

CHAPTER 6

ZONING

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6.001 – TITLE, AUTHORITY, AND ADOPTION

A. TITLE

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

B. AUTHORITY

The Town Board of the Town of Pittsfield has the specific authority, powers, and duties pursuant to Sections 60.61, 60.62, 61.35, 62.23, and 66.05 (8), (1988-1989), Wisconsin Statutes, pursuant to the specific statutory sections noted in this ordinance, and by its adoption of Village powers under Section 60.10 (1988-89), Wisconsin Statutes, to zone certain areas in the Town of Pittsfield, and to regulate, prohibit and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town of Pittsfield, and to regulate and control certain uses, activities, businesses and operations in the Town of Pittsfield.

C. ADOPTION OF ORDINANCE

The Town Board, of the Town of Pittsfield, has by adoption of this ordinance, confirmed the specific sections of this ordinance, and has established by these sections and this ordinance, the specific areas and the regulations and controlling of certain uses, activities, businesses, and operations in the Town of Pittsfield.

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6.002 – INTENT, PURPOSE, AND SEPARABILITY

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 Pittsfield, 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 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 among agricultural, residential, business, commercial, and manufacturing uses for the mutual benefit of all.

C. SEPARABILITY

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.

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6.003 – 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 phrases “arranges 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 (1/2) foot or less, the next “integral foot” below shall be taken.

Any words not herein defined shall be as defined in other respective state, country, and town codes.

B. WORDS DEFINED

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

1. Accessory Building or Use. A building or use which is:

a. All Portions of Ordinance except Chapter 6.010 AG-FP

i. Constructed or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance.

ii. Clearly incidental to, subordinate in purpose to, and serves the principal use; and

iii. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

b. Definition applicable only to Chapter 6.010 AG-FP. "Accessory use" means any of the following land uses on a farm:

i. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

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

iii. A farm residence.

~~a. Constructed or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance.~~

~~b. Clearly incidental to, subordinate in purpose to, and serves the principal use; and~~

~~c. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.~~

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

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

2. It requires no buildings, structures, or improvements other than those described in par. (a) or (c).

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

4. 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.

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- 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 services directly to farms, including farms in the farmland preservation zoning district.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
 - c. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
 - d. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
- ~~d.a.~~ Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.

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2. Establishment. Refer to 6.014 A. DEFINITIONS
3. Advertising Device. Any advertising sign, billboard, statuary, or poster panel 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; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
4. Agriculture. The science and practice of the cultivation of the soil.
5. 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.
6. Alley. A public or private right-of-way primarily designed to serve as secondary access to abutting properties.
7. Artificial Lake. A man-made body of water utilized for recreational or conservational purposes.

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8. Auto Wrecking Yard. Any premises on which more than one (1) automotive vehicle, not in running or operating condition, is stored in the open.
9. 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.
10. Bed and Breakfast Establishment. Any place of lodging that provides two (2) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast. The maximum stay of any one (1) guest shall not exceed (7) days per stay.
11. Bee Keeping. An organized hive of bee's.
12. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or municipal boundary lines.
13. Boarding House (Lodging House). A building or premises, other than a hotel, containing lodging rooms accommodating for compensation, four (4) or more persons not of the keeper's family. Lodging may be provided with or without meals.
14. Building. Any structure built, used, designed, or intended for the support, shelter,
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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.
15. Building, Accessory. A subordinate building or portion of a principal building, the use of which is incidental and customary to that of the principal building, where an accessory building shall comply in all respects with the requirements of this ordinance applicable to the principal building.
16. Building, Attached. One which is joined to another dwelling at one or more sides by a party wall or walls.
17. Building, Detached. One which is entirely surrounded by open space on the same lot.
18. 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.

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19. Building Setback Line. A line located a stated distance from and parallel with a lot line or street right-of-way, including the nearest point to which a lot line or center line of a building may be erected.
20. Building Temporary. Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed. Manufactured homes used as residences shall not be classified as temporary buildings. They are further defined in definition Number 73.
21. Campground. A tract or parcel of land on which space is provided for camping. Includes day and overnight camping.
22. Canopy (Marquee). A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.
23. Capacity in Persons of an Establishment or Use. The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code or as may be determined by the Zoning Administrator.
24. Clinic, or 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.
25. 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.
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All organizations shall be recognized clubs or fraternities.
26. Commercial Feedlots. An agriculture enterprise where livestock is purchased and raised and then sold to a buyer, feedlot, or slaughterhouse
26. 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.
27. Contiguous means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.

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27. Community Based Residential Facility. A place where three (3) or more unrelated adults reside, in which care, treatment, or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility and licensed by the Department of Health and Social Services under Section 50.01, Wisconsin Statutes.
28. Corner Side. A yard extending along a side lot line from front yard to rear yard when said side lot line is parallel with a street right-of-way line.
29. Day Care Center, Group. A licensed establishment for the care and supervision of nine (9) or more children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.
30. Day Care Home, Family. A licensed establishment for the care and supervision of one (1) to eight (8) children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.
31. Drive-in Business. An establishment with street access, which provides no interior seating or service; or an establishment which allows for interior seating or service, but the majority of its business is conducted in the following manner:
- a. By means of a service window;
 - b. In-car service; and
 - c. Restaurant or confectioneries with carryout counter.
32. Dwelling. A building, or portion thereof, excluding a manufactured home, hotel, motel, boarding houses, and trailers designed or used exclusively for residential occupancy.
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33. Dwelling Unit. One (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each “dwelling unit.”
34. Dwelling, Single-Unit. A building designed for and occupied exclusively by one (1) family. Rev 08/01
35. Dwelling, Two-Unit. A building designed for and occupied exclusively by two (2) families. Rev 08/01
36. Dwelling, Multiple-Unit. A building, or portion thereof, containing three (3) or more dwelling units. Rev 08/01
37. Earthen Berm. A vegetated, elongated earthen mound used as a landscape barrier.
38. Establishment Business. A place of business carrying out 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.

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39. Family. One (1) or more persons living together in one (1) dwelling unit as a single housekeeping entity; provided that a family shall consist of not more than five (5) such person when not related by marriage or birth.

40. Farm. means all land under common ownership that is primarily devoted to agricultural use if any of the following apply: ~~Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products.~~

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.

41. Farm Pond. A body of water utilized for the farm operation.

42. Farm Residence means any of the following structures that is located on a farm:

~~42. a residence that is the only residential structure on the farm.~~

a. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

i. An owner or operator of the farm.

ii. A parent or child of an owner or operator of the farm.

iii. An individual who earns more than 50 percent of his or her gross income from the farm.

b. A migrant labor camp that is certified under WI State Statute 103.92.

43. Fence. A barrier made of wood, iron, stone, or other inorganic material.

44. Floor Area. (For determining off-street parking and loading requirements.) Shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted

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primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

45. Frontage. The length of all the property fronting on a street between two side lot property lines as measured along the setback line, or measured at the building setback

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line if the proposed lot is located on the outer radius of a curved street or a turnaround. Rev 03/04

46. Frontage Zoning. The length of all the property of such zoning lot fronting on a street, measured in one continuous length. Rev 08/01
47. Fur Farm. Agricultural operation, where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
48. 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.
49. 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.
50. Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
51. 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.
52. Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.
53. Group Home. Community living arrangements for the care and maintenance of five (5) to eight (8) children under eighteen (18) years of age, which are licensed child welfare agencies, as set forth in Wis. State Statutes 48.602 (5).
54. Hard Surfaced. A driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.
55. Health and Medical Institutions. Institutions or organizations which provide specialized in-patient or out-patient medical and dental care.
56. Hedge. A dense row of shrubs, etc., forming a boundary, fence, or barrier.
57. Home Occupation. Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling, there is no commodity sold upon the premises, no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used, except such as is permissible for purely domestic or household purposes. A

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professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not the general practice of his profession.

58. Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment
59. Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them 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.
60. Junk (or Salvage) Yard. An area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk” or “salvage” yard includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.
61. Kennels. Lot or building in which three (3) or more dogs or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board and/or propagation, training or sales, or other uses, all of which are conducted on the property itself.
62. Landscaping Materials. Materials used to make a plot of ground more attractive and/or stable. These materials may include, but are not limited to, trees, grasses, ground cover, vines, flowers, earthen berms, earth stabilization materials, rocks and stones, and wood chips.
63. Livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
64. 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 a public street.
65. 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,
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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.
66. Lot, Corner. A lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

67. Lot, Depth of. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
68. Lot Area, Gross. The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.
69. Lot, Grade. The average of the finished lot elevation upon completion of construction and landscaping between the street right-of-way line and a perpendicular point on the front yard setback line.
70. Lot, Interior. A lot other than a corner or reversed corner lot.
71. Lot Line, Front. That boundary of a lot which is along an existing or dedicated public street, or where no public street exists along a public way.
72. Lot Line, Rear. That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.
73. Lot Line, Side. Any boundary of a lot which is not a front lot line or a rear lot line.
74. Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
75. Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a “through lot”, both street lines shall be deemed front lot lines.
76. Lot Width. 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.
77. Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used for long-term residential use when connected to required utilities.
78. Manufactured Home Community. A contiguous parcel of land containing two (2) or more manufactured homes.
79. 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.

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80. Motor Vehicles. A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway.
81. Non-Conforming Building. A building which is used in a manner that does not conform with the regulations of the use district in which the building is located.
82. Non-conforming Use. Any use of land, buildings, or structures, 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.
83. Open space parcel means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
84. Parking Space. Graded and surfaced area of not less than two hundred (200) 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, exclusive of passageways, driveways, or other means of circulation or access.
85. Party Wall. A wall constructed between two (2) attached units or rooms, which may or may not be separately owned.
86. Person means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
87. 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 intended to permit diversification and variation in the relationship of uses and structures and open space for developments conceived and implemented as comprehensive and unified projects.
88. Plat or Platted Land. Land division created by the recording of a subdivision plat or certified survey map as per the requirements of the Brown County Subdivision and Platting Regulations. Rev 08/01
89. Pond. A body of standing water (less than two acres), smaller than a lake, often artificially formed.
90. 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
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 this ordinance.
91. Prime farmland means all of the following:

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- 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.
92. Professional Office (Except Health Care). The office of a member of recognized profession, including the offices of ministers, architects, professional engineers, lawyers, and such other similar professional occupations; including the office of a charitable organization and including also an insurance or financial institution which conducts its activities principally by mail.
93. 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 a 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.
94. Professional Office, Health Care. The office of a member of a recognized health care professional licensed by Wisconsin State Statute Chapters 441, 446 to 449.
95. Recreational Vehicle. A vehicle primarily used for leisure activities including, but not limited to, trailers, boats with or without trailers, all-terrain vehicles and snowmobiles. For the purpose of this code, recreational vehicles do not include four-wheel drive cars or trucks and motorcycles.
96. Retail. Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.
97. Right-of-way.
- a. A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
 - b. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be
 - c. separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

98. 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 ten (10) feet maximum height. Rev 08/01

99. Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite or microwave antennas.

100. Setback Area. The minimum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.

101. Setback, Corner Side Yard. The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.

102. Setback, Front Yard. The minimum horizontal distance between the front line of the building or use, and the street right-of-way line.

103. Setback Lines. Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.

104. Setback, Rear Yard. The minimum horizontal distance between the back line of the building or use, and the rear lot lines.

105. Setback, Side Yard. The minimum horizontal distance between the side line of the building or use, and the side lot lines; unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.

106. 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.

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107. 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.

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108. 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.
108. Stockfarm. An agricultural operation, usually non-dairy in nature where livestock is raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.
109. 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.
110. 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, lane, throughway, or however otherwise designated, but does not include driveways to buildings.
111. 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.
112. Structural Alteration. Any change, other than incidental 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.
113. Town. The Town of Pittsfield.
114. Town Board. The governing body of the Town of Pittsfield.
115. Town Zoning Administrator. The Administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.
116. 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 “non-conforming.”
117. Use, Permitted. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

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118. Use, Conditional. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district

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or districts. After due consideration, in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such “conditional use” may not be granted, subject to the terms of this ordinance.

119. Variance. A departure from the terms of this chapter as applied to a specific building, structure, or parcel of land which the Board of Appeals may permit when the Board finds that a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is not compensating gain to the public health, safety and welfare. In no case shall a variance be granted to permit any use not permitted in a particular zone.
120. Yard. An 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.
121. Yard, Corner Side. A side yard which adjoins a public street.
122. Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.
123. Yard, Interior Side. A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.
124. Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.
125. Zoning District. Divisions of the town, each area being accurately defined to boundaries and locations on the Official Zoning Map and in the Zoning Ordinance, for which the regulations and requirements governing use, lot, and bulk of building and premises are uniform.
126. Zoning Lot. An area within a single tract of land, under single ownership having a specific zoning district. A zoning lot may, therefore, not coincide with the lot of record and may be located on a parcel of land with two (2) or more zoning districts.

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6.004 – GENERAL PROVISIONS

A. JURISDICTION

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

B. EXISTING ORDINANCE

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Pittsfield, 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 of each district.
2. Not more than one (1) addressed principal residential building shall be located on a lot of record or a zoning lot, except in the case of planned unit residential developments or multi-family uses. Rev 08/01
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 by the Plan Commission and approval by the Town Board. Additional uses, however, cannot be allowed in the ~~Exclusive Agriculture~~ AG-FP District, unless farm related.
4. Accessory buildings which are not a part of the main building shall not occupy more than thirty (30) percent of the area lying between the main residential structure and the required rear yard setback in all the Residential Zones. Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory buildings.
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, or the public enemy to the extent of more than sixty (60) percent of its current local assessed value, it definitely shall not be restored, except in conformity with the regulations of the district in which it is located. Total structural repairs or alterations

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7. in any nonconforming use shall not, during its life, exceed sixty (60) percent of the local assessed value of the building at the time of its becoming a nonconforming use, unless permanently changed to a conforming use.
8. 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 that required for the zoning district in which it is located and was a lot of record at the time of the passage of this ordinance, such lot may be built upon, if it meets the other district requirements and other requirements of Brown County.
9. Where the Town Zoning Administrator 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 one (1) year of the date of the issuance of such permit.
10. 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 one (1) year of such effective date and diligently pursued to completion, the said building or structure may be completed in 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 6.020.

11. Radio and television transmitting and receiving antennas, as well as dish antennas, shall be allowed within the lot area not required for the building setback area in all zones and on the roof of a building in all business and industrial zones. . In Chapter 6.010 AG-FP the use must comply with WI State Statute 91.46(4).

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D. AREA REGULATION

1. Lot size shall comply with the required regulations of the established district.
2. 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 REGULATION

1. Except as otherwise provided in this ordinance, the height of any building thereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.

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.

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2. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected 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 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.
3. Residences 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 in any Residential District shall be used for open storage of boats, vehicles, or any other equipment, except for vehicular parking on driveways.
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. Building 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.

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 six (6) 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 six (6) feet.

rev. March 16, 2004

No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property to a height exceeding eight (8) feet.

2. In the Agricultural and Exclusive Agricultural Districts, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the ground within (15) feet of any street right-of-way or street right-of-way projected.
3. In the Business and Light Industrial, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the ground within fifteen (15) feet of any street right-of-way or street right-of-way projected.

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4. Fencing not in the required setback area may not exceed eight (8) feet in any zone.

H. SWIMMING POOLS, SPAS & HOT TUBS

Rev 02/03

1. No construction or installation of a swimming pool, spa or hot tub shall begin unless a permit therefor has been obtained. The application for such permit shall be accompanied by a site plan showing the size, location, and description of the property. The cost of permit is per the Town's fee schedule.
2. Permanent above or in ground pools, spas or hot tubs shall have minimum side yard and rear yard setback of fifteen (15) feet from respective property lines. In determining this setback for above ground pools with permanent fencing or decks, any deck, walkway, or similar structure shall be considered part of the pool, spa or hot tub.
3. All pools, spas and hot tubs shall be encompassed by fencing, as provided under this subsection. In lieu of the fencing specified, such swimming pool shall be protected and enclosed, when not under the supervision of a responsible adult, by means of a heavy duty power safety cover, meeting the most recent specifications approved by the American Society for Testing and Materials (ASTM) for swimming pool covers under the fixed designation standard ASTM F-1346-91. The safety pool cover shall provide a continuous connection between the cover and adjacent pool to prohibit access to the pool when the cover is completely drawn over the pool. The cover controls shall be operated by a locking device and key located 56" above the ground, and so positioned that the operator can clearly see the pool when opening and closing the cover. Spas and hot tubs do not need fence protection as long as their covers can be fastened and locked when unattended.
4. All fences under this subsection shall be constructed in such a manner as to comply with the following requirements:
 - a. The fence must be able to withstand two hundred (200) pounds of force in any direction.
 - b. The fence shall be so constructed and designed so as to prevent penetration of an object greater than four (4) inches in diameter.
 - c. All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements in this section. Pedestrian gates shall be self-closing and self-latching. Other gates shall be locked.
5. Permanent in ground pools shall be encompassed by a freestanding fence not less than forty-eight (48) inches nor more than ninety-six (96) inches from the ground level. Such fence shall be no less than three (3) feet from the pool at its nearest point. The fence shall comply with H4 above. A house, wall, storage building, or pool wall shall be considered part of the fence for this ordinance.

6. Above ground pools with non-climbable sides and self-contained fencing will be allowed without separate fencing, provided pool and fence reach the minimum forty-eight (48) inch standard and the steps or ladder are either removable without the use of tools, or are designed to be secured in an inaccessible position with a lock or latch.

Above ground pools without self-contained fencing shall comply with one or any combination of options listed below and complies with H4 of this section.

- a. A fence in compliance with H2 in this section.
 - b. A fence, no closer than three (3) feet to the pool, provided such fence be at least thirty-six (36) inches above the top edge of the pool and not less than forty-eight (48) inches nor more than ninety-six (96) inches from ground level.
 - c. A fence attached to a deck or walkway, provided such fence is at least thirty-six (36) inches above the surface of the deck or walkway and complies with Subsection 6b above.
7. All wiring must conform with the NEC Code and the State of Wis., and all plumbing shall meet the requirements of the Plumbing Code of the State of Wis. Rev 08/01
 8. Portable pools over one (1) foot in depth must be drained, or covered in such a manner as to provide public safety after each day's use.
 9. No person shall operate a public swimming pool on any lot without Town Board approval. The operation of a public swimming pool on any lot is declared to be a public nuisance. A public swimming pool is any swimming pool operated by the owner or lessee thereof for financial gain, no matter how incidental the financial gain is to the overall operation.
 10. No residential swimming pool, hot tub or spa shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of the property rights by owners of property adjoining the swimming pool or located in the neighborhood.
 11. Lights used to illuminate any residential swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.
 12. No person shall make, continue or cause to be made or continued at any residential swimming pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others. In the operation of a residential swimming pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time within louder volume than is necessary for convenient hearing of the persons who are in the residential swimming pool premises, shall be prohibited.

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- 13. Every person using an outdoor residential swimming pool shall wear a bathing suit or other suitable garment to protect his/her person from indecent exposure.
- 14. Filtration systems shall be maintained in proper working order. The swimming pool, hot tub or spa shall be kept clean and in a sanitary condition at all times.

I. PRIVATE DRIVEWAYS

Each residential lot shall have a private driveway extending to that lot’s active minimum public road frontage from said residence. Said driveway to be contained entirely on the same residential lot.
Rev 08/01

J. SANITARY SEWER

All new residences and businesses, and existing residences and businesses with a failing septic system shall be connected to the public sanitary sewerage system when sewer mains are adjacent to the property. This requirement is contingent on acceptance by the Brown County Planning Commission into the Sewer Service Area. Application must be made to the Town Board to change the boundaries of the Pittsfield Sanitary District.
Rev 08/01.

6.005 – ESTABLISHMENT OF ZONES

A. ZONE DISTRICT

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

- R-1 PRIMARY RESIDENTIAL
- R-1S RESIDENTIAL DISTRICT, SANITARY SEWERED
- R-2 ESTATE RESIDENTIAL
- R-3 MULTI-FAMILY
- A-1 AGRICULTURE
- AG-FP AGRICULTURAL FARMLAND PRESERVATION
- B-1 BUSINESS
- I-L LIGHT INDUSTRIAL
- C CONSERVANCY/FLOODPLAIN

B. ZONING MAP

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.

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2. Conservancy districts shall follow soil unit delineations identified on the U.S. Department of Agriculture Soil Conservation Service Soil Maps for the Town of Pittsfield, as determined by the Town Zoning Administrator.
3. Where a district boundary line is indicated on the zoning map as being approximately parallel or at right angles to one of the above lines, the two lines shall be construed to be parallel or at right angles to one another.
4. Where the district boundaries are not otherwise indicated and where the property may hereafter be subdivided into lots and blocks, the district boundaries shall be construed to be two hundred feet, measured perpendicular to and being parallel to the right-of-way line of such road or street as it may abut.
5. 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.
6. Where a dimension appears adjacent to a district boundary line, with no explanatory note, such dimension shall be construed to be the length of such district boundary line, measured to the right-of-way line of the street or highway, alley or railroad, if such district boundary line intersects a street or highway, alley, or railroad.
7. Where the above rules do not apply, the location of the district boundary lines shown on the zoning map shall be determined by use of the scale shown on such map.

C. EXEMPTED USES

The following uses are exempted by this ordinance and permitted in any zone district: poles, wires, cable facilities, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone, public highway rights-of-way and improvement projects, and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and regulation, and other authorities having jurisdiction. Rev 08/01

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6.006 – R-1 RESIDENTIAL DISTRICT (1 ½ ACRES)

The following regulations shall apply in R-1 District:

A. PERMITTED USES

Rev 08/01

1. Single family dwellings.
2. Parks and playgrounds.

B. PERMITTED ACCESSORY USES

Rev 08/01

1. Private garages, carports, and driveways.
2. Private swimming pools.
3. One private stable when such stable is located not less than 50 feet from all property lines. Two acres will be required per horse. **Rev 05/03**
4. Tool houses, sheds and other similar buildings used for the storage of common supplies.
5. Satellite dish antennas less than twelve (12) feet in diameter.
6. Transmission lines, substations, telephone and telegraph lines and public utility installments, except cable television installations.
7. Ponds (with permit)
8. Private Kennels **Rev 05/07**

C. CONDITIONAL USES

1. Cemeteries.
2. Bed and breakfast establishments.
3. Cable television installation.
4. Public, parochial and private, elementary, junior high and senior high schools.
5. Colleges and universities.
6. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, mosques, rectories, parsonages, and parish houses.
7. Athletic fields.
8. Dams, flowage areas and water reservoirs.

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9. General agriculture, except that no farms shall involve greater than 500 animal units, nor shall farms be operated for the disposal of garbage, rubbish, offal, or sewage. This shall not prohibit the use or disposal of cannery by-products or other similar vegetable matter. Rev 01/07
10. Apiculture, floriculture, forestry, grazing, greenhouses, horticulture, nurseries, orchards, paddocks, pasturage, and truck farming.
11. Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
12. Home occupations.
13. Artificial lakes.
14. Quarries and sand and gravel pits.
15. Recreational sites, golf courses, tennis courts, and grounds of recreational clubs, non-profit.
16. Communication and/or antenna towers.
17. Two-family dwelling. Rev 02/07
18. Any situation that would require a Commercial Kennel license Rev 05/07
19. Bee Keeping

D. LOT REQUIREMENTS

Area 65,340 square feet minimum (1 ½ acres)
 Public Road Frontage 175 feet minimum

E. HEIGHT REGULATIONS

Residential Dwellings 35 feet maximum
 Farm Structures 60 feet maximum

F. BUILDING SETBACKS

	<u>Principal Structure</u>	<u>Accessory Building</u>
Front Yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side Yard	40 feet minimum	15 feet minimum
Rear Yard	75 feet minimum	15 feet minimum
Corner Side	40 feet minimum from right-of-way	40 feet minimum from right-of-way

Setbacks on existing lots of record as of January 1, 2006 without buildings shall be determined by the Town Board. Rev 01/06

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Setbacks of existing lots of record as of January 1, 2006 with existing or prior buildings shall be not less than the setbacks of existing or prior buildings, and shall be approved by the Town Board. Rev 01/06

G. BUILDING SIZE

Minimum size of a residential dwelling shall be 1400 square feet.

H. ACCESSORY BUILDINGS

Accessory uses shall conform to district requirements. In addition, no accessory building shall be allowed within the front yard setback or corner side yard setbacks for the R-1 District.

I. PARKING

Parking shall conform to the requirements as set forth in 6.016, Off-Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in 6.015, Sign Regulations.

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6.006.1 – R-1S RESIDENTIAL DISTRICT, SANITARY SEWERED (1/2 acre)

The following regulations shall apply in R-1S District:

A. PERMITTED USES **Rev 08/01**

1. Single family dwellings
2. Parks and playgrounds.

B. PERMITTED ACCESSORY USES **Rev 08/01**

1. Private garages, carports, and driveways.
2. Private swimming pools.
3. Tool houses, sheds and other similar buildings used for the storage of common supplies.
4. Satellite dish antennas less than twelve (12) feet in diameter.
5. Transmission lines, substations, telephone and telegraph lines and public utility installations, except cable television installations.
6. Ponds (with permit).
7. Private Kennels **Rev 05/07**

C. CONDITIONAL USES **Rev 08/01** **1/07**

1. Cemeteries.
2. Bed and breakfast establishments.
3. Cable television installation.
4. Public, parochial and private, elementary, junior high and senior high schools.
5. Colleges and universities.
6. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, mosques, parsonages, and parish houses.
7. Fire stations, police stations, post offices, and other municipal facilities necessary for town operation.
8. Home occupations.

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- 9. Artificial lakes
- 10. Recreational sites, golf courses, tennis courts, and grounds of recreational clubs, non-profit.
- 11. Tele-communication and/or antenna towers.
- 12. Multi-family dwellings.
- 13. Athletic fields.
- 14. Dams, Flowage areas and water reservoirs.
- 15. Any situation that would require a Commercial Kennel license. **Rev 05/07**
- 16. Bee Keeping

D. LOT REQUIREMENTS.

- 1. Area 21,780 square feet minimum (1/2 acre)
- 2. Public Road Frontage 120 feet minimum

E. BUILDING SETBACKS

	<u>Principal Structure</u>	<u>Accessory Buildings</u>
Front yard	40 feet minimum from right-of-way	40 feet minimum from from right-of-way
Side Yard	20 feet minimum	10 feet minimum
Rear Yard	25 feet minimum	10 feet minimum
Corner Side	40 feet minimum from right-of-way	40 feet minimum from right-of-way

Setbacks on existing lots of record as of January 1, 1999 without buildings shall be determined by the Town Board.

Setbacks on existing lots of record as of January 1, 1999 with existing or prior buildings shall be not less than the setbacks of the existing or prior buildings and shall be approved by the Town Board.

F. BUILDING SIZE

Minimum size of a residential dwelling shall be 1400 square feet.

G. ACCESSORY BUILDINGS

Accessory uses shall conform to district requirements. In addition, no accessory building shall be allowed within the front yard setback or corner side yard setbacks for the R-1S District.

H. PARKING

Parking shall conform to the requirements as set forth in 6.016, Off-Street Parking requirements.

I. SIGNS

Signs shall be regulated as set forth in 6.015, Sign Regulations.

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6.007 – R-2 ESTATE RESIDENTIAL (2 acres)

The following regulations shall apply in R-2 Districts:

A. PERMITTED USES

Rev 08/01

1. Single family dwellings
2. Parks and playgrounds.

B. PERMITTED ACCESSORY USES

Rev 08/01

1. Private garages, carports, and driveways.
2. Private swimming pools.
3. One private stable when such stable is located not less than 50 feet from all property lines. Two acres will be required per horse. **Rev 05/03**
4. Tool houses, sheds and other similar buildings used for the storage of common supplies.
5. Transmission lines, substations, telephone and telegraph lines and public utility installations, except cable television installations.
6. Ponds (with permit).
7. Private Kennels **Rev 05/07**

C. CONDITIONAL USES

rev 08/01 rev 1/07

1. Cemeteries.
2. Bed and Breakfast establishments.
3. Cable television installation.
4. Public, parochial and private, elementary, junior high and senior high schools.
5. Colleges and universities.
6. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, mosques, rectories, parsonages, and parish houses.
7. Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
8. Home occupations.
9. Artificial lakes.

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10. Quarries, sand and gravel pits.
11. Recreational sites, golf courses, tennis courts, and grounds of recreational clubs, non-profit.
12. Tele-communication and/or antenna towers.
13. Athletic fields.
14. Dams, flowage areas and water reservoirs.
15. General agriculture, except that no farms shall involve more than 500 animal units, nor shall farms be operated for the disposal of garbage, rubbish, offal, or sewage. This shall not prohibit the use or disposal of cannery by-products or other similar vegetable matter. Rev 1/07
16. Apiculture, floriculture, forestry, grazing, greenhouses, horticulture, nurseries, orchards, paddocks, pasturage, and truck farming.
17. Two-family dwelling Rev 02/07
18. Any situation that would require a Commercial Kennel license. 05/07
19. Bee Keeping

D. LOT REQUIREMENTS

Area	87,120 square feet minimum (2 acres)
Public Road Frontage	200 feet minimum

E. HEIGHT REGULATIONS

Residential Dwellings	35 feet maximum
Farm Structures	60 feet maximum

F. BUILDING SETBACKS

	<u>Principal Structure</u>	<u>Accessory Building</u>
Front Yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side Yard	50 feet minimum	15 feet minimum
Rear Yard	75 feet minimum	15 feet minimum
Corner side	40 feet minimum from right-of-way	40 feet minimum from right-of-way

Setbacks on existing lots of record as of January 1, 2006 without buildings shall be

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determined by the Town Board.

Rev 01/06

Setbacks on existing lots of record as of January 1, 2006 with existing or prior buildings shall not be less than the setbacks of the existing or prior buildings, and shall be approved by the Town Board.

Rev 01/06

G. BUILDING SIZE

Minimum size of residential dwelling shall be one thousand four hundred (1,400) square feet for a single family dwelling.

H. ACCESSORY BUILDING

Accessory uses shall conform to district requirements. In addition, no accessory building shall be allowed within the front yard or corner side yard set backs for the R-2 District.

I. PARKING

Parking shall conform to the requirements as set forth in 6.016, Off-Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in 6.015, Sign Regulations.

K. OTHER REQUIREMENTS

Other structures or building allowed within the R-2 District shall meet the requirements of the district and remaining articles of the Zoning Ordinance, as determined by the Town Board.

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6.008 – R-3 MULTI-FAMILY RESIDENTIAL

The following permitted uses are only allowed in areas served by public sanitary sewer service.

A. PERMITTED USES

Rev 08/01

1. Single family dwellings.
2. Apartment houses.
3. Two-family dwellings.
4. Community living arrangements having a capacity for six (6) or fewer persons being served by the program, licensed and operated under the authority of the Department of Health and Social Services in accordance with Section 62.23(7) (I) Wisconsin Statutes.
5. Parks and playgrounds.

B. PERMITTED ACCESSORY USES

Rev 08/01

1. Private garages, carports, and driveways.
2. Private swimming pools.
3. Tool houses, sheds, and other similar buildings used for the storage of common supplies.
4. Transmission lines, substations, telephone and telegraph lines and public utility installations, railroad right-of-way and passenger depots, not including switching, storage freight yards or siding, and cable television installations.
5. Ponds (with permit).

C. CONDITIONAL USES

Rev 08/01

1. Artificial lakes.
2. Bed and breakfast establishments.
3. Cemeteries.
4. Colleges and universities.
5. Public, parochial and private, elementary, junior high and senior high schools.

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6. Quarries, sand and gravel pits.
7. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, mosques, rectories, parsonages, and parish houses.
8. Satellite dish antennas less than twelve (12) feet in diameter.
9. Cable television installations.
10. Day care centers.
11. Nursery schools.
12. Nursing homes.
13. Manufactured home park.
14. Communication and/or antenna towers.
15. Athletic fields.
16. Dams, flowage areas and water reservoirs.
17. Private Kennels **Rev 05/07**
18. Bee Keeping

D. LOT REQUIREMENTS

Area Eighteen thousand (18,000) square foot minimum, and has no less than one hundred twenty-five (125) feet of frontage on at least one street.

E. HEIGHT REGULATIONS

1. No one or two family residence or its accessory buildings or structures shall exceed thirty-five (35) feet or two (2) stories in height.
2. All other buildings or structures permitted in this district shall not exceed thirty-five (35) feet or two (2) stories in height.

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F. BUILDING SETBACKS

	<u>Principal Structure</u>	<u>Accessory Building</u>
Front Yard	40 feet from right-of-way	40 feet from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	15 feet minimum
Corner Side	40 feet minimum from right-of-way	40 feet minimum from right-of-way

G. BUILDING SIZE

Minimum size of residential dwelling shall be one thousand four hundred (1,400) square feet for a single-family dwelling and eight hundred and fifty (850) square feet per unit for a two family dwelling.

H. ACCESSORY BUILDINGS

1. Accessory uses shall conform to district requirements and other applicable requirements in this ordinance.
2. The accessory buildings shall not occupy more than thirty (30) percent of the rear yard.

I. PARKING

Parking shall conform to the requirements as set forth in 6.016, Off-Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in 6.015, Sign Regulations.

K. OTHER REQUIREMENTS

1. Other structures or buildings allowed within the R-3 District shall meet the requirements of the district and remaining articles of the Zoning Ordinance as determined by the Town Board.
2. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and maintenance, shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.
3. The Town of Pittsfield does not allow registered commercial projects. **rev 11/06**

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6.009 – 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 A-1 Districts:

The Pittsfield Town Board has adopted Chapter 26, Animal Waste Management, of the Brown County Code of Ordinances, and any subsequent changes, into this Municipal Code. Rev 05/05

A. PERMITTED USES

Rev 08/01

1. Single family dwellings.
2. Parks and playgrounds.
3. Commercial feedlots and stock farm.
4. Agricultural warehouses.
5. Farm ponds.
6. 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.
7. Agriculture, dairying, floriculture, forestry, general farming, grazing, non-retail greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves with the exception that no farming operation may involve more than 500 animal units(animal units being defined in Wisconsin ATCP 51 of the Wisconsin Administrative Code), nor shall any lands be operated for the disposal of garbage, rubbish, offal, or sewage. This shall not prohibit the use or disposal of cannery by-product or other similar vegetable matter. **Rev 1/07**
8. Bee Keeping

B. PERMITTED ACCESSORY USES

Rev 08/01

1. Additional accessory structures, necessary for the continuance of the farming operation.
2. Private garages, carports and driveways.
3. One private stable, when such stable is located not less than 50 feet from all property lines. Two acres per horse. **Rev 05/03**
4. Ponds (with permit)

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5. Private Kennels **Rev 05/07**

C. CONDITIONAL USES

Rev 08/01

1. Airfields, airports, and heliports.
2. Artificial lakes.
3. Bed and breakfast establishments.
4. Cable television installations.
5. Cemeteries.
6. Colleges and universities .
7. Public, parochial and private, elementary, junior high and senior high schools.
8. Quarries, sand and gravel pits.
9. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, mosques, rectories, parsonages, and parish houses.
10. Satellite dish antennas less than twelve (12) feet in diameter.
11. Stockyards and fur farms.
12. Two family dwellings.
13. Home occupations.
14. Manufactured homes and parks.
15. Tele-communication and/or antenna towers.
16. Commercial or cooperative veal or hog farms.
17. Athletic Fields.
18. Dams, Flowage areas, and water reservoirs.
19. Any situation that would require a Commercial Kennel license. **Rev 05/07**

D. LOT REQUIREMENTS

Area 4 acres minimum
Public Road Frontage 300 feet minimum

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6.010 AG-FP AGRICULTURAL FARMLAND PRESERVATION

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 A-2~~ Districts.

The Pittsfield Town Board has adopted Chapter 26, Animal Waste Management, of the Brown County Code of Ordinances, and any subsequent changes, into this Municipal Code.
Rev 05/05

The following shall apply in ~~AG-FP A-2~~ Districts:

A. LAND USE IN FARMLAND PRESERVATION ZONING DISTRICT; GENERAL

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

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

B. PERMITTED USES

Rev 08/01

~~1. Agriculture, dairying, floriculture, forestry, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, truck farming, game farms, fish farms, wildlife sanctuaries, game preserves, and general farming except farms operated for the disposal of garbage, rubbish, offal, or sewage. This shall not prohibit the use or disposal of cannery by products or other similar vegetable matter.~~

~~2.1. Commercial feedlots and stock farms.~~

~~3.2. Farm Ponds.~~

~~4.3. Single family Farm Residence dwellings to be occupied by a person who, or a family at least one (1) member of which earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm.~~

~~5.4. Agricultural uses as defined in section 6.003 B 2 on farms, including:~~

~~a. Crop or forage production.~~

~~b. Keeping of livestock.~~

~~e. Beekeeping.~~

~~d.a. Nursery, sod, or Christmas tree production.~~

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~~e. Floriculture.~~

~~f. Aquaculture.~~

~~g. Fur farming.~~

~~h. Forest management.~~

~~i.b. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.~~

6.5. Undeveloped natural resource and open space areas

7. 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.

C. PERMITTED ACCESSORY USES

Rev 08/01

~~1. Additional accessory structures, necessary for the continuance of the farming operation.~~

~~2. Private garages, carports, and driveways.~~

~~3. Private swimming pools.~~

~~4. 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.~~

~~5. Satellite dish antennas less than twelve (12) feet in diameter.~~

~~6. Tool houses, sheds and other similar buildings used for the storage of common supplies.~~

7.1. 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 keep or service vehicles or equipment primarily employed in agricultural uses on the farm

d. 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

e. Riding stables and/or boarding facilities

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f. Farmstead food processing facilities

g. Farmstead retail outlets

e-h. On-farm fuel or agrichemical storage facilities

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~~8.2.~~ Transmission lines, substations, telephone and telegraph lines, public utility installation, radio and television stations.

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~~9.3.~~ Private Kennels as defined by Town Ordinance.

Rev 05 /07

~~10.4.~~ An activity or business operation that is an integral part of or incidental to, an agricultural use.

~~11.5.~~ A farm residence, including normal private residential appurtenances such as a garage, carport, satellite dish antennas (not to exceed 12 feet in diameter), sheds pool, deck, or patio.

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D. CONDITIONAL USES

Rev 08/01

1. General

a. The ~~Town Board Zoning Administrator~~ 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 Board Zoning Administrator~~ shall follow the procedures described ~~in in section 6.020 J of this chapter. [refer to local ordinance provisions describing general procedures for conditional use permits].~~

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

2. Certain Agricultural and Agriculture-Related Conditional Uses.

A. The ~~Town Board Zoning Administrator~~ may issue a conditional use permit for the certain agricultural and agriculture-related uses under par. E(2)(b) if all of the following apply:

1. The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
2. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

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3. 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.
4. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
5. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

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

B. Certain ~~Agricultural Conditional Uses and~~ Agriculture-Related Conditional Uses Include:

~~1. Riding stables and/or boarding facilities~~

~~2. Farmstead food processing facilities~~

~~3. Farmstead retail outlets~~

~~4. On farm fuel or agrichemical storage facilities~~

~~5.1.~~ A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.

~~6.2.~~ A dairy plant that processes or handles milk from farms.

~~7.3.~~ A meat slaughter establishment.

~~8.4.~~ A food processing plant that processes raw agricultural commodities received from farms.

~~9.5.~~ 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.

~~10.6.~~ 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.

~~11.7.~~ A sawmill or other facility that processes wood or other forest products received directly from farms.

~~12.8.~~ A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.

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~~13.9.~~ A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.

~~14.10.~~ A facility that is primarily engaged in providing agronomic or veterinary services to farms.

11. Agricultural warehouses which do not conflict with agricultural uses and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.

15. C. Other Conditional Uses:

1. ~~16.~~ Airfields, airports, and heliports that meet WI Statutes 91.46(5); provided that they are public uses.

2. Artificial Lakes

3. Bed and breakfast establishments in compliance with Wis State Statute 91.01(1).

4. Cemeteries that meet Wis State Statute 91.46(5).

5. Nonmetallic mining (Quarries, sand and gravel pits) that meet the requirements of Wis State Statute 91.46(6)

6. A second single family farm residence, or a duplex that qualifies as for farm use as defined in 6.003 B 40.

7. A Commercial Kennel license that meets the requirements of Wis State Statute 91.01(1)..

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~~17. Artificial Lakes~~

~~18. Bed and breakfast establishments.~~

~~19. Cemeteries.~~

~~20.17. Quarries, sand and gravel pits, if public facilities or incidental to the farm operation.~~

~~21. Two family dwellings to be occupied by a person who, or a family at least one (1) member of which, earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farms.~~

~~22. Any situation that would require a Commercial Kennel license.~~

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Rev 05/07

~~23. Other manufacturing, processing, or storage uses as determined acceptable by the Town Planning Commission, and the Town Board. — Proposed Rev 08/08~~

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3. Compatible Infrastructure.

~~(a) The Zoning Administrator Town Board may issue a conditional use permit for a proposed use under par. (b) if all of the following apply:~~

- ~~1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.~~
- ~~2. 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.~~
- ~~3. 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.~~
- ~~4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.~~
- ~~5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.~~

~~(b) The Zoning Administrator Town Board 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.~~

4. Government and Nonprofit Community Uses.

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

- ~~1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.~~
- ~~2. 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.~~
- ~~3. 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.~~
- ~~4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.~~
- ~~5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.~~

~~(b) Government and Nonprofit Community Conditional Uses Include:~~

- ~~1. Fire stations, police stations, post offices, and other government administration buildings~~

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- [2. Schools, colleges, and universities](#)
- [3. Religious institutions, including cemeteries and mausoleums](#)
- [4. Public parks and recreation areas](#)

E. PARCEL REQUIREMENTS

1. Area Thirty-five (35) acres minimum parcel size for a single family Dwelling.

Public Road Frontage 300 feet minimum
 - a. Exception: Farm operator, parents, children, and workers of the farm operator may locate a single family dwelling on a separate lot containing a minimum of two (2) acres and three hundred (300) feet of lot frontage. A worker shall earn a substantial part of his/her livelihood from the operator’s farm. **Rev 0507**
2. Those residential lots of record as of February, 1986, shall not be considered nonconforming.

F. HEIGHT REGULATIONS

- | | | |
|-----------------------|-----------------|---|
| Residential Dwellings | 35 feet maximum | * |
| Farm Structures | 60 feet maximum | * |
- * Except as provided by 6.004, Subsection E, Height Regulations.

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G. BUILDING SETBACKS

	<u>Principal Structure</u>	<u>Accessory Building</u>
Front Yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side Yard	50 feet minimum	15 feet minimum
Rear Yard	75 feet minimum	15 feet minimum
Corner Side	40 feet minimum from right-of-way	40 feet minimum from right-of-way

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H. BUILDING SIZE

Minimum size of a residential dwelling shall be 1,400 square feet; with at least 850 square feet per unit for a two family dwelling.

I. ACCESSORY BUILDING

Accessory uses shall conform to district requirements. In addition, no accessory building shall be allowed within the front yard or corner side yard set backs for the A-2 District.

J. PARKING

Parking shall conform to the requirements as set forth in 6.016, Off-Street Parking Requirements.

K. SIGNS

Signs shall be regulated as set forth in 6.015, Sign Regulations.

L. OTHER REQUIREMENTS

1. All future ~~residential dwellings~~Farm Residences connected with the farming operation shall be located on a separate lot containing a minimum of four (4) acres and three hundred (300) feet of lot frontage.
2. Existing nonconforming residences located in the ~~Exclusive Agriculture~~AG-FP District at the time of passage of this Ordinance may be continued in residential use and may be exempted from any limitations imposed or authorized under Section 59.97 (10) of the Wisconsin Statutes or paragraphs 1, 2, 3, and 4 of 6.020, Nonconforming Uses.

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3. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of four (4) acres and three hundred (300) feet of lot frontage if the structures existed prior to January 1st 2014.
4. Other structures or buildings allowed within the ~~A-2~~AG-FP District shall meet the requirements of the district and remaining articles of the Zoning Ordinance as determined by the Town Board.

~~M. Compatible Infrastructure.~~

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- ~~(a) The Zoning Administrator may issue a conditional use permit for a proposed use under par. (b) if all of the following apply:~~
- ~~1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.~~
 - ~~2. 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.~~
 - ~~3. 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.~~
 - ~~4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.~~
 - ~~5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.~~
- ~~(b) The Zoning Administrator 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.~~

~~N. Government and Nonprofit Community Uses.~~

- ~~(a) The Zoning Administrator may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Zoning Administrator determines that all of the following apply:~~
- ~~1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.~~
- ~~6-45~~
- ~~2. 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.~~
 - ~~3. 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.~~
 - ~~4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.~~

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~~5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.~~

~~(b) Government and Nonprofit Community Conditional Uses Include:~~

~~1. Fire stations, police stations, post offices, and other government administration buildings~~

~~2. Schools, colleges, and universities~~

~~3. Religious institutions, including cemeteries and mausoleums~~

~~4. Public parks and recreation areas~~

Ø.M. REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.

1. Except as provided in sub. (2), the ~~Zoning Administrator~~Town Board may not rezone land out of a farmland preservation zoning district unless the ~~Town Board~~Zoning Administrator 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 Board~~[zoning authority], which is in effect at the time of the rezoning.

~~b.c. The rezoning is substantially consistent with the county certified farmland preservation plan.~~

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

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NOTE: By March 1 of each year, the zoning authority must submit a report to [including a map of the affected parcels] DATCP and Brown County the total acres rezoned during the preceding year.]

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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.

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- b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the the Brown County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

6.011 B-1 BUSINESS DISTRICT

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The Business District is intended to serve the retail service needs of nearby residential areas with a wide range of products and services for both daily and occasional shopping. The following regulations shall apply in the B-1 Districts.

A. PERMITTED USES

1. Antique shops.
2. Art and school supply stores.
3. Art shops or galleries, but not including auction rooms.
4. Automobile accessory stores.
5. Bakeries-retail.
6. Banks and financial institutions.
7. Barber shops.
8. Beauty parlors.
9. Bicycle sales, rental, and repair stores.
10. Blueprinting and photo-stating.
11. Boat showrooms and sales.
12. Book and stationary stores.
13. Business machine sales and service.
14. Camera and photographic supply stores.
15. Candy and ice cream stores.
16. Carpet, rug, and drapery stores – retail sales only.
17. Catering establishments.
18. Child day care centers.
19. China and glassware stores.
20. Clinics – doctor and dentist offices.
21. Clothing and costume rental stores.

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22. Clubs and lodges, nonprofit and fraternal.
23. Coin and stamp stores.
24. Computer and data processing services
25. Custom dressmaking.
26. Department stores.
27. Drug stores and pharmacies.
28. Dry cleaning establishments – not engaged in wholesale processing.
29. Dry goods stores.
30. Eating and drinking places – including drive-ins and establishments primarily engaged in carryout service.
31. Electrical and household appliance stores – including radio and television sales.
32. Electrical showrooms and shops.
33. Electrical sales.
34. Electronics shops.
35. Employment agencies.
36. Florist shops.
37. Food stores, grocery stores, meat markets, bakeries, and delicatessens – retail sales only.
38. Frozen food stores – including locker rental in conjunction therewith.
39. Furniture store – including upholstering when conducted as part of the retail operations and secondary to the principal use.
40. Furrier shops, including the incidental storage and conditioning of furs.
41. Garden supply, tool, and seed stores.
42. Gift shops.
43. Hardware stores.

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44. Hobby shops for retail of items to be assembled or used away from the premises.
45. Household appliances, office equipment, and other small machine sales and service.
46. Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
47. Insurance agencies.
48. Jewelry stores, including watch and clock repair.
49. Launderettes.
50. Leather goods and luggage stores.
51. Libraries.
52. Liquor stores, packaged goods.
53. Locksmith shops.
54. Mail order houses.
55. Meeting halls.
56. Millinery shops.
57. Automotive Service Stations. Rev 05/03
58. Miscellaneous repair services.
59. Miscellaneous shopping goods stores.
60. Motor vehicle and automotive parts and supplies.
61. Musical instrument sales and repair.
62. Newspaper distribution agencies for home delivery and retail trade.
63. Nursing and personal care facilities.
64. Office machine sales and servicing.
65. Offices, business, professional, and governmental.
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66. Office supply stores.

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67. Optician sales, retail.
68. Orthopedic and medical appliance stores.
69. Paint and wallpaper stores.
70. Pet shops.
71. Phonograph record and sheet music stores.
72. Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises.
73. Picture framing, when conducted for retail trade on the premises only.
74. Plumbing showrooms and shops.
75. Post offices.
76. Publishing and printing.
77. Radio and television sales, servicing and repair shops.
78. Radio and television stations and studios.
79. Real estate offices.
80. Recording studios.
81. Residential care group homes.
82. Restaurants, including the serving of alcoholic beverages.
83. Security brokers.
84. Sewing machine sales and service, household appliances, only.
85. Shoe, clothing, and hat repair stores.
86. Shoe stores.
87. Sporting goods stores.
88. Studios, photography, dance, design, and artist-illustrator.
89. Tailor shops.

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- 90. Taverns.
- 91. Taxidermists.
- 92. Telegraph offices.
- 93. Telephone booths and coin telephones.
- 94. Ticket agencies, amusement.
- 95. Tobacco shops.
- 96. Tool rental shops.
- 97. Toy shops.
- 98. Travel bureaus and transportation ticket offices.
- 99. Used merchandise stores.
- 100. Variety stores.
- 101. Video sales and rental.
- 102. Wearing apparel shops and accessories.
- 103. Monument shops.
- 104. Wood cabinetmaking
- 105. Tool and dye shops.

Rev 08/01

B. PERMITTED ACCESSORY USES

- 1. Uses incidental to and on the same zoning lot as the principal use.
- 2. Off-street loading areas.
- 3. Off-street parking.
- 4. Satellite dish antennas.

C. CONDITIONAL USES

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1. Agricultural implement dealers.
2. Amusement establishments, archer ranges, shooting galleries, game room, swimming pools, skating rinks, and other similar amusement facilities.
3. Animal hospital, veterinary services, and kennels.
4. Auction rooms.
5. Drug stores and pharmacies.
6. Residential care group homes.
7. Taverns.
8. Variety stores.
9. Bowling alleys.
10. Building material product sales.
11. Business schools.
12. Car wash.
13. Commercial parking lots, open and other than accessory.
14. Contractor offices.
15. Construction offices.
16. Dry cleaning establishments, employing more than four (4) persons.
17. Dwelling units and rooming units above the ground level.
18. Express office and delivery stations.
19. Greenhouses, commercial.
20. Hotels, motels.
21. Manufactured home sales.
22. Museums, auditoriums and arenas.
23. Motor vehicle sales.

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- 24. Nurseries, lawn and garden supply stores.
- 25. Parking garages or structures, other than accessory for the storage of private passenger automobiles only.
- 26. Recreational and utility trailer dealers.
- 27. Schools, commercial, and trade.
- 28. Shopping centers.
- 29. Stadiums, auditoriums, and arenas.
- 30. Theaters.
- 31. Undertaking establishments and funeral parlors.
- 32. Wholesale establishments.
- 33. Other retail uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises when approved by the Town Board.
- 34. Tele-communications and/or antenna towers. Rev 08/01
- 35. Non-commercial or non-industrial warehousing. Rev 05/03
- 36. Stables. Rev 05/03
- 37. One single-family residence located on same parcel as business, and whose occupants shall be associated with said business. Rev 07/05

D. LOT REQUIREMENTS

	<u>Un-sewered</u>	<u>Sanitary Sewered</u>	Rev 05/03
Area	65,340 sq ft min. (1 ½ acres)	21,780 sq ft min. (1/2 acre)	
Public Road Frontage	175 feet min.	120 feet min.	

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E. HEIGHT REQUIREMENTS

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All structures thirty-five (35) feet maximum; except as provided by 6.004, Subsection E, Height Regulations.

F. BUILDING SETBACKS

Rev 05/03

	<u>Principal Structures</u>	<u>Sewered Bldgs</u>	<u>Accessory Bldgs</u>
Front Yard	40 feet min. from right-of-way	40 feet min. from right of way	40 feet min. from right-of-way
Side Yard	40 feet min.	15 feet min	15 feet min.
Rear Yard	25 feet min.	15 feet min.	15 feet min.
Corner Side	40 feet min. from right-of-way	40 feet min. from right-of-way	40 feet min. from right of way

Setbacks of existing lots of record as of January 1, 2006 without buildings shall be determined by the Town Board. Rev 01/06

Setbacks on existing lots of record as of January 1, 2006 with existing or prior buildings shall be not less than the setbacks of the existing or prior buildings and shall be approved by the Town Board. Rev 01/06

G. BUILDING SIZE

Dwelling units shall be a minimum of 1,400 square feet per family unit.

H. ACCESSORY BUILDING

All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements.

I. PARKING

Parking shall conform to the requirements as set forth in 6.016, Off-Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in 6.015, Sign Regulations.

K. OTHER REQUIREMENTS

Additional structures and buildings allowed in the B-1 District shall meet the requirements of this district and the other articles of the Zoning Ordinance, as determined by the Town Board.

The Town of Pittsfield does not allow registered commercial projects. rev 11/06

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6.012 I-L LIGHT INDUSTRIAL DISTRICT

The following regulations shall apply in the I-L District:

A. PERMITTED USES

1. Automotive service stations and garages.
2. Automotive body repairs, upholstery, and cleaning establishments.
3. Bottling company.
4. Brick and structural clay products manufacturing.
5. Building materials sales and storage.
6. Cabinet shop.
7. Commercial bakeries.
8. Contractors, architects, and engineer offices, shops, and yards.
9. Cosmetic production.
10. Dairy processing plants for cheese and milk.
11. Electronic and scientific precision equipment.
12. Feed and seed sales.
13. Food processing establishments.
14. Freight yards, terminals, and trans-shipment depots (motor trucks).
15. Fuel and ice sales.
16. Glass products production and sales.
17. Hardware, plumbing, and heating equipment trade.
18. Light machinery production – appliances, business machines.
19. Lodges and offices of labor organizations.
20. Machine shops.
21. Manufacturing and bottling of non-alcoholic beverages.

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22. Miscellaneous textile goods and products manufactured.
23. Municipal facilities.
24. Parking lots.
25. Printing and publishing establishments.
26. Public utility and service uses.
27. Toy and sporting goods equipment manufactured.
28. Upholstering shop.
29. Warehousing, storage, and distribution facilities.

B. PERMITTED ACCESSORY USES

1. Satellite dish antennas.
2. Uses incidental to and on the same zoning lot as the principal use.

C. CONDITIONAL USES

1. Air, motor, railroad, and water freight terminals.
2. Asphalt products manufacture.
3. Auto wrecking yards.
4. Heavy machinery production.
5. Paint products manufactured.
6. Paper products manufacturing.
7. Parks and recreational sites.
8. Petroleum products, storage, processing, and sales.
9. Planned industrial unit development.
10. Plastic manufacturing.

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11. Recycling drop-off centers.

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- 12. Sewage treatment plants.
- 13. Sign manufacture.
- 14. Stadiums, auditoriums, and arena open or enclosed.
- 15. Stone products manufactures.
- 16. Woodworking and wood products.
- 17. Other manufacturing, processing, or storage uses as determined acceptable by the Town Planning Commission, and the Town Board.
- 18. Tele-communications and/or antenna towers. Rev 08/01

D. LOT REQUIREMENTS PER USE

- 1. With Public Sewer:
 - a. Area 40,000 square feet minimum
 - b. Zoning lot frontage 200 feet minimum
- 2. Without Public Sewer:
 - a. Area 2 acres minimum
 - b. Zoning lot frontage 200 feet minimum

E. HEIGHT REGULATION

- Residential Dwelling 35 feet maximum *
- All other structures 60 feet maximum *

- Except as provided by 6.004, Subsection E, Height Regulations.

BUILDING SETBACKS

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	<u>Principal Structure</u>	<u>Accessory Building</u>
Front Yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side Yard	40 feet minimum	15 feet minimum
Rear Yard	25 feet minimum	15 feet minimum
Corner Side	40 feet minimum from right-of-way	40 feet minimum from right-of-way

F. ACCESSORY BUILDING

All accessory buildings hereinafter constructed in the I-L District shall meet the district requirements and those identified in 6.004, Subsection C, Building and Uses.

G. PARKING

Parking shall conform to the requirements as set forth in 6.016, Off-Street Parking Requirements.

H. SIGNS

Signs shall be regulated as set forth in 6.015, Sign Regulations.

I. OTHER REQUIREMENTS

Additional structures and buildings allowed in the I-L District, shall meet the requirements of this district and the other articles of the Zoning Ordinance, as determined by the Town Board.

The Town of Pittsfield does not allow registered commercial projects. rev 11/06

6.013 CONSERVANCY/FLOODPLAIN DISTRICT

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The following regulation shall apply in the Conservancy/Floodplain District:

The Conservancy/Floodplain District shall consist of those areas determined to be adequate to provide for the natural drainage of expected storm waters, to protect the general health, safety, and welfare of the residents in the vicinity of such drainage ways to improve the aesthetic qualities of such areas.

The boundaries of such Conservancy/Floodplain areas have been determined primarily through soil limitations as identified from Soil Conservation Service's Soil Survey of Brown County, Wisconsin, dated June, 1974.

These drainage and surface water areas exhibiting very severe limitations along with appropriate additional acreage to provide continuous and functional drainage corridors are identified on the zoning map entitled "Zoning District Map for the Town of Pittsfield, Brown County, Wisconsin".

A. PROHIBITED USES

1. No commercial, industrial, residential, or agricultural structure or building shall be permitted in this District unless lawfully established on the effective date of this ordinance.
2. Filling or dumping of any kind or removal of soil necessary to maintain a stabilized stream bank unless written approval of the Town Board has first been obtained.
3. No alteration of the water course shall be allowed without prior written approval of the Town Board along with all other necessary local, state, and federal permits and approvals.

B. PERMITTED USES

1. Parking lots, which do not conflict with conservancy or agriculture use.
2. Canals and drainage ditches.
3. Docks, piers, and boat landings.
4. Bridges, provided they meet all necessary design requirements to safely handle surface drainage.
5. Harvesting and raising of domestic and wild crops.
6. Public facilities such as dams, power plants, underground pipelines, subject to Chapter 30, Wisconsin Statutes.
7. Other uses determined compatible and in the public interest by the Pittsfield Town Board, and which do not conflict with conservancy or agriculture uses.

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C. CONDITIONAL USES

1. Accessory buildings that would be determined compatible with 6.002, Intent, Purpose and Severability. In no case shall said building elevation be below the established flood elevation as determined by the Wisconsin D.N.R. or other appropriate agency.
2. Park, recreation, conservation and open space uses such as community parks, golf courses, driving ranges and associated improvements, if public (governmental) facilities or uses.

D. INTERPRETATION OF BOUNDARIES

1. Upon request, location of meandering Conservancy/Floodplain boundaries shall be done by person or agency authorized by the Town Board and shall be based on scaling of distances from the Town Zoning Map along with other appropriate data and field observation.
2. Where applicable, the crest of the drainage ravine shall be considered the boundary.

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6.014 - MANUFACTURED HOME PARKS

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This article shall regulate the parking, locations, and maintaining of all manufactured homes and manufactured home parks within the Town of Pittsfield.

Manufactured homes and manufactured home parks shall be allowed as Conditional Uses in the R-3 Multi-Family Residential District ~~and A-1 Agricultural District; manufactured homes shall be allowed as Conditional Uses in the A-2 Exclusive Agriculture District And A-T Agriculture Transition District if connected with the farming operation.~~

Manufactured homes and parks shall be prohibited in all other zoning districts within the Town of Pittsfield.

No manufactured 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 6.003 to further clarify and explain word usage in conjunction with this article on manufactured home parks.

Manufactured homes, manufactured home parks, and accessory use of a building shall apply, as defined in 6.003 definitions.

1. Unit. One (1) manufactured home.
2. Dependent Unit. A manufactured home lacking a bath or shower and toilet facilities.
3. Independent Unit. A manufactured 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 of other agent, heir or assign.
5. Space. A plot of land, whether leased, sold, rented, or transferred, which is intended for location of one manufactured home only.

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B. LOCATION OUTSIDE OF MANUFACTURED HOME PARK

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1. No person shall park or occupy a manufactured home outside of an approved manufactured home park, except as provided for in Subsection C of this Article.
2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) 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 MANUFACTURED 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 manufactured home outside of a manufactured home park for a period not to exceed ninety (90) days for any one 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) manufactured home shall be granted a permit to locate on any one (1) premises outside a manufactured home park. Any violation of this clause shall comply with the penalty as set forth in 6.020, 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 \$125.00 dollars, and shall state the name and permanent addresses of the occupants of the manufactured home, the license number of the manufactured 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 occupant's sanitary facilities, and the permission of the occupant of the dwelling house for their uses; and a statement that all wastes from manufacture 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 feet of the proposed location of the manufactured home, and a statement of permission from the owner for their use.
3. Manufactured homes and dwellings in conjunction with an operating farm in conformance with 6.010, Subsection K, item 4 may be allowed as a conditional use to be used solely by resident owner or laborer actively engaged in the farming operation, and must also apply for permit.
4. All occupied manufactured homes not located in a manufactured home park shall be subject to the remaining regulation of this Ordinance.

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D. MANUFACTURED HOME PARK LICENSE

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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/her a manufactured home park within the Town of Pittsfield, without first securing a license from the Town Board. The license shall expire one year after issuance and must be renewed annually.
2. An annual fee of \$500.00 dollars shall be charged for the manufactured 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 application is authorized by him/her to construct or maintain the manufactured home park and make the application), and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises.
4. The applicant shall further comply with manufactured home regulations as set forth in the Wisconsin State Statutes.

E. MANUFACTURED HOME PARK PLAN

1. Prior to the issuing of any license or permit for a manufacture home park, the developer shall submit three copies of Manufactured Home Park Plan to the Town Planning Commission of Pittsfield. The plan shall be approved, in writing, by the Town Board prior to the start of construction or development of the park.
2. Each Manufactured Home Park Plan submitted to the Town Planning 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 1" to 200' 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 manufactured home parks shall further comply with the sanitation and health regulations as set forth by the State Board of Health.
4. Electrical service to manufactured home spaces shall conform to the regulation as set forth in the Wisconsin State Electrical Code.

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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 manufactured homes shall be independent units.

F. DRIVEWAYS, ROADWAYS, AND PARKING

1. All drives, parking areas, and walkways shall be hard surfaced.
2. Within the manufactured home parks, a minimum roadway width of thirty (30) feet shall be established.
3. The manufactured 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 Town Board.
4. There shall be one hard surfaced off-street automobile parking space for each manufactured 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 manufactured home spaces that are sold, rented, leased, or transferred in an approved manufactured home park.

1. The minimum size of a manufactured home park shall be ten (10) acres in sewered area.
2. Space Size:
 - a. Unsewered locations: (Hardship sites only)

Each manufactured home space:
Area - 1 ½ acre minimum
Width - 100 feet minimum
 - b. Sewered locations:

Each manufactured home space:
Area - 5,000 square feet minimum
Width - 50 feet minimum
3. A concrete or bituminous pad shall be constructed on each manufactured home space. The minimum size of this pad shall be ten (10) feet wide by fifteen (15) feet in length.
4. The minimum thickness of the surfacing shall be four (4) inches. The pad shall enclose all utility connections for the manufactured home.

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6. Each manufactured 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.
7. 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 manufactured home and/or its accessory buildings, except for the following conditions.
 - a. Structures for utility outlets and garages serving more than one manufactured home space may be located within the side of rear yard setback of a common lot line.
 - b. The hitch used for pulling the manufactured home may protrude into the front yard setback.

H. PARKING FEE AND ASSESSMENT

The Town Board of Pittsfield shall have the authority to impose a parking fee on manufactured homes within an approved manufactured home park or outside of an approved park, as provided for in Wisconsin State Statutes.

The parking fee shall be based on the following regulations:

1. There is hereby imposed on each owner or operator of a manufactured home park licensed hereunder a parking permit fee on each occupied manufactured home unit which shall have been parked in such manufacture home park.

The parking fee shall also apply to manufactured home units located outside of an approved manufactured home park. The amount of the parking fee shall be determined by the Town Board of Pittsfield and the local Town Assessor in accordance with Wisconsin State Statute, Chapter 66.058 and as amended. No manufactured 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 manufactured 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 Pittsfield.
3. The value of each occupied manufactured home thus determined shall be multiplied by the tax rate established on the preceding May 1 assessment of general property.

4. Total annual parking permit fee shall be divided by twelve (12) to determine monthly fee.

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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 manufactured 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 manufactured home from another state, unless said unit has been placed within the Town of Pittsfield for a sixty (60) day period.
8. The Town of Pittsfield may retain ten (10) percent of the parking fee for administration costs.
9. The Town of Pittsfield 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 levy for school purposes bears to the total tax levy for all purposes in the municipality.

I. MANAGEMENT

1. In every manufactured 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 manufactured 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 manufactured homes and towing or other vehicles.
 8. State issuing such license.

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- 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/her attention.
- d. Report to the health officer all cases of person or animals affected or suspected of being affected with any communicable diseases.
- e. Maintain in convenient places, approved by the Tri-County Fire Inspector, hand fire extinguishers in the ratio of one (1) for each eight (8) manufactured 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.
- h. Adhere to any other conditions as stated in the conditional use permit granted by the Town of Pittsfield.

J. PENALTY

Violation of 6.014 thereof, shall result in a penalty imposed upon the violator as regulated in 6.020, Administration and Enforcement; Section M. Penalties.

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6.015 - SIGNS

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The following regulations shall apply to all signs hereinafter erected or established within the Town of Pittsfield.

A. GENERAL

rev 06/06

1. This section of the Ordinance shall apply to all billboards, boards, fences or structures of any kind used for advertisement purposes, or upon which any advertisement is shown, painted or displayed, etc.
2. Political Signs shall be exempt to the provisions of this ordinance except as outlined below:
 - a. A political sign shall be described as any sign that represents a candidate or issue that is subject to a vote of the citizenry.
 - b. Political signs shall not be located on:
 - i. Any property without the permission of the property owner or renter
 - ii. Any public right of way per Sec. 86.19, Wis. Statutes
 - iii. Any Town or Town Sanitary district owned land
 - iv. Any County owned Park land per Sec 8.19 Brown County Code
 - v. Any property during polling hours per Sec 12.03(2) Wis. Statutes
 - c. No political sign shall be posted more than 60 days prior to the election that is the focus of the sign.
 - d. Political signs must be removed within 15 days after the election that is the focus of the sign. Failure to remove the sign after warning shall cause the property owner to be subject to Penalties as outlined in section 6.020 (L) of this ordinance.
 - e. The Zoning Administrator shall notify sign owners of improperly placed signs. Except as noted in section “d” of this ordinance the sign owner shall have 48 hours to remove the sign. If not moved the Zoning Administrator or his designee shall collect improperly posted signs and store them at a location convenient for the sign owner to collect them. If collected signs are not picked up by the sign owner within 15 days after the election that is the focus of the sign, they shall be considered abandoned property and will be disposed of.
3. No non-political sign shall hereafter be erected, located moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit from the Town Board except signs in Section B of 6.015, which are exempt from the provisions of this ordinance.

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B. SIGNS EXEMPT FROM PERMITS

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All signs are prohibited in the R-1, R-1S, and R-2 Residential, rev 11/06
~~Exclusive Agriculture~~, and ~~Agriculture Transition~~AG-FP Districts, except for the following:

1. Agricultural signs pertaining to the products of the agricultural premises not to exceed 32 square feet in area for any one 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. No sign shall exceed eight (8) square feet in area. Corner lots in the R-1 Zone 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 or similar devices for churches and religious institutions shall not exceed 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 Board of Pittsfield.

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C. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

rev 11/06

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In this district, all types of signs 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) story 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 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 lot line in an interior lot.
6. Signs erected on corner lots shall conform to the required yard setbacks.

D. BUSINESS DISTRICT

All signs hereafter established within the Business zone districts shall conform to the following regulations, and those regulations set forth in Wisconsin Statutes 84.30 and Wisconsin Administrative Code Trans 201. rev 11/06

1. All signs 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 written approval by the Town of Pittsfield Board.
2. Illuminated signs shall be permitted only in the Business District
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 100 square feet of area on all sides combined for any one premises.
4. Window signs shall be placed only on the inside of business buildings and shall not exceed 25 percent 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 50 square feet in area for any one (1) premises, and shall not exceed 15 feet in height above the average ground level.

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6. Ground signs shall not exceed 15 feet in height above the average ground level; shall meet all yard requirements for the district and shall not exceed 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 10 feet into any required yard; shall not exceed a height of 10 feet above the average ground level; and shall not be less than 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 10 feet, shall be permitted per use in the Business District Zone. Such signs shall not exceed a total area of 20 square feet on a side.
9. One (1) pylon type sign, a special type of ground sign supported by tall mast-like members or pyramidal tower supports and not exceeding a height of 25 feet, shall be permitted per use in the Business District. Such sign shall not exceed a total area of 100 square feet on a side.
10. On any one lot, there shall be allowed either a pedestal sign or pylon sign. Both types of signs on a single lot shall be prohibited.
11. No sign shall be permitted within 50 feet of any residence.
12. No sign shall be closer than 75 feet to the intersection of the right-of-way lines of any intersection road.
13. No sign shall extend into the public way.
14. Signs located within corner lots shall conform to yard setbacks.
15. No flashing signs shall be allowed.
16. There shall be a minimum spacing of one thousand (1,000) feet between off-premise signs.
17. 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.
18. Any on-premise sign with design features that do not comply with the regulations of this section may be constructed after review by the Planning and Zoning Committee and subsequently the Town Board. All written requests for review shall be delivered to the Town Clerk 20 days in advance of the next regular meeting. The request shall contain 10 copies that show an artistic rendering of the sign, design features, and location sketch on the site plan.
Rev 02/07
19. On-premise signs should not be placed at locations that would restrict vision for vehicles leaving the property.
Rev 05/07

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E. INDUSTRIAL AND AGRICULTURAL DISTRICT

All signs hereafter established within the Industrial and Agricultural Districts shall conform to the following regulations set forth.

1. All types of flashing signs shall be prohibited.
2. Illuminated signs shall be permitted within the district.
3. Pylon-Type signs and pedestal-type signs shall be permitted with the conditions set forth in 6.015, Section D – Business Districts.
4. Wall, roof, window and ground signs shall also comply with the required regulations as set forth in 6.015, Section D – Business Districts.
5. Signs shall further comply with the regulations as set forth in the Business Districts.

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6.016 OFF-STREET PARKING REQUIREMENTS

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

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. Any application for a building permit, or for an occupancy certificate, whereon building permit is required, shall include therewith a plat plan, drawn to scale, and fully dimensional, showing any off-street parking or loading facilities to be provided in compliance with this ordinance.
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.

B. PARKING STANDARDS

1. 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.

2. Except for residential uses, the design of parking lots of areas shall be subject to the approval of the Town Board in accordance with standards herein required.
3. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as to not create a nuisance.
4. All off-street parking lots shall adhere to Wisconsin Statutes 346.503 and 346.56 as to requiring handicapped parking.
5. All driveways are means by which vehicle travel between the street and approved parking spaces and are not to be considered for approved parking spaces.
6. 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

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line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.

7. Each parking space shall not 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 and minimum length twenty (20) feet.
8. 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.
9. 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.
10. All parking area and appurtenant passageways and driveways serving commercial uses 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.
11. 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 pursued 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.
12. 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 (50) percent of any existing deficiency in parking or loading facilities.
13. When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction in excess of one-half (1/2) shall be counted as (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any time.

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14. 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 provision of this ordinance shall apply only to the enlarged portion of the building or use.
15. Accessory off-street parking facilities in existence on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this ordinance.

C. SPECIFIC REQUIREMENTS – OFF-STREET PARKING

1. Apartment, Hotels. One and one-half (1 ½) parking spaces shall be provided for each dwelling unit or lodging room and additional space as shall be required for supplemental uses.
2. Educational, (Non-Boarding), and Cultural Institutions.
 - a. Elementary and middle schools. One (1) parking space shall be provided for each employee, and adequate visitor space to be determined by the Board of Education.
 - b. Senior high schools. One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.
 - c. Public libraries, art galleries, museums and aquariums. One (1) space shall be provided for each (2) employees plus additional parking space equal to fifty (50) percent of capacity in persons.
 - d. School auditoriums and gymnasiums. One (1) parking space shall be provided for each eight (8) seats.
 - e. Stadiums and grandstands. One (1) parking space shall be provided for each eight (8) seats.
 - f. Colleges, junior colleges, and universities. One (1) parking space shall be provided for each employee and one (1) parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.
 - g. Fraternities, sororities, and dormitories in conjunction with colleges, junior colleges, and universities. One (1) parking space shall be provided for each three (3) active members or dormitory residents, plus one (1) parking space for the manager.

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3. Health and Medical Institutions

- a. Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children and sanitariums. One (1) parking space shall be provided 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.
- b. Hospitals. One (1) parking space shall be provided for each four (4) hospital beds, plus one (1) parking space for each two (2) employees and doctors assigned to the staff.
- c. Group Homes. One (1) parking space for each four (4) occupants authorized and one (1) parking space for each employee on the maximum staff.

4. Multiple Family Dwellings. One and one-half (1 ½) parking spaces shall be provided for each dwelling unit. In addition, there shall be provided one (1) guest parking space for each four (4) units in all multiple dwellings or fractions thereof.

5. Philanthropic and Charitable Institutions. One (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.

6. Planned Developments. Parking spaces shall be provided on the basis of the required spaces for each individual use.

7. Public Utility and Service Uses. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.

8. Radio and Television Stations. One (1) parking space shall be provided for each two (2) employees.

9. Religious Institutions.

- a. Churches, chapels, temples, mosques and synagogues. One (1) parking space shall be provided for each four (4) seats.
- b. Convents, seminaries, monasteries, rectories, parsonages, parish houses, and religious retreats. Parking space shall be provided in adequate number, as determined by the Plan Commission, to serve persons employed or residing on the premises, as well as for the visiting public.

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10. Recreational.

- a. Stadium, ballparks, and other outdoor sports arenas. One (1) parking space for each four (4) permanent seats. Such parking shall be located no further than eight hundred (800) feet to the nearest corner of the property on which the place of assembly is located.
- b. Theaters, indoor sports' arenas, and auditoriums, other than those incidental to schools. One (1) parking space for each four (4) seats, plus one (1) additional parking space for each two (2) employees on the maximum shift.
- c. Bowling alleys. Four (4) parking spaces per alley, plus additional requirements for such other uses as eating and drinking establishments.
- d. Dance halls, skating rinks, lodge halls, exhibition halls, without fixed seats. One (1) parking space for each eight (8) square feet of usable floor area.
- e. Golf driving ranges or shooting ranges. One (1) parking space for each driving tee or shooter station.
- f. Miniature courses or putting greens. Two (2) parking spaces for each golf hole.
- g. Game and athletic courts. Two (2) parking spaces for each court.
- h. Golf courses. Eight parking spaces per hole and one (1) for each thirty-five (35) square feet of gross floor area in the principal building connected with the course, plus one (1) for each two hundred (200) square feet of gross floor area for adjoining accessory commercial uses.
- i. Swimming pools (other than those used in accessory uses with residential and commercial uses). One (1) parking space for every one hundred (100) square feet of pool area, one parking space for each employee on the maximum shift. Customer pick-up and drop-off zone shall be provided on a curbed directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
- j. Marinas, harbors, and launching ramps. One (1) parking space for each boat berth, or on-site storage space. In addition, double length car-trailer spaces shall be required, if launching ramp is available per Plan Commission requirements.

11. Rooming Houses. One and one-half (1 ½) parking spaces shall be provided for each rooming unit, plus one (1) space for the owner or manager.

12. Single-Family Detached Dwellings. Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.

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13. Two-Family Dwellings. Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.
15. Day Care Centers and Nursery Schools. One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, such parking requirement for children authorized may be reduced to one (1) parking space per ten (10) children, if a customer pick-up and drop-off zone is provided on a curved directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
16. Day Care Homes, Family. One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, if the staff resides in the home, the required spaces and driveway standards of a single family home may apply, upon the discretion of the Plan Commission.
17. Commercial and Retail Service Uses.
 - a. Animal hospitals and kennels. Two (2) parking spaces shall be provided for each employee.
 - b. Dry cleaning establishments, Laundromats, and receiving stations. One (1) parking space shall be provided for each two (2) employees and every two (2) automatic self-service units.
 - c. Funeral homes and mortuaries. One (1) parking space for each five (5) seats or one hundred (100) square feet of floor area for each chapel or parlor, whichever is greater.
 - d. Governmental buildings, United States, state, county, and city. One (1) parking space for each two (2) employees, plus such additional space deemed necessary by the Plan Commission.
 - e. Hotels. One (1) parking space shall be provided for each lodging room, plus one (1) parking space for each employee, plus additional spaces for affiliated uses, as required by this ordinance.
 - f. Medical and dental clinics. Three (3) parking spaces shall be provided for each staff member and regularly visited doctor.
 - g. Motels and rooming units. One and one-half (1 ½) parking spaces shall be provided for each dwelling unit or lodging room, plus one (1) parking space for each employee.
 - h. Planned development. Parking facilities shall be provided on the basis of the required spaces for each individual use.

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- i. Restaurants, taverns, supper clubs, cocktail lounges and night clubs. Parking spaces equal in number to fifty (50) percent of the capacity in persons shall be provided, plus one (1) space for each employee.
- j. Retail stores and shopping centers. One (1) parking space shall be provided for each one hundred fifty (150) square feet of floor area.
- k. Schools – music, dance, or business. One (1) parking space shall be provided for each two(2) employees, plus one (1) space for each five (5) students.
- l. Theaters, indoor. Parking spaces equal in number to fifty (50) percent of the seating capacity in persons shall be provided.
- m. Banks, savings and loan associations, and other financial institutions. One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
- n. Drive-in banks, savings and loan associations, and other financial institutions. Six (6) spaces for (1) drive-in window, plus four (4) spaces for each additional drive-in window, in addition, one (1) parking space per employee on the maximum shift.
- o. Barber shops, beauty salons, and other similar personal service use. Two (2) spaces per operator’s station and one (1) space per employee on the maximum shift.
- p. Bus and motor coach depot or station. One (1) space per employee on the maximum shift, plus six (6) spaces per bus at peak loading capacity.
- q. Bus and motor coach service garage. One (1) space per employee on the maximum shift, plus suitable area for servicing and parking bus and motor coaches.
- r. Carryout restaurants, confectioneries, and drive-in restaurants. One (1) parking space per fifty (50) square feet of net patron floor area, excluding restrooms, plus one (1) space per employee on the maximum shift, plus six (6) stacked parking spaces for each vehicle service window.
- s. Automobile service station uses and automobile wash facilities. One (1) space per employee on the maximum shift and two (2) spaces per service stall or bay, plus three (3) stacked spaces per each fueling position, or car washing staff.
- t. Motor vehicles, machinery sales and repair garage. One (1) parking space for each four hundred (400) square feet of floor area, plus one (1) space per employee on the maximum shift.

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- u. Shops repairing household appliances and equipment. One (1) parking space per two hundred (200) square feet of floor area, plus one (1) space per employee on the maximum shift.
- v. Furniture and large appliance store. One (1) parking space for each five hundred (500) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
- w. Outdoor sales' areas, such as for new or used automobile, boat or trailer sales, lumber or building material yards, plant nurseries, or similar uses. One (1) parking space for each one thousand (1,000) square feet of uncovered sales' area, plus one (1) parking space per employee on the maximum shift.
- x. General retail sales, including department stores not located in a shopping center. One (1) parking space per two hundred (200) square feet of gross floor area, plus one (1) per employee on the maximum shift.
- y. Offices. Business, governmental, and professional offices (except health care, but including counseling services). One (1) parking space shall be provided for each three hundred (300) square feet of floor area for the first eight thousand (8,000) square feet of gross floor area. One (1) additional parking space shall be furnished for each seven hundred (700) square feet or fraction thereof for the next twelve thousand (12,000) square feet of total floor area and one (1) additional parking space shall be provided for each one thousand (1,000) square feet, or fraction thereof, for total area in excess of twenty thousand (20,000) square feet. One (1) parking space shall also be provided for each staff member or employee on the maximum shift.
- z. Cultural and community centers, such as libraries, art galleries, and museums. One (1) parking space for every three hundred (300) square feet or visitor use area, plus one (1) parking space for each one and five-tenths (1.5) employees on the maximum shift.
- aa. Business (not listed above). One (1) parking space for each two (2) staff members or employees, plus such additional parking space, as may be required by the Plan Commission for customers or users.

18. Industrial Districts and Uses, Unless Specifically Mentioned. Off-street parking spaces accessory to uses allowed in the several Industrial Districts shall be provided in accordance with the following minimum requirements.

- a. For the uses listed hereunder, one (1) parking space shall be provided for every one thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls:

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1. Air, motor, railroad, water freight terminals, and repair shops.
 2. Contractors' shops and yards.
 3. Greenhouses, wholesale.
 4. Mail order houses.
 5. Radio and television stations.
 6. Sewage treatment plants – municipal.
 7. Warehouses.
 8. Manufacturing establishments.
 9. Printing and publishing establishments.
 10. Any establishments for production, fabrication, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products.
 11. Building materials sales' yards.
- b. In the Industrial Districts and for any industry, one (1) space for every one thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls. Industries operating more than one (1) shift must have additional space to provide for change of personnel at shift change times.

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6.017 – ARTIFICIAL LAKES

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

A. LOCATION

Artificial lakes shall be allowed as Conditional Uses in the R-2, R-3, A-1 Zones. It shall also be allowed as a conditional use in the ~~Exclusive Agriculture~~AG-FP Zone if public and incidental to the farm operation or if used as a farm pond for agricultural activity.

B. PERMIT

1. The property owner, developer, or his/her assigned agent shall make application for an Excavation Permit to the Town Board prior to construction.
2. The Town Planning Commission shall review and approve the site plan before recommending the Town Board issue an Excavation Permit.

C. SITE PLANS

1. A map drawn at a minimum scale of 1" to 200' showing the proposed lake size 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 in 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.

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E. OTHER REQUIREMENTS

1. 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.
2. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service and the Department of Natural Resources.
3. The ground water table in the surrounding area and adjacent to the lake shall be protected.
4. State Permits shall be required if high capacity wells are drilled on the site.
5. The Division of Environmental Health requirements shall be met to insure proper safety of swimmers.
6. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
7. 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 Pittsfield.

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6.018 – EARTH EXCAVATION

A. GENERAL

1. Hereinafter, all excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earth materials shall come under jurisdiction of this ordinance. The operation of sand pits, gravel pits, and rock quarries shall come under jurisdiction of the Brown County Non-Metallic Mining Ordinance.
2. All existing sites of excavation shall comply with this ordinance prior to any expansion or alteration of the existing site.

B. EXEMPTIONS

The following uses shall be exempt from the provisions of this ordinance:

1. Excavation and removal of less than one hundred (100) cubic yards over a period of one (1) year from any single tract of land recorded in the Brown County Register of Deeds office.
2. Necessary foundation and trench excavation in connection with work on the premises for which a building permit has been issued.

C. PERMIT

1. Application for a permit to excavate or remove earth material shall be made to the Pittsfield Town Board by the property owner of his/her assigned agent. Application form shall be provided by the Town of Pittsfield.
2. Application shall contain required information as specified in Section D of this ordinance.
3. Upon receipt of application and accompanying excavation plan, the Town Board may or may not inspect the site identified on the plan. Following site inspection, the Town Board shall approve the plan and grant the permit only when it has satisfied the conditions specified in Section D, Site Plans, and Section H, Other Requirements, will be complied with in undertaking the extraction. Said approval shall be made within thirty (30) days of application date. When permit is issued, the permit shall be valid for one (1) year.
4. Upon expiration of the permit, the Town Board shall inspect the site before reissuing the permit. If the regulations of this ordinance have been complied with, the permit shall be reissued.

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5. An annual \$150.00 permit fee shall be charged for the issuance of an Earth Extraction Permit or the renewal of same. Said permit shall be valid for 365 days from the date of issue.

D. SITE PLANS

The following information shall be required on a site plan prior to issuing an earth extraction permit.

1. A map showing the location of the premises and adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than 1" to 200'.
2. Contour intervals of the site, as indicated by the United States Geological Survey (USGS). Quadrangles or other accurate sources of not more than twenty (20) feet.
3. Existing and proposed surface water drainage.
4. Proposed regarding and re-vegetation of site after excavation.
5. Truck and machinery access.
6. Types and location of buildings to be erected on site.
7. Approximate total amount of earth material to be excavated.
8. Approximated number of trucks and other machinery to be used.
9. Hours of operation, which shall be restricted to within the hours of between sunrise and sunset.

E. TRUCKS AND MACHINERY

1. No machinery shall be permanently erected within two hundred (200) feet of any property line or street right-of-way line.
2. Truck access and storage shall be arranged to minimize danger to traffic and nuisance to surrounding property.

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F. MATERIAL HANDLING

1. A minimum of fifty (50) feet of undisturbed material shall be maintained between the point of excavation and any property line or street right-of-way line.
2. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises, unless it is located more than five hundred (500) feet from any residential dwelling.

G. EXCAVATION SITES

1. The excavation of earth materials shall be allowed as conditional uses in all Zones, except that in Agriculture Districts it may be done only if it is ~~in compliance with WI State Statute 91.46(6) a governmental (municipal) excavation operation not conflicting with agriculture use.~~ in compliance with WI State Statute 91.46(6)

H. OTHER REQUIREMENTS

1. At all times, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
2. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit.
3. When excavation and removal operations are no longer used, as determined by the Town Board, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical), except hardrock quarries. A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area, except exposed bedrock surfaces, to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.
4. If the excavation site shall fall within a County Floodplain, Shoreland, or Conservancy Zone District, the regulations as set forth in the Shoreland/Floodplain Zoning Ordinance for Brown County shall also apply.
5. Town Board members shall be allowed on the premises during scheduled operating hours for inspection purposes.
6. A Performance Bond of One Thousand (\$1,000.00) dollars per acre of proposed excavation shall be required of the excavator.
7. To allow for ease in rehabilitation of site, the operator may begin sloping, as prescribed in Section I, Item 30, ten (10) feet from lot lines or road right-of-way lines, provided material disturbed within fifty (50) feet of lot lines or road rights-of-way is used in the sloping operation as fill.

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8. No unlicensed dumping of solid waste, junk cars, or sanitary wastes shall occur in extraction sites.
9. Proper measures shall be taken to minimize the nuisance of noise and flying rocks or dusts.
10. Any excavation operation necessitating blasting or the use of explosives shall be considered a conditional use requiring a public hearing to be held concerning the same.
11. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. The access roads to the area of operation shall be provided with a dustless surface if deemed necessary by the Town Board.

6.019 – NONCONFORMING USES

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

A. GENERAL

Any nonconforming building, structure, land, or other use which existed lawfully at the time of the adoption of this Ordinance and which remains nonconforming, and any such building, structure, land, or other use which shall become nonconforming upon the adoption of this Ordinance, is subject to the regulations which follow:

1. A non-conforming use may be changed ONCE to another non-conforming use of the same or greater restriction, but shall not thereafter be changed again to another non-conforming use.
2. If such nonconforming 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 the Ordinance.
3. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use of this structure.
4. Repairs and alterations may be made to a nonconforming building or structure, provided the respective structure is not added to or enlarged in size.
5. 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.

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- 6. 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 Board.
- 7. When a nonconforming use of structure is damaged by violent wind, vandalism, fire, explosion, flood, ice, snow, mold or infestation~~the public enemy, Act of God, or other calamity~~, to the extent of more than 60 percent of its current assessed value, it shall not be restored except as to comply with the use provisions of this ordinance and to the same size, location and use it had immediately prior to the damage.

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6.020 – 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 provide for the position of Zoning Administrator, Zoning Board of Appeals, and Town Planning Commission.
- 2. This section shall provide the authority and necessary requirements for the issuance of building permits and occupation permits, variances, appeals, amendments, conditional uses, fees, and penalties.

B. ZONING/CODE ADMINISTRATOR

Rev 06/07

The position of Zoning Administrator as hereby established shall be filled by an appointment by the Town Board of Pittsfield.

The Town of Pittsfield Zoning Administrator shall have the following powers and duties.

- 1. Enforce the provisions of the Town ordinances.
- 2. Issue all land use permits in compliance with the provisions of this ordinance.
 - a. No structure of any kind, including buildings, shall be erected, moved or structurally altered until said permit has been issued.
 - b. Each application for a land use permit shall be accompanied by a plat in accordance with requirements specified.

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

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2. A plat, in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height, and bulk of building or structure, the building lines in
3. 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 Zoning Administrator and for the proper enforcement of this ordinance.
3. Issue all rezoning certificates and make and maintain records thereof.
4. Provide and maintain a public information bureau relative to all matters arising out of the Town Ordinances.
5. Forward to the Town of Pittsfield Planning Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
6. Forward to the appropriate Board applications for appeals, variances, or other matters on which the Boards are required to act under this Ordinance.
7. Maintain permanent and current records of the Town Ordinances including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications thereof.
8. 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 Planning Commission and Town Board.
9. Advise the Town Board and Town Planning Commission at their monthly meetings. Present a report at the Annual Town meeting summarizing all permits and construction within the Town.
10. Issue Culvert, Driveway, Pond and sign permits, including pre-construction and post installation review and inspections for compliance with Town Ordinances. Collect construction deposits for acts not associated with a building permit.
11. Create and maintain a file of roadway condition photos of “before” and “after”, when necessary, for the Construction Deposit permit and make recommendations for repairs to the Contractor, and Town Board, if needed.
12. Issue weight limit road permits during weight restricted time periods.
13. Miscellaneous duties as assigned by the Town Board.

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C. 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 meetings 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 Pittsfield.
- d. The Chairman, or in his/her 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.

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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 Pittsfield Town Chairperson and subject to confirmation by the Pittsfield Town Board.
- b. The term shall be for two (2) years. Members 1-3-5 will be appointed in the odd years and members 2-4 will be appointed in the even years. Appointments will be made in April. All members shall reside within the Town. **Proposed Rev 08/08**

- 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 Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Pittsfield.

D. TOWN PLAN COMMISSION

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

1. Jurisdiction

The Pittsfield Town Planning Commission shall carry out the following duties under this Ordinance.

- a. 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.
- b. Receive from the Zoning Administrator his/her recommendations as related to the effectiveness of this Ordinance and report his/her conclusions and recommendations to the Pittsfield Town Board.
- c. Hear and decide matters upon which it is required to pass under this Ordinance.

2. Meetings

- a. All meetings of the Town Planning Commission shall be held at the call of the Chairperson of the Commission 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

- a. All actions of the Town Planning Commission shall require the vote of a majority of a quorum of members of the Commission

4. Membership

- a. The Town Planning Commission shall consist of seven (7) members, as provided by Section 62.23 of the Wisconsin State Statutes.
- b. Commission members shall consist of the Town Chairperson, who shall be its presiding officer, one (1) Town Board member, the Town Engineer, and (4) citizens. Appointments will be made in April. Members 1-3 will be appointed in odd years and members 2-4 will be appointed in even years. If a Park Commissioner is added, that member will serve in the #4 position. The Town Zoning Administrator will also serve on the Committee. **Prop. Rev. 08/08**
- c. The Town Board member shall be elected by a two-thirds vote of the board, upon creation of the commission, and during each April thereafter.
- d. The 3 citizen members shall be appointed by the Town Chairperson, upon the creation of the Commission, to hold office for periods ending 1, 2, and 3 years, respectively, from the succeeding May 1.

Thereafter, annually during April one member of the commission shall be appointed for a term of 3 years.

- e. The additional citizen members, if any, shall be appointed to hold office for a period ending one year from the succeeding May first, and thereafter annually during the month of April. Whenever a park board is created, or a Town engineer appointed, the president of such board or such engineer (full time) shall succeed to a place on the commission when the term of an additional citizen member expires.
- f. The Town Planning Commission members shall be removable by the Town Board of Pittsfield for cause upon written charges.

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- g. Vacancies shall be filled for the unexpired terms of members. The Town Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Pittsfield.

E. BUILDING PERMIT

No building, or addition thereto, \$5,000.00 and/or fifty (50) square feet or more in size, constructed after the effective date of this Ordinance, and no addition \$5,000.00 and/or fifty (50) square feet or more in size to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. Every building permit shall state that the use complies with the provisions of this Ordinance.

Rev 08/01

~~6-93~~ Rev 08/08

F. OCCUPANCY CERTIFICATE

1. No Occupancy Certificate for a building, or a 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 Town of Pittsfield Building Inspector.
4. There shall be no "Open Houses" until the occupancy permit is issued. Rev 11/06

G. VARIANCES

1. Application. An application for a variance shall be filed with the Town Clerk. The application shall contain such information as the Board of Appeals by rule may require. Due notice of the hearing shall be given to parties of interest, as well as owners of property located within one hundred (100) feet of the property in appeal. The Board shall reach a decision within sixty (60) days from the filing of the request for variance.

Notice of the time and place of such public hearing shall be published as provided in the State Law on Planning and Zoning and applicable to the Town of Pittsfield.

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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

Variance shall be granted by the Zoning Board of Appeals in accordance with the standards established in Section G-2, and may be granted in the following instances.

- a. To permit any yard or setback less than the full yard setback requirements by the applicable regulations.
- b. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width. The respective area and width of the lot or lots shall be at least 80 percent of the required area and width.
- c. To permit the same off-street parking facility qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hour of the same days of the week.
- d. Reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the required facilities, whichever number is greater.
- e. Increase by not more than 20 percent the maximum gross floor area of any use so limited by the applicable regulations.

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- f. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained, and the erection or alteration of a building is started.

H. 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 Planning Commission or Zoning Administrator.
- b. Such an appeal shall be made within thirty (30) days after the decision or the action complained of, by filing with the Town Clerk or Zoning Administrator a notice of appeal specifying the grounds thereof.
- c. The Town Planning 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 Planning Commission or Town Board 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 Board 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 by one (1) publication in the Official Newspaper and also by mailing notice thereof to the parties in interest. Said publications and mailings to be made at least 10 days prior to the date of hearing.
- c. The Zoning Board of Appeals shall thereafter reach its decision within sixty (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 the powers of the officer to whom the appeal is taken. The Town Clerk shall maintain records of all action of the Board of Appeals relative to appeals.

I. AMENDMENTS

1. Authority

The Pittsfield 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 6.002 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 Clerk in such form and accompanied by such information as required by the Town Planning Commission. Said application shall be reviewed by the Planning Commission and a written recommendation submitted thereon to the Town Board

The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published at least twice in the Official Newspaper not less than 10 days before the scheduled date of such hearing.

4. Findings and Recommendations

- a. The Town Planning Commission shall make written finding 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.

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4. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place on its present zoning classification.
5. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that request by the applicant.
6. The Planning Commission shall not recommend the adoption of a proposed amendment, unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

5. Town Board of Appeals

- 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 Planning Commission on the proposed amendment.
- b. The Town Board may grant or deny any application for an 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 (20) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent, extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent 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.

J. CONDITIONAL USES

1. Purpose

To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need. Conditional uses shall be of 2 types.

- a. Uses publicly operated or traditionally affected with a public interest.
- b. Private uses in character, of an unusual nature that their operation may give use to unique problems with respect to their impact upon neighboring property as public facilities.

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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 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 Pittsfield Town Planning Commission on a form so prescribed by the Town Planning Commission. The application shall be accompanied by such plans and/or data prescribed by the Town Planning 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 zone districts. Such application shall be reviewed by the Town Planning 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 J-3, the Town Board shall hold a public hearing on the proposed conditional use. Due notice of the hearing shall be given to parties of interest, as well as owners of property located within one hundred (100) feet of the property in appeal. The Board shall reach a decision within ninety (90) days from the filing of the conditional use request.

5. Authorization

For each application for a conditional use, the Town Planning 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 for a proposed conditional use is not acted upon within 90 days of the date upon which such application is received by the Pittsfield Town Board, it shall be deemed to have been denied.

6. Standards

No conditional use shall be recommended by the Town Planning Commission, unless said Commission shall find that the conditions comply with 6.002, Intent, Purpose, and Separability.

The Town Board shall have the authority to revoke any conditional use permit upon the recommendation of the Town Planning Commission.

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7. Conditions and Guarantees

Before issuing a conditional use permit, the Town Planning 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 J-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.

8. Annual Compliance Review

Rev 06/06

The Town Planning Commission with help from the Zoning Administrator shall conduct an annual review of all outstanding Conditional Use permits. To aid in this review the Town Clerk shall keep a binder with copies of all current Conditional Use Permits. This review shall seek to assure applicability of all outstanding Conditional Use Permits. This shall include assuring compliance with all stipulations of additional conditions and guarantees applied to any permit. Permit holders found to be out of compliance shall be reported to the Town Board. Non-compliant permit holders shall be issued a letter of non-compliance and an order to cease said violation activity from the Zoning Administrator. Failure to come into compliance shall be a violation of this ordinance subject to penalties as outlined in Section L. If the compliance violation is within the uses permitted in this ordinance the permit holder may reapply for a new Conditional Use Permit. Re-application for a new Conditional Use Permit shall not be seen as a temporary grant to continue said non-compliant activity.

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J. 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 to cover all incurred charges. The fee for variances and appeals shall cover all incurred charges. All fees will be established by the Town Board and shall be paid to the Town Clerk.

K. 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/her/their agent shall be deemed an unlawful structure or use.

The Zoning Administrator shall report all such violations to the town attorney, 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 fifty (\$50.00) dollars nor more than Five Hundred (\$500.00) dollars, together with the cost of prosecution, 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 at the county jail shall not exceed thirty (30) days for an offense. Each violation and each day of violation shall constitute a separate offense.

Failure to secure a proper and legal building permit prior to beginning work on a project requiring said permit shall result in a fine of not more than \$250.00 dollars. This section shall not preclude the Town of Pittsfield from maintaining any appropriate action to prevent or remove a violation of this section.

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6.021 – PLANNED DEVELOPMENT DISTRICT

A. ESTABLISHED

There is herewith established a use district to be known as the Planned Development District.

B. APPLICATION TO EXISTING USE DISTRICTS

This section shall operate as a conditional use and as an alternative to the permitted uses and regulations applicable to existing districts, and shall be applicable only to those lands which may be hereafter zoned Planned Development by the Town Board. Basic underlying zoning requirements for lands over-zoned as a Planned Development District shall continue in full force and effect and shall be solely applicable until such time as the Town Board grants final approval as hereinafter provided.

C. PURPOSE

The purpose of the Planned Development District and the regulations applicable to the same is to encourage and provide means for effecting desirable and quality development by means for effecting desirable and quality development, by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well balanced, aesthetically satisfying Town and economically desirable development of building sites within a Planned Development District. These regulations are established to permit latitude in the development of the building site, if such development is found to be in accordance with the purpose, spirit, and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood intended to permit and encourage diversification, variation and imagination in the relationship of uses, structure, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage and facilitate preservation of open lands.

D. DEFINITIONS

1. Basic Zoning Regulations. Basic zoning regulations means such zoning regulations is/are applicable to the use district other than the regulations set forth in this section.
2. Building Sites. A “building site” is a tract of land not divided by public streets or into lots, excepting for single family dwelling purposes, and which will not be so subdivided, or where the tract of land, if so divided, is in single ownership or is owned by a condominium group. The site must be located on a public street or highway, or have direct access over a private right-of-way having the minimum width of ninety (90) feet.

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E. USES PERMITTED

1. Basic Zoning Uses. The following uses are permitted in a Planned Development District upon containing all necessary approvals required under this ordinance.
 - a. All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.
 - b. Where a building site is situated in more than one use district, all uses permitted under the basic zoning regulations of one district may be extended into the adjacent district, but only under the condition that the maximum area of such extension shall not exceed an area computed to the fifty (50) percent of the smaller of the areas of the portion of the property located in either district.
 - c. Such additional uses, or mixture of uses, as are recommended by the Planning Commission and approved by the Town Board, to qualify under this section.
2. Building Restrictions. When all necessary approvals required under this ordinance are obtained, the building height, size and floor area, lot size, setback, side and rear yard, density and open space requirements under the basic zoning regulation shall not be applicable, but rather such development plan and the plan itself, shall be construed to be and shall be enforced as part of this ordinance.

F. GENERAL PROVISIONS

1. Engineering Design Standards. Normal standards or operational policies regarding right-of-way widths, provisions for sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a planned development, but practice standards satisfactory to the Town, pursuant to the criteria as set forth in Subsection G, hereof shall be made a part of the approved plan and shall be enforceable as a part of the ordinance.
2. Approvals. The developer shall develop the site in accordance with the terms and conditions of development presented to and approved by the Town Board. Any changes or additions to the original approved development site structures, or plans of operation shall require resubmittal and recommendation by the Planning Commission, and approval by the Town Board.
3. Rescinding Approval. Failure to comply with the conditions, commitments, guarantees or recommendations established in the approval of such development project shall be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator, the developer shall be required to appear before the Town Board at its next public meeting, to explain any such failure to comply. The Town Board, at such hearing, shall determine whether or not the developer shall have failed to comply and, if there has been such a failure, may either:

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- a. Rescind its approval, whereupon such rescission and cessation all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the thirty-first (31st) day following mailing by certified mail to the developer at his last known address of a written notice of such rescission: or
- b. Adjourn such hearing for the period not to exceed sixty five (65) days to enable the developer to comply, thereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time that there shall be such compliance; but, if the developer is not then in substantial compliance, or does not establish to the reasonable satisfaction of the Board that there will be compliance in the future, the Board will proceed in accordance with subparagraph (a) immediately above.

G. CRITERIA FOR APPROVAL

As a basis for determining the acceptability of Planned Development proposal, the following criteria shall apply to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

- 1. Character and Intensity of Land Use. The uses proposed and their intensity and arrangement on the site shall be of such a visual, aesthetic and operational character that they:
 - a. Are compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.
 - b. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
 - c. Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pickup, fire protection, or other municipal services.
- e.b. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- 2. Economic Feasibility and Impact. There should be provided satisfactory evidence that it is economically feasible, has available adequate financing, and will not adversely affect the economic prosperity of the Town or the values of surrounding properties.

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3. Engineering Design Standard. The width of rights-of-way width and location of street or other paving, requirements for outdoor lighting, location of sanitary and storm sewer and water lines, and provision for drainage and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to implement the specific function in the specific situation, provided, however, that in no case shall construction standards be less than those necessary to insure the public safety and welfare.

4. Preservation and Maintenance of Open Space. Adequate provision shall be made for open space for the permanent preservation and maintenance of common “open space” and rights-of-way, either by private reservation or dedication to the public. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the town as part of conditions for project approval, an open space easement over such open areas restricting the area against any future building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for non-commercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or, subsequently, with the express approval of the Town Board following the recommendation of building site and operational plans by the Planning Commission.
 - a. In the case of roadways and other rights-of-way which are not dedicated to the public as part of the conditions for project approval, there shall be granted to the Town such easements over the same as may be necessary to enable the town to provide suitable and adequate fire protection, sanitary and storm sewer, water, and other required municipal services to the project area.

 - b. The care and maintenance of such open space reservations and rights-of-way shall be assured, either by establishment of appropriate management organization for the project or by agreement with the Town for establishment of a special service district for the project area on the basis of which the Town shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the Town shall have the right to carry out and levy an assessment for the cost of any maintenance, which it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of assuring maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.

5. Factors and Requirements to be Considered by the Planning Commission and Town Board

a. Height of structures.

b. Auto parking facilities.

c. Screening and fencing.

d. Landscaping

~~f.c.~~ Setbacks.

~~g.d.~~ Open space reservations.

~~h.e.~~ The site itself, as it relates to neighborhood environment, compatibility to existing neighborhoods characteristics.

~~i.f.~~ Nature and use of the proposed structures, and design, architecture, and materials to be used.

~~j.g.~~ Adequacy of traffic pattern and appearance of proposed parking areas.

~~k.h.~~ Proposed roadway, driveway and walk locations.

~~l.i.~~ Highway access to the site, number of openings and location of same.

~~m.j.~~ Traffic generation, number of vehicles parked and rate of turnover per hour.

~~n.k.~~ Drainage.

~~o.l.~~ Capacities required for sewer, water, and other necessary utilities.

~~p.m.~~ Proposed methods and hours of operation.

~~q.n.~~ Educational capacity capabilities (number of families and school load).

~~r.o.~~ Economic impact on the Town, its inducements, attractions, and detractions.

~~s.p.~~ Lighting.

~~t.q.~~ Comparison of open space, as required by the underlying basic zones with that of the proposed project.

~~u.r.~~ Operational control.

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~~v.s.~~ Commencement and completion dates.

~~w.t.~~ Highway dedication.

~~x.u.~~ Deed restrictions and sureties deemed necessary to protect the health, safety and welfare of the community.

~~y.v.~~ Such other limitations, conditions or special requirements, characteristic to the use as may be deemed necessary to protect the health, safety, or welfare of the Town.

H. IMPLEMENTATION SCHEDULE

The proponents of a planned development shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Planning Commission and the Town Board, including suitable provisions (and the Town may require the furnishing of a suitable and sufficient performance bond) for assurance that each phase could and shall be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of the phase.

1. Procedure. The procedure for approval of a planned development project shall consist of two phases:
 - a. Preliminary approval, consisting of approval of the proposed project in principle only, and
 - b. Final approval, consisting of approval of the proposed project in all its terms and details.

I. PRELIMINARY APPROVAL

1. Notice and Fee. A person desiring to develop a particular site as planned development district project shall apply to the Zoning Administrator on such forms as shall be provided by the Town and shall pay a fee of \$300.00 dollars, which shall accompany such written application. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, and a description of the development site.
2. Notice to Commission. The Zoning Administrator shall inform the Planning Commission of such desire and shall secure date for preliminary discussion between the developer and the Planning Commission and shall notify such developer of such date.
3. Commission Recommendations. The Planning Commission after such preliminary discussions and such further discussions as may be required with the developer, shall report, in writing, such proposed project development to the Town Board, together with its recommendations for either approval or disapproval of the same. Such report

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and recommendation of the commission shall be made to the Town Board no later than four (4) months from the date of the filing of the application with the Zoning

4. Administrator. A recommendation of approval by the Commission shall in no way be binding on the Town Board. The Town Board shall either approve or disapprove the proposed development project, without modification. Any such approval shall be a preliminary approval only, and shall not bind the Town Board regarding final approval.
5. Information Required. The following information shall be provided by the applicant in adequate detail to satisfy the Planning Commission for its recommendation regarding preliminary approval.
 - a. A statement describing the general character of the intended development.
 - b. An accurate map of the project area, showing nature, use, and character of abutting properties, prepared by a registered surveyor.
 - c. A general development plan of the proposed project showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in subparagraphs 1, 2, 3, 4, 5, and 6 of Subsection G of this ordinance.
 1. The pattern of public and private roads, driveways and parking facilities.
 2. The size and location of lots.
 3. The type, size, and location of structures.
 4. The location of sanitary and storm sewer lines, watermains, and lighting.
 5. The location of recreational and open space areas reserved or dedicated for public uses, such as school, park, etc.
 6. General landscape treatment.
 - d. Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development, and any other data pertinent to the evaluation under the criteria of Subsection G.
 - e. Architectural drawings and sketches illustrating the design and character of proposed structures.
 - f. General outline of intended organization structure related to property owner's association, deed restrictions and private provision of common services, if any.

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6. Amendment of Preliminary Approval. The recommendation of the Zoning and Plan Commission and the preliminary approval of the Town Board, shall be based on and include as conditions thereto the building site and operational plans for the development, as approved, as well as all other commitments offered or required with regard to project value, character development will be carried out basically as presented in the approved plans. Detailed construction and engineering plans need not necessarily be completed at this time, but the approval of such preliminary plan shall be conditional upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Zoning and Plan Commission and if, in the opinion of the Zoning and Plan Commission such change or addition constitutes a substantial alteration of the original plan, it shall timely make an appropriate recommendation to the Town Board relating in an amendment of the Preliminary Approval.

J. FINAL APPROVAL

1. Petition for Final Approval. After the Town Board has issued its Preliminary Approval of the proposed plan, the developer may file with the Town Clerk a petition executed by the owner of the property to be developed, or his agent for the Final Approval, stating that he seeks to develop such property under the provisions of the Section. Such petition shall include (unless previously submitted):
 - a. The names, mailing addresses and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application who no longer have an interest in the project in the event there has been a change in owners or developers since the date of the application.
 - b. An accurate topographical map showing topographical data at two foot intervals and extending one hundred (100) feet beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within one hundred (100) feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof and high water elevations along rivers.
 - c. A scale plot plan showing the location, type and size of every proposed structure and its proposed use, also driveways, driveway access roads, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaped areas, and utility easements.
 - d. A statistical table showing the size in square feet, the acreage (exclusive of public streets), proposed population densities and open areas (both in square feet and as a percentage of the project area).
 - e. Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.

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f. A table showing the approximate costs of structures.

~~d-e.~~ A statement showing the starting and completion dates of the project.

~~e-f.~~ Any other pertinent data, statements, drawings or plans which may be required by the Planning Commission or the Town Board.

The following additional information for commercial and industrial developments:

1. Square feet of the buildings.
2. Square feet of offices, production areas and the proposed number of employees in each such area.
3. Details of proposed use or uses and manner of operation; and
4. The municipal services that may be required to serve the site.

K. PLANNING COMMISSION HEARING

After receipt of a petition and the filing of the required date, the Zoning and Plan Commission shall hold a public hearing, and such additional public hearings as may be desirable upon publication of a Class 1 notice in the official newspaper of the Town. Any such hearing may be adjourned without further publication. Following such hearing, the Commission shall recommend to the Board that the petition be either approved or disapproved.

L. TOWN BOARD HEARING

Upon receipt of the recommendation of the Zoning and Plan Commission, the Town Board shall hold a public hearing on whether or not to give final approval to the proposed project. The Town Board shall give notice of such hearing by publication of the same as a Class III notice in the official newspaper of the Town, and may adjourn such hearing at the time thereof without further publication. Within a reasonable time following such hearing, the Board shall either issue a Final Approval or disapprove such petition.

M. EFFECT OF FINAL APPROVAL BY TOWN BOARD

No construction shall be commenced on the building site until the Board has granted Final Approval, except such construction that shall be in compliance with both the requirements of the underlying zone and proposed planned development as submitted for final approval. Neither Preliminary Approval nor Final Approval shall constitute approval for construction of any building OR structure, but approval for such construction shall be obtained through the procedure for applying for and obtaining a building permit as it is now and as shall be hereafter prescribed elsewhere in the Town Ordinances and pursuant to state law.

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M. AMENDMENT OF FINAL APPROVAL

A petition for an amendment to the Final Approval shall require an additional fee of Three Hundred (\$300.00) dollars. No subsequent change or addition to the planned development after final approval shall be allowed or permitted until approved by the Town Board after hearings and the recommendation of the Zoning and Plan Commission, all in accordance with the procedure and requirements of this Subsection 10.

6.022 – PONDS

The following regulations shall apply to all ponds hereinafter constructed or developed within the Town of Pittsfield.

A. LOCATION

1. Ponds may be allowed as a Permitted Use in the R-1, R-1S, R-2, and R-3 Zones.
2. It may also be allowed as a Permitted Use in the A-1 Agriculture and ~~Exclusive Agriculture AG-FP~~ Zones, and incidental to the farm operations, or if used as a farm pond for agricultural activity.

B. PERMIT

1. The property owner, developer, or his/her assigned agent shall make application for a Pond Permit to the Town Board prior to construction. The Pond Fee shall be \$225.00, which includes inspection fees.
2. The Town Planning Commission shall review and approve the site plan before recommending the Town Board issue the Pond Permit.
3. Construction of a pond before permit is issued will result in the doubling of the permit fee. Rev 03/06

C. SITE PLANS

1. A map drawn at a minimum scale of 1" to 200' showing the proposed pond size and the adjoining property within five hundred (500) feet of the site.
2. Layout of the proposed lots and other buildings, if applicable.
3. The type of existing and/or proposed sanitary facilities to be installed in the development.
4. The source of existing and/or proposed water supply for any proposed dwellings or buildings.

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5. The water maintenance level for the pond.
6. Surface drainage sources and topography.
7. Existing and proposed roadways.

D. POND SIZE

1. Any pond of less than two (2) acres in area shall adhere to the conditions of this ordinance.
2. The center portion of the pond shall be excavated deep enough to maintain a water depth of eight (8) feet, with the sides of the pond having a minimum slope of 3:1.
3. The pond shall be placed no closer than fifteen (15) feet from any property line.

E. OTHER REQUIREMENTS

1. The pond site shall be field reviewed prior to and at the completion of the pond by the Town Zoning Administrator.
2. The pond site shall comply with all sanitary codes.
3. Ponds 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.
4. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service and the Department of Natural Resources.
5. The ground water table in the surrounding area and adjacent to the pond shall be protected.
6. State Permits shall be required if high capacity wells are drilled on the site.
7. The Division of Environmental Health requirements shall be met to insure proper safety of swimmers.
8. The perimeter of the pond shall be landscaped and seeded within six (6) months after completion of the excavation.
9. All ponds shall be completed within one year of the issuance date of the Pond permit. Permits may be extended for cause upon approval of the Town Board.

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