

*Section 12*

Town of Humboldt  
Zoning Ordinance  
Revised  
November 13, 2014

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## PREFACE

The Town of Humboldt is a rural agricultural community located immediately east of the City of Green Bay in the central-eastern portion of Brown County, Wisconsin. The Town is approximately 16,000 acres in size. The Town of Humboldt Zoning Ordinance is intended to promote the orderly development of the community with prime consideration directed toward preservation of the agricultural land in the Town. The original Town of Humboldt Zoning Ordinance was adopted September 2, 1980. The 1968 Brown County Comprehensive Plan, as it related to the Town of Humboldt, was used as a broad-based guide for development in the past. In September of 1992, the Town of Humboldt contracted with the Brown County Planning Commission for the development of a Comprehensive Plan for the Town of Humboldt. The Comprehensive Plan was adopted by the Town Board on February 6, 1995. Consistent with the recommendations of the Comprehensive Plan, the Town of Humboldt Zoning Ordinance has been revised and amended on November 13, 2014.

The Comprehensive Plan recommends agriculture and low density non-urban residential to be the predominant land uses in the vast majority of the Town. Exceptions to this are existing business and industries in the Town, a parcel of land in the western portion of Humboldt zoned for industrial use, and the unincorporated community of New Franken which is recommended to be developed for low density single-family residences.

The major goals cited in the Town of Humboldt Comprehensive Plan are:

- J. to maintain Humboldt as primarily an agricultural community;
2. to allow residential development which provides a quality living environment in harmony with the Town's agricultural character and in harmony with other land uses;
3. to encourage development of commercial and industrial uses to meet the existing and future needs of the community without creating land use conflicts;
4. to preserve the Town's natural resources of prime agricultural lands, woodlands and surface waters with both the environmental and economic aspect of land use blending together to provide for a long-lasting, quality natural setting;
5. to establish and maintain a safe, orderly and efficient transportation system that is compatible with adjacent land uses;

6. promote a quality living environment through provision of adequate and efficient public services based on community needs;
7. promote compatibility between land uses;
8. avoid growth that would put undue strain on the Town's financial resources; and
9. discourage development that is not compatible with orderly community development.

The general direction of the future land use development in the Town of Humboldt is for the Town to remain a primarily agricultural community. Although the pressure for development will exist and it is the intention of the Town to provide for some development, the primary object of the Town of Humboldt is to remain an agricultural community and to preserve the Town's natural prime agricultural lands. The development of higher density residential subdivisions creates an environment that is not compatible with the agricultural uses within the Town. Proper location for higher density development from a land use planning standpoint and in relation to the goal of maintaining the agricultural character of the Town, is for such developments to occur within the communities of Brown County where the existing land use patterns are compatible with such developments and the support services and facilities are readily available within the existing infrastructure.

## ARTICLE I - TITLE AND AUTHORITY

### TITLE

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

### AUTHORITY

The Town of Humboldt, pursuant to Sections 60.22, 60.23(5), 60.62, 61.35, 62.23 - and 66.058 of the Wisconsin Statutes, hereby enacts a zoning ordinance to read as follows.

## ARTICLE II - INTENT, PURPOSE, AND SEVERABILITY

### A. Intent

This Ordinance is intended to promote the orderly development of the community in accordance with the Comprehensive Plan for the Town of Humboldt adopted July 19, 2013.

### B. Purpose

The Zoning Ordinance of the Town of Humboldt, Brown County, Wisconsin, is adopted for the following purposes:

1. to lessen congestion in the streets;
2. to secure safety from fire, panic and other dangers;
3. to promote and to protect the public health, safety, comfort, convenience and general welfare;
4. to provide adequate standards of light, air and open space;
5. to maintain the aesthetic appearances and scenic values of the Town;
6. to prevent the overcrowding of land;
7. to avoid undue concentration of population;
8. to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and
9. to foster a more rational pattern of relationship among agricultural, residential, business, commercial and manufacturing uses for the mutual benefit of all.

### C. Severability

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

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

## ARTICLE III - DEFINITIONS

### A. General

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

The word "shall" is mandatory and not discretionary.

The word "may" is permissive.

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

All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the next "integral foot" below shall be taken.

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

### B. Words Defined

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

- 1-. **ACCESSORY USE OR BUILDING** - a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the main use of the principal structure.
2. **AGRICULTURE** - is the use of land for agricultural purposes, including soil tillage for the production of crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquaculture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the primary agricultural activities occurring thereon.
3. **AIRPORT** - any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or

rights-of-way, including all necessary taxiways, aircraft storage and tie-down area, hangars and other necessary buildings and open spaces.

4. ALLEY - a public or private right-of-way primarily designed to serve as secondary access to abutting properties.
5. AUTO WRECKING YARD - any premises on which more than one (1) automotive vehicle, not in running or operating condition, is stored in the open.
6. BASEMENT - that portion of any structure located partly underground and having more than one-half (Y2) of its height below the finished lot grade.
7. BLOCK - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or municipal boundary lines.
8. BOARDING HOUSE - a building or premises other than a lodging house or care facility, where sleeping accommodations and meals are offered or furnished for compensation to non-family members, transients, or members of the general public. A boarding house shall not accommodate more than six (6) occupants at any time, and shall include, but is not limited to, rooming houses, bed and breakfast establishments, etc.
9. BUILDING - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.
10. BUILDING 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.
11. CARE FACILITY - includes, but is not limited to, a hospital, correctional facility, group home, secured correctional facility, secured detention facility, shelter care facility, and approved treatment facility under Section 51.01(2), Wis. Stats., etc.

12. CLINIC, MEDICAL OR DENTAL - an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include inpatient care.
13. CLUB - an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.
14. COMMERCIAL FEEDLOTS - an agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot or slaughter house.
15. CORNER SIDE - a yard extending along a side lot line from front yard to rear yard when said side lot line is coterminous with a street right-of-way line.
16. CONDITIONAL USE - uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
17. DWELLING - a building, or portion thereof, excluding a mobile home and a manufactured home, designed or used exclusively for residential occupancy, including single- family dwellings, two-family dwellings and multiple family dwellings, but not including hotels or motels.
18. DWELLING UNIT - one (1) or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and e0mplete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".
19. DWELLING, SINGLE-FAMILY - a building designed for and occupied exclusively by one family.
20. DWELLING, TWO-FAMILY - a building designed for and occupied exclusively by two families.
21. DWELLING, MULTIPLE-FAMILY - a building used and designed as a residence for three (3) or more families, including tenement houses, row houses, apartment houses, condominiums and apartment hotels.
22. ESTABLISHMENT BUSINESS - a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same



zoning lot. This term includes, but is not limited to, malls, mini-malls, offices, small business incubators, etc.

23. FAMILY - one (1) or more persons, each related to the other by blood, marriage, adoption, including licensed foster children, who are living together in a dwelling unit and including any domestic servant. Not more than two (2) unrelated persons living together in a dwelling unit may constitute a family.
24. FARM - 'any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.
25. FARMETTE - any parcel of land not less than ten (10) acres but less than thirty-five (35) acres, which is principally used for residential purposes, but may include a small farming operation.
26. FRONTAGE - the length of all property fronting on one side of a street between two (2) nearest intersecting streets, measured along the line of the street, or if dead-ended, then all property abutting on one (1) side between an intersecting street and the dead-end of the street.
27. FRONTAGE, ZONING LOT- the length of all the property of such zoning lot fronting on a street, measured between side lot lines.
28. FUR FARM - agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
29. GRADE - the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
30. 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 out.
31. 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.
32. HARD SURFACED - a driveway or parking lot surfaced with concrete or bituminous paving.
33. HOME OCCUPATION - an accessory use of a dwelling unit or accessory building, carried on by a member or members of a family, on the premises,

which produces or provides any commodity including but not limited to goods, merchandise, produce, services or any other article of commerce upon the premises. No person outside of the family may engage in any activity related to the business of the home occupation on the premises. Home occupation does not include any endeavor from which the participant derives a substantial (more than half) of the participant's annual income from activity(s) engaged in upon the premises. The home occupation use shall be clearly incidental and secondary to the use of the dwelling and the property for residential purposes and shall not change the character of the dwelling unit or the property. · No mechanical or electrical equipment shall be used in a home occupation, except such as is permissible and normally utilized for purely domestic or household purposes. A professional may use his/her residence for irregular, occasional or infrequent consultation, emergency treatment, or the performance of religious rights, but not the general practice of the profession. Not more than one half of any accessory building shall be used for a home occupation. No storage or display of material, goods, supplies or equipment related to the home occupation shall be visible from the outside of any structure located on the premises. No use related to the home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, environmental contamination threat, abnormal vehicular or pedestrian traffic, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district under normal circumstances where in no home occupation exists. There shall be no change in the outside appearance of the dwelling or other buildings upon the premises, nor shall there be any other visible evidence of the conduct of such home occupation other than one (1) sign, non-illuminated, not exceeding three (3) square feet in area and such sign shall be limited to displaying the name of the individual engaging in the home occupation, the nature of the home occupation, and the dwelling 's address, and such sign shall comply with all setback requirements for the zoning district as set forth herein.

34. HOTEL - a building in which lodging, with or without meals, is offered transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.
35. 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.

36. JUNK (SALVAGE) YARD - an enclosed screened area where waste or scrap material are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and metals, paper, rags, rubber tires, bottles, automobiles, batteries, appliances, equipment or any other discarded materials.
37. LODGING HOUSE – a hotel, motel, nursing home or community based residential facility, providing or offering sleeping accommodations with or without meals for more than four (4) occupants at any time.
38. 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.
39. LOT OF RECORD - a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this ordinance; or a lot depicted upon a certified survey map approved and recorded in the Register of Deeds Office of Brown County.
40. LOT, ZONING - a single tract of land located within a single block, which (at the time of filing for a building permit), is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.
41. 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.
42. 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.
43. LOT, INTERIOR - a lot other than a corner lot.
44. LOT LINES AND AREA - the peripheral boundaries of a parcel of land including the street right-of-way lines and the total area lying within such boundaries.

45. LOT, THROUGH - interior lot having frontage on two (2) nonintersecting streets.
46. LOT, WIDTH OF - the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
47. MANUFACTURED HOME - means either of the following: (a) a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet wide or more in width or forty (40) body feet or more in length, which when erected on site is one thousand (1000) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities; or (b) a structure which meets all the requirements of paragraph (a) except the length and width size requirements; and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. 5401 to 5425.
48. MOBILE HOME - a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of forty-five (45) feet. "Mobile Home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems and all appliances and all other equipment carrying a manufacturer's warranty.
49. MOBILE HOME PARKS - any site, parcel or tract of land designed, maintained, intended or developed with the facilities for locating mobile homes subject to Article VII(L) hereof: No mobile homes shall be permitted in the Town of Humboldt outside of mobile home parks, except as provided in Article VIII(C) (10). Mobile home parks shall at all times be in compliance with Article VII(L). It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.
50. 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.

51. **MOTOR VEHICLE** - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
52. **NON-CONFORMING USE** - any use of land, building, or structure, lawful at the time of the enactment of this ordinance, which does not comply with all the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.
53. **PARKING SPACE** - a 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.
54. **PLANNED UNIT DEVELOPMENT** - a tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.
55. **PROFESSIONAL OFFICE** - the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation; the office shall not exceed one-half (1/2) the area of only one (1) floor of the residence and only one (1) resident person is employed.
56. **RESTAURANT** - any building, room or place where meals are prepared or served or sold to transients or the general public and all places used in connection with it, including contract food service providers. This term does not include churches, religious, fraternal, youth or patriotic organizations, service clubs and civil organizations which occasionally prepare, serve or sell meals to members, transients or the general public.
57. **ROADSIDE STAND** - a structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to the ten (10) feet maximum height.
58. **SANITARY LANDFILL** - disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of

engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals,

59. SETBACK - minimum horizontal distance between the front line of a building or structure and the front property line.
60. 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 or 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.
61. SIGN, ADVERTISING - a sign which directs attention to a business, commodity, service or entertaining not exclusively related to the premises where such sign is located or to which it is affixed.
62. 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.
63. SOLID WASTE DROP OFF AND RECYCLING CENTER- a facility operated by a responsible unit pursuant to Chapter 159 Wis. Stats.
64. STOCKFARM - an agricultural operation, usually non-dairying in nature where livestock are raised to the required age or weight for slaughterhouse purposes of for sale to commercial feedlots.
65. 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.
66. STREET - a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land, throughway or however otherwise designated, but does not include driveways to building

67. 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.
68. 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.
- . 69. 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".
70. YARD - open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.
71. YARD, FRONT - a yard extending along the full length of the front lot line between the side lot lines.
- 72.. YARD, SIDE - a yard extending along a side lot line from the front yard to the rear yard.
73. YARD, REAR - a yard extending along the full length of the rear lot line between the side lot lines.

## ARTICLE IV - GENERAL PROVISIONS

### A. Jurisdiction

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

### B. Existing Ordinance

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Humboldt or are established by federal, state and county laws, and which are greater than those set forth herein shall take Precedence over those herein. Otherwise, the provisions of this Ordinance shall apply.

### C. Building and Uses

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved, and existing land, shall be used only for purposes as specified in this Ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.
2. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.
3. Permitted, Permitted Accessory Uses, and Conditional Uses are limited to the uses indicated for the respective zone districts. Additional uses shall be allowed upon written recommendation by the Town Plan Commission and approval by the Town Board.
4. Accessory buildings which are not a part of the main building shall not occupy more than thirty (30) percent of the area of the required rear yard, shall not be more than twenty-five (25) feet high and shall not be nearer than ten (10) feet to any lot line, except that where an accessory building has an entrance on an alley, such entrance shall be located not less than fifteen (15) feet from the nearest alley line. The above height and area regulations shall not apply to accessory buildings designated as farm structures. However, the farm structures shall be located on a minimum farm site of five (5) acres. 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. No building permit for any accessory building exceeding five Hundred (500) square feet shall be issued without prior Town Board



approval. The applicant for such permit shall submit a written statement concerning the accessory building's intended use and a sketch plan depicting the nature of the building and its intended location upon the lot, not less than seven (7) days prior to the Town Board hearing on such permit request.

5. If a non-conforming 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 non-conforming 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 in any non-conforming 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 non-conforming use unless permanently changed to a conforming use.
7. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this Ordinance. If the lot area is less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of the Ordinance, such lot may be occupied by a family if it meets the requirements of the Brown County Sanitary and Subdivision Ordinances.

If the area of a parcel in the Agricultural District is less than thirty-five (35) acres and was of record as such at the time of the original passage of the Farmland Preservation portion of this Ordinance on November 6, 1985, such parcel may be occupied by single-family dwellings, provided that the minimum area for each shall not be less than one and one-half (1 1/2) acres and each separate dwelling shall be located on a separate lot. The maximum number of single-family dwellings that may be created, including any existing principal dwelling, shall be based on the gross area of that lot of record, as follows:

Area of Lot of Record on  
November 6, 1985 at the  
Time of the Effective Date  
of this Ordinance

Maximum Number of  
Single-Family Dwellings  
Permitted (Including Existing  
Dwelling)

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0-3 Acres	1
4-10 Acres	2
11-20 Acres	3
21-35 Acres	4

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8. 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 six (6) months of the date of the issuance of such permit.
9. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed 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 Article XVIII.

D. Area Regulations

1. Lot size shall comply with the required regulations of the established district.
2. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

E. Height Regulations

1. Except as otherwise provided in this Ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Accessory farm buildings, belfries, chimneys, cooling towers, elevator

bulkheads, fire towers, monuments, silos, scenery lofts, tanks, water towers, ornamental towers, spires, telephone, telegraph and power transmission poles and lines are hereby exempted from the height regulations of this Ordinance,

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

G. Fences, Walls and Hedges

1. A fence, wall, hedge or shrubbery may be erected, placed, maintained, or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding 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.

2. No fence, wall, hedge or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to the residentially zoned property, to a height exceeding eight (8) feet.
3. In any district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto; within twenty-five (25) feet of the intersection of any street lines or of street lines projected.

#### H. Parking Standards

1. Parking areas may be located in any yard space for commercial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
2. Each parking space shall be less than two hundred (200) square feet exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained, and shall have the aisles and spaces clearly marked.
5. All parking areas and appurtenant passageways and driveways serving commercial 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.
6. Where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months

of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.

7. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
8. None of the off-street parking facilities as required in this Ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this Ordinance shall apply only to the enlarged portion of the building or use.

I. Off-Street Loading

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

J. Culverts

1. No culvert shall be installed in the Town of Humboldt without a permit. A request for permit shall be made to the Zoning Administrator or Town Clerk. No culvert permit shall be issued except upon approval of the Town Board. There shall be no fee for this permit.

## ARTICLE V-ESTABLISHMENT OF ZONES

### A. Zone District

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

- R-1 Residential District
- R-R Rural-Residential District
- A-1 Agricultural District
- B-1 Community Business District
- I-1 Limited Industrial District
- C-1 Conservancy District
- A-2 AG-FP

### B. Zoning Map

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled "Zoning District Map for the Town of Humboldt, Brown County, Wisconsin", dated July 30, 2014 which are incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

### C. Zone Boundaries

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

1. District boundary lines are the center lines of highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, after due hearing, the Plan Commission

may recommend and thereafter the Town Board may extend the regulation -  
for either portion of such lot.

D. Exempted Uses

The following uses are exempted by this Ordinance and permitted in any zone district: poles, towers, wires, cable conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications; 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 regulations, other Town ordinances, and the ordinances, codes, statutes and regulations of other authorities having jurisdiction.

## **ARTICLE VI - R-1 RESIDENTIAL**

R-1 Residential districts shall be located only in those areas of the Town served by a sanitary district sewerage system created pursuant to Chapter 60, Subchapter IX Wis. Stats. The following regulations shall apply in R-1 Districts:

### **A Permitted Uses**

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

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

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

### **C. Conditional Uses subject to Article XVIII(K):**

1. Two-family dwellings.
2. Multi-family dwellings.
3. Manufactured homes subject to VI(K) below.
4. Home occupations
5. Planned unit development.
6. Religious institutions in the form of convents, seminaries and monasteries.



7. Fire stations police stations, post offices and other municipal facilities necessary for town operation.
8. Mobile Home Parks
9. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements with Public Sewer Only

1. Area - ten thousand (10,000) square feet minimum.
2. Zoning Lot Frontage - eighty-five (85) feet minimum.

E. Height Regulations

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

F. Building Setbacks

	Principal Structure	Accessory Building
Front Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way
Side Yard	1 story - 10 feet minimum each side; 2 story - 15 feet minimum each side	10 feet minimum
Rear Yard	25 feet minimum	10 feet minimum
Corner Side	25 feet minimum from the setback line which shall be a straight line cross the corner connecting the two points, which are each 25 feet from the corner where the lot lines intersect and	25 feet minimum from the setback line which shall be a straight line across the corner connecting the two points, which are each 25 feet from the corner where the lot lines intersect and

along the lot lines adjoining  
the highway.

along the lot lines adjoining  
the highway.

—

G. Building Size

- 1.. Residences, including dwellings and manufactured homes shall contain a minimum of one thousand (1,000) square feet.

H. Accessory Building

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

I. Parking

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

J. Signs

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

K. Standards and criteria for manufactured home conditional use permit:

No conditional use permit shall be granted for a manufactured home unless the grant of such permit is consistent with the standards and criteria of Article XVIII(K) and such permit contains specific requirements as to: (1) the manufactured home's size; (2) the manufactured home's appearance including but not limited to roof style, overhanging eaves, types of siding and roofing materials, etc.; (3) the manner of installation on the site including but not limited to setback, foundation, basement, footings, excavations, etc.; (4) the use of landscaping, additions and other accessories and structures in conjunction with the manufactured home to cause it to compare favorably with a site-built dwelling.

L. Mobile Home Park Regulations

- I. It shall be unlawful for any person to construct, maintain or operate within the limits of the Town of Humboldt, any mobile home park, unless such person shall first obtain from the Town a license therefore, in addition to obtaining a conditional use permit pursuant to Article XVIII (K) hereof.
2. Any license granted under the provisions of this Ordinance shall be subject to revocation or suspension for cause by the Town Board upon complaint filed with the Clerk, signed by any law enforcement officer, health officer, building inspector or citizen complainant, showing suitable cause why a hearing - should be held. The holder of such license shall be given ten (10) days' notice in writing of such hearing, and said holder shall be entitled to appear and be heard as to why such license shall not be revoked.

Any holder of a license which is revoked or suspended by the Town may, within twenty (20) days of the date of such revocation or suspension, appeal therefrom to the Circuit Court of the county in which the mobile home park is located by filing a written notice of appeal with the Town Chairman, together with a bond executed to the Town in the sum of Five Hundred Dollars and 00/100 (\$500.00), with two sureties or a bonding company approved by the said Chairman, conditioned upon the faithful prosecution of such appeal, and the payment of costs adjudged against the holder.

3. To constitute a lawful mobile home park, there shall be designated and developed not less than ten (10) spaces, nor more than forty (40) spaces designed for containing mobile homes.
4. License and monthly mobile home fee: Upon application for a mobile home park license, the applicant shall pay an application fee of Fifty Dollars and 00/100 (\$50.00). In addition, thereafter, upon granting of any license hereunder, the holder of said license shall pay an annual license fee of One Hundred Dollars and 00/100 (\$100.00). Thereafter, on July 1 of each succeeding year, the licensee shall pay the annual license fee to the Town Clerk. The Clerk shall not be required to pro-rate the initial annual license fee; however, an additional license fee shall not be payable upon transfer of the license, and instead, a transfer fee of Ten Dollars and 00/100 (\$10.00) shall be paid to the Town Clerk for each transfer of a license.
5. The term "space" means a plot of ground within a mobile home park, designed for the accommodation of one (1) mobile home unit.
6. In addition to the annual license fee provided herein, the Town shall collect from each mobile home occupying a space in a mobile home park in the Town, a monthly parking permit fee computed as follows: on January 1, the Town Assessor shall determine the total fair market value of each mobile home in the taxation district subject to the monthly parking permit fee. The fair market value, minus the tax-exempt household furnishings thus established, shall be equated to the general level of assessment for the prior year on other real and personal property in the district. The value of each mobile home thus determined shall be multiplied by the general property gross tax rate, less any credit rate, under Section 79.10 established on the preceding years' assessment of general property. The total annual parking permit fee thus computed shall be divided by twelve (12), and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to mobile homes moving into the tax district any time during the year. The park operator shall furnish information to the tax district clerk and the assessor on mobile homes added to the park within five (5) days after their arrival, on forms prescribed by the Wisconsin Department of Revenue. As soon as the assessor receives the notice of an addition of a mobile home to a mobile home park, the assessor shall determine its fair

market value, and notify the clerk of that determination. The clerk shall equate the fair market value established by the assessor, and shall apply the appropriate tax break, divide the annual parking permit fee thus determined by twelve (12), and notify the mobile home owner of the monthly fee to be collected from the mobile home owner. The mobile home park licensee shall collect the monthly parking fee from the mobile home owner. Liability for payment of the fee shall begin on the first day of the next succeeding month, and shall remain on the mobile home only for each month the mobile home remains in the tax district. A new fee and a new valuation shall be established each January, and shall continue for the calendar year. The valuation established shall be subject to review as are other values established under Chapter 70. If the Board of Review reduces a valuation on which previous monthly payments have been made, the tax district shall refund past excess fee payment. The monthly parking permit fee shall be paid to the Town by the mobile home park licensee on or before the tenth (10th) day of the month following the month for which such parking permit fee is due. The licensee of the mobile home park shall be jointly and severally liable for the monthly parking permit fee for any mobile home occupying space therein, with the owner and occupant

7. Application for license: The original application for mobile home park license shall be filed with the Town Clerk. Application shall be in writing, signed by the applicant, and shall contain the following:

- a. The name and address of the applicant.
- b. The location and legal description of the mobile home park.
- c. The complete plan of the park.
- d. A list of the financial institutions with which applicant does business.
- e. Applicant shall provide credit references.
- f. Applicant shall have applied for and provide copies of applications for such sanitary and other permits as may be required by state, county or other authorities.

8. The mobile home park shall conform to the following requirements:

- a. The mobile home park shall be located on well drained property, properly graded to insure rapid drainage, and free from stagnant pools of water.
- b. Each space designated for a mobile home shall be clearly defined or

delineated. Each space shall have an average width of not less than forty (40) feet, and the mobile home occupying such space shall not occupy in excess of twenty-five percent (25%) of the area of the space.

- c. The mobile homes shall be so located on each space that there shall be at least a twenty-five (25) foot clearance between units. No mobile home in the mobile home park shall be located closer than ten (10) feet to any building within the park, or to any property line of the park which does not abut upon public street or highway. No unit shall be located closer than fifty (50) feet from the right-of-way of the Town road or highway serving the mobile home park.
  - d. All spaces shall abut upon a driveway of not less than forty (40) feet in width, which shall have unobstructed access to a public road or highway.
  - e. All driveways within the mobile home park shall be improved or hard-surfaced, and lighted at night with sufficient lighting that compares with lighting in any residential area of the average city or town.
  - f. An electrical utility connection shall be provided for each mobile home space.
  - g. An adequate supply of pure water for drinking and domestic purposes shall be supplied to all spaces within the park.
  - h. Each space shall be provided with connection to a state and county approved private sewerage or sanitary system.
  - i. Each space shall be attractively landscaped, and all areas fronting the park and any buildings or recreation areas shall be attractively landscaped.
9. Skirting and Anchoring: Skirting closing off the lower area below the floor level and proper anchoring as approved by the Humboldt Building Inspector shall be required on all mobile home units, in mobile home parks, and those presently parked within the Town. Such skirting or closing up of the area below the floor level to be completed within a period of not more than ninety (90) days of the date of this Ordinance, or the arrival of the mobile home in a licensed park. The type of skirting shall be of such material and color that it will blend with the color, material, fabric, and/or design of the mobile home itself. A permanent foundation, wall, or basement may be erected to support any mobile home unit in lieu of the above requirements for skirting.

10. The minimum size of mobile home units shall be six hundred (600) square feet of living space. The hitch area is not to be considered in computing this minimum size requirement.
11. No construction of any additions, windbreaks, carports, permanent garages, utility sheds, or any other improvement to a mobile home shall be commenced without first obtaining a building permit as provided for in this Ordinance at Article XVIII(E).
12. The grounds of the mobile home park shall be maintained in a clean, sightly condition, and kept free of any condition that will menace the health of any occupant or the public, or constitute a nuisance.
13. Garbage and recycling receptacles in mobile home parks: Metal garbage receptacles with tight fitting covers shall be required in quantities adequate to permit disposal of all garbage and rubbish. Garbage receptacles shall be located not farther than one hundred (100) feet from any mobile home space. The receptacles shall be kept in sanitary condition at all times. The licensee shall arrange for garbage and rubbish to be collected and disposed of as frequently as may be necessary to ensure that the garbage containers shall not overflow. Recycling receptacles shall be provided and all other action(s) shall be taken as may be necessary to ensure compliance with the Town of Humboldt Waste Disposal and Recycling Ordinance, including but not limited to the disposal of all recyclable waste at the Town Facility or an appropriate Other Facility.
14. Fire protection: All mobile homes within the mobile home park shall be equipped with fire extinguishers. All service buildings within the mobile home park shall be equipped with fire extinguishers. No open fires shall be started without permission from the fire chief. No fires shall be left unattended at any time.
15. Animals and pets: No mobile home owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance.
16. Management: The "manager" is the person in charge of a mobile home park. The mobile home park shall have an office of the manager of said mobile home park located in the park. The owner, operator, or licensee of the mobile home park shall at all times maintain on the premises a manager who shall be authorized to be in charge to keep the mobile home park, its facilities and equipment, in a clean, orderly and sanitary condition. The manager shall keep a register of all occupants of mobile homes, to be open at all times to inspection by federal, state and local officials. The manager shall report to the local health officer all cases of persons or animals infected or suspected of

being infected with any communicable disease. The manager shall be designated as the agent of the owner, operator, and licensee of the mobile home park to accept service of process on behalf of them, and any notices which may be delivered pursuant to this or any other ~~code~~ of the Town of Humboldt.

17. The mobile home park manager shall keep continually posted copies of the rules and regulations of the mobile home park, in one (1) or more conspicuous place(s) in the mobile home park, so that they can be easily seen by the mobile home park residents or visitors.
18. Posting of license permit: The license permit shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

## ARTICLE VII -R-R RURAL-RESIDENTIAL

The following regulations shall apply in R-R Districts:

### A. Permitted Uses

1. Agriculture, dairying, floriculture, forestry, general fanning, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves.
2. Agricultural warehouses.
3. Farmettes.
4. Parks, recreational sites and golf courses.
5. Single-family dwellings.

### B. Permitted Accessory Uses

1. Additional structures necessary for the continuance of the farming operation.
2. Private garages, carports, and driveways.
3. Tool houses, sheds and other similar buildings used for the storage of common supplies.



C. Conditional Uses subject to Article XVIII(K)

1. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations and towers, railroad right-of-way and passenger depots, not including switching, storage freight yards or sidings.
2. Microwave relay towers.
3. Artificial lakes.
4. Airfields, airports and heliports.
5. Cemeteries.
6. Commercial raising of animals, such as dogs.
7. Manufactured homes subject to VII (L) below.
8. Home occupations.
9. Planned unit development.
10. Roadside stands.
11. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements

Area one and one half (1 1 / 2) acres minimum  
Zoning Lot Frontage -- two hundred (200) feet minimum

E. Height Regulations

Farm Structures - sixty (60) feet maximum \*  
Residential Dwellings - thirty-five (35) feet maximum \*

F. Building Setbacks

	Principal Structure	Accessory Building
Front Yard	75 feet minimum from center of road	75 feet minimum from center of road

Side Yard	15 feet minimum	10 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	50 feet minimum from the setback line which shall be a straight line across the corner connecting the two points, which are each 50 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway	50 feet minimum from the setback line which shall be a straight line across the corner connecting the two points, which are each 50 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway

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

G. Building Size

Minimum size of residential dwelling or manufactured home shall be one thousand (1,000) square feet.

H. Accessory Buildings

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

I. Parking

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

J. Signs

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

K. Other Requirements

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

L. Standards and criteria for manufactured home conditional use permit:

No conditional use permit shall be granted for a manufactured home unless the grant of such permit is consistent with the standards and criteria of Article XVIII(K) and such permit contains specific requirements as to: (1) the manufactured home's size; (2) the manufactured home's appearance including but not limited to roof style, overhanging eaves, types of siding and roofing materials, etc.; (3) the manner of installation on the site including but not limited to setback, foundation, basement, footings, excavations, etc.; (4) the use of landscaping, additions and other accessories and structures in conjunction with the manufactured home to cause it to compare favorably with a site-built dwelling.

## ARTICLE VIII - A-1 AGRICULTURAL DISTRICT

The following shall apply in A-1 Districts:

### A. Permitted Uses

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, truck farming, game farms, wildlife sanctuaries and game preserves.
2. Single-family residences for the farm operator, a parent or child of the farm operator, or worker who earns a substantial part of his or her livelihood from farm operations on the parcel.

Single-family dwellings shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the Brown County Register of Deeds upon or prior to the effective date of this Ordinance, or a lot or parcel of land which would have been a lot of record, if the document conveying the lot has been recorded on the date of its execution, provided they are able to meet all other applicable standards and requirements of this Ordinance, and all other applicable Town and county ordinances, subject to the following area and dimensional regulations. Lots or parcels of record, other than recorded certified survey maps and subdivision plats, which on the effective date of this Ordinance had separate legal descriptions, but were under the same ownership and were contiguous shall be considered as one lot or parcel. The term "contiguous" herein shall include not only contiguous/adjacent parcels to be considered as one parcel if owned by the same owner, but in addition, shall include parcels which may be divided by a roadway. Specifically, when determining contiguity, the owner of parcels which may be divided by a roadway is deemed to own such parcels to the center of any such roadway, and thus contiguity is determined by combining the parcels due to contiguity created by the imaginary roadway center line. The maximum number of single-family residences, in addition to an existing principal dwelling that may be created shall be based on the gross area of that tract or parcel which is to be subdivided, and which constitutes the lot of record as per the rules of contiguity set forth herein, existing on the effective date of this Ordinance, as follows:

Area of Lot of Record on  
November 6, 1985

Maximum Number of  
Single-Family  
Residences Permitted

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0-3 Acres	1
4-10 Acres	2
11-20 Acres	3
21-80 Acres	4
81-140 Acres	5
141-200 Acres	6
201+ Acres	One additional single-family residence for every 60 acres of land

B. Permitted Accessory Uses

1. Additional structures necessary for the continuance of the farming operation.

C. Conditional Uses subject to Article XVIII(K):

1. Stockyards and fur farms.
2. Artificial lakes.
3. Commercial feedlots and stock farms
4. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations and towers, public streets, street rights-of-way, and street improvements.
5. Home occupations.
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. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches and other religious institutions, provided that they are religious, institutional or governmental uses which do not conflict with agricultural use.
8. Airfields, airports and heliports, provided that they are public uses.
9. Cemeteries, if religious or institutional.
10. Quarries, sand and gravel pits, if public facilities or incidental to the farmoperation.
11. Town solid waste drop off and recycling center.
12. Commercial raising of animals such as foxes, goats, hogs, mink and rabbits.
13. Golf courses, if public (governmental) facilities.
14. Riding academies and stables, which do not conflict with agricultural useand/or are found necessary in light of alternative locations available for such uses.

15. Agricultural warehouses, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.
16. Parks and recreation sites, if they are public (governmental) facilities.
17. Railroad right-of-way and passenger depots, not including switching, storage freight yards, or sidings, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
18. Manufactured homes subject to Article VIII(K) below.
19. Single family dwelling residential use only as provided by Article VIII(M) herein.
20. Microwave relay towers.
21. Farm Family Business subject to Article VIII(N) below.
22. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements

Area - Except as provided in Article VIII(L), the area lot requirement shall be One and one half (1 1/2) acres minimum.  
 Zoning Lot Frontage - two hundred (200) feet minimum.

E. Height Regulations

1. Farm Structures - one hundred (100) feet maximum. \*
2. Residential Dwellings - thirty-five (35) feet maximum. \*

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

F. Building Setbacks

	Principal Structure	Accessory Buildings
Front Yard	75 feet minimum from center of road	

Side Yard	15 feet minimum	10 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Comer Side	50 feet minimum from the setback line which shall be a straight line across the comer connecting the two points, which are each 50 feet from the comer where the lot lines intersect and along the lot lines adjoining the highway.	50 feet minimum from the setback line which shall be a straight line across the comer connecting the two points, which are each 50 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway.



G. Building Size. Residences, including dwellings and manufactured homes, shall contain a minimum of one thousand (1,000) square feet.

H. Accessory Buildings

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

I. Parking

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

J. Signs

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

K. Manufactured Homes as a Conditional Use in Agricultural District:

1. A conditional use permit shall be granted only to the owner of the property for the use of a manufactured home as a principal residence by a single family, one member of which shall provide labor to the owner's farming operation. To qualify as a provision of labor here, one adult member of the single-family unit occupying the manufactured home shall provide not less than twenty (20) hours of labor per week to the owners' farming operation.

2. Any conditional use permit granted hereunder shall be only for the term that said manufactured home shall be occupied by a single family, a member of which shall be providing labor to the farming operation, as provided in Article VIII(K)(I) above.

3. Upon noncompliance with any requirement of the conditional use permit granted hereunder, the manufactured home shall be removed.

4. Standards and criteria for manufactured home conditional use permit:

No conditional use permit shall be granted for a manufactured home unless the grant of such permit is consistent with the standards and criteria of Article XVIII(K) and such permit contains specific requirements as to: (1) the manufactured home's size; (2) the manufactured home's appearance including but not limited to roof style, overhanging eaves, types of siding and roofing materials, etc.; (3) the manner of installation on the site including but not limited to setback, foundation, basement, footings, excavations, etc.; (4) the use of landscaping, additions and other accessories and structures in conjunction with the manufactured home to cause it to compare favorably with a site-built dwelling.

L. Other requirements

1. All future residential dwellings connected with the farming operation shall be located on a separate lot containing a minimum of one and one-half (1 1/2) acres and two hundred (200) feet of lot frontage.
2. Farm dwellings and related structures as part of a farm consolidation may be separated from the farm parcel on a lot containing a minimum of one and one-half (1 1/2) acres and two hundred (200) feet of lot frontage.
3. Existing nonconforming residences located in the Agricultural 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 (1) of the Wisconsin Statutes or paragraphs 1, 2, 3 and 4 of Article XVII(A). Nonconforming Uses
4. Other structures or buildings allowed within the Agricultural District shall meet the requirements of the district and remaining articles of the Zoning Ordinance as determined by the Town Zoning Administrator.

M. Residential Conditional Use Parcel Size Exceptions

Under the following circumstances, a residence or a farm operation may be established as a conditional use upon a parcel of less than thirty-five (35) acres.

1. In this subsection:
  - (a) "Gross Income" has the meaning given for Wisconsin adjusted gross income in Section 71.01(13) Stats.
  - (b) "Owner" means a resident of this state owning land and includes an individual, legal guardian, corporation incorporated in this State, Wisconsin, limited liability company, business trust, estate, trust, partnership or association or two (2) or more persons having a joint or common interest in the land, a partner in a partnership and a shareholder in a corporation.
  - (c) "Preexisting Residence" means a residence whose initial construction began before May 14, 1992.
2. Except as provided in paragraph three (3) herein below, the only residences, whether preexisting residences or not, that are allowed as permitted or conditional uses, are those that have a use consistent with agricultural use and that are occupied by any of the following:
  - (a) An owner of the parcel.

- (b) A person who, or a family at least one adult member of which, earns the majority of his or her gross income from the conducting of the farm operations on the parcel.
  - (c) A parent or child of an owner who conducts the majority of the farm operations on: the parcel.
  - (d) A parent or child of the owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.
3. Preexisting residences located in areas subject to zoning under this section that do not conform to paragraph two (2) above, but that were either permitted or continued residential uses under Section 91.75, 1989 Stats., may be continued in residential use and may be exempted from any limitations imposed or authorized under Section 59.97(1 0).
4. Notwithstanding anything provided herein above, no structure or improvement may be built on the land unless consistent with agricultural uses. "Use consistent with agricultural use" means any activity that meets all of the following conditions:
- (a) The activity will not convert land that has been devoted primarily to agricultural use.
  - (b) The activity will not limit the surrounding land's potential for agricultural use.
  - (c) The activity will not conflict with agricultural operations on the land subject to a Farmland Preservation Agreement.
  - (d) The activity will not conflict with agricultural operations on other properties.
5. For purposes of farm consolidation and if permitted by other local regulation, farm residences or structures which existed prior to the adoption of the Farmland Preservation portions of this Ordinance, may be separated from a larger farm parcel. Farm residences or structures with upto one and one half (1 1 /2) acres of land may be so separated upon the granting of a conditional use permit allowing same.

N. Standards and Criteria for Farm Family Business

1. In this subsection, "farm family business" means any lawful activity, except a farm operation, conducted primarily for any of the following:
  - (a) the purchase, sale, lease or rental of personal or real property;
  - (b) the manufacture, processing or marketing of products, commodities or any other personal property; and
  - (c) the sale of services.
2. A farm family business may be allowed as a conditional use only if:
  - (a) the business activity is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses;
  - (b) no more than two (2) persons who are not members of the resident farm family may be employed in the farm family business; and
  - (c) the business must be agricultural-related and must be a use consistent with agricultural use as that term is defined in Article VIII(M)(4)(a)-(d).

ARTICLE IX - B-1 COMMUNITY BUSINESS DISTRICT

The following regulations shall apply in B-1 Districts:

A Permitted Uses

1. Antique shops.
2. Art shops.
3. Bakery - retail.
4. Banks and financial institutions.
5. Barber shops.
6. Beauty shops.
7. Bicycle sales, rental and repair stores.

8. Business and professional use.
9. Candy and confectionery stores.
10. Carpet, rug and drapery stores.
11. Dentist offices.
12. Clothing and dry goods stores.
13. Recognized fraternal and nonprofit clubs and lodges.
14. Drug stores and pharmacies.
15. Electrical and household appliance stores, including radio and television sales.
16. Florist shops.
17. Food stores, grocery stores and meat markets (retail sales only).
18. Hardware and paint stores.
19. Jewelry stores.
20. Liquor and packaged goods stores.
21. Post offices.
22. Music stores, including instrument sales and repair.
23. Office supply stores.
24. Office machine sales stores.
25. Parking lots and off-street loading areas.
26. Laundrettes.
27. Pet shops.
28. Printing offices.

29. Restaurants including the serving of alcoholic beverages.
30. Shoe stores.
31. Sporting goods stores.
32. Studios - photography, dance, design, and artist-illustrator.
33. Taverns.
34. Tailor shops, toy shops, etc.
35. Variety stores.
36. Radio and television stations excluding towers.
37. Dry cleaning establishments.
38. Furniture Stores

B. Permitted Accessory Uses

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

C. Conditional Uses subject to Article XVIII(K):

1. Agricultural implement dealers and repair shops.
2. Animal hospitals and veterinary clinics.
3. Automobile service stations and garages.
4. Bowling alleys.
5. Building material and product sales.
6. Business schools.
7. Contractor or construction offices.
8. Drive-in establishments
9. Dwelling and rooming units above the ground floor of a business establishment.

10. Express offices and delivery stations.
11. Commercial greenhouses.
12. Hotels and motels.
13. Model homes and garage displays.
14. Monument shops.
15. Planned commercial unit development.
16. Mobile home and trailer sales and rentals.
17. Public utility and service uses.
18. Shopping centers.
19. Theaters.
20. Undeliaking establishments and funeral parlors.
21. Car washes.
22. Used motor vehicle sales and services.
23. Wholesale establishments.
24. Sexually-Oriented Adult-Entertainment Establishments subject to the provisions of Article XXI
25. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements

With Public Sewer:

- Area - fifteen thousand (15,000) square feet minimum.
- Zoning Lot Frontage - eighty-five (85) feet minimum.

Without Public Sewer:

- Area - forty thousand (40,000) square feet minimum.
- Zoning Lot Frontage - one hundred (100) feet minimum.

E. Height Regulations

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

F, Building Setbacks

	Principal Structure	Accessory Building
Front Yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way
Side Yard	10 feet minimum	10 feet minimum
Rear Yard	15 feet minimum	15 feet minimum
Comer Side	30 feet minimum from the setback line which shall be a straight line	30 feet minimum from the setback line which shall be a straight line



across the corner connecting the two points, which are each 30 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway.

across the corner connecting the two points, which are each 30 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway.

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G. Building Size

Minimum of seven hundred twenty-five (725) sq. feet.

H. Accessory Building

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

I. Parking

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

J. Signs

Signs shall conform to the requirements as set forth in Article XII, Sign Regulations.

K. Other Requirements

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

## ARTICLE X - I-1 LIMITED INDUSTRIAL DISTRICT

### A. Permitted Uses

1. Automotive service stations and garages.
2. Automotive body repairs, upholstery, and cleaning establishments.
3. Brick and structural clay products manufacturing.
4. Building materials, sales and storage.
5. Commercial bakeries.
6. Contractors, architects, and engineer offices; shops and yards.
7. Cosmetic production.
8. Electronic and scientific precision equipment.
9. Feed and seed- sales.
10. Food processing establishments.
11. Fuel and ice sales.
12. Glass products, production and sales.
13. Light machinery production - appliances, business machines, etc.
14. Lodges and offices of labor.
15. Municipal facilities.
16. Parking lots.
17. Printing and publishing establishments.
18. Public utility and service uses.
19. Warehousing, storage, and distribution facilities.

### B. Permitted Accessory Uses

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

### C. Conditional Uses subject to Article XVIII(K):

1. Air, motor, railroad and water freight terminals.
2. Auto wrecking yards.
3. Dairy processing plants for cheese and milk.
4. Freight yards, terminals, and transshipment depots (motor trucks).
5. Manufacturing and bottling of nonalcoholic beverages.
6. Parks and recreational sites.
7. Petroleum products, storage, processing and sales.
8. Planned industrial unit development.
9. Plastic manufacturing.
10. Stadiums, auditoriums, and arenas, open or enclosed.
11. Woodworking and wood products.
12. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements

With Public Sewer:

- Area -forty thousand (40,000) square feet minimum.
- Zoning Lot Frontage - one hundred (100) feet minimum.

Without Public Sewer:

- Area - forty thousand (40,000) square feet minimum.
- Zoning Lot Frontage - one hundred (100) feet minimum.

E. Height Regulations

Principal Structures - : - sixty (60) feet maximum except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principal Structure	Accessory Building
Front Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way
Side Yard	10 feet minimum	10 feet minimum
Rear Yard	20 feet minimum	20 feet minimum
Comer Side	25 feet minimum from the setback line which shall be a straight line across the corner connecting the two points, which are each 25 feet from the comer where the lot lines intersect and along the lot lines adjoining the highway.	25 feet minimum from the setback line which shall be a straight line across the comer connecting the two points, which are each 25 feet from the comer where the lot lines intersect and along the lot lines adjoining the highway.

G. Accessory Buildings

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

H. Parking

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

I. Signs

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

J. Other Requirements

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

ARTICLE XI - C-1 CONSERVANCY DISTRICT

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

The following regulations shall apply in C-1 Districts:

A. Permitted Uses

1. Stream bank protection.
2. Hunting, trapping, and fishing where not otherwise prohibited.
3. Wildlife preserves.
4. Public water measurement and water control facilities.
5. Wild crop harvesting.
6. Sustained yield forestry.
7. Fish hatcheries.
8. Fences.
9. Grazing and general farming provided a minimum of feet stated below of open land in its natural state be maintained between the grazing or farmed area and the edge of the stream bank with crossings permitted for cattle.

\*

\* The interpretation of this section is as follows:

A farmer will be able to grow cultivated row crops to within thirty-five (35) feet of the navigable stream bank edge, unless the Brown County Land Conservation Department grants a waiver to a lesser distance. The thirty-five (35) foot area to the navigable stream bank edge shall be seeded to grass, alfalfa, or another close-growing crop. The farmer will be able to graze cattle along the stream without

fencing if the cattle are not causing pollution of the stream. If there is a pollution problem, the farmer-operator will be required to erect a fence within sixteen and one-half (16.5) feet of the stream bank or otherwise abate the pollution in such manner as may be determined by the Town Planning Commission in consultation with the Brown County Land Conservation Department. If a fence has to be erected, provision will be added for watering cattle in the stream.

10. Other uses which would not impair the natural fauna, flora, or water regimen.

B. Conditional Uses subject to Article XVIII(K):

1. Bridle and hiking paths.
2. Parks, playgrounds, and other open recreation areas, if public (governmental).
3. Outdoor archery, rifle, trap or skeet-shooting ranges, if public facilities or incidental to the farm operation.
4. Golf courses and golf driving ranges, if public facilities.
5. Irrigation.
6. Sod fanning.
7. Truck gardening.
8. Roads.
9. Utilities.
10. Accessory structures provided the structures will not be designed for human habitation, and will be constructed to offer the minimum encroachment on the resource.
11. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

C. Other Requirements

Any use allowed in the C-1 District shall meet the regulations of this district and other articles of the zoning ordinance as determined by the Town Zoning Administrator. Such uses shall also comply with any County or State law, rule or

regulation applicable thereto.

## ARTICLE XII – SIGN REGULATIONS

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

### A. General

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. No sign shall hereafter be erected, located, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit from the Town Zoning Administrator, except signs in Section B of Article XII which are exempt from the provisions of this Ordinance.

### B. Signs Exempt

All signs are prohibited in the Agricultural and Rural Residential Zones except for the following:

1. Agricultural signs pertaining to the products of the agricultural premises not to exceed sixteen (16) 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 for the premises, the producer, and the product being sold or produced.
2. Real estate signs which advertise the sale, rental or lease of the premises upon which said signs are temporarily located. In the Rural Residential Zone, no sign shall exceed eight (8) square feet in area; whereas such signs shall not exceed twelve (12) square feet in the Agricultural Zone. Corner lots in both zoning districts shall be permitted two (2) signs.
3. Name, occupation, and warning signs not to exceed seven and one-half (7.5) 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 twelve (12) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet. Religious signs may be erected off the immediate premises.
5. Memorial signs, tablets, names of buildings and date of erection when cut into any

masonry surface or when constructed of metal and affixed flat against a building.

6. Official signs such as traffic control, parking restrictions, information and notices.
7. Temporary signs or banners when authorized by the Town Plan Commission.

C. R-1 Residential Districts

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

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

D. B-1 Community Business District

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

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 recommendation of the Town of Humboldt Plan Commission and subsequent approval by the Town Board.
2. Illuminated and flashing signs shall be permitted only in the community 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 one hundred (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 twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
5. Wall signs placed against the exterior of a building shall not extend more than six (6) inches outside of a building wall surface, shall not exceed five hundred (500) square feet in area for any one (1) premises, and shall not exceed twenty (20) feet in height above the average ground level.
6. Ground signs shall not exceed twenty (20) feet in height above the average ground level, shall meet all yard requirements for the district and shall not exceed two hundred (200) square feet in area on all sides combined for any one (1) premises.
7. Property signs fastened to, suspended from, or supported by structure on a premises developed for business, shall not exceed one hundred (100) square feet in area for all sides combined on any one (1) premises; shall not extend more than ten (10) feet into any required yard; shall not exceed a height of twenty (20) feet above the average ground level; and shall not be less than ten (10) feet above any pedestrian way, not less than fifteen (15) feet above a driveway.
8. One (1) pedestal-type sign, a ground sign generally supported by one (1) or more pedestal posts and not exceeding a height of twenty-five (25) feet, shall be permitted for use in the Community Business District Zone. Such sign shall not exceed a total area of fifty (50) square feet on a side.
9. No sign shall be permitted within fifty (50) feet of any residence.
10. No sign shall be closer than forty (40) feet to the intersection of the right-of-way lines of any intersecting road.
11. No sign shall extend into the public way.
12. Signs located within corner lots shall conform to yard setbacks.
13. No advertising signs or devices shall be altered or reconstructed unless the alteration or reconstruction shall be in compliance with the provisions of this Ordinance.
14. Signs advertising Sexually-Oriented Adult-Entertainment Establishments shall comply with the requirements herein and those contained in Article XXI (C)(2).

E. I-1 Limited Industrial District

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

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

**ARTICLE XIII - OFF-STREET PARKING REQUIREMENTS**

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

A. General

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

B. Size

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

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

\* In feet

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

#### C. Plans

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

#### D. Parking Standards

1. SINGLE-FAMILY DWELLINGS - two (2) spaces for each dwelling unit.
2. TWO-FAMILY DWELLINGS - one and one-half (1 1/2) spaces for each dwelling unit.
3. MULTI-FAMILY DWELLINGS - one and one half (1 1/2) spaces for each dwelling unit.
4. MOTELS - one (1) space for each guest room plus one (1) space for each three (3) employees.
5. HOTELS - one (1) space for each two (2) guest rooms plus such additional spaces as shall be required for supplemental uses, such as bars, ballrooms, or nightclub facilities in the hotel.
6. LODGING AND BOARDING HOUSES - one (1) space for each two (2) beds plus one (1) stall for each three (3) employees.
7. CHURCHES AND PLACES OF WORSHIP - One (1) space for every five (5) seats.
8. HOSPITALS - one (1) space for each two (2) hospital beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff

9. MEDICAL AND DENTAL CLINICS - three (3) parking spaces shall be provided for each doctor.
10. SANITARIUMS, REST HOMES, CONVALESCENT HOMES, CARE FACILITIES AND NURSING HOMES - one (1) parking space for each four (4) beds plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff
11. ELEMENTARY SCHOOLS - one (1) parking space for each employee.
12. JUNIOR HIGH SCHOOLS - one (1) parking space for each employee.
13. SENIOR HIGH SCHOOLS - one (1) parking space for each employee, plus one (1) space for each ten (10) students in the school.
14. COLLEGES AND UNIVERSITIES - one (1) space for each employee, plus one (1) space for each six (6) students.
15. PUBLIC LIBRARIES, ART GALLERIES, MUSEUMS - one (1) space for each five hundred (500) square feet of gross floor space.
16. FRATERNITIES, SORORITIES AND DORMITORIES - one (1) space for each three (3) residents, plus one (1) space for the manager.
17. RESTAURANTS - parking space equal to fifty percent (50%) capacity in persons, plus one (1) space for each three (3) employees.
18. TAVERNS - parking spaces equal in number to sixty percent (60%) of the capacity in persons.
19. BOWLING ALLEYS - six (6) parking spaces shall be provided for each alley, plus additional spaces as required by this ordinance for any associated use (bars, restaurants, etc.).
20. SWIMMING POOLS AND SKATING RINKS - parking spaces equal in number to thirty percent (30%) of the design capacity shall be provided.
21. AMUSEMENT ESTABLISHMENTS NOT LISTED AND AMUSEMENT PARKS - parking spaces shall be provided in adequate number as determined by the Town Plan Commission, to serve persons employed, as well as the visiting public.

22. STADIUMS, BALL PARKS AND OUTDOOR ARENAS - parking spaces shall be provided at the rate of thirty percent (30%) of the maximum capacity of persons using and/or observing activities at these facilities during a 24-hour period.
23. GOLF COURSES - One (1) parking space shall be provided for each four (4) persons using the course at maximum capacity. (Bars, restaurants, and related uses shall require additional spaces).
24. DRIVING RANGES - two (2) parking spaces shall be provided for each ~~te~~
25. PRIVATE CLUBS - one (1) parking space shall be provided for each lodging room, plus parking spaces equal in number to thirty percent (30%) of the maximum capacity of persons of such clubs.
26. NON-COMMERCIAL - parking spaces equal in number to thirty percent (30%) of the capacity in persons shall be provided.
27. CONVENTS, SEMINARIES, MONASTERIES, NUNNERIES, RECTORJES, PARSONAGES, PARISH HOUSES AND RELIGIOUS RETREATS - one (1) parking space shall be provided for each two (2) employees plus additional parking spaces equal in number to five percent (5%) of the maximum capacity of professional persons residing on the premises at any one time.
28. RIDING ACADEMIES AND COMMERCIAL STABLES - one (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Town Plan Commission, to serve the visiting public.
29. SHOPPING CENTERS - eight (8) parking spaces for each one thousand (1,000) square feet of gross floor area in the center.
30. WAREHOUSING AND WHOLESALING ESTABLISHMENTS - one (1) parking space for each two (2) employees.
31. JUNK YARDS, SALVAGE YARDS AND AUTO GRAVE YARDS - one (1) space shall be provided for each two (2) employees, plus (1) space for each five thousand (5,000) square feet of lot area.
32. ANIMAL HOSPITALS AND KENNELS - three (3) parking spaces shall be provided for each employee.
33. AIRPORTS AND COMMERCIAL HELIPORTS - one (1) parking space

for each one hundred- fifty (150) square feet, plus additional employee space shall be provided in the ratio of one (1) space for each two (2) employees working the same shift, based on the maximum number of employees working the same shift.

34. AUTOMOBILE AND TRUCK SERVICE STATIONS - one (1) parking space for each employee, based on the maximum number of employees working the same shift, as well as one (1) additional space shall be furnished for each inside service bay.
35. AUTOMOBILE LAUNDRIES - one (1) space for each two (2) employees, plus one (1) space for manager, and in addition, reservoir parking spaces equal for five (5) times the capacity of the automobile laundry, for those automobiles awaiting entrance to the facility. Maximum capacity in this instance shall mean the greater number possible of automobiles undergoing some phase of laundering and drying at the same time.
36. BUILDING MATERIAL SALES - one (1) space shall be provided for each two (2) employees, plus additional space equal to one (1) space for each three hundred (300) square feet of gross floor area in excess of two thousand (2,000) square feet.
37. CARTAGE AND EXPRESS FACILITIES - one (1) parking space shall be provided for each vehicle maintained on the premises plus one (1) space for each two (2) employees.
38. CONTRACTOR OR CONSTRUCTION OFFICES, SHOPS AND YARDS - one (1) space shall be provided for each employee plus additional customer space shall be furnished at the rate of one (1) additional space for each five (5) employees.
39. FOOD STORES, GROCERY STORES, MEAT MARKETS, BAKERIES, DELICATESSENS, SUPERMARKETS, AND DEPARTMENT STORES - one (1) space shall be provided for each one hundred fifty (150) square feet of gross floor area for the first six thousand (6,000) square feet, and one (1) additional space shall be furnished for each two hundred (200) square feet of gross floor area in excess of six thousand (6,000) square feet.
40. MOTOR VEHICLE SALES - three (3) parking spaces shall be provided for each employee, plus additional spaces as deemed necessary by the Town Plan Commission to store those cars waiting to be serviced.

41. OFFICES, BUSINESS AND PROFESSIONALS - one (1) parking space shall be provided for each three hundred (300) square feet of gross floor area.
42. PUBLIC UTILITY AND SERVICE USES - one (1) parking space for each three (300) square feet of gross floor area in excess of four thousand (4,000) square feet or one (1) space for each two (2) employees, whichever provides the greater amount.
43. RADIO, TELEVISION STATIONS AND STUDIOS - one (1) space shall be provided for each two (2) employees, plus one (1) space for each three hundred (300) square feet of gross floor area in excess of six thousand (6,000) square feet. .
44. POST OFFICES - one space shall be provided for each two (2) employees, plus one (1) space for each two hundred (200) square feet of gross floor area in excess of three thousand (3,000) square feet.
45. UNDERTAKING ESTABLISHMENT - one (1) parking space shall be provided for each four (4) seats provided in each chapel or parlor.

#### ARTICLE XIV - INTERCHANGE ACCESS CONTROL

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

##### A. Definitions

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

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

##### B. General

1. All present and future highways with full to limited access control shall be indicated as lying within an Interchange Access Control Area.

2. Frontage roads shall be required for access to and development of property abutting highways or expressway of freeway status.

**C. Limitation of Access**

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

**D. Setbacks**

1. Minimum setbacks for buildings and structures along expressways, freeways, or limited access highways shall be one hundred fifty (150) feet from the highway right-of-way.
2. Buildings and structures shall be set back at least eighty (80) feet from the point of intersection between the controlled access highway and the state, county, or town road intersecting said highway.
3. Buildings shall be set back thirty-five (35) feet from all frontage road rights-of-way except where more stringent requirements are applicable.

## ARTICLE XV - ARTIFICIAL LAKES

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

**A Definition**

The term "artificial lake" as provided herein includes any excavation which is for the purpose of causing water to accumulate and form a permanent body of water, regardless of the size or intended usage of said body of water.

Artificial lakes shall be allowed as Conditional Uses in the Agricultural Zone, if they are public (governmental); or farm ponds; and do not conflict with agricultural use; or are incidental to the farm operation; and are allowed as



conditional uses in the Rural Residential Zone.

**B. Permit**

1. The property owner, developer or his assigned agent shall make application for an Excavation Permit to the Town Zoning Administrator prior to construction.
2. The Town Board shall review and approve the site plan before issuing the Excavation Permit.
3. At the time of application for excavation permit, the applicant shall pay the permit application fee of Twenty Dollars and 00/100 (\$20.00).

**C. Site Plans**

1. A map drawn at a minimum scale of one (1) inch equals two hundred (200) feet 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 if residential development is to take place.
4. Source of water supply for residential dwellings and water level maintenance in the lake.
5. Surface drainage sources and topography.
6. Proposed roadways.

**D. Lake Size**

1. Every artificially constructed lake 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 often (10) feet, except that no portion of the artificial lake shall be excavated to a depth exceeding twenty (20) feet.

**E. Other Requirements**

1. The constructed lake shall meet the requirements of the Brown County

Water Law Codes.

2. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources.
3. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.
4. The groundwater table in the surrounding area and adjacent to the lake shall be protected. No well shall be utilized to provide the water supply to an artificial lake created hereunder.
5. The Division of Environmental Health requirements shall be met to ensure 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 insuring compliance with all of the requirements hereof, in an amount to be determined by the Town Board of Humboldt, shall be filed with the Town Board prior to the construction. In addition, the property owner shall, at all times during and following excavation, maintain public liability insurance to the extent of not less than Five Hundred Thousand Dollars and 00/100 (\$500,000.00) per claim.

## Article XVI – EARTH EXCAVATION

The following regulations shall apply to future excavations of sand, gravel, stone, loam, dirt and other earth products within the Town of Humboldt.

### A. General

1. All new sand pits, gravel pits and stone quarries shall come under the jurisdiction of this Ordinance.
2. All existing sites of excavation shall comply with this Ordinance prior to any additional expansions or alterations 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 thousand (1,000) cubic yards over a period of one (1) year from any single parcel of land.
2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.
3. Normal agricultural activities.

C. Permit

1. Application for a permit to excavate or remove earth material shall be made to the Town of Humboldt Plan Commission by the property owner or his assigned agent. Forms shall be provided by the Town of Humboldt.
2. The application shall contain the required information as specified in Section D, Article XVI of this Ordinance, prior to the issuance of an Excavation Permit.
3. Following submittal and approval of the excavation plan, the Town Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year from date of issuance.

D. Site Plans

The following information shall be required on a site plan prior to issuing an Excavation Permit:

1. A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than one (1) inch equals two hundred (200) feet.
2. Contour intervals of the proposed site at intervals of twenty (20) feet when available.
3. Existing and proposed drainage patterns of the site.
4. Proposed regrading and revegetation of the site after completion of the excavating operation.
5. Proposed truck and machinery access to the site.
6. Types and locations of temporary or permanent buildings to be erected on the site.

7. Approximate number of trucks and other types of machinery to be used at the site.
8. Designated hours of operation.

E. Trucks and Machinery

1. No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.
2. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

F. Material Handling

1. No excavation shall take place within fifty (50) feet of any property line or street right-of-way if below the established grade of the street.
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 a residential dwelling.

G. Excavation Sites

1. The excavation of earth materials shall be allowed as Conditional Uses in the Agricultural Zones, only if the excavation is a public (governmental) operation or if it is incidental to the farm operation.
2. Excavation operations shall be prohibited in all remaining zoning districts.

H. Other Requirements

1. At all stages of operations 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 upon the recommendation of the Town Plan Commission.
3. When excavating and removal operations are no longer used, as determined by the Town Plan Commission, the excavated area shall be graded so that no gradients in the disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area except exposed rock surfaces to a minimum depth of four

(4) 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 Conservation Zone District, the regulations as set forth in the Shoreland Flood plain Protection Ordinance for Brown County shall apply.
5. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.
6. Any violation of this Article shall be subject to the regulations of the Penalty Clause in Article XVIII, Administration and Enforcement of this Ordinance.
7. A performance Bond of One-Thousand dollars (\$1,000) per acre shall be required of the excavator.

## **ARTICLE XVII - NON-CONFORMING USES**

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

### **A. General**

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

1. If such non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the building structure, land, or other use shall thereafter conform to the provisions of this Ordinance.
2. Any nonconforming structure that is damaged or destroyed on or after March 2, 2006 by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be repaired and restored to its original size or a larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements, without limitation on the costs of the repair, reconstruction, or improvement.
3. Once a non -conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use of this structure.

4. Except as provided in subsection section 2 above, repairs and alterations may be made to a non-conforming building or structure provided the respective structure is not added to or enlarged in size.
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.
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 Plan Commission

## **ARTICLE XVIII - 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 Plan Commission.
2. This section shall provide the authority and necessary requirements for issuance of building permits and occupation permits; variance, appeals, amendments, conditional uses, fees, and penalties.

### **B. Zoning Administrator**

The Town of Humboldt Zoning Administrator shall have the following duties:

1. Issue all building permits except those applicable to new construction of one (1) and two (2) family dwellings, and maintain records thereof
2. Issue all rezoning certificates and make and maintain records thereof
3. Conduct or authorize the inspection or investigation of buildings, structures, and use of land to determine and assure compliance with the terms of this Ordinance.
4. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.

5. Forward to the Town of Humboldt Plan 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 Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this Ordinance.
7. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional use s, variances, appealsand applications thereof
8. Initiate, direct a review, from time to time, a study of the provisions of this Ordinance, and to make reports of its recommendations to-the TownPlan Commission.

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 established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23 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 application(s) for variance 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. Meeting 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 Humboldt.
- d. The Chairman or in the Chairman's absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- e. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
- f. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.
- g. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.

3. Decisions

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

4. Board Membership

- a. The Zoning Board of Appeals shall consist of five (5) members appointed by the Humboldt Town Chairman and subject to confirmation by the Humboldt Town Board.
- b. The Term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and two (2) shall serve for two (2) years; and two (2) for three (3) years, but not more than one (1) member of the Town Board shall be a member of the Zoning Board of Appeals and all members shall reside in the Town.
- c. The members shall be removable by the Town Board for cause



upon written charges.

- d. Vacancies shall be filled for the unexpired term of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Humboldt.

D. Town Plan Commission

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

1. Jurisdiction

The Humboldt Town Plan 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 the Administrator's recommendations as related to the effectiveness of this Ordinance and report the Administrator's conclusions and recommendations to the Humboldt 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 Plan Commission shall be held at the call of the Chairman of the Commission and at such times as the Commission may determine.
- b. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

3. Decisions

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

4. Membership

- a. The Town Plan Commission shall consist of five (5) members as provided by Sections 60.62 and 62.23 of the Wisconsin State Statutes.
- b. Commission members shall be citizens and residents of the Town of Humboldt.
- c. Members shall be appointed by the Town Chairman subject to confirmation by the Town Board. The term of each member shall be three (3) years; except that of the first members appointed: one (1) shall serve for one (1) year; two (2) for two (2) years; and two (1) for three (3) years.
- d. The Town Plan Commission members shall be removable by the Town Board of Humboldt for cause upon written charges.
- e. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Humboldt.

E. Building, Demolition and Remodeling Permits

1. No building (principal structure or accessory building), or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a building permit has been issued. All permits applicable to new construction of single and two (2) family dwellings or manufactured homes shall be “issued by the Town of Humboldt Building Inspector. *All* other building permits shall be issued by the Town Zoning Administrator, except that a building permit for an accessory building exceeding five hundred (500) square feet may only be issued following Town Board approval. No change in a use shall be made until a building permit has been issued.  
Every building permit shall state that the use complies with the provisions of this Ordinance.
2. Application for all building permits shall be made in writing by the land owner

or the land owner's authorized agent. The Zoning Administrator shall collect the application fee in the amount of Twenty Dollars (\$20.00), at the time of application. Zoning administrator is paid an hourly fee as directed at the annual Town meeting.

3. Application for a building permit shall be deemed to be an application for an occupancy certificate as well. No building shall be occupied until or unless an occupancy certificate has been issued by the Town of Humboldt Building Inspector.
4. Each building permit shall be accompanied by a plat in accordance with ~~requirements~~ as specified in Article XVIII, Section G, Plats.
5. Each building permit applied for shall be granted or denied within a ten (10) day period from the date of application. Reason(s) for denial of the building permit shall be forwarded in writing to the applicant.
6. No demolition of any. Building or addition thereto shall occur until a demolition permit shall be obtained from the Town Zoning Administrator. The fee for a demolition permit shall be Ten Dollars and 00/100 (\$10.00). The Town Zoning Administrator shall contact the fire chief in the event that the proposed demolition may present a fire hazard.
7. No building, or addition thereto, shall be "remodeled", as that term is defined herein, until such time as a remodeling permit as required hereunder shall be obtained. The term "remodeling" as provided herein includes structural alterations and changes involving the expenditure for materials and labor in excess of One Thousand Dollars and 00/100 (\$1,000.00), regardless of whether or not additional square footage is added to the building. Remodeling permits shall be issued by the Zoning Administrator, who shall collect a fee of Ten Dollars and 00/100 (\$10.00). Thereafter, Five Dollars and 00/100 (\$5.00) of the filing fee shall be remitted to the Town, and the remaining Five Dollars and 00/100 (\$5.00) shall be retained by the Zoning Administrator for fees.
8. The Town of Humboldt Building Inspector may "red tag" a construction project if the job site contains violations or site conditions which present a life-threatening situation to those coming upon the job site. Upon the issuance of a red tag pursuant to this Ordinance, no person shall enter upon the premises except those persons(s) designated by the Building Inspector's inspection report as necessary to correct the violation(s) which prompted the issuance of the red tag.
9. No person shall be issued, or re-issued a building permit in the. Town of Humboldt if the applicant for the building permit:

- a. Fails to meet or comply with the building codes established by the Town of Humboldt and State of Wisconsin.
- b. Fails to install, provide, and maintain adequate sanitary facilities at the construction project site as determined by the Town Building Inspector.
- c. Fails to install and maintain adequate fire safety equipment at the construction project as determined by the Town Fire Chief.
- d. Fails to meet or comply with the Town of Humboldt building codes on previous construction projects by the applicant in the Town of Humboldt.
- e. Fails to install, provide, and maintain adequate and necessary physical structures, equipment, and operational controls as determined by the Town of Humboldt Building Inspector to prevent public nuisances and to protect public health and safety to persons residing near the construction project site or persons entering the construction project site, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.
- f. Fails to maintain adequate public liability insurance for the construction project site as determined by the Town Building Inspector.
- g. Fails to comply with the Town of Humboldt's Zoning Ordinance or Brown County Zoning as determined by the Town or County Zoning Administrator.
- h. Fails to install and maintain adequate physical structures and operational control to prevent trespassing, littering, discharging of waste, and to prevent private nuisances on private and public lands adjacent to the construction project site.
- i. Fails to allow physical access to the construction project site by the Town of Humboldt Building Inspector or the Inspector's designee for inspection purposes upon twenty-four (24) hours' notice to the applicant or permittee.

F. Occupancy Certificate

- 1. No building shall be occupied until an occupancy certificate has been issued.

2. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed, and the premises inspected and certified by the Town of Humboldt Building Inspector to be in conformity with the plans and specifications upon which the building permit was based and the applicable building codes.
3. The occupancy certificate shall be issued, or written notice shall be given to the applicant, Stating the reason(s) why a certificate cannot be issued, not later than seven (7) days after the Town of Humboldt Building Inspector is notified in writing by the applicant that the premises or building are ready for final inspection. Applicant shall provide the Building Inspector with not less than (48) hours prior notice as to any requested final inspection.
4. All occupancy certificates shall be issued by the Town of Humboldt Building Inspector.

#### G. Plats

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

#### H. Variances

1. Grant of Authority
  - a. The Board of appeals shall have the power to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific case such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to

special conditions, a literal enforcement of the provisions of the ordinance will result in practice difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

2. Definitions

- a. “area variance” means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted the board of appeals under this paragraph.
- b. “Use variance” means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

3. Application

- a. An application for a variance shall be filed with the Town Zoning Administrator. The application shall contain such information as the Zoning Board of Appeals by rule may require. Notice of the time and place of the variance hearing shall be published as provided in the State Law on Planning and Zoning, and applicable to the Town of Humboldt.

4. Standards for Variances

- a. A property owner bears the burden of proving “unnecessary hardship” as that term is used in this section, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance.
- b. Variances may be granted by the Zoning Board of Appeals only when:
  - (1) Because of the particular physical surrounds, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
  - (2) Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classifications.
  - (3) Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

- (4) Granting of the variance shall not be determined to be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.
- (5) Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion 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.

5. Authorized Variances

- a. Variances shall only be granted by the Zoning Board of Appeals, in accordance with the standards established in Article XVIII(H) (2), and an authorized variance shall meet all such standards.

6. Appeal

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

I. Appeals

1. Scope of Appeals

- a. The board of appeals shall have the following powers; To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto
- b. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Town Plan Commission or Zoning Administrator.
- c. Such an appeal shall be made within thirty (30) days after the decision or the action complained of, by filing with the Town Plan Commission or Zoning Administrator a notice of appeal specifying the grounds thereof
- d. The Town Plan Commission or Zoning Administrator shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed was taken.

## 2. Findings on Appeals

- a. An appeal shall terminate all further proceedings and action(s) unless the Town Plan Commission certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed unless otherwise by a restricting order which may be granted by the Zoning Board of Appeals or by a court of record or notice from the Town Plan Commission on due cause.
- b. The Board of Appeals shall select a reasonable place for the hearing of the appeal and give due notice thereof to the parties as provided in the state law on planning and zoning and applicable to the Town of Humboldt.
- c. The Board of Appeals shall thereafter reach its decision within sixty (60) days from the filing of the appeal.
- d. In exercising the above-mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

## 3. Appeal

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

### J. Amendments

#### 1. Authority

The Humboldt 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 and purpose of said changes as per Article II of this Ordinance.

#### 2. Initiation

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



3. Application

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

4. Hearing Notice

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

5. Findings and Recommendations

a. The Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.

b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing uses of 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 classifications.
4. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.,
5. Adequate public facilities to serve the development are present or will be provided.
6. Providing these facilities will not be an unreasonable burden to the Town of Humboldt.

7. The land is suitable for development and development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
8. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any more suitable classification than that requested by the applicant.
9. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

6. Town Board Action

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

K. Conditional Uses

1. Purpose

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

2. Definitions

- a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.
- b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

3. Initiation

- a. 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.

4. Application

- a. The application for a conditional use shall be filed with the Humboldt Town Plan Commission on a form so prescribed by the Town of Humboldt. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include Commission and shall include a statement in writing by the applicant and evidence showing that the proposed conditional use will conform to the standards set forth in this ordinance. Such application shall be reviewed by the Town Plan Commission who shall schedule a public hearing(s) to give the applicant an opportunity to present evidence showing compliance with the requirements of this ordinance.

5. Plan Commission Hearing on Application

- a. The Plan Commission shall, hold a public hearing(s) as it deems necessary, wherein the Commission shall gather evidence to determine whether there is substantial evidence that the applicant has met, all requirement of Article XVIII(k)7(a) The Plan Commission may recommend conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section XVIII(k)6. below so long as those conditions:

(1) are reasonable;

(2) to the extent practicable, measurable; and

(3) are related to the purpose of this ordinance; and

(4) the need for the conditions is supported by on substantial evidence.

- b. Such requirement may include conditions such as the permit's duration, transfer, or renewal.
- c. The applicant must demonstrate that the application and all requirements and conditions established by the commission relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

6. Standards

No conditional use shall be recommended by the Town Plan Commission unless said Commission addressed the each of the following and find substantial evidence that each are, or through the imposition of reasonable conditions will be satisfactorily addressed in a manner consistent with the public interest and the purpose of the Zoning Code:

- a. consider what the Comprehensive Plan recommends for the area in question;
- b. survey and consider the existing uses of property within the general area of the property in question;
- c. survey and consider the zoning classification of property within the general area of the property in question (i.e., adjacent zoning districts);
- d. consider the trend of development, if any, in general area of the property in question, including recent zoning changes which have taken place in the immediate area, if any;
- e. determine that the property in question is suitable for the proposed use;
- f. consider the effect the granting of the conditional use will have on adjacent properties;
- g. consider the effect the granting of the conditional use will have on the Town's infrastructure, including but not limited to roads, water supply, recycling, solid waste disposal, etc.;
- h. determine whether there are any proposed public improvements which may affect the property;
- i. determine what, if any, conditions should be attached to the granting of the requested conditional use; and
- j. determine whether the proposed conditional use is consistent with or promotes

public health, safety, convenience, general welfare and prosperity.

- k. determine whether the proposed conditional use is consistent with Article II (A) and (B) of this Ordinance.

7. Conditions and Guarantees

After such hearing(s) as the Town Plan Commission deems necessary to obtain substantial evidence in support of its findings, the Commission shall create a written report to the Town Board including its findings and recommendations.

8. Town Board Review of Recommendation

- (a) Upon receipt of the written recommendation of the Plan Commission, the Town Board shall, following publication in the town of a Class 2 notice under Ch. 985, hold at least one (1) public hearing on the proposed conditional use.
- (b) The Board may, adopt the report of the Plan Commission, modify the report by adding or deleting the conditions recommended by the Plan Commission, reject the report of the Plan Commission. In all cases the Town Board's decision to approve or deny the permit must be supported by substantial evidence and any regulations or conditions imposed must be consistent with Section XVIII (k)5(a)-(d) above.
- (c) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- (d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed subject to any conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the Town Board.

9. Appeal of Board Decision

If the Town Board denies the application the person may appeal the decision to the circuit court under the procedures described in Wis. Stat. 61.35.

L. Fees

Any application for an Amendment or Conditional Use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee of two hundred dollars (\$200.00). The fee for variances and appeals shall be two hundred dollars (\$200.00). All such fees shall be paid to the Town Treasurer. The fee for a building permit shall be as determined by Town Board resolution. All building permit fees shall be paid to the Town of Humboldt building inspector who shall distribute portions of the building permit fee as required by law. Building permit fees shall be paid on a deposit basis and assessed on a graduated scale. Fifty percent (50%) of the deposited sum shall be returned to the applicant by the building inspector, provided issuance of the occupancy certificate has been accomplished without the necessity of exceeding six (6) inspections. Thirty percent (30%)

of the deposited sum shall be returned to the applicant if issuance of the occupancy certificate entails seven to nine (7-9) inspections by the building inspector. The entire amount deposited shall be retained and no amount shall be returned to the applicant if issuance of the occupancy certificate entails more than nine (9) inspections by the building inspector.

M. Penalties

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

The 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.

N. Enforcement

Any person who violates any provision of this Ordinance or any other order, rule, or regulation made hereunder shall, upon conviction, be subject to forfeitures of not less than \$250 nor more than \$1,000 for each offense, together with the costs of prosecution and attorneys' fees. Each day that a violation continues shall be considered a separate offense for the purposes of calculating forfeitures. In addition to the foregoing, the Town may seek injunctive relief, abatement orders, and other equitable relief in the event of a violation.

ARTICLE XIX – SATELLITE DISHES

**This Article XIX has been repealed on 10-1-2012, replaced with Chapter 25 Telecommunication Towers.**

This section of the Ordinance applies to the installation and maintenance of satellite dishes which have a diameter greater than 24 inches (24") and are designed for receiving or transmitting signals within or from the Town of Humboldt.

A. General: Satellite dishes shall be considered to be a conditional use in R-1 Residential, R-R Rural Residential, A-1 Agricultural District, B-1 Community Business District, and I-1 Limited Industrial District only. All existing installations of satellite dishes shall comply with this Ordinance prior to any alteration or additional installations on the existing site.

B. Permit:

1. Application for a permit to install a satellite dish shall be made to the Town of Humboldt Zoning Administrator by the property owner or owner's assigned agent. A permit fee of Ten Dollars (\$10.00) shall be paid upon submission of the application.

2. The application for permit shall contain the following information: Name,

address and telephone number of proposed applicant, legal description of the property upon which the installation is proposed to occur, a description of the specific materials and methods to be utilized in the installation; a drawing of the property upon which the installation is to occur, showing all roadways, lot lines, buildings and landscaping features within one hundred (100) feet of the proposed place of installation , and specifying what screening or landscaping will be utilized to assure that the installed satellite does not interfere with the aesthetic view or value of the property.

C. Regulations

1. No installation shall occur without a permit.
2. No satellite dish shall be installed in a front lot, but instead, satellite dishes shall only be installed on the rear or side lot portions of any property.
3. All satellites shall be installed with a setback of not less than seventy-five (75) feet from any right of way, and in addition, shall comply with all other setback requirements for the particular zone as though same were an accessory building.
4. All satellite dishes shall be installed with appropriate screening or landscaping so as to preserve the natural view of the landscape as much as possible
5. No satellite dish shall be fastened to any building.
6. All satellite dishes or antennas shall be anchored to the ground securely, such that they shall be able to reach a thirty (30) pound per square foot wind loading level.
7. All guy wires and anchoring devices shall be utilized and protected such that they do not constitute a hazard to those who are upon the premises.

## **ARTICLE XIX HAS BEEN REPEALED ON 10/1/2012 SEE ORDINANCE TELECOMMUNICATION TOWERS.**

### **ARTICLE XX - PLANNED UNIT DEVELOPMENT**

A. Application to Existing Use Districts

This section shall operate as an overlay zoning district and thereby as an alternative to the permitted uses and regulations applicable only to the following districts: R- 1 Residential and R-R Rural Residential. This section shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Residential Development District by the Town Board. Basic underlying zoning requirements for land zoned as a Planned Residential Development District shall continue in full force and effect, and be solely applicable until such time as the Town Board shall grant final approval as

hereinafter provided.

B. Purpose

The purposes of the Planned Residential Development District and the regulations applicable to the same are to encourage and provide 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 Residential 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 or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate preservation of open space and other natural features, such as woodlands, floodplains and wetlands. It is further intended to encourage the provision of open space and recreational facilities in conjunction with residential development, to encourage a uniqueness in architectural design, and to encourage a variety of living environments and an agreeable mixture of housing types.

C. Uses Permitted

1. Basic Zoning Uses. The following uses are permitted in a Planned Residential Development District upon obtaining 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 be fifty percent (50%) 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.
  - (d) 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 regulations shall not be applicable, but rather such requirements as are made a part of the approved final plan, shall be construed to be and shall be enforced as part of this ordinance.

D. Definitions

1. Basic Zoning Regulations. "Basic Zoning Regulations" means such zoning regulations as are applicable to the use district other than the regulations set forth in this section.
2. Building Site. "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 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.)
3. Comprehensive Plan. Shall mean the official guide for the physical, social and economic growth of the Town of Humboldt, which is now or may hereafter be in effect.
4. Density. Shall mean the number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land area, and in all cases the projected population of the Planned Residential Development District.
5. Developer. The owner(s) of the building site for which an application for Planned Residential Development overlay zoning is submitted.

6. Final Plan. Shall mean the proposal for development of a planned residential development district, including a plat of subdivision (if any), all covenants, easements and other conditions relating to use location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by Subsections F (5) and G herein.
7. Open Space. Shall mean a parcel or parcels of land or an area of water, or a combination thereof, within the site designated for Planned Residential Development District and designated and intended for the use or enjoyment of residents of the planned development.
  - (a) Improved Open Space. Shall mean the above parcels and any structure or improvements which are placed upon such parcels (i.e., restrooms, tennis courts, ball diamonds, etc.).
  - (b) Unimproved Open Space. Shall mean open space kept free of structures or improvements, except for hiking, horseback riding, bicycle trails, ponds, picnic areas and nature parks.
8. Planned Residential Development District. Shall mean an area of land, controlled by a single owner, corporation or other legal entity, to be developed as a single entity for a number of dwelling units, single-family, two-family or multiple-family, including but not limited to open spaces, landscaping, accessory buildings, parking areas and appurtenant structures, and is hereafter referred to herein as "PRD".
9. Pre-application Conference. The in initial meeting between the developer and the Town Board at which time the developer shall present the sketch plan. The Town Board shall at the conclusion of such conference pass a resolution either: encouraging the developer to submit an application for PRD overlay zoning; or advising the developer that the proposed PRD is not consistent with the community's standards and posture on Planned Residential Development and thereupon recommending that no application for such project be submitted at that time.
10. Preliminary Plan. Shall mean the preliminary drawings and other required information described in Subsection F (5) herein, indicating the proposed manner and/or layout of the PRD to be submitted to the Humboldt Town Plan Commission.

11. The Procedure for Application and Approval of a Planned Residential Development District Consists of Three Steps:

- (a) Pre-Application Conference as defined herein below.
- (b) Preliminary Approval as defined herein below.
- (c) Final Approval as defined herein below

E. Pre-Application Conference

Prior to filing an application for PRD, the developer shall arrange a pre-application conference with the Town Board. This conference can be arranged by contacting the Town Clerk of the Town of Humboldt in writing requesting that such conference be placed upon the agenda of the Town Board. The primary purpose of the pre-application conference is to provide the developer with an opportunity to obtain information and guidance as to the general suitability of the proposed PRD for the area for which it is proposed, and its conformity to the provisions of this chapter before the developer incurs substantial expense in the preparation of plans, surveys and other required data.

1. The pre-application conference shall be held at either a regularly scheduled or special Town Board meeting.
2. Not less than ten (10) days prior to the Town Board meeting/pre-application conference the developer shall submit three copies of a sketch plan of the proposed PRD.
3. The sketch plan submitted to the Town Clerk shall contain the following:
  - (a) A written statement containing: the major planning assumptions; the objectives of the proposed development; the development concept; the benefits that will accrue to the neighbors of the proposed development.
  - (b) Name and address of the developer. If the developer is a partnership, then the names and addresses of all partners shall be provided. If the developer is a corporation, then the names and addresses of all of the shareholders, directors and officers shall be provided.
  - (c) Name and address of the recorded owner of the property if different from the developer.

- (d) Names and addresses of all property owners within a three hundred foot (300') peripheral strip surrounding the proposed PRD.
- (e) Name, address and telephone number of the firm or individual responsible for preparation of the sketch plan.
- (f) A map drawn to a scale of not less than one inch (1 ") equals one hundred feet (1 00') containing a north arrow, graphic scale, the date of the drawing, tract boundaries, a statement of the total acreage of the tract, the proposed location of all principal structures and associated parking areas.
- (g) A statement concerning the significant physical features within the tract, including existing two-foot (2') contours, water courses, ponds, lakes, and wetlands. This statement shall also address any proposed major changes in those features.
- (h) A statement discussing all contemplated land uses within the PRD.
- (i) A statement describing the zoning district(s) containing the PRD and within three hundred feet (300') adjacent to the proposed PRD.
- (j) A statement describing all existing buildings that may affect the current and future development of the tract.
- (k) A statement discussing the pedestrian, bicycle, auto, mass transit or other circulation systems both within and outside the site.
- (l) A statement concerning existing rights of way and easements which may affect the PRD project.
- (m) If the developer's PRD plan calls for development in stages, then a map drawn to a scale of not less than one inch (1 ") equals one hundred feet (100') showing the successive stages of development.
- (n) Any other documents and supporting information deemed necessary by the developer or the Town Board.

4. The pre-application conference may be adjourned or continued as the Town Board deems necessary to acquire further information. At the conclusion of the pre-application conference, the Town Board shall pass one (1) of the following three (3) resolutions:

- (a) A resolution recommending that an application be submitted to the Humboldt Town Plan Commission; or
- (b) A resolution recommending that an application not be submitted to the Humboldt Town Plan Commission; or
- (c) A resolution that further information and data be gathered and that a revised sketch plan be submitted along with a request for a subsequent pre-application conference.

Any such resolution passed by the Town Board at the conclusion of the pre- application conference is advisory only and is not binding upon any further act or determination by the developer, Town Plan Commission or the Town Board concerning any subsequent application for PRD.

F. Preliminary Approval

Preliminary approval consists of approval of the proposed project in principle only. It shall be determined in accord with the following procedures:

1. Notice, Fee and Public Access Filing Requirement. A person desiring to develop a particular site as Planned Residential Development District shall apply to the Zoning Administrator on such forms as shall be provided by the Town and shall pay a fee of Three Hundred Dollars (\$300.00) 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. Appropriate supporting documents and maps, as required in Subsection F(S) herein, shall be filed with the application. In addition, a true, complete and legible free public access copy of the application and all supporting documents and maps submitted by the developer, shall be prepared and filed with the Town Zoning Administrator by the developer, at the developer's expense. This free public access documentation shall be available to the public at the Town Hall or such other location within the Town of Humboldt as directed by the Zoning Administrator. The purpose of this provision is to promote public awareness and enhance public participation in the preliminary approval and final. approval hearings. As such, the developer's obligation to prepare and file an extra copy of all supporting documents and maps submitted in support of developer's application for free public access continues until final approval or denial of

approval of the proposed Planned Residential Development District. Interested members of the public seeking access to the public copy of the proposed Planned Residential Development District documentation may contact the Zoning Administrator for information as to its location and availability for inspection.

2. Notice to Town Plan Commission. The Zoning Administrator shall inform the Town Plan Commission of such desire and shall secure a date for an initial meeting between the developer and the Town Plan Commission and shall notify such developer of such date.
3. Public Notice of Town Plan Commission meeting. All Town Plan Commission meetings conducted pursuant to this subsection shall be preceded by public notice posted in three (3) conspicuous places within the Town by the Town Plan Commission not less than seventy-two (72) hours prior to such meeting(s). In addition, the developer shall, at the developer's expense, mail written notice by certified or registered mail to all property owners of those properties located within the three hundred foot (300') periphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial Town Plan Commission meeting. The written notice issued by the developer shall include the name, address and telephone number of the developer's representative who shall be prepared to provide interested parties with copies of the sketch plan, application, preliminary plan and any other document(s) submitted or to be submitted to the Town Plan Commission at, or prior to, the public hearing. Copies of any such documentation shall be provided to interested members of the public by the developer upon request, provided however, the developer may charge the requesting party the reasonable cost of duplication of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies. The developer shall file a copy of the written notice and the mail certification receipts with the Town Plan Commission at or prior to the commencement of the meeting. Failure of the developer to timely file the notice copy or the mail receipts with the Town Plan Commission shall result in adjournment of such meeting until such time as this requirement shall be satisfied.
4. Town Plan Commission Recommendation. The Town Plan Commission, upon concluding such meetings as the Commission may require with the developer, shall report in writing such proposed project development to the Town Board, together with its recommendation for either approval or disapproval of the same. Such report and recommendations of the Town Plan Commission shall be made to the Town Board no later than four (4) months from the date of the filing of the application. The Plan Commission's "report" as required herein shall include: a complete copy of all documents, maps, and other items submitted by the developer to the Town Plan Commission as well as copies of all Town Plan Commission meeting minutes containing any reference or information concerning the PRD application. A recommendation of approval by the Town Plan Commission shall in no way be binding on the Town Board. The Town Board shall either approve or disapprove the proposed development project, with or without modification within four (4) months of its receipt of the Town Plan Commission recommendation. 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 developer in adequate detail to satisfy the Town Plan Commission for its report and recommendation regarding preliminary approval:

- (a) A statement describing the general character of the intended development.
- (b) An accurate map of the project area drawn at a scale no less than one sixteenth inch (1/16") equals one foot (1') showing the nature, use and character of abutting properties prepared by a registered surveyor.
- (c) Four (4) copies of a general development plan of the proposed project drawn at a scale no less than one sixteenth inch (1/16") equals one foot (1'), including addenda 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 and 6 of Subsection I of this article:
  - (1) Tract boundaries and a statement of the total acreage of the tract;
  - (2) Significant physical features Within the tract, including existing two feet (2') contours, watercourses, drainage, ponds, lakes and wetlands and any proposed major changes in those features;
  - (3) Zoning District(s) on and within four hundred feet (400') adjacent to the proposed project;
  - (4) Property lines (if any) within the proposed project;
  - (5) All contemplated land uses within the tract;
  - (6) All indicator of the contemplated intensity of use; i.e., gross density in residential or recreational development;
  - (7) Number and types of dwelling units;
  - (8) Existing building that may affect future development and proposed location of all principal structures and associated parking areas;
  - (9) Proposed lot coverage of buildings and structures;
  - (10) Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site;
  - (11) Existing rights-of-ways and easement which may affect the PRD project;

- (12) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages;
  - (13) The location of sanitary and storm sewer lines, water mains, fire hydrants and lighting;
  - (14) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, parks, etc.;
  - (15) Description of proposed system for drainage;
  - (16) 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 subparagraphs 1, 2, 3, 4, and 6 of Subsection I of this Article.
  - (e) Architectural drawings and sketches illustrating the design, character and appearance of all proposed structures.
  - (f) General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services, if any.
  - (g) Economic feasibility and impact report shall be required by the Town Plan Commission to provide satisfactory evidence of: the developer's financial capability; the project's economic feasibility; the availability of adequate financing; and that the project will not adversely affect the economic prosperity of the Town or the values of surrounding properties.
- 6 Town Board Preliminary Approval. The Town Board shall act to approve, with conditions or disapprove the Town Plan Commission's recommendation regarding preliminary approval of the PRD. The Town Board shall conduct its hearings with regard to preliminary approval pursuant to Subsections H and I of this article.
- 7 Amendment of Preliminary Approval. The recommendation of the Town 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 or other factors pertinent to an assurance



that the proposed development will be carried out as presented in the approved plans. Detailed construction time and the approval of such preliminary plan shall be conditioned 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 Town Plan Commission and if, in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, it shall within forty-five (45) days make an appropriate recommendation to the Town Board relating to an amendment of the preliminary approval.

G. Final Approval

1. Petition for Final Approval. When the Town Board has issued its preliminary approval of the proposed plan, then the developer may file with the Town Clerk a petition executed by the owner of the property to be developed, or his/her agent, for the final approval, stating that the developer seeks to develop such property under the provisions of this section. Such petition shall include:

- (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 (2') intervals and extending within one hundred feet (100') beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within one hundred feet (100') of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof and high-rate elevations along rivers.
- (c) A plot plan at a scale of one sixteenth inch (1/16") equals one foot (1') 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 of the site in square feet, the acreage (exclusive of public streets), proposed population densities and open area (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.
  - (f) A table showing the approximate costs of structures.
  - (g) A statement showing the starting and completion dates of the project.
  - (h) Evidence that all conditions attached to the preliminary approval by the Town Board have been fully satisfied.
  - (i) Any other pertinent data, statements, drawings or plans which may be required by the Town Board.
2. Town Board Action on Final Approval. Petitions for Final Approval shall be acted upon by the Town. Board as follows:
- (a) Within ninety (90) days of receipt of the Petition for Final Approval and all required information, the Town Board shall pass one of the following three resolutions:
    - (1) A resolution granting the developer final approval which includes all of-the plans, specifications , blueprints, conditions, commitments, agreed methods of operation, and all other terms applicable to the project, either setting those matters out in detail within such resolution or incorporating same into such resolution by reference, such that the resolution will encompass all of the matters, representations, covenants and agreements which resulted in the grant of final approval; or
    - (2) A resolution denying the developer final approval; or
    - (3) A resolution requiring the developer to submit further information such that the Town Board may take further action upon final approval.
  - (b) If the Town Board has not acted by resolution granting or denying the petition for Final approval within ninety (90) days of the date upon which all required information has been received, the petition for Final Approval shall be deemed to have been denied
  - (c) A Planned Residential Development District shall not be granted final approval if a protest against the Petition for Final Approval is presented to the Town Board prior to or at the public hearing on final approval; unless the resolution granting final approval is

adopted by not less than a three-fourths (3/4) vote of the Town Board. To be effective, the protest must be written, signed and acknowledged by at least fifty percent (50%) of the owners of the property within a three hundred foot (300; periphery surrounding the building site.

3. Appeal of Final Action by Town Board upon Petition for Final Approval. Any person or persons, jointly or severally, aggrieved by the decision of the Town Board concerning final approval, may within thirty (30) days after any such final action by the Town Board (including expiration of the ninety (90) day period for action upon final approval), commence an action in the Circuit Court seeking the remedy available by certiorari\_

- (a) The Court shall not stay proceedings upon the decision appealed from, but may upon application, on notice to the Town Board and on due cause shown, grant a Restraining Order.
- (b) The Town Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof.
- (c) If necessary for the proper disposition of the matter, the Court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.
- (d) The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- (e) Costs shall not be allowed against the Town Board unless it shall appear to the Court that the Town Board acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.
- (f) All issues in a proceeding under this section shall have preference over all other civil actions and proceedings according to law.

H. Town Board Hearings

The Town Board shall hold public hearings regarding preliminary approval, amendment of preliminary approval, and final approval. Notice of all such hearings shall be provided by the developer at the developer's expense as follows:

1. Notice of all such Town Board hearings shall be published as a Class II Notice.
2. Notice by certified or registered mail shall be mailed by the developer to all property owners of those properties within the three-hundred-foot (300') periphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial public hearing at each step of the process including preliminary approval, amended preliminary approval, final approval and amendment of final approval.
3. The notice shall contain the date, time and location of the Town Board hearing. It shall also contain the name and address of the developer, a brief description of the nature of development and the legal description of the property to be developed. The notice shall also refer interested parties to the name, address and telephone number of the developer's representative who shall be prepared to provide interested parties with the opportunity to examine and review the sketch plan, any subsequent change or addition to the preliminary or final plans for the development and any other document(s) submitted or to be submitted to the Town Board at or prior to the public hearing. Copies of any such documentation shall be provided to interested members of the public by the developer upon request, provided however the developer may charge the requesting party the reasonable cost of reproduction of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies. All such requested documentation shall be delivered, or made available for pickup by the requesting party at an appropriate location in Brown County, not later than seventy-two (72) hours following the developer's receipt of an oral or written request for same. The requesting party shall determine the method of acquisition (either pickup or delivery), however, upon electing delivery, the developer may charge and the requesting party shall pay the reasonable cost of delivery at the same time the reasonable cost of duplication is paid.
4. All certifications of publication, a copy of the mailed notice and certified mail receipts shall be filed with the Town Clerk by the developer at or before the Town Board hearing on these matters.

#### I. Criteria for Approval

As a basis for determining the acceptability of a Planned Residential Development proposal, the following criteria shall be applied by the Town Plan Commission and Town Board 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 to the Town's citizens and the general public in terms of environmental design.

1. Character and Intensity of Land Use. The uses proposed and their intensity and arrangement on the building site shall be of a visual, aesthetic and operational character which:
  - (a) Is 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 Town.
  - (c) Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pickup, fire protection or other municipal services.
  - (d) Would provide sufficient and accessible off-street parking and loading facilities in the amount specified in Article XV, Off Street Parking Zoning Requirements.
  
2. Landscaping of Parking Areas. The parking site shall be planned to provide a desirable transition from the streetscape and to provide for adequate landscaping, pedestrian movement and parking areas. In keeping with this purpose, the following design standards shall be set forth:
  - (a) Where natural or existing topographic features contributed to the beauty and utility of a development, consideration shall be given to their preservation. Modification to topographic features should only occur where it contributes to good appearance and is environmentally sound.
  - (b) Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Further, it is recommended that native materials be employed for their ability to tolerate the prevailing climate including foreseeable adverse conditions.
  - (c) In locations where plant materials will be susceptible to injury by pedestrians and/or motor vehicles, appropriate curbs, tree guards or other protective devices shall be employed.
  - (d) Parking areas shall be arranged so as to prevent through traffic to other parking areas.

- (e) Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth beams, changes in grade or walls, except where parking areas are designed as an intricate part of the street.
  - (f) No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
  - (g) All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
  - (h) All off-street loading and unloading areas shall be paved, and the design thereof approved by the Town Plan Commission.
  - (i) All parking areas and off-street loading and unloading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.
3. Engineering Design Standards. The width of rights-of-way, width and location of street or other paving, requirements for outdoor lighting, locating 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 ensure the public safety and welfare. Under appropriate circumstances, the Town Board may condition its preliminary approval upon the results of studies of the proposed development's engineering design standards, by an independent engineering firm, retained upon bid by the Town Board. In such event, the developer shall deposit with the Town Treasurer the selected engineering firm's total bid price, within five (5) days of receipt of written notice of the acceptable bid price. Default of the developer with regard to timely deposit of such sum, shall constitute the developer's withdrawal of its application for PRO. However, the developer may request a special hearing before the Town Board to question and to be advised as to the appropriateness of the circumstances giving rise to the requested independent study. However, provided the Town Board shall have selected the lowest responsible bidder, there shall be no further discussion with regard to the bid price previously deemed acceptable by the Town Board.
4. Preservation and Maintenance of Open Space. Adequate provision shall be made for the permanent preservation and maintenance of common "open space" and rights-of-way either by private reservation or dedication to the public.
- (a) 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 the conditions for project approval, an open space easement over such open areas restricting the areas against any further 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 noncommercial 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 any such building, site and operational plans by the Town Plan Commission

- (b) 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.
- (c) 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 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.
- (d) Ownership and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Town and made a part of the conditions of the plan approval.

5 Additional factors and requirements to be considered by the Town Plan Commission and Town Board.

- (a) The applicable provisions of the Town's Comprehensive Plan as it pertains to schools, water supply, sewage treatment systems, highway and street alignments, environmental integrity and other public facilities where appropriate.
- (b) Land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, floodplains or steep slopes shall not be developed unless the plan provides for adequate safeguards.
- (c) The physical layout and form of all structures and streets shall be designed with regard to the topography and natural features of the site, the effects of prevailing winds, seasonal temperatures, and

hours of sunlight. All housing shall be sited to as to enhance privacy and ensure natural light for all principal rooms.

- (d) Whether the housing and other facilities adjacent or closest to the boundaries of the PRD are designed so as to be harmonious with neighboring areas.
- (e) Economic feasibility of the project including not only initial construction and sale but in addition, all future maintenance and care of the PRD shall be examined and assured by escrow, performance bond or adequate surety.
- (f) Proper accommodation of pedestrian traffic including providing such sidewalks, walkways and bicycle paths as may be necessary for the safety and convenience of pedestrian and cyclist traffic within project boundaries.
- (g) What, if any, arrangements must be made to accommodate pedestrian traffic outside the project boundaries to assure the safety and convenience of pedestrian and cyclist traffic expected to be generated by the PRD.
- (h) Does the proposed plan of the PRD as designed, minimize the disturbance to the natural environment and preserve natural site amenities such as topography, trees and groundcover, natural bodies of water, and other natural features.
- (i) Heights of structures.
- (j) Auto parking facilities.
- (k) Screening and fencing.
- (l) Landscaping.
- (m) Setbacks.
- (n) Open space reservations.
- (o) The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics.



- (p) Nature and use of the proposed structures and their design architecture and the materials to be used.
- (q) Highway access to the site, number of openings and location of - same.
- (r) Traffic generation, number of vehicles parked and rate of turnover per hour.
- (s) Drainage.
- (t) Capacities required for sewer, water and other necessary utilities.
- (u) Educational capacity capabilities (number of families and school load).
- (v) Economic impact on the Town, its inducements, attractions and detractions.
- (w) Lighting.
- (x) Proposed methods and hours of operation.
- (y) Comparison of open space as required by the underlying basic zones with that of the proposed project.
- (z) Operational control, security, management.
- (aa) Commencement and completion dates.
- (bb) Highway dedication.
- (cc) Deed restrictions, escrows, insurance and sureties deemed necessary to protect the health, safety and welfare of the Town, its residents or the general public.
- (dd) The financial capability of the developer:
- (ee) The historical development experience and practices of the developer.
- (ff) The developer's historical business experience and practices.
- (gg) The character, apparent abilities and qualifications of the developer as provided by credible references.

- (hh) Consider the current effect(s) of the proposed PRD upon the immediate surrounding area.
  - (ii) Consider any future effect(s) the PRD may have upon future development of the area surrounding the PRD and whether the land surrounding the proposed PRD can be planned in coordination with the proposed PRD.
  - (jj) Whether or not an exception from the Zoning Ordinance District requirements and limitations is warranted by virtue of the design and amenities incorporated into the PRD's final plan.
  - (kk) Whether the developer, its general contractor or subcontractors have sufficient liability insurance, escrowed funds, bonding, or other surety to fully cover and indemnify potentially affected property owners and the Town for damage(s) to property incurred during and as a result of the developer's planned construction activity within the PRD.
  - (ll) Such other limitations, conditions, or special requirements, as may be deemed necessary to protect the health, safety, and welfare of the Town, its residents, or the general public.
6. Implementation Schedule. The developer shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Town Plan 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 should 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 any phase.

J. General Provisions

1. Engineering Design Standards. Normal standards or operational policy regarding right-of way widths, provision of sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a planned development, but precise standards satisfactory to the Town, pursuant to the criteria for approval as set forth in Subsection I of this article, shall be made a part of the approval plan and shall be enforceable as a part of this 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 by the developer to the original approved development site, structures, or plans of operation shall require resubmittal and recommendation by the Town Plan Commission, and approval by the Town Board Provided, however, the Town Board

reserves the right to amend the grant of final approval to add or delete any conditions, commitments, or guarantees, as may be permitted by law when circumstances dictate that the public health, safety, or general welfare will be adversely affected in the absence of such amendment or under circumstances where the grant of final approval excluding such amendment(s) was the product of fraud, mistake or excusable neglect.

3. Rescinding Approval. Failure to comply with the conditions, commitments, guarantees, or the recommendations established in the final approval of such development project, including any subsequent amendment(s) thereto, shall be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator, the developer then 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 meeting shall determine whether or not the developer shall have failed to comply and, if there has been such a failure, may either:
  - (a) Rescind its approval, whereupon such rescission and cessation of all right and privileges of the developer, 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/her last known address of a written notice of such rescission; or
  - (b) Adjourn such discussion at the Town Board meeting for a period not to exceed sixty-five (65) days to enable the developer to comply; whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Town Board that there will be compliance in the future, the rights and privileges of the developer 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 Town Board that there will be compliance in the future, the Town Board will proceed in accordance with subparagraph (a), immediately above.
  - (c) Nothing contained herein shall preclude, and the Town Board herein specifically reserves the right to seek such ex parte restraining orders or temporary injunctions, whether prohibitory, preventive, mandatory or affirmative, as may be necessary to avoid irreparable loss or damage, restrain against continuing harm, or maintain the status quo until the issues can be resolved on the merits.

#### K. Interpretation

In the interpretation and application of this Article, the provisions set forth hereinabove shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Humboldt and shall not be deemed a limitation or repeal of any other power granted to the Town of Humboldt by the Wisconsin Statutes. Any development

hereunder shall be planned, reviewed and carried out in conformance with all municipal, state and other laws and regulations. The provisions of this article or of any PRD plan given final approval under this Article, shall take precedence and be controlling when there is conflict between such provision and any other provision of the Town of Humboldt Zoning Ordinance.

## ARTICLE XXI-SEXUALLY-ORIENTED ADULT-ENTERTAINMENT ESTABLISHMENTS

### I. SEXUALLY-ORIENTED ADULT-ENTERTAINMENT ESTABLISHMENT ZONING.

A. INTENT. Mindful of the fact that it is the intent of this ordinance to protect the health, safety, and welfare of the Citizens of the Town of Humboldt and to further preserve the quality of family life and agricultural use and practice, and to preserve the vital characteristics of the neighborhoods in the Town of Humboldt and prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods, and also mindful of the effects of sexually oriented adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment, and also mindful of the criminal activity and disruption of public peace associated with such establishments, their tendency to increase the number of transients and traffic in the area, the devaluation of residential property adjacent to such establishments, and the significant potential for conflict with farm operations, residential uses, and certain other community business uses; it is the intent of this section to regulate the location of such establishments of sexually oriented adult entertainment. By enactment of this ordinance, the Town Board of the Town of Humboldt does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.

B. DEFINITIONS. For the purpose of this section :

1. "Specified Sexual Activities" is defined as:

- a. Human genitals in the state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

2. "Specified Anatomical Areas" is defined

- a. Less than completely and opaquely covered:

- (1) human genitals, pubic region ;
- (2) buttock ;
- (3) female breasts below a point immediately above the top of the areola.

b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

3. "Sexually-oriented adult-entertainment establishment businesses.,

(hereinafter "Adult Establishment") includes bookstores, motion picture theaters, outdoor motion picture theaters, mini-motion picture theaters, bath houses , modeling studios, body painting studios, and cabarets whether licensed under Chapter 125 Wis. Stats. to serve alcohol beverages or not; and are more specifically defined as:

- a. Adult · bookstore. An establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities, or "Specified Anatomical Areas" as defined herein.
- b. Adult motion picture theater. An enclosed building with a capacity of fifty (50) or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities, or "Specified Anatomical Areas" as defined herein, for observation by patrons therein.
- c. Adult outdoor motion picture theater. A parcel of land from which individuals may view a motion picture presented outdoors which presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".
- d. Adult mini-motion picture theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein, for observation by patrons therein.

- e. Adult bath house. An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin, and which establishment provides to its patrons an opportunity for engaging in "Specified Sexual Activities" as defined in this ordinance.
  
- f. Adult Motel. A hotel, motel, lodging house, boarding house or similar commercial establishment which :
  - (1) offers accommodations to the public for any form of consideration and provides patrons with closed- circuit television transmission , films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas"; and has a sign visible from the public right-of-way which advertises the availability of any of this adult type of reproductions; or
  
  - (2) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  
  - (3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten ( 10) hours.
  
- g. Adult modeling studio. An establishment or business which provides the service s of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
  
- h. Adult body painting studio. An establishment or business wherein patrons are afforded an opportunity to paint image s on a body which is wholly or partially nude. For purposes of this ordinance, "adult body painting studio" shall not be deemed to include a tattoo parlor.
  
- i. Adult cabaret. An establishment or business, whether licensed under Chapter 125 Wis. Stats. to serve alcohol beverages on the premises or not, which regularly, periodically or infrequently features male and/or female topless and/or

bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

- j. Adult novelty shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, Specified Sexual Activities, as defined herein, or stimulating such activity.
- k. Escort service an establishment or business which offers patrons same or opposite sex escorts, who in addition to other services, offer, provide or engage in Specified Sexual Activities or the display of the escort's Specified Anatomical Areas.
- l. Adult Establishment massage Parlor. An establishment or business which provides or features masseurs or masseuses attired to reveal their Specified Anatomical Areas or who engage in Specified Sexual Activities with or in the presence of patrons.

C. GENERAL STANDARDS. So as to ensure a maximum benefit to the community and a minimum impact upon existing and future uses of land, it is hereby directed that, subject to the standards set forth in the Ordinance, Adult Establishments shall locate only in areas zoned Community Business District, and then only as a conditional use. Such application for conditional use may only be granted if the following requirements are met:

- 1. No more than one Adult Establishment shall be located on any one parcel, and such Adult Establishment shall be at least five hundred (500) feet from any other Adult Establishment. Further, no Adult Establishment shall be permitted within one thousand (1,000) feet of the following:
  - a. Any land zoned residential;
  - b. A historic site identified on the "National Register", or as an adopted historic district by law;
  - c. Any public or private elementary or secondary school or licensed nursery school or day care center;
  - d. A church or established place of worship;

- e. A public park or parkway;
  - f. A farm building or farm yard where animals are kept.
2. Signs advertising any of the aforementioned Adult Establishments shall conform with requirements of Article XII of the Zoning Ordinance for the Town of Humboldt with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will inform only of the Adult Establishment name and address and will not depict Specified Sexual Activities and/or Specified Anatomical Areas as defined in this Ordinance, and provided further that there shall be no flashing or traveling lights located outside the building. The location and wording of such sign shall be shown on the site plan submitted contemporaneously with the request for conditional use.
  3. Adequate parking shall be provided in a lighted area as required by Article XIII of this Ordinance. Such parking provisions shall be shown on the site plan and submitted contemporaneously with the request for conditional use.
  4. Lighting shall be provided so as to illuminate the entire exterior of the building. Such lighting shall be shown on the site plan required and submitted contemporaneously with the request for conditional use.
  5. There shall be no display windows on the premises.
  6. The owner and/or operator of the Adult Establishment shall agree to comply with all federal, state, and local laws and ordinances, including obscenity, liquor, and cabaret laws and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited .
  7. In the case of adult cabarets, there shall be compliance with Town Ordinance s relating to noise; and the hours of operation for such Adult Establishments shall be limited to the same hours of operation for bars and taverns licensed pursuant to Chapter 125 Wis. Stats.
  8. In the case of outdoor adult motion picture theaters, the Adult Establishment shall comply with the same conditional use standards set forth for other drive-in theaters and shall furthermore comply with the standards set forth in Town Ordinances pertaining to noise.



Furthermore, outdoor adult motion picture theaters shall confine their hours of operation to those hours of operation established for bars and taverns licensed pursuant to Chapter 125 Wis. Stats. Outdoor adult motion picture theaters shall also have the viewing screen located in such a fashion as to not be visible from any road, street or highway, or residential zoning district up to four hundred (400) horizontal feet away; and the premises shall be surrounded by fencing which is impervious to sight at least eight (8) feet in height. All such theaters shall be in compliance with Section 134.46 Wisconsin Statutes.

9. Prior to the granting of a conditional use permit, an inventory of the surrounding area and population shall be made by the Town Plan Commission along with a study of the proposed development and plans for the area so as to enable the Plan Commission to make appropriate findings relating to the effect of the establishment of such use in that area.
10. The owner of the parcel upon which the Adult Establishment use is to occur and the operator of the Adult Establishment and owner of the Adult Establishment shall appear in person before the Plan Commission and Town Board.
11. All Adult Establishments shall be licensed in accordance with the Town Ordinance pertaining to the licensing of Sexually-Oriented Adult-Entertainment Establishments.

## **ARTICLE XXII: AGRICULTURE -FARMLAND PRESERVATION (AG-FP)**

### **A. DEFINITIONS IN THE AG-FP DISTRICT ONLY:**

- (1) "Accessory use" means any of the following permitted land uses on a farm:
  - (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
  - (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
  - (c) A 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).
    3. It employs no more than 2 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.
  - (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 any of the following :
  - (a) An agricultural equipment dealership , facility providing agricultural supplies , facility for storing or processing agricultural products, or facility for processing agricultural wastes.

- (4) "Conditional use" means a use allowed under a conditional use permit issued by the Town of Humboldt.
- (5) "Farm" means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
  - (a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use
  - (b) A majority of the land area is in agricultural use.
- (6) "Farm residence" means a single-family or duplex residence that is the only residential structure on the farm.
- (7) "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.
- (8) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer , farm-raised game birds, camelids, ratites and farm-raised fish.
- (9) "Open space parcel" means a parcel on which no buildings, other than hunting blinds or non-habitable sheds less than 100 square feet, have been constructed or approved for construction.
- (10) "Person" means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (11) "Prime farmland" means all of the following:
  - (a) An area with a class I or class. 11 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.
- (12) "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 this ordinance.
- (13) "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.

#### 8. ORDINANCE ADMINISTRATION AND ENFORCEMENT

- (1) The Town of Humboldt, Brown County, Wisconsin, is the responsible entity for administration and enforcement of the AG-FP ordinance.

#### C. 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 D as a permitted use.
- (2) Uses allowed under Section E with a conditional use permit.
- (3) Prior nonconforming uses, subject to 60.61(5).

#### D. PERMITTED USES. The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

- (1) Agricultural uses on farms, including:
  - (a) Crop or forage production.
  - (b) Keeping of livestock.
  - (c) Beekeeping.
  - (d) Nursery, sod, or Christmas tree production.
  - (e) Floriculture.
  - (f) ) Aquaculture.
  - (g) Fur farming.
  - (h) Forest management.
  - (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (2) Undeveloped natural resource and open space areas.
- (3) Transportation , utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- (4) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

- (5) A home business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  - (a) It is conducted on a farm by an owner or operator of that farm.
  - (b) It requires no buildings, structures, or improvements other than those described in par. (4).
  - (c) It employs no more than 2 full-time employees annually.
  - (d) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (6) Existing residences regardless of occupancy, existing as of January 1, 2014.

E. **CONDITIONAL USES.**

(1) **General.**

- (a) The Humboldt Town Board 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 Humboldt Town Board shall follow the procedures described in Article XVI (K) of the Town of Humboldt Code of Ordinances for the issuance of conditional use permits.
- (b) Before issuing a conditional use permit under par. (a), the Humboldt Town Board shall determine that the proposed use meets applicable conditions under this section. The Humboldt Town Board may issue the permit subject to any additional conditions which the Humboldt Town Board deems necessary to carry out the- purposes of this ordinance.

(2) **Conditional Uses Include**

- (a) Transportation, communication, pipeline, electric transmission , utility, or drainage uses, if all 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 surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

- (b) Governmental, institutional, religious, or nonprofit community uses , if all 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 surrounding parcels of land that are zoned for or legally restricted to agricultural use .
  - 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (c) Nonmetallic mineral extraction, if all the following apply:
  - 1. The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Wis. Stat. Section 295.13 or Wisconsin Stat. Section 295.14 (including all applicable provisions of this ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
  - 2. The operation and its location in the AG-FP zoning district are consistent with the purposes of the AG-FP zoning district.
  - 3. The operation and its location in the AG-FP zoning district are reasonable and appropriate, considering alternative locations outside the AG-FP zoning district, or are specifically approved under state or federal law.
  - 4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - 5. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 6. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan , when extraction is completed.
- (d) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.
- (e) Agriculture-related Uses

f. REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.

- (1) Except as provided in sub. (2), the Humboldt Town Board may not rezone land out of a farmland preservation zoning district unless the Humboldt Town Board 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 the comprehensive plan, adopted by the Humboldt Town Board, which is in effect at the time of the rezoning.
  - (c) The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
  - (d) The rezoning will not substantially impair or limit current or future agricultural use of another protected farmland.
- (2) Subsection (1) does not apply to any of the following:
  - (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.
  - (b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (3) By March 1 of each year, the Town of Humboldt shall provide to the Wisconsin Department of Agriculture, Trade, and Consumer Protection and Brown County a report of the number of acres that the Town of Humboldt has rezoned out of the AG-FP zoning district under subsection (1) during the previous year and a map that clearly shows the location of those acres.

G. DIMENSIONAL REQUIREMENTS

- (1) Lot Requirement
  - (a) Area: One and one half (1 1/2) acre minimum
  - (b) Zoning Lot Frontage: Two hundred (200) feet minimum
- (2) Building Setbacks

Yard	Principal Structure	Accessory Building
Front Yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum

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Corner Side Yard	30 minimum from right-of- <u>way</u>	30 feet minimum from <u>right-of-way</u>
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(3) Parking

Parking shall conform to requirements as set forth in Article XIII Off-Street Parking Requirements

(4) Signs

Signs shall be regulated as set forth in Article XII, Sign Regulation.