
18. TAVERNS – parking spaces equal in number to sixty percent (60%) of the capacity in persons.
19. BOWLING ALLEYS – six (6) parking spaces shall be provided for each alley, plus additional spaces as required by this ordinance for any associated use (bars, restaurants, etc.).
20. SWIMMING POOLS & SKATING RINKS – parking spaces equal in number to thirty percent (30%) of the design capacity shall be provided.
21. AMUSMENT ESTABLISHMENTS NOT LISTED AND AMUSEMENT PARKS – parking spaces shall be provided in adequate number as determined by the Town Zoning Committee, to serve persons employed, as well as the visiting public.
22. STADIUMS, BALL PARKS AND OUTDOOR ARENAS – parking spaces shall be provided at the rate of thirty percent (30%) of the maximum capacity of persons using and/or observing activities at these facilities during a 24 hour period.
23. GOLF COURSES – one (1) parking space shall be provided for each four (4) persons using the course at maximum capacity. (Bars, restaurants, and related uses shall require additional spaces.)
24. DRIVING RANGES – two (2) parking spaces shall be provided for each tee.
25. PRIVATE CLUBS – one (1) parking space shall be provided for each lodging room, plus parking spaces equal in number to thirty percent (30%) of the maximum capacity in persons of such clubs.
26. RECREATIONAL BUILDINGS AND COMMUNITY CENTERS – NON-COMMERCIAL – parking spaces equal in number to thirty percent (30%) of the capacity in persons shall be provided.
27. CONVENTS, SEMINARIES, MONASTERIES, NUNNERIES, RECTORIES, PARSONAGES, PARISH HOUSES, AND RELIGIOUS RETREATS – one (1) parking space shall be provided for each two (2) employees plus additional parking spaces equal in number to five percent (5%) of the maximum capacity of professional persons residing on the premises at any one time.
28. RIDING ACADEMIES & COMMERCIAL STABLES – one (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Town Zoning Committee, to serve the visiting public.

29. SHOPPING CENTERS – eight (8) parking spaces for each one thousand (1,000) square feet of gross floor area in the center.
30. WAREHOUSING AND WHOLESALING ESTABLISHMENTS – one (1) parking space for each two (2) employees.
31. JUNK YARDS, SALVAGE YARDS AND AUTO GRAVE YARDS – one (1) space shall be provided for each two (2) employees, plus one (1) space for each five thousand (5,000) square feet of lot area.
32. ANIMAL HOSPITALS & KENNELS – three (3) parking spaces shall be provided for each employee.
33. AIRPORTS & COMMERCIAL HELIPORTS – one (1) parking space for each one hundred fifty (150) square feet, plus additional employee space shall be provided in the ratio of one (1) space for each two (2) employees working the same shift, based on the maximum number of employees working the same shift.
34. AUTOMOBILE & TRUCK SERVICE STATIONS – one (1) parking space for each employee, based on the maximum number of employees working the same shift, as well as one additional space shall be furnished for each inside service bay.
35. AUTOMOBILE WASHES – one (1) space for each two (2) employees, plus one (1) space for manager, and in addition reservoir parking spaces equal to five (5) times the capacity of the automobile laundry, for those automobiles awaiting entrance to the facility. Maximum capacity in this instance shall mean the great number possible of automobiles undergoing some phase of washing and drying at the same time.
36. BUILDING MATERIAL SALES – one (1) space shall be provided for each two (2) employees, plus additional space equal to one (1) space for each three hundred (300) square feet of gross floor area in excess of two thousand (2,000) square feet.
37. CARTAGE & EXPRESS FACILITIES – one (1) parking space shall be provided for each vehicle maintained on the premises, plus one (1) space for each two (2) employees.
38. CONTRACTOR OR CONSTRUCTION OFFICES, SHOPS AND YARDS – one (1) space shall be provided for each employee plus additional customer space shall be furnished at the rate of one additional space for each five (5) employees.
39. FOOD STORES, GROCERY STORES, MEAT MARKETS, BAKERIES, DELICATESSENS, SUPERMARKETS & DEPARTMENT STORES – one (1) space shall be provided for each one hundred fifty (150) square feet of gross floor

area for the first six thousand (6,000) square feet, and one additional space shall be furnished for each two hundred (200) square feet of gross floor area in excess of six thousand (6,000) square feet.

40. MOTOR VEHICLE SALES – three (3) parking spaces shall be provided for each employee, plus additional spaces as deemed necessary by the Town Zoning Committee deemed necessary to store those cars waiting to be serviced.
41. OFFICES, BUSINESS AND PROFESSIONALS – one (1) parking space shall be provided for each three hundred (300) square feet of gross floor area.
42. PUBLIC UTILITY AND SERVICE USES – one (1) parking space for each three hundred (300) square feet of gross floor area in excess of four thousand (4,000) square feet or one (1) space for each two (2) employees, whichever provides the greater amount.
43. RADIO, TELEVISION STATIONS & STUDIOS – one (1) space shall be provided for each two (2) employees, plus one (1) space for each three hundred (300) square feet of gross floor area in excess of six thousand (6,000) square feet.
44. POST OFFICES – one (1) space shall be provided for each two (2) employees, plus one (1) space for each two hundred (200) square feet of gross floor area in excess of three thousand (3,000) square feet.
45. UNDERTAKING ESTABLISHMENT – one (1) parking space shall be provided for each four (4) seats provided in each chapel or parlor.



## Article XV – INTERCHANGE ACCESS CONTROL

The regulations as set forth shall apply to present and future highways of freeway and expressway standards. Access limitations and setbacks help to improve traffic mobility and safety, while making the interchange areas more aesthetically pleasing.

### A. Definitions

For the purpose of this article and Ordinance, the following words are herein defined:

1. Freeway and Expressway: High volume controlled access highways.
2. Intersecting Highway: A highway having no access control and under state, county or town jurisdiction.

### B. General

1. All present and future highways with full to limited access control shall be indicated as lying within an Interchange Access Control Area.
2. Frontage roads shall be required for access to and development of property abutting highways of expressway or freeway status.

### C. Limitation of Access

1. There shall be no access points within five hundred (500) feet of the most remote and or taper of any existing or proposed entrance or exit ramp or an interchange or controlled access highway.
2. Frontage roads of not less than sixty-six (66) feet right-of-way shall be provided across the entire width or length of any lot that abuts on a controlled access highway.
3. Frontage roads access shall be onto an adjoining state, county, or town roads intersecting the access controlled highway.

### D. Setbacks

1. Minimum setbacks for buildings and structures along expressways, freeways, or limited access highways shall be one hundred (150) feet from the highway right-of-way.

2. Buildings and structures shall be set back at least eighty (80) feet from the point of intersection between the controlled access highway and the state, county or town road intersecting said highway.
3. Buildings shall be set back thirty-five (35) feet from all frontage road right-of-way except where more stringent requirements are applicable.



## ARTICLE XVI – ARTIFICIAL LAKES

The following regulations shall apply to all artificial lakes hereinafter constructed or developed within the Town of New Denmark.

### A. Location

1. Artificial lakes shall be allowed as Conditional uses in the Agriculture-Residential Zones.

### B. Permit

1. The property owner, developer or his assigned agent shall make application for an Excavation permit to the Town Zoning Committee prior to construction.
2. The Town Zoning Commission shall review and approve the site plan before issuing the Excavation Permit.

### C. Site Plans

1. A map drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the proposed lake site and the adjoining property within five hundred (500) feet of the site.
2. Layout of proposed residential lots and other buildings if applicable.
3. The type of sanitary facilities to be installed if residential development is to take place.
4. Source of water supply for residential dwellings and water level maintenance in the lake.
5. Surface drainage sources and topography.
6. Proposed roadways.

### D. Lake Size

1. Any artificially constructed lake two (2) acres or larger in area shall adhere to the conditions of this Ordinance.

2. The center portion of the lake shall be excavated deep enough to maintain a water depth of ten (10) feet.

E. Other Requirements

1. The constructed lake shall meet the requirements of the Brown County Water Law Codes.
2. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources.
3. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Social Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.
4. The ground water table in the surrounding area and adjacent to the lake shall be protected.
5. State Permits shall be required if high capacity wells are drilled on the site.
6. The Division of Environmental Health Requirements shall be met to insure proper safety of swimmers.
7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
8. A Performance Bond shall be filed with the Town Board prior to the construction. Amount of bond per acre shall be specified by the Town Board of New Denmark.

## ARTICLE XVII – MOBILE TOWER SITING

### A. Title

This ordinance is entitled the Town of New Denmark Mobile Tower Siting Permit Ordinance.

### B. Purpose.

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

### C. Authority.

The Town Board has the specific authority under Sections 60.61 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

### D. Adoption.

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

### E. Definitions.

1. All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

### F. Subdivision and Numbering

This ordinance is divided into sections designated by uppercase letters. Sections may be divided into subsections designated by numbers. Subsections may be divided into

paragraphs designated by lowercase letters. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

G. Siting and Construction of Any New Mobile Service Support Structure and Facilities

1. Application Process

a. A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.

b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

i. The name and business address of, and the contact individual for, the applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

iv. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

v. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

vi. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

c. A permit application will be provided by the town upon request to any applicant.

d. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

e. Within ninety (90) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the ninety (90) day period:

i. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

ii. Make a final decision whether to approve or disapprove the application.

iii. Notify the applicant, in writing, of its final decision.

iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

f. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph b.vi.

g. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

h. The fee for the permit is three thousand dollars (\$3,000.00).

## H. Class I Collocation

### 1. Application Process

a. A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.

b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

i. The name and business address of, and the contact individual for, the applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

iv. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

v. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

vi. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

d. A permit application will be provided by the town upon request to any applicant.

e. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

f. Within ninety (90) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the ninety (90) day period:

i. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

ii. Make a final decision whether to approve or disapprove the application.

iii. Notify the applicant, in writing, of its final decision.

iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

g. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph b.vi.

h. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

i. The fee for the permit is three thousand dollars (\$3,000.00).

## I. Class 2 Collocation

### 1. Application Process

a. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.

b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

i. The name and business address of, and the contact individual for, the applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

c. A permit application will be provided by the town upon request to any applicant.

d. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject to under Article IX of this Zoning Ordinance.

e. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

f. Within forty-five (45) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the forty-five (45) day period:

i. Make a final decision whether to approve or disapprove the application.

ii. Notify the applicant, in writing, of its final decision.

iii. If the application is approved, issue the applicant the relevant permit.

iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

g. The fee for the permit is five hundred dollars (\$500.00).

#### J. Penalty Provision

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

#### K. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.



## ARTICLE XVIII – NON-CONFORMING USES

The purpose and intent of this article is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land and uses shall be permitted to continue.

### A. General

Any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure, land or other use which shall become non-conforming upon the adoption of this Ordinance subject to the regulations which follow.

1. If such non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the building structure, land or other use shall thereafter conform to the provisions of this Ordinance.
2. When a building containing a nonconforming use is damaged by fire, explosion, act of God, violent wind, vandalism, fire, flood, ice, snow, mold, or infestation; to the extent of more than sixty percent (60%) of its current local assessed value; such structure may only be restored to a nonconforming use in conformity with Sec. 60.61(5m) Wisconsin Statutes (2013-14).
2. Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use of this structure.
3. Repairs and alterations may be made to a non-conforming building or structure provided the respective structure is not added to or enlarged in size.
4. No building or structure shall be moved in whole or in part to any other location on the same lot or any other lot in the zone district, unless every portion of such building or structure which is moved shall conform to the zone district requirements.
5. No principal building, accessory building, or structure shall be moved from one (1) zone district to another zone district unless so authorized by the Town Plan Commission.



## ARTICLE XIX – ADMINISTRATION AND ENFORCEMENT

This section of the Ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this Ordinance.

### A. General

1. This Ordinance shall incorporate the any applicable Chapters of the Town of New Denmark Code of Ordinance as if fully stated herein including but not limited to, Chapter 5 – Wind Energy Ordinance; Chapter 9 – Regulation of Sexually Oriented Adult Entertainment Establishments; Chapter 15 – Driveway and Culvert Ordinance; Chapter 19 – Board of Adjustments; Chapter 23 – House and Building Numbering; Chapter 31 – Nonmetallic Mineral Extraction Regulation and Control; and Chapter 34 – Subdivision.
2. This Ordinance shall provide for the position of Building Inspector, Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.
3. This section shall provide the authority and necessary requirements for issuance of Building Permits and occupancy permits; variances, appeals, amendments, conditional uses, fees, and penalties.
4. All building inspections preformed under this section are done pursuant to Sections 101.12 and 101.65 of the Wisconsin Statutes.
5. This Ordinance adopts and incorporates, as if fully stated herein, the Uniform Building Code as provided in Chapters SPS 320-325 of the Wisconsin Administrative Code and the Commercial Building Code as provided in Chapters SPS 361-366 of the Wisconsin Administrative Code.

### B. Building Inspector

There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

The Town of New Denmark Building Inspector shall have the following duties:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue all certificates of occupancy and make and maintain records thereof.

3. Pursuant to Section 101.65 of the Wisconsin Statutes conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.

C. Zoning Administration

The Town of New Denmark Zoning Administrator shall have the following duties.

1. Issue all rezoning certificates and make and maintain records thereof.
2. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
3. Forward to the Town of new Denmark Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
4. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under 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 to make reports of its recommendations to the Town Plan Commission.

D. Zoning Board of Appeals

The Zoning Board of Appeals is hereby established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23.

1. Jurisdiction

The Zoning Board of Appeals is hereby entrusted with the jurisdiction and authority to:

- a. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this Ordinance.

- b. Hear and pass upon the application for variances from the terms provided in this Ordinance in the manner prescribed by and subject to the standards established herein.
- c. Hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, as prescribed by Chapter 62.23 of the Wisconsin State Statutes.

## 2. Meetings and Rules

- a. All members of the Zoning Board of Appeals shall be held at the call of the Chairman of the Board, and at such times as the zoning Board of Appeals may determine.
- b. 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.
- c. Notice of the time and place of such public hearing shall be published as provided by the State Law on Planning and Zoning and applicable to the Town of New Denmark.
- d. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- e. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
- f. All official proceedings regarding the action of the zoning Board of Appeals shall be a matter of public record and placed on file with the zoning Board of Appeals.
- g. The Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.

## 3. Decisions

All decisions and findings of the zoning Board of Appeals on appeals or upon application for a variance, shall be by the concurring vote of four (4) members of the Board and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.

4. Board Membership

- a. The Zoning Board of Appeals shall consist of five (5) members appointed by the New Denmark Town Chairman and subject to judicial review as by law may be provided.
- b. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and two (2) for two (2) years; and two (2) for three (3) years, but not more than one (1) member of the Town Board shall be a member of the Zoning Board of Appeals and all members shall reside in the Town.
- c. The members shall be removable by the Town Board for cause upon written charges.
- d. Vacancies shall be filled for the unexpired term of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of New Denmark.

E. Town Plan Commission

The Town Plan Commission shall be the authorizing planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin State Statutes.

1. Jurisdiction

The New Denmark Town Plan Commission shall carry out the following duties under this Ordinance.

- a. Receive from the Zoning Administrator his or her recommendations as related to the effectiveness of this Ordinance and report his or her conclusions and recommendations to the new Denmark Town Board.
- b. Review all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments and conditional uses.
- c. Hear and decide matters upon which it is required to pass under this Ordinance.

2. Meetings

- a. All meetings of the Town Plan Commission shall be held at the call of the Chairman of the Commission and at such times as the Commission may determine.
- b. The Commission 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.

3. Decisions

All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

4. Membership

- a. The Town Plan Commission shall consist of seven (7) members as provided by Section 60.62 of the Wisconsin State Statutes.
- b. Commission members shall consist of the Town Chairman, who shall be its presiding officer, one (1) Town Board member, five (5) citizens and two (2) alternate members
- c. The Town Plan Commission members shall be removable by the Town Board of New Denmark cause upon written charges.
- d. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town board of New Denmark.

F. Inspection Standards

1. Authority.

These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes

2. Purpose.

The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

3. Scope.

The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.

Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.

Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of detached garages serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

4. The Wisconsin Uniform Dwelling Code, Chapters SPS 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

5. Penalties.

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of Building Permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each day of noncompliance.

6. The Building Inspector(s) shall keep a log of all inspections completed.

G. Building Permits

1. A Building Permit shall be required for any new building in excess of one hundred (100) square feet. A Building Informational Permit shall be required for all buildings or temporary buildings regardless of size to ensure compliance with applicable zoning regulations.



2. A Building Permit shall also be required if a person alters a building in excess of one thousand dollars (\$1,000.00) of value in any twelve (12) month period, or adds onto a building in excess of fifty (50) square feet in any twelve (12) month period. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements. Every Building Permit shall state that the use complies with the provisions of this Ordinance.
3. Prior to the issuance of a Building Permit by the Building Inspector a Building Informational Permit shall be made in writing to the Town Board including such relevant information as required by the Town Board. The Town Board may at its discretion refer the Building Informational Permit back to the property owner for additional information required to make their determination on approval.
4. Prior to approval of a Building Informational Permit a copy of each Building Informational Permit shall be provided to the Town Zoning Administrator for review to ensure compliance with any applicable provisions of this Ordinance
5. The Town Board shall grant or deny any Building Informational Permit submitted for review within a forty-five (45) day period from the date of the submission of the Building Informational Permit. Reasons for denial of a Building Informational Permit shall be provided in writing to the individual who submitted such Building Informational Permit.
6. Upon approval of a Building Informational Permit by the Town Board, the Building Inspector shall request the submission of a uniform Building Permit application with any applicable fee. Any Building Permit applied for shall be granted or denied within a ten (10) day period from the date of application. Reason for denial of a Building Permit will be forwarded in writing by the Town Building Inspector to the applicant and the Town Board.
7. Application for a Building Permit shall be deemed to be an application for an occupancy certificate as well.
8. Each Building Permit application for business and industrial uses shall be accompanied by a plat in accordance with requirements as specified in Article XIX Section G, Plats.
9. Informational Building Permit forms and Building Permit application forms shall be made available to the public by the Town Clerk.
10. The Building Permit fees shall be determined by resolution and shall be provided by the Building Inspector. The Building Permit fee shall include thirty-five dollars (\$35.00) to be forwarded to the Wisconsin Department of Safety and

Professional Services for a UDC permit seal that shall be assigned to any new dwelling.

H. Occupancy Certificate

1. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the Building Permit was based.
2. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reason why a certificate cannot be issued, not later than seven (7) days after the Building Inspector is notified in writing that the premises or building are ready for occupancy.
3. All occupancy permits shall be issued by the New Denmark Building Inspector.

I. Plats

1. All applications for Building Permits for business and industrial uses shall be accompanied by the following:
  - a. 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 one (1) inch to one hundred (100) feet showing the actual dimension, as certified by a “registered land surveyor” or a “registered professional engineer,” the piece or parcel, lots, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.
  - b. A plat in duplicate, drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure or land; and such other information as may be required by the Town Plan Commission and Zoning Administrator for the proper enforcement of this Ordinance.
2. Said plat material shall be submitted to the Town Plan Commission. Required plat material shall be submitted in conjunction with an application for a Building Permit.

## J. Variances

### 1. Application

An application for a variance shall be filed with the Town Plan Commission. The application shall contain such information as the Board of Appeals by rule may require.

### 2. Standards for Variances

Variances may be granted by the Board of Appeals only when:

- a. 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 a mere inconvenience if the strict letter of the regulations were to be carried out.
- b. 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.
- c. Alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.
- d. 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.
- e. Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of 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.

### 3. Authorized Variances

Variances shall be granted by the Board of Zoning Appeals in accordance with the standards established in Section H-2.

## K. Appeals

### 1. Scope of Appeals

- a. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau

aggrieved by a decision of the Town Plan Commission or Zoning Administrator.

- b. Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Town Plan Commission or Zoning Administrator a notice of appeal specifying the grounds thereof.
- c. The Town Plan Commission shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

## 2. Finding on Appeals

- a. An appeal shall terminate all further proceedings on action unless the Town Plan Commission certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate a stay would, in its 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 Zoning Board of Appeals or by a court of record or notice from the Town Plan Commission on due cause.
- b. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties as provided in the state law on planning and zoning and applicable to the Town of New Denmark.
- c. The Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.
- d. The Zoning 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, shall have all powers of the officer to whom the appeal is taken. The Town Plan Commission shall maintain records of all action of the Board of Appeals relative to appeals.

## L. Amendments

### 1. Authority

The New Denmark Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per Article II of this Ordinance.

2. Initiation

Amendments may be proposed by any governmental body, interested person or organization.

3. Application

An application for an Amendment shall be filed with the Town Plan Commission in such form and accompanied by such detailed information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon to the Town Board.

4. Hearing Notice

The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of said hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of New Denmark.

5. Findings and Recommendations

- a. The Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
- b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
  1. Existing uses or property within the general area of the property in question.
  2. Zoning classification of property within the general area of the property in question.
  3. Suitability of the property in question to the uses permitted under the existing zoning classification.
  4. Trend of development, if any in the general area of the property in question, including changes of any, which have taken place in its present zoning classification.
  5. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

6. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the town to provide them.
7. The land proposed for rezoning is suitable for development and development will not resulting in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.
8. The Official Town Comprehensive Plan and any of the component parts thereof.
9. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification that that requested by the applicant.
10. The Plan Commission shall not recommend that 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.

6. Town Board action

- a. The Town Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment.
- b. The Town Board may grant or deny any application for any amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, be duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent, extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town board membership.
- c. If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

M. Conditional Uses

1. Purpose

To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

2. Initiation

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one (1) or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

3. Application

The application for a conditional use shall be filed with the New Denmark Town Planning Commission on a form so prescribed by the Town of New Denmark. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.

4. Hearing on Application

Upon receipt in proper form of the written recommendation referred to in Section M-3, the Town Board shall hold at least one (1) public hearing on the proposed conditional use.

5. Authorization

For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application is received by the New Denmark Town Board, it shall be deemed to have been denied.

6. Standards

No conditional use shall be recommended by the Town Plan Commission unless said Commission shall find that the conditions comply with Article II, Intent, purpose and Severability.

7. Conditions and Guarantees

Before issuing a conditional use permit, the Town Plan Commission may recommend and the Town Board shall stipulate, such conditions and restriction upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section M-6 above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

N. Fees

Any application for an Amendment or Conditional Use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee of one hundred seventy-five dollars (\$175.00). The fee for variances and appeals shall be two hundred seventy-five dollars (\$275.000. All fees shall be paid to the Town Zoning Administrator.

O. Penalties

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

The Town Building Inspector shall report all such violations to the Town Board, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance; shall upon conviction thereof forfeit no less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) together with court costs, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made.



Confinement to the county jail shall not exceed thirty (30) days for each offense. Each violation and each day of violation shall constitute a separate offense.

This section shall not preclude the Town of New Denmark from maintaining any appropriate action to prevent or remove a violation of this section.



## APPENDIX

The illustrations contained in this appendix are provided solely to clarify the intent of the textual provisions of this Zoning Ordinance.