

TOWN OF FAIRFIELD ZONING ORDINANCE

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1.01 District and District Maps For the purpose of promoting the public health, safety and general welfare and determining, establishing, regulating and restricting the areas within the Town, outside the limits of incorporated cities and villages, within which agriculture, forestry, industry, trades, business, recreation and residential uses may be conducted, to establish districts of such number, shape and area, to adopt such regulations for each such district as the Town Board has determined to be necessary in order to carry out the purposes of this ordinance in accordance with the provisions of § 60.62, 61.35 and 62.23 of the Wisconsin Statutes, the entire area of the Town of Fairfield outside the limits of incorporated cities and villages are hereby divided into four (4) use districts, namely:

Section 1.03 - Subdivision Residential District

Section 1.04 - Agriculture Conservancy

Section 1.05 - Environmental Conservancy

Section 1.06 - Recreational-Commercial District

The boundaries of these four (4) districts are shown upon the map of the Town of Fairfield, being designated the "Zoning Map of the Town of Fairfield, Wisconsin", and made a part of this ordinance. All notations, references and other information shown upon the said zoning map shall be as much a part of this ordinance as if the matter and things set forth by the said map were fully described herein.

1.02 Definitions For the purposes of this ordinance, certain terms and words are defined as follows: Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number

include the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory and not permissive.

(1) **ACCESSORY BUILDING.** A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building.

(2) **AGENCY.** The Fairfield Town Board.

(3) **AGRICULTURAL EDUCATION.** Bringing people to a farm to learn about farming and farm life, and includes activities such as: school tours, farm-related museums, garden and nursery tours, agricultural exhibits and tours, and crop identification programs.

(4) **AGRICULTURAL ENTERTAINMENT.** Combination of an agricultural setting with entertaining activities and includes activities such as: agricultural shows, demonstration of farming practices/techniques/methods, children's activities, petting zoos, corn mazes, hayrides, wagon rides, sleigh rides, sales of goods and food produced on the premises or within 20 miles of the premises, farm dining, and outdoor recreation for fee such as hunting, fishing, cross country skiing, horseback riding, haunted barns, special event, and similar activities which are related to agriculture.

(5) **AGRICULTURAL LODGING.** Involves overnight stays on agricultural property. This can be full service or limited service accommodations, and includes activities such as: camping and campgrounds, glamping, and farm retreats.

(6) AGRICULTURAL TOURISM.

On a property with a principal agricultural use, an accessory use that combines the elements and characteristics of agriculture and tourism into one category. It involves any aspect of agricultural education, agricultural entertainment and or agricultural lodging.

(3 7) AGRICULTURAL USE. Beekeeping, commercial feedlots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, mint and seed crops, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836, participating in milk production termination program under 7 USC 1446(d), and vegetable raising.

(4 8) AGRICULTURAL PRESERVATION PLAN. Plans developed and adopted by Sauk County and certified by the Wisconsin Land and Water Conservation Board as meeting the standards of Wis. Stat. ch. 91, to protect agricultural lands through Farmland Preservation Agreements and Agricultural Conservancy zoning, and to enable farmland owners to be eligible for farmland preservation tax credits.

(5 9) AIRPORT, PUBLIC. Any airport which complies with the definition contained in §§ 114.013, 114.135 and 114.136 Wis. Stats., or any airport which serves, or offers to serve, any common carriers engaged in air transport.

(6 10) ALLEY. A public or private way affording only secondary means of access to the abutting property.

(7 11) AUTOMOBILE WRECKING YARD. Any premises on which more than one (1) self-propelled vehicle, not in running or operating condition, is stored in the open.

(8 12) BASEMENT. A story partly or wholly underground.

(9 13) BED AND BREAKFAST. An establishment or place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients for more than ten (10) nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the

time of rental, and in which the only meal served to guests is breakfast.

(10 14) BILLBOARD. A large advertising sign without size limitations.

(11 15) BLOCK. That property abutting on one (1) side of a street between the two (2) nearest intersecting streets, railroad right-of-way, or natural barriers; provided, however, that where a street curves so that any two (2) chords thereof form an angle of 120 degrees or less, measured on the lot side, such curve shall be considered as an intersecting street.

(12 16) BOARDING HOUSE. A building or premises where meals are served and lodging provided by pre-arrangement for definite periods of time for compensation for three (3) or more persons, and not exceeding 20 persons, not open to transients, in contradistinction to hotels and restaurants open to transients.

(13 17) BOATHOUSE. Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.

(14 18) BOAT LIVERIES. Establishments offering the rental of boats and repairs and fishing equipment.

(15 19) BUILDING. Anything constructed and designed to stand more or less permanently and occupying a space of land. When a building is separated by division walls without openings, from the ground up, each portion of such building shall be deemed a separate building.

(16 20) BUILDING, FRONT OF. That side of a building which faces toward the principal road, street, highway or way serving the same.

(17 21) BUILDING SITE. The space or area of ground upon which a building is to be erected, which it will exactly cover.

(18 22) CAMPGROUND. A parcel or tract of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or by one to three camping units if the parcel or tract of land is represented as a campground.

(19 23) CAMPING UNIT. For the purposes of this ordinance a camping unit is a sleeping unit, such as a tent or recreational vehicle or part thereof, which is used to house person(s) on a temporary basis and shall not be considered a structure as defined in this ordinance.

(~~20~~ **24**) CHARCOAL DISTILLATION PLANT. A structure in which wood is charred and from which the gases are permitted to escape during the process.

(~~24~~ **25**) CLUB. An association of persons for some common purposes, but not including groups organized primarily to render a service which is customarily carried on as a business.

(~~22~~ **26**) CLUSTER DEVELOPMENT. A PUD that concentrates buildings or lots on a parcel to allow the remaining lands to be preserved as open space for agricultural, recreational, and environmental resource protection and other open space uses. A Cluster Development is further defined as the creation of not more than three (3) lots in a five (5) year period on a parcel, or as provided in an applicable comprehensive plan(s), or the provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive. A Cluster Development is inclusive of a PUD Development Area and a PUD Preservation Area.

(~~23~~ **27**) COMPREHENSIVE PLAN. A community plan which has been developed and adopted in accordance with Wis. Stats. § 60.22 (3), 62.23 (2) or (3) or 66.1001.

(~~24~~ **28**) CONDITIONAL USE PERMIT. A permit issued by the Agency pursuant to Section 1.09(4) and 1.07(3) that authorizes the establishment of a PUD if the requirements of this Ordinance and the Land Division and Subdivision Ordinance can be met and shall be revocable if the conditions placed on the use of the land are violated.

(~~25~~ **29**) CONSERVATION SUBDIVISION. A PUD housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible. A Conservation Subdivision shall be further defined as the creation of four (4) lots or more in a five (5) year period on a parcel or as further defined in the applicable comprehensive plan(s).

(~~26~~ **30**) COTTAGE INDUSTRY. Any activity undertaken for gain or profit and carried on in a dwelling, or building accessory to a dwelling, by members of the family residing in the dwelling and one (1) additional unrelated person. The cottage industry should be incidental to the residential use of the premises. The production, sale, offering of services, and keeping of stock-in-trade is allowed provided that no article is sold to walk in, retail customers, except that which is produced by the

cottage industry on the premises. No activity is allowed that might result in excessive noise, smoke, dust, odors, heat, or glare beyond that which is common to a residential and/or agricultural area. No activity is allowed which involves the use or manufacture of products or operations that are dangerous in terms of risk of fire, explosion, or hazardous emissions.

(~~27~~ **31**) DENSITY. A ratio describing the net acreage required to establish a dwelling unit and its accessory buildings on a given parcel of land as permitted by the applicable zoning district in which the parcel lies, as well as the applicable comprehensive plan(s) or provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

(~~28~~ **32**) DENSITY CREDIT. A point system utilized as part of the application of a PUD Cluster Development or Conservation Subdivision derived by assigning a value of one (1) credit to each lot that can be created, as determined by the applicable zoning district's minimum lot size or comprehensive plan(s), whichever is more restrictive, and rounded down to the nearest whole number.

(~~29~~ **33**) DENSITY POLICY. A ratio describing the net acreage required to establish a lot or dwelling unit on a given parcel of land as permitted by the applicable zoning district in which the parcel lies as well as the applicable comprehensive plan(s) or provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

(~~30~~ **34**) DEPARTMENT. Town of Fairfield Planning and Zoning Committee.

(~~34~~ **35**) DEPENDENCY LIVING ARRANGEMENT. A physical arrangement of a dwelling unit in which separate living spaces are created within a dwelling unit for the sole purpose of allowing a related dependent person to live in the secondary living area while the owner and his or her family resides in the principle living area. The secondary living area may contain a bath and limited kitchen facilities which permit a degree of independence.

(~~32~~ **36**) DEPENDENT. As it pertains to dependency living arrangements, an individual who requires assistance in the activities of daily living such as eating, dressing, bathing and ambulation.

(~~33~~ **37**) DISTRIBUTOR. A dealer who distributes goods to consumers and/or businesses,

but whose place of business is not open to customers for retail or wholesale sales.

(34 ~~38~~) DISTRICT. A section or sections of the Town of Fairfield for which the regulations governing the use of land and buildings are uniform.

(35 ~~39~~) DWELLING, SINGLE-FAMILY. A detached building designed for and occupied exclusively by one (1) family.

(36 ~~40~~) DWELLING, MULTIPLE FAMILY. A building or portion thereof used or intended to be used by two (2) or more families living independently of each other.

(37 ~~41~~) DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(38 ~~42~~) EXCEPTION. The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this ordinance, which is permissible by reason of special provisions of this ordinance, or for which a special permit may be issued by the Fairfield Town Board, under conditions specified in this ordinance.

(39 ~~43~~) FAMILY. Any number of individuals related by blood, adoption, or marriage, not to exceed five (5) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servants.

(40 ~~44~~) FARM. A land area devoted to the production of agricultural products, forest products under a forestry plan, game, stock-raising, dairying and crop cultivation which may include vegetables, fruits and grains. Land preserved as open space under an approved conservation plan will be included as part of this definition.

(41 ~~45~~) FARM CONSOLIDATION. An act combining two or more farms to create a smaller number of farms.

(46) FARM DINING. Includes activities such as: roadside stands, food concessions, ice cream shops, bakeries, and special events.

(42 ~~47~~) FARM OPERATOR. The owners or other persons engaged in managing a permitted or conditional use on a farm.

(48) FARM RETAIL. Includes roadside stands, farm markets, Christmas tree farms – including cut your own, u-pick operations, gift shops, and agricultural crafts.

(43 ~~49~~) FLOOR AREA. The area within the outer lines of the exterior walls of a building, at the top of the foundations or basement wall; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways or unenclosed porches, or terraces.

(44 ~~50~~) FOREST PRODUCTS. Products obtained from stands of forest trees which have been either naturally or artificially established.

(45 ~~51~~) FUR FARMS. Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in Wis. Stat. § 29.01(3)(c) , and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering and pelting purposes.

(46 ~~51~~) GARAGE, PUBLIC. A building or portion thereof used for the housing or care of motor vehicles for the general public where any such vehicles are equipped or repaired for remuneration or kept for hire or sale.

(47 ~~52~~) HIGHWAY. See STREET.

(48 ~~53~~) HIGHWAY, INTERSECTING. A highway of any political jurisdiction which forms one (1) or more legs of an interchange with another highway and to which access is only partially controlled.

(49 ~~54~~) HOME OCCUPATION. A gainful occupation conducted by members of the family only, within its place of residence, provided that the space used is incidental to residential use and that no article is sold or offered for sale except such as produced by such home occupations.

(50 ~~55~~) HOTEL. A building where lodging with or without meals is furnished to transients for compensation and containing more than four (4) sleeping rooms and having no cooking facilities in any individual lodging.

(51 ~~56~~) JUNK. Garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, any inoperable motor vehicle, any used tire or used motor vehicle part, any inoperable machinery, and any scrap material, such as metal, paper, rags, cans or bottles. Junk shall not apply to farm machinery owned by the farm operator of an operating farm.

(52 ~~57~~) JUNKYARD. An area where used, secondhand, waste, junk, or scrap materials are bought, sold, handled, stored or disassembled, including, but not limited to, metals, paper, rags,

tires, bottles, scrap iron, machines or automobiles. It includes two (2) or more inoperative or unlicensed automobiles, motor vehicles or tractor/trailers, or any inoperable machinery or equipment. A junkyard does not include uses established entirely within enclosed buildings.

(~~53~~ **58**) **LANDFILL**. A solid waste land disposal site or facility, not classified as a landspreading facility or a surface impoundment facility, where solid waste is disposed on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at such intervals as may be necessary.

(~~54~~ **59**) **LESS RESTRICTED**. The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this ordinance.

(~~55~~ **60**) **LODGING HOUSE**. All lodging places, tourist cabins, cottages and houses, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients, for less than thirty (30) continuous days. It does not include private boarding or rooming houses, not accommodating tourists or transients, or bed and breakfast establishments.

(~~56~~ **61**) **LOT**. A parcel of land occupied by or designed to provide space necessary for one main building and its accessory buildings or uses that abuts a publicly dedicated street. A lot shall be created by a subdivision plat, or certified survey map, or a parcel described in a conveyance recorded with the Sauk County Register of Deeds, which complies with the minimum size requirements pursuant to the applicable zoning district designation in effect at the time of the land division or recording of the conveyance. No land included in any street, highway, or railroad right-of-way shall be included when computing the area for minimum lot sizes. No street, highway, easement, railroad right-of-way, river, stream or water body shall constitute a break in contiguity.

(~~57~~ **62**) **LOT OF RECORD**. A land area designated in a subdivision plat, plat of survey, or certified survey map, or described in a conveyance recorded in the Sauk County Register of Deeds office which complied with zoning laws in existence when the property was originally divided and/or

recorded but which no longer complies with the current minimum land area within the applicable zoning district. Such land area shall be occupied by or designed to provide space necessary for one main building and its accessory buildings or uses.

(~~58~~ **63**) **LOT, CORNER**. A lot located at the intersection of two (2) streets, any two (2) corners of which have an angle of 120 degrees or less, or is bounded by a curved street, any two (2) chords of which, on the inside of the curve, form an angle of 120 degrees or less.

(~~59~~ **64**) **LOT, INTERIOR**. A lot which is not a corner lot.

(~~60~~ **65**) **LOT WIDTH**. For purposes of this ordinance the width of a lot shall be the shortest distance between the side lines at the setback line.

(~~61~~ **66**) **MOBILE HOME**. A detached single-family dwelling transportable on its own chassis in one (1) unit that is designed for permanent residential use, with or without a foundation, when connected to required utilities. This definition by its nature does not include double-wide units which are not transportable on their own chassis.

(~~62~~ **67**) **MOBILE HOME PARK**. An area or premises on which is provided the required space for the accommodation of trailers or mobile homes, together with the necessary accessory buildings, driveways, walks, screening and other required adjuncts.

(~~63~~ **68**) **MORE RESTRICTED**. The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in districts appearing later in the numerical order in which such districts are numbered in this ordinance.

(~~64~~ **69**) **MOTEL**. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is not permanent occupancy of any unit except by the owner, his agent or his employees.

(~~65~~ **70**) **NONCONFORMING USE**. A building or premises occupied by a use that does not conform with the regulations of the district in which it is situated.

(~~66~~ **71**) **PARCEL**. A contiguous quantity of land in the possession of an owner, single or common interest. No street, highway, easement, railroad right-of-way, river, stream or water body shall constitute a break in contiguity.

(~~67~~ **72**) **PARK, AMUSEMENT**. An area, publicly or privately owned, containing amusement

or recreational facilities and devices, whether operated for profit or not.

~~(68~~ **73**) **PARK, PUBLIC.** An area owned by the Town or within the Town, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

~~(69~~ **74**) **PARKING LOT.** A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

~~(70~~ **75**) **PERSON.** Except where otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation or partnership.

~~(71~~ **76**) **PLANNED UNIT DEVELOPMENT (PUD).** One or more lots or parcels of land to be developed as a single entity, the plan for which may propose intensity increases, mixing of land uses, open space conservation, or any combination thereof, but which still corresponds to the applicable zoning districts density and use requirements. For the purposes of this ordinance, the terms Planned Unit Development and PUD shall be interchangeable and have the same meaning.

~~(72~~ **77**) **POND OR LAKE.** Any naturally occurring or artificially created structure of 100 square feet or more which impounds surface water all or part of the year.

~~(73~~ **78**) **PRESERVATION AREA EASEMENT.** A legal agreement recorded with the Sauk County Register of Deeds which conveys an interest in real estate imposing limitations and affirmative obligations on the type and amount of development that may take place on a property. For the purposes of this ordinance said easement shall apply to PUD Preservation Areas as part of a PUD.

~~(74~~ **7798**) **PRINCIPAL CONSERVATION AREA.** Areas identified as part of a PUD that contain productive agricultural or environmentally and culturally sensitive lands that significantly contribute to the economic and natural resource base of the rural community. Because of their importance or State and Federal use restrictions, these areas shall be protected from residential development and shall include the following:

(a) Economically productive farmland as determined by the 1977 Soil Survey of Sauk County, Wisconsin with a land capability class I that either currently is or could be used for cropland in a

contiguous quantity of 5 acres or more, regardless of ownership.

(b) Wetlands identified by the Wisconsin Wetland Inventory Map in accordance with Wis. Stat §23.32 and Section 8.10.

(c) Lakes, rivers, perennial and intermittent rivers or streams as identified on a USGS Map.

(d) Floodplains as identified by referring to the maps and studies identified within Section 9.03(2).

(e) Any historical or archaeological site listed on the Wisconsin Archaeological and Historic Resource Database (WisAHRD) by the Wisconsin Historical Society.

~~(75~~ **80**) **PROFESSIONAL OFFICE.** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession.

~~(76~~ **81**) **PUBLIC HEARING.** A public meeting whose time and place is published according to a Class II notice as specified in Wis. Stat. ch. 985. A copy of such notice shall be mailed by certified mail to the clerk of all towns within 1,000 feet of the proposed use, at least ten (10) days prior to the hearing date.

~~(77~~ **82**) **PUD DEVELOPMENT AREA.** Developed lands as part of a PUD identified as the area to be improved so as to accommodate structural development and which includes roads and utilities, public or private, the area and number of lots permitted therein being calculated by the net acreage required for said improved area as expressed by the application of a density policy.

~~(78~~ **83**) **PUD PRESERVATION AREA.** Undeveloped lands as part of a PUD identified as the balance of lands remaining once PUD Development Areas are designated, the area of which is expressly calculated as the difference of lands remaining after the application of a density policy and further, that such lands are placed under a Preservation Area Easement.

~~(79~~ **84**) **RECREATION CAMP.** An area containing one (1) or more permanent buildings designed or intended to be used for the accommodation of members of associations or groups for planned programs of recreational, educational, or cultural activities. Minimum square footage requirements as set forth in Section 1.08(3)(d) shall not be applied to each structure individually; rather a cumulative building total for

the recreation camp of 1,250 square feet shall be required.

~~(80~~ **85**) **RECREATIONAL VEHICLE** means any of the following: Travel trailer means a vehicular, portable structure built on a chassis and on wheels; that is between ten (10) and 36 feet long, including the hitch and eight (8) feet or less in width; designated to be used as a temporary dwelling for travel, recreational, vacation or other uses and towed by a motor vehicle. It includes so-called fifth-wheel units.

Pickup coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.

Motor home means a portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.

Camping trailer means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.

~~(81~~ **86**) **RENDERING PLANT.** A plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue and soap, and for the storage of such by products.

~~(82~~ **87**) **RESORT.** An establishment of a building or group of buildings where living accommodations are furnished to the public for recreational or education purposes. Minimum square footage requirements as set forth in Section 1.08(3)(d) shall not be applied to each structure individually; rather a cumulative building total for the resort of 1,250 square feet shall be required.

~~(83~~ **88**) **RIDING STABLE.** A building or premises used for the rent or lease of horses or animals for riding.

~~(84~~ **89**) **ROADSIDE STAND.** A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises). There shall not be more than one (1) such roadside stand on any single premises.

~~(85~~ **90**) **ROOMING HOUSE.** Same as LODGING HOUSE.

~~(86~~ **91**) **SAWMILL.** A facility where logs are sawn into wood products. Sawmills that process only logs from the same farm on which the sawmill

is located, as long as the farm is owned or leased in whole or in part by the sawmill owner, are exempt from the conditional use permit requirements contained in the Town of Fairfield Zoning Ordinance § 1.04, 1.05 and 1.06. Any written lease must be for a minimum period of three years.

~~(87~~ **92**) **SECONDARY CONSERVATION AREA.** Areas identified as part of a PUD that contain productive agriculture or environmentally and culturally sensitive lands that significantly contribute to the economic and natural resource base of the rural community. Because of their importance, these areas shall be substantially protected from residential development, and shall include the following:

(a) Economically productive farmland as determined by the 1977 Sauk County Soil Survey with land capability classes II and III that either currently is or could be used for cropland in a contiguous quantity of 5 acres or more, regardless of ownership.

(b) Steep slopes in excess of 20 percent.

(c) Large contiguous blocks of forestry in excess of 40 acres.

(d) Other natural or cultural elements of the site identified for preservation or protection by the Sauk County Agricultural Preservation Plan, the Wisconsin Department of Natural Resources Natural Heritage Inventory and applicable comprehensive plan(s).

~~(88~~ **93**) **SERVICE STATION.** Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils having pumps and storage tanks; also where battery, tire and similar services are rendered, including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

~~(89~~ **94**) **SETBACK.** The minimum horizontal distance from the front line of the lot or from the center line of the highway to the nearest building, exclusive of permitted projects, measured at right angles to the highway or the front lot line.

~~(90~~ **95**) **SETBACK LINES.** Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained, except as shown herein. "Within a setback line" means between the setback line and the highway right-of-way.

(91 ~~96~~) **SHOOTING RANGE.** A facility that engages in the activity of shooting (rifle, pistol, black powder, and where solid projectile ammunition is used), whether on private or public land. At established shooting ranges, shooting is to be the major purpose on the delineated area on a year round basis.

(92 ~~97~~) **SIGN.** Anything erected, hung, suspended, painted or attached to any other structure, carrying words, letters, figures, phrases, sentences, names, designs, trade names or trademarks or any other device placed so as to be visible from a street or highway and calling attention to a business, trade, profession, commodity, product, person, firm or corporation.

(93 ~~98~~) **SIGN, DIRECTORY.** A sign displaying the name of a person, commodity, home, farm, area or locality of interest, business or a kind of business or service conducted at a specific location, but not any general brands, products or services whether related or unrelated to such specific location. Such a sign may also display necessary brief directions, including the distance, which must be within one (1) mile, to the location to which it refers.

(94 ~~99~~) **SILAGE STORAGE UNITS.** Any premises where vegetative materials not produced on-site are stored and where these materials are intended for sale. This includes, but is not limited to, food processing plant by-products.

(95 ~~100~~) **SLAUGHTERING HOUSE.** Any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses or poultry, and the storage, freezing and curing of meat and preparation of meat products.

(96 ~~101~~) **SPECIAL EXCEPTION PERMIT.** A permit issued by the Sauk County Board of Adjustment pursuant to the provisions and authorities provided in the Sauk County Code of Ordinances.

(97 ~~102~~) **STORY.** The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

(98 ~~103~~) **STORY, HALF.** A story under any roof except a flat roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

(99 ~~104~~) **STREET.** A public or private thoroughfare which affords a primary means of access to abutting property. A driveway to a farm building shall not be considered a street for the purpose of determining setback, even though such driveway may have been designated a town road for the purpose of maintenance.

(100 ~~105~~) **STREET LINE.** The dividing line between a street and the abutting lot.

(101 ~~106~~) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, footings and piles.

(102 ~~107~~) **STRUCTURE.** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attachment of something having a permanent location on the ground. This includes the mounding or excavating of earth.

(103 ~~108~~) **SUSTAINED YIELD FORESTRY.** The management of forest lands to provide annual or periodic crops of forest products.

(103 ~~109~~) **TEMPORARY STRUCTURE.** A movable structure not designed for human occupancy which may be used for the protection of goods or chattels.

(104 ~~110~~) **TENT.** A portable lodge of canvas, strong cloth, or synthetic material stretched and sustained by poles, or any similar portable lodge designed for transient recreational use.

(105 ~~111~~) **TOURIST COURT.** See MOTEL.

(106 ~~112~~) **TOURIST OR TRANSIENT.** Any person who travels to a location away from his or her permanent residence for a short period of time for vacation, pleasure, recreation, culture, business or employment.

(107 ~~113~~) **TRAILER.** See MOBILE HOME.

(108 ~~114~~) **TRUCK TERMINAL.** Buildings or lands which are used for the storage or distribution of freight or goods by a common carrier.

(109 ~~115~~) **USE CONSISTENT WITH AGRICULTURAL USE.** An 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, and (d) The activity will not

conflict with agricultural operations on other properties.

~~(110)~~ **116** **VARIANCE.** A departure from the terms of this ordinance as applied to a specific building, structure or parcel of land, which the Fairfield Town Board may permit, contrary to the regulations of this ordinance for the district in which such building structure or parcel of land is located, when the board finds that literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety or welfare.

~~(111)~~ **117** **VISION CLEARANCE.** An unoccupied triangular space at the intersection of highways or streets with other highways, streets or roads, or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street, road or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this ordinance.

~~(112)~~ **118** **WATER LINE.** The shortest straight line that lies wholly within a lake or stream lot, provided that not less than 75 percent (75%) of the total length of such line shall be on, or on the landward side of, the ordinary high water mark of such lake or stream.

~~(113)~~ **119** **YARD.** An open space on a lot, on which a building is situated, unoccupied except as otherwise provided in this ordinance, open and unobstructed from the ground to the sky by structures.

~~(114)~~ **120** **YARD, FRONT.** A yard extending across the full width of the lot and measured between the front line of the lot and the front line of the building.

~~(115)~~ **121** **YARD, SIDE.** A yard on each side of the main building extending from the side wall of the building to the side lot line, and from the front yard to the rear yard. When an accessory building is constructed as part of the main building or constructed on one (1) side of the main building the side yard requirements shall be the same for the accessory building as required for the main building.

~~(116)~~ **122** **ZONING ADMINISTRATOR.** A public official charged with the administration, enforcement and interpretation of the Town Zoning Ordinance. For the purposes of this

ordinance, the terms Zoning Administrator and Building Inspector shall be interchangeable and have the same meaning.

1.03 Subdivision Residential District.

(1) Purpose. To identify nonfarm residential areas that have occurred or will occur in accordance with the general plan, the general plan component or town policy. To be applied only to two (2) or more lots. To protect residential neighborhoods by prohibiting uses which will not mix well with the homes.

(2) Use. In the Subdivision Residential District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance except for one (1) or more of the following specified uses.

(a) Single-family dwellings.

(b) Churches, public and parochial schools.

(c) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

(d) Public parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches. It is considered desirable that each such park or playground established by public authorities not subject to these requirements comply as far as possible with the yard and parking requirements established below for recreation camps. The following standards are suggested:

1. No yard shall be less than 25 feet wide; except that no such yard need be provided adjacent to the fairways and greens of golf courses.

2. Each such yard shall be increased as required by the following factors:

a. For swimming pools larger than 40x60 feet, one (1) foot of additional yard for each additional two (2) feet of width or length of the pool, in the direction of such additional width or length.

b. For bathing beaches more than 100 feet long, one (1) foot of additional side yard for each additional ten (10) feet of beach which lies between the inside lines of the side yards as herein proposed.

c. For picnic grounds having seating arrangements for more than 40 persons, ten

(10) feet of additional width on every yard for each additional ten (10) persons or fraction thereof which such picnic ground is designed or equipped to accommodate.

3. Any such yard which abuts on a public street or highway may be reduced by one-half (½) the width of such street or highway but in no case to less than 15 feet.

4. Each such yard shall be left in its natural condition, and the natural vegetation of the area, including grasses, flowers, shrubs and trees, except noxious plants, trees and weeds, shall be allowed to grow and develop or other vegetation of equivalent density shall be planted therein, so as to provide a natural screen between the park or playground and neighboring residential areas and so that such yards shall be, so far as possible, unused and unusable for the general purposes of such parks and playgrounds.

5. Off-street parking shall be provided, on the premises of each park or playground but not in any yard established under the above suggested regulations, equal to not less than one (1) parking space for each four (4) persons which the park or playground is designed or intended to accommodate.

6. The above regulations shall be mandatory as applied to any park or playground established by any agency of the Town.

(e) Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided, however, that no accessory building may be used as a separate dwelling unit.

(f) Power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings.

(g) Home occupations, when such occupation is incidental to the residential use of the premises and does not involve any external alterations that would effect a sub-building; provided further that no article is sold or offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold and that no person other than a member of the resident family is employed on the premises. No material, produce or vehicle to be serviced by the home occupation may be stored or displayed outdoors.

(h) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence

and incidental to the residential use of the premises; provided further that there shall be no external alterations that would effect a substantial change in the residential character of the building, that not more than 50 percent (50%) of only one (1) floor of the dwelling shall be devoted to such offices and that no more than one (1) person not a member of the resident family may be employed in nonprofessional capacities in any such office.

(3) The following uses shall be allowed only after the issuance of a Conditional Use Permit by the Agency; pursuant to Section 1.09(4) of this ordinance and are found to be necessary in light of the alternative locations available for such uses.

(a) A Conservation Subdivision in accordance with the provisions of Section 1.09(4) when the Agency approves a Conditional Use Permit in writing.

(4) Height, yards, area and other requirements.

(a) Height. Except as otherwise provided in this ordinance, no building shall exceed a height of 35 feet. See Section 1.08(4).

(b) Floor area. Floor area shall be the same as that required in Section 1.08(3)(d).

Lot area and width. Lots, if provided with public sewer, shall have a minimum area of 8,000 square feet with a minimum width of 80 feet except those in the shoreland, which shall have a minimum of 10,000 square feet and minimum width of 100 feet. Lots not provided with public sewer shall have a minimum lot area of two (2) acres and a minimum width of 150 feet.

(c) Side yards. There shall be a side yard on each side of a building.

1. For single-family dwellings the aggregate width of the side yards shall be not less than 25 feet and no single side yard shall be less than ten (10) feet wide.

2. For lots less than 75 feet wide the aggregate width of the side yards shall be the equivalent of four (4) inches for each foot of lot width and no single side yard shall be less than 40 percent of the aggregate width; provided, further, that the build able width of no lot shall be reduced to less than 24 feet.

(d) Rear yard. There shall be a rear yard of not less than 25 feet in depth.

(e) Highway setback lines. See Section 1.13, Highway Setback Lines.

(f) Off-street parking. See Section 1.08(6).

(g) Detached accessory buildings, including garages and buildings clearly incidental to the residential use of the property. Detached accessory structures in the Subdivision Residential District shall comply with all building setback requirements and be limited to one (1) main accessory structure and one (1) secondary accessory structure per lot. The dimensional standards for accessory structures shall be as follows:

1. Height. No accessory structure shall exceed a height of 20 feet.

2. Floor Area.

a. The main detached accessory structure floor area shall be based upon lot size.

<u>Lot Size</u>	<u>Maximum Floor Space</u>
0-19,999 square feet	600 square feet
20,000-43,559 square feet	900 square feet
43,560+ square feet	1,200 square feet

b. The secondary detached accessory structure shall have a maximum of 120 square feet of floor area.

3. Any detached accessory structure exceeding the maximum allowable square foot floor area and/or maximum allowable height shall require approval as a variance by the Fairfield Town Board. The Fairfield Town Board, after investigation, viewing of the proposed sites and public hearing, may grant a variance. Any variance granted shall be based on such evidence as may be presented at the public hearing in consideration of the following factors:

a. The architectural compatibility of the structure with the surrounding residential area.

b. That the proposed use of such a structure is consistent with the purpose and intent of this district.

c. Potential for conflict with adjacent residential uses.

d. Need of the proposed structure for a location in a residential area.

e. Any other factors deemed pertinent.

1.04 Agriculture Conservancy District.

(1) Purpose. To identify and protect agricultural areas. To provide for wise use of the Town's

resources. To provide for farm dwellings and agricultural activities. To be in accord with Wis. Stat. ch. 92 related to soil and water conservation. To the fullest extent allowed under Wisconsin law, the provisions of this district shall be applied in a manner which will be coordinated with and supportive of the policies of the town board on nonfarm, residential development on agricultural land.

(2) Use. In the Agriculture Conservancy District, no building or premise shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided for in this ordinance, except for one (1) or more of the following uses.

(a) Any use permitted in the Subdivision Residential District, farm dwellings and nonfarm dwellings not located in a subdivision, as defined by Town ordinance.

(b) General farming, including dairying, livestock and poultry raising, fur farms, nurseries, greenhouses, aquaculture, aquaponics and other similar agricultural education activities enterprises or uses, except farms operated for the disposal or reduction of garbage, sewage, rubbish or offal;

1. Livestock facilities, livestock structures, manure storage structures, and any additions to such structures, shall maintain the following setbacks pursuant to Wis. Admin. Code § ATCP 51.12.

a. Livestock structures with fewer than 1,000 animal units shall be 100 feet from any property line or road right-of-way.

b. Livestock structures with 1,000 animal units or more shall be 150 feet from any public road right-of-way or 200 feet from any property line.

c. Livestock structures located within the setback area may be expanded provided the area to be expanded meets required setbacks.

2. Manure storage structure setbacks.

a. Manure storage structure setbacks shall be 350 feet from any property line or road right-of-way.

b. Manure storage structures located within the setback area may be expanded provided the area to be expanded meets required setbacks.

(c) Power plants, flowage areas, dams, except that no damming, diking or relocation of any other course that will affect the existing flood areas

of that water course shall be allowed, without the approval of the Town building inspector.

(d) Power transmission and distribution towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities.

(e) Roadside stands.

1. Location. All temporary and permanent structures shall be setback 5-feet from the road right-of-way.

2. Parking. The applicant shall demonstrate that sufficient off highway parking space is available to allow vehicles to park safely without obstructing traffic.

(f) Mobile homes for farm help on operating farms over 35 acres with a full complement of farm buildings provided that:

1. Evidence must be submitted to the Town demonstrating that at least fifty-one percent (51%) of the gross family income is from the farm.

2. The mobile home shall be fully skirted.

(g) Signs as follows:

1. Signs used exclusively to advertise sale of agricultural products on the premises; signs giving the name of the farm or the farm owner; rural directory signs when all such signs are established in accordance with the provisions of Section 1.08(1)(j).

2. Directory signs to cities and villages, when such signs are established in accordance with the provisions of Section 1.08(1)(j)

(h) Camping, subject to the regulations identified in subsection 1.08(7).

(i) Limited, short term nonmetallic extraction may be permitted by the Department after an operational plan, reclamation plan and ownership/management data has been submitted and approved in writing by the Department as specified in Sections 1.05(2)(l)19a, b, and c. Limited short term mineral extraction shall be considered as those operations which will not involve any blasting for aggregate removal and will be commenced and completed within twelve (12) months from the date of permit issuance, and will be limited to not more than five (5) acres in an area. Upon completion of the project, the contractor and/or subcontractor shall within a 60 day period or at a time deemed appropriate by the Department complete and comply with the reclamation plan as submitted. The Department shall notify the adjoining or overlapping municipality(ies) in which the activity is proposed as

well as adjoining landowners when a permit application for a short term mineral extraction activity is proposed. Prior to the issuance of a mineral extraction permit a performance bond shall be provided for each site in the amount of three thousand dollars (\$3,000.00) minimum, or one thousand five hundred dollars (\$1,500.00) per acre, whichever is greater or substitute guarantee in the form of pledged collateral.

(j) Cottage industries and any uses permitted in Section 1.03(2)(i) and (j), when such occupation is incidental to the residential use of the premises; for the production, sale, offering of services, and keeping of stock-in-trade provided that no article is sold to walk in, retail customers, except that which is produced by such cottage industry and that no more than one (1) person other than a member of the resident family is employed on the premises. No material product or vehicle to be serviced by the cottage industry may be stored or displayed outdoors. No activity is allowed that might result in excessive noise, smoke, dust, odors, heat or glare beyond that which is common to a residential and/or agricultural area. No activity is allowed which involves the use or manufacture of products or operations that are dangerous in terms of risk of fire, explosion, or hazardous emissions.

(k) The following uses, when the location of each such use shall have been approved as a conditional use permit in writing by the Fairfield Town Board, after public hearing, and after a review of the proposed site or sites. Such approval shall be consistent with the general purpose and intent of this ordinance and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability of specific proposed locations for a specific proposed use from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases and odors, noise, vibration, operation of heavy machinery, heavy vehicular traffic and increased traffic on the public streets; such uses shall also be required to meet the specific conditions attached below:

1. Aircraft landing fields, bases and hangars.

2. Contractors' storage yards, when any such yard shall be so placed, or so screened by a planting equal to that required for junkyards in Section 1.04 (2)(k)13.a., as not to be visible from any public highway or any residential building other

than that of the owner of such yard, his agent or employee.

3. Drive-in theaters, subject to the following conditions:

a. That there is no direct entrance to or exit from such drive-in theater on any federal, state or county highway.

b. That no parking be permitted on any street or highway on which a drive-in theater abuts or on any street or highway connecting with such abutting street or highway anywhere within one-half (½) mile of an entrance to or exit from such drive-in theater.

c. That there be a distance of not less than 1/4 mile between the boundary of any residential district and the nearest point on the boundary of such drive-in theater site, measured in a straight line.

4. Kennels, when located not less than 1,000 feet from any residential building other than that of the owner of such kennels, his agent or employee.

5. Mobile home parks under the provisions established for mobile home parks in Section 1.04.

6. Saw mills, when located on the same premises for more than ten (10) days.

7. Shooting ranges for rifle, pistol, black powder and where other solid projectile ammunition is used, provided as follows:

a. All premises used for shooting ranges shall be completely fenced with a two strand barbed wire fence, or other fence as approved by the Town Board, except for one (1) point of entrance not more than 12 feet wide. Each such range shall be posted with warning signs, not more than 100 feet apart and fastened at the level of the top of such fence, but not more than six (6) feet above the ground. Such warning sign shall be not less than two (2) square feet in area and shall contain the words, "Danger Shooting Range" in red on a white background. The letters of such words to be not less than four (4) inches high and maintained in legible condition at all times.

b. Shooting stands are required for targets at a distance of 100 yards or greater. Shooting stands on any shooting range shall be located not less than 750 feet from any residential building other than that of the owner of the premises, his agent or employee, and not less than 100 feet from any property line of such premises other than that line or

those lines directly opposite to the direction of normal shooting.

c. The necessity and placement of any screening shall be determined by the Town Board. If deemed necessary, a combination of screening materials may be utilized. The screening for each rifle or pistol range, and on any other range where solid projectile ammunition is used, should be a planting screen, equivalent to that required for junkyards, in Section 1.04(2)(k)13.a., within the fence required above. Such planting screen shall extend at least from a point in line with the shooting stands to a point in line with the base of the barrier required by (d) below. If such barrier does not extend across the full width of the premises, the planting screen shall be extended, parallel to the base of the barrier, until a point is reached at which the height of the barrier and the ultimate required height of the planting screen are equal.

d. Ranges where solid projectile ammunition is used shall be so arranged as to provide a sod-faced barrier of earth or sand, impenetrable by any projectile to be fired on such ranges. For those shooting ranges where all targets are 100 yards or less in distance, such barrier shall be not less than 20 feet in height, measured from the base of the targets, and shall be not less than 50 feet in width. For those shooting ranges where targets are 100 yards or greater in distance, such barrier shall be not less than 30 feet in height, measured from the base of the targets, and shall not be less than 100 feet in width. If an eyebrow ricochet catcher is utilized, the aforementioned height and width standards may be decreased by 10 percent. The target area shall be centered on the barrier and the center of the targets will be placed no greater than three feet from ground level.

e. Every permit issued by the Fairfield Town Board for a shooting range shall be a conditional permit. The following conditions shall be met, in addition to any other conditions imposed by the Board:

1. Required fences shall meet legal standards at all times.

2. Required signs shall comply with all regulations of this paragraph and shall be clearly legible at all times.

3. If required, plantings shall be established, grown and maintained as specified in this paragraph.

4. Required barriers shall be maintained as specified in this paragraph.

5. Shooting and the handling of firearms on the premises shall be conducted in a safe and orderly manner, so as not to constitute an undue hazard to persons either on or off the premises. All shooting will be in compliance with Wisconsin State Statutes, relating to the discharge of firearms with 100 yards of a dwelling. If, upon inspection, the Town determines that any of the above requirements are not being met at any time, they shall give notice to the owner or operator of the premises of a temporary suspension of operations for not more than 14 days, specifying in writing the grounds for such suspension. If such grounds for suspension have not been removed at the end of such period of 14 days or less, the Zoning Administrator may give notice of an indefinite suspension, and thereafter operations shall not be resumed except if authorized by a permit from the Fairfield Town Board, to be secured as if for a new operation.

f. Ranges for skeet and trap shooting shall be restricted to the use of shot ammunition, unless such skeet and trap range is provided with screening and a barrier as required for ranges where solid projective ammunition is used.

g. All existing shooting ranges which meet the requirements of this ordinance and continue to meet all aforementioned conditions and standards on the date of passage and thereafter shall not be required to obtain a new permit from the Town Board. All existing shooting ranges which do not comply with the requirements of this ordinance upon passage will have three years from passage date to bring the shooting ranges into compliance. Failure to bring the range into compliance shall result in the lapsing or revocation of any existing conditional permit for such range. Thereafter, the range may only be reopened upon obtaining a new permit from the Town Board.

8. A pond or lake within 110 feet of a road or property line.

9. Alcohol fuel plants that utilize local agricultural products as a major source of raw materials in the fuel production process.

10. Silage storage units that utilize vegetative materials not produced on-site and intended for sale.

11. Mineral extraction activities that include the commercial excavation, mining, or removal of nonmetallic minerals, clay, ceramic or

refractory minerals, quarrying of sand, gravel, crushed or broken stone, but not the removal of top soil, when such activities are undertaken or proposed to be undertaken as a distinct land use. The application for a conditional use permit shall be accompanied by the following information:

a. Ownership and management data. Information on location of the proposed site of the operations, ownership of the land, leasehold, license and other property interests, and accurate information on the identity of all individuals, partnerships, associations or corporations which are involved in control of the proposed operation. The purpose of this requirement is to allow the Fairfield Town Board to determine accountability for all conditions that it decides to impose upon the activity and the information shall be sufficiently detailed and complete to accomplish this purpose.

b. Operations plan data. The operations plan shall contain full and complete information on the precise nature of mineral extraction or processing activity that is proposed to be undertaken on the site. Such data shall specifically respond to the factors and standards for decisions by the Fairfield Town Board on conditional use applications for mineral extraction activities. The operations plan shall address the following factors:

1. A timetable for the commencement and cessation of mining operations and if seasonal operations are intended, the months of operation shall be identified.

2. Estimated quantity in tons per year to be extracted shall be specified by phase.

3. The anticipated number of years of operation.

4. Proposed location, acreage and depth of intended operation.

5. Proposed location of mineral extraction site, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities, or other permanent or temporary facilities used in the mining process.

6. A description of the extraction and processing procedures, phasing and equipment to be used.

7. A description of operating hours, days of operation, blasting and crushing hours as well as hauling hours.

8. Proposed plan shall include the effect of the operation on the quality and quantity of groundwater.

9. Surface drainage of the property.

10. Location and names of all streams, roads, railroads, utility lines, and pipelines on or adjacent to the proposed site.

11. A description of the surface land use and vegetation, including all pertinent physical characteristics, of the extraction site and adjacent properties including agricultural, archaeological, historical and educational features.

12. A description of the measures to be taken to control dust, noise and vibration.

13. A description of the plans for topsoil salvage and storage. Topsoil is the upper part of the soil, which is the most favorable for plant growth.

14. The mode and primary travel routes to be used to transport the extracted material for processing or markets away from the property.

15. A description of measures to be taken to screen the operation from view, where necessary and practical.

16. Identify all state and/or federal permits required for the proposed operation.

17. A description of safety measures to be utilized on-site relative to fencing, signing, etc.

18. All maps are to be at a scale of 1" = 100' or appropriate scale for the site.

c. Reclamation plan data. The reclamation plan shall contain full and complete information on the nature of reclamation which the applicant proposes to undertake to satisfy the factors and standards in the permitting process. It shall address the following factors:

1. A map or plan and description of the proposed reclamation including grading, final slope angles, highwall reduction, benching and terracing of slopes, slope stabilization and revegetation where applicable, and erosion control and alternative future land uses. The map or plan shall be at a scale of 1" = 100' or appropriate scale for the site with a contour interval of 20' or less to be keyed to the appropriate U.S.G.S. (United States Geological Survey) 1:24,000 scale topographic quadrangle.

2. Description of topsoil stripping, salvaging, stabilization and conservation methods that will be used during replacement.

3. A plan and description of anticipated final topography, water impoundments, artificial lakes, and drainage on the property.

4. Description of plans for disposition of surface structures, roads, and related facilities after cessation of mining.

5. The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.

6. A planting plan, which may include trees and shrubs, methods of seed bed preparation, seeding rates, fertilization, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization. Such planting plan shall be initiated within six (6) months after quarry operations begin or at a time deemed appropriate by the Department.

7. A timetable of the commencement, duration and cessation of reclamation activities.

8. Other information. The Department may require the submittal of such other information as may be necessary to determine the nature of the mining operation and proposed reclamation.

d. Standards for conditional uses. The Fairfield Town Board may approve petitions for a conditional use upon finding that such a conditional use is in the public interest after giving particular consideration to the following factors in making its decision.

1. That the establishment, maintenance, or operation of the conditional use shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational and agricultural values.

2. That the establishment, maintenance, or operation of the conditional use will not substantially affect the existing use of adjacent properties, and will not have a substantial adverse effect on the most suitable long term future use for the area.

3. That adequate utilities, access roads, drainage, traffic plans, and other site improvements have been, are, or will be provided.

4. That the conditional use shall conform to all governmental regulations pertaining to the activity itself.

5. That the mineral extraction activity shall conform to all applicable state air and

water quality standards including storm and waste water discharge permit requirements.

6. That the noise, vibration, and dust levels be within the standards as established by the state.

7. That an undeveloped buffer zone adjacent to said extraction operations, commencing not less than 50 feet from a property line and/or up to 600 feet from an established building or such other distance as the Fairfield Town Board finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines. All buildings within said buffer zone must be completed 18 months prior to the application to the Fairfield Town Board. The 50 and the 600 foot buffer zones may be waived upon release of adjacent property owner(s).

8. Where deemed practicable and necessary by the Fairfield Town Board, an earth bank/berm or vegetative screen shall be erected and/or maintained to screen the mining operation from view.

9. Where deemed necessary by the Fairfield Town Board, each mining operation shall be enclosed by at least a three strand barbed wire fence, maintained at all times, with warning signs posted no more than 100 feet apart to indicate the presence of a mining operation and that fencing and signs shall be installed prior to commencement of operations.

10. That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in a condition which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site.

11. The Department shall require reasonable assurance that the conditions it may impose will be satisfied. Such assurance shall be achieved through a combination of the following prior to commencement of operation activities.

a. Performance bonds or substitute guarantees in the form of pledged collateral.

b. Establishment of escrow accounts into which deposits shall be made to assure financial resources for investments in reclamation work.

c. Clear identification of the relationships between landowners, lessees, licensees

and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.

d. Any unresolved dispute between a claimant and the applicants with regard to permit conditions, the applicants agree that the same shall be submitted to arbitration in accordance with Wis. Stats. Ch. 788, if the claimant so requests.

12. The conditional use permit shall be in effect for a period specified by the Town Board and may be renewed. All permitted operations shall be inspected at least once every year by the Zoning Administrator or its agents and shall be inspected at the time a request for renewal is submitted to the Town Board to determine if all conditions of the operation are being complied with. Renewed permits shall be modified to be in compliance with all state, County and local law. Permits may be amended upon application to the Fairfield Town Board to allow extensions or alterations in operations under new ownerships or managements.

13. A termination of mining activities on a site which is the subject of an approved conditional use permit for a period of five (5) years or more shall not entitle the permit holder to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:

a. Such a discontinuance was specified as part of the original operations plan; or

b. The operator has submitted and had Fairfield Town Board approval of an amendment to the original permit placing the operation on inactive status with accompanying conditions as to interim or partial reclamation.

c. Within two (2) years after the cessation of the operation, all temporary structures (except fences), equipment, stockpiles, rubble heaps and other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition.

14. Any conditions reasonable to protecting the public health, safety and welfare including the factors listed above may be imposed as part of the Fairfield Town Board.

15. Fee schedule shall be established by the Town Board under the normal fee schedule procedure.

12. Agricultural related businesses including, but not limited to, farm implement dealers, stockyards, veterinary services and agricultural supply dealers.

13. Those aspects of Agricultural Tourism, Agricultural Entertainment, Agricultural Lodging and Agricultural Education that are not already identified as a permitted use.

a. Standards.

1. Sales. The sale of goods must consist primarily of those goods produced, raised, assembled, or provided either on the premises or within 20 miles of the premises. Sales of goods not produced on the premises or within 20 miles of the premises are limited to 25% of floor area and shelf space.

2. Overnight

Accommodations. Overnight and extended stay accommodations may be permitted as part of the conditional use provided that the accommodations are directly related to agricultural lodging.

3. Vegetative Buffer. A vegetative buffer plan shall be submitted at the time of permit application, and no permit shall be issued until an acceptable vegetative buffer plan has been approved. The plan shall provide for a minimum of 30 feet in depth parallel to any area used for vehicles or buildings. The vegetative buffer may not be used for any purpose other than screening, except as trails, as long as the trails do not come closer than 10-feet to the property line or for designated points of ingress and egress delineated in the plan.

a. Within the buffer area, vegetation shall consist of:

1. A minimum of one tree every 20 feet. Vegetative buffer densities along the front of the property adjacent to the road right-of-way may be reduced to not less than one tree every 30 feet.

2. Not less than 75% of the trees shall be evergreens.

3. A minimum of 2 different species of evergreens shall be utilized.

4. Non-native species which have the potential to be invasive may not be utilized as part of the buffer.

5. Deciduous trees shall be either single stem or multi-stem trees, with the smallest trunk measured at a minimum

of a one-inch diameter at the time of planting. The trunk shall be measured 6 inches above the ground.

6. Evergreen trees shall be a minimum of 4 feet tall at the time of planting.

7. There shall be a ground cover of either native grasses and flowers, or lawn grasses.

b. Vegetative buffers shall not interfere with applicable vision triangle requirements.

c. Within the buffer area, vegetation shall be maintained in viable growing conditions. Maintenance of the ground cover shall be completed in a manner that maintains the shape and appearance of trees within the buffer area.

b. Outdoor Lighting.

1. Lighting. Proposed lighting installations shall integrate every reasonable effort to mitigate the effects of light on surrounding properties.

2. Operation. Hours of operation, including hours of night lighting, shall be specified as a condition of the conditional use.

c. Parking.

1. Site Plan. A site plan drawn to a scale, showing the location of the parking spaces relative to structures, roads, setbacks, other parking spaces, vision clearance areas, and any other dominate land features located within and adjacent to the proposed parking area.

2. Access. The access to the property must meet the Town of Fairfield driveway ordinance.

3. Required Parking Spaces. Space shall be provided to park 5 vehicles per 1,000 square feet of floor area or 1 vehicle per 4 beds or chairs, as applicable, whichever number is more restrictive.

a. Parking Dimensions. The parking space requirement shall be 9-feet wide by 20-foot long.

d. The property owner must obtain all federal, state and local permits.

e. The permit shall be issued to the owner of the property and would not be transferable.

~~13~~ **14.** Junkyards are permitted upon the issuance of a conditional use permit from the Fairfield Town Board, provided that all of the following standards are met:

a. Screening. The necessity and placement of any screening shall be determined by the Fairfield Town Board. If deemed necessary, a combination of screening materials may be utilized. These materials may include: a solid wall, fence and/or tree plantings. This screening of the junkyard shall be maintained to a minimum of six (6) feet in height, except for one (1) main entrance/exit not more than 12 feet wide and not directly facing a public street. The fence shall be constructed of nonreflective, new or like new material and not junk, such as inoperative railroad cars or mobile homes. Additional screening of tree plantings may be required to be placed in front of that portion of the wall or fence that borders a public road, with a planting plan submitted at the time of application.

b. Location. Junkyards shall not be located within 1/4 mile of any church, school, other public building, right-of-way line of any federal, state or county trunk highways, or boundary of a residential or conservancy district. Junkyards shall also be at least 1/8 mile from any residence, other than that owned by the applicant. Junkyards are not allowed in mapped floodplains or wetlands and shall maintain a 75 foot setback from the ordinary high water mark of any navigable body of water. A plot plan shall be submitted at the time of application.

c. Operation.

1. The hours of operation shall be from 6:00 a.m. to 8:00 p.m., Monday through Saturday. Crushing hours shall be from 8:00 a.m. to 6:00 p.m. Monday through Friday.

2. A plan for handling and storage of materials and recyclables including, but not limited to oil, grease, antifreeze, Freon, batteries, metals, tires and related by-products of the recycling process.

3. A plan shall include how surface water will be controlled on the yard.

4. The lot shall have a gate that is shut and locked when no one is in attendance.

d. Permit procedure.

1. The conditional use permit shall be in effect for a period specified by the Fairfield Town Board of Appeals, with a maximum time of five (5) years. At that time, it may be

renewed, provided that the yard is in compliance with the standards set forth and the annual review gives a recommendation for continuance of the yard.

2. At the date of this amendment, existing junkyards that have made a documented attempt at renewing their existing junkyard permit will not be required to obtain a conditional use permit until two (2) years from the effective date of this ordinance, but shall come into compliance with all of the standards of this ordinance within one (1) year from the effective date of this ordinance. All other junkyards, either existing or contemplated, shall obtain a conditional use permit.

e. Fees.

1. A fee schedule shall be established by the Agency under the normal fee schedule procedure and may be reviewed annually.

2. The annual inspection fee and review shall be good for a period of one (1) calendar year or portion of a year, beginning on January 1 through December 31. The fee is due on January 1 and becomes delinquent on February 1. If the junkyard fee becomes delinquent, the conditional use permit shall become null and void.

f. Violation and penalties.

1. Immediate revocation may occur during the term of the permit if a violation of the ordinance occurs on the property with respect to the standards of this ordinance.

2. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, be subject to penalties and forfeitures as provided for in Chapter 20, Uniform Citation Ordinance. Each day of continued violation shall constitute a separate offense.

(1) The following uses shall be allowed only after the issuance of a Conditional Use Permit by the Agency; pursuant to Section 1.09(4) of this ordinance and are found to be necessary in light of the alternative locations available for such uses.

1. A Cluster Development in accordance with the provisions of Section 1.09(4) when the Agency approves a Conditional Use Permit in writing.

(3) Height, yards, area and other requirements. Except as otherwise provided in this ordinance, no building shall exceed a height of 35 feet. See Section 1.08(4).

(a) Lot area. Lot area shall be the same as that in the Subdivision Residential District, provided that this requirement shall not apply to permitted trailers on farms.

(b) Floor area. Floor area shall be the same as that required in Section 1.08(3)(d).

(c) Side yards. For buildings or parts of buildings used for residential purposes, the side yard requirements of the Subdivision Residential District shall apply.

(d) Rear yards. For buildings or parts of buildings used for residential purposes, the rear yard requirements of the Subdivision Residential District shall apply.

(e) Highway setback lines. See Section 1.13.

(f) Off-street parking. See Section 1.08(6).

1.05 Environmental Conservancy District.

(1) Purpose. To identify those areas where development is prohibited due to high ground water, the presence of significant wildlife habitat, geologic features, natural features, scenic features, natural vegetation or the need to protect water quality.

(2) Use. In order to protect and preserve the natural character of the lands included within this district, and their values for wildlife, water conservation, flood control, recreation, forestry, and other public purposes, no land shall be used and no building shall hereafter be erected or moved except in accordance with the regulations below:

(a) Grazing.

(b) The harvesting of wild crops, such as wild hay, ferns, moss, berries, and tree fruits and seeds.

(c) Hunting and fishing, including trapping.

(d) The practice of wildlife, fish and forest management.

(e) Hydro-electric power stations, dams and other structures for the use or control of flowing water.

(f) Power transmission and distribution lines and necessary appurtenant structures.

(g) Nonresidential buildings and structures used solely in conjunction with the raising of wildlife and fish, and the practice of forestry including buildings and structures used by public or

semipublic agencies or groups for research in or the rehabilitation of natural resources.

(h) Camping, subject to the regulations identified in subsection 1.08(7)(b).

(3) Height, yards, area and other requirements.

(a) Height. Except as otherwise provided in this ordinance, no building shall exceed a height of 35 feet. See Section 1.08(4).

(b) Lot area. Lot area shall be at least ½ acre.

(c) Floor area. Buildings used in whole or in part for seasonal or temporary habitation shall have a floor area of not less than 400 square feet. See Section 1.02 "Floor area".

(d) Side yards. The side yard requirements for the Wetland District shall be the same as those required in Section 1.03.

(e) Rear yard. The rear yard requirements for the Wetland District shall be the same as that required under Section 1.03.

(f) Highway setback lines. See Section 1.14.

(g) Off-street parking. See Section 1.08(6).

1.06 Recreational-Commercial District.

(1) Purpose. This district is created to provide recreational opportunities to the general public and to furnish those commercial services and products that serve and support the rational development of the recreational opportunities. It is recognized, however, that such development must not significantly damage, threaten, or be in conflict with the natural resources, character and uses of the area.

(2) Uses. In the Recreational-Commercial District no structure or premise shall be used and no structure shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except as for provided below.

(a) Permitted uses.

1. Parks, playgrounds, picnic grounds are permitted provided that they meet the standards as required in Section 1.03(2)(d), and as established in this district.

2. Forest and wildlife preserves.

3. Tennis courts, playfields and sportsfields without night lighting.

4. Eating establishments in which liquor and/or malt beverages are not served.

5. Gift, antique, convenience, general stores, specialty shops, and laundrettes of a size and nature to serve the needs of the area's recreational community.

6. Sporting goods and equipment sales and rental.

7. Bait shops.

8. Boat launching areas.

9. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker, located on the same lot as the business or recreational use, not to exceed one (1) single-family dwelling. Any such residence shall meet the height, floor area and yard requirements of Section 1.03(3).

10. Ponds or lakes greater than 110 feet from a road or property lines; power plants, flowage areas, dams.

(b) Conditional Uses. The Fairfield Town Board of Appeals, after investigation, viewing of the proposed sites and public hearing, may authorize the location of any of the following uses in this district provided that the location is consistent with the intent of this ordinance and does not significantly injure the public health, safety or welfare. The approved use shall comply with all other regulations for this district and any reasonable conditions or safeguards that the Board may impose that are in keeping with the general intent and purpose of this ordinance.

1. Drinking establishments and eating establishments in which liquor and/or malt beverages are served or sold.

2. Hotels, motels, resorts.

3. Theaters, indoor and drive-in. Drive-in theaters are also subject to the regulations as required in Section 1.05(2)(k)3.

4. Bowling alleys, skating rinks, pool halls, arcades.

5. Gymnasiums, health clubs, athletic clubs.

6. Amusement and recreational parks or services.

7. Riding stables and academies.

8. Hunting, fishing and sports clubs. If said clubs contain a shooting range, then the standards within 1.05(2)(k)11 shall apply.

9. Archery ranges.

10. Golf driving ranges, miniature golf courses.

11. Golf courses and country club facilities.

12. Ski areas and accompanying facilities.

13. Tennis courts, playfields and sportsfields with night lighting.

14. Go-kart tracks, other similar race tracks.

15. Marinas, boat liveryes, boat sales.

16. Recreation camps.

17. Campgrounds.

18. Clubs, lodges, fraternal organizations.

19. Governmental and institutional uses.

20. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker in excess of the one (1) single-family dwelling permitted above. Any such residence shall meet the height, floor area and yard requirements of Section 1.03(3).

21. Mobile homes, as residential quarters for the owner, proprietor, commercial tenant, employee or caretaker, located on the same lot as the business, not to exceed one (1) mobile home. Any such residence shall meet the height, floor area and yard requirements of Section 1.03(3).

22. Ponds or lakes greater than 110 feet from a road or property lines; power plants, flowage areas, dams.

(3) Height, yards, area and other requirements.

(a) Height. Except as otherwise provided in Section 1.08(4), no structure shall exceed a height of 50 feet.

(b) Lot area. Lot area shall be the same as that required in Section 1.03.

(c) Side yards. There shall be a side yard on each side of a structure hereafter erected or moved of at least ten (10) feet in width. However, no such side yard shall be less than 25 feet wide when the side lot line abuts a residential use not in this district.

(d) Rear yard. There shall be a rear yard of not less than 25 feet.

(e) Highway setback lines. Highway setback lines shall be the same as that required in Section 1.14.

(f) Off-street parking. Off-street parking shall be the same as that required in Section 1.08(6).

(g) No automobile parking lot, stock pile, waste or salvage pile, equipment storage yard, or other accumulation of materials or equipment in the open shall be stored or placed within any setback area.

(4) Additional standards for conditional uses.

(a) Applicants shall submit plot plans of principal and accessory structures, parking areas, open areas, recreational facilities, and general design and land use, and any other pertinent information required by the Fairfield Town Board.

(b) In hearing requests for conditional uses, the Fairfield Town Board shall consider the following factors, plus any other factors deemed pertinent, and determine that the conditional use will:

1. Not cause unusual public service needs.

2. Not substantially impair or diminish the uses, values and enjoyment of other property in the surrounding area for the purposes already permitted.

3. Provide safe access and adequate parking facilities.

4. Provide access for emergency vehicles.

5. Provide responsible surface water management.

6. Not cause air, water or noise pollution or adversely affect rare or irreplaceable natural areas.

(c) Recreation camps. In addition to being subject to Chapter HSS 175 of the Wisconsin Administrative Code, recreation camps shall be subject to the following regulations and any other requirements the Fairfield Town Board may deem appropriate after viewing the site or sites and considering evidence presented at the public hearing.

1. Yards. There shall be a yard on each side of any such recreation camp of at least ten (10) feet in width. However, no such side yard shall be less than 25 feet wide when the side lot line abuts a residential use not in this district. Rear yards shall not be less than 25 feet. Highway setback lines are as required in Section 1.14. No campsite shall be established in the yard or setback areas.

2. Screening. Where natural vegetation does not present adequate screening in all required

yards or setbacks, supplemental plantings may be required so as to provide natural screening between the recreation camp and neighboring areas. This requirement shall not apply along that part of a camp which fronts a lake or stream.

3. Off-street parking. Parking shall be provided on the premises of each such recreation camp, but not in any required yard, equal to not less than one (1) parking space for each camping unit, plus one (1) additional parking space for each motor vehicle operated in connection with such camp.

(d) Campgrounds. In addition to being subject to Chapter HSS 178 of the Wisconsin Administrative Code, campgrounds shall be subject to the yard and screening provisions for recreation camps set forth in Section (4)(c) above. Occupancy of a camping unit on a continuous, year-round basis or utilization of a camping unit as a permanent abode or legal place of residence shall be prohibited.

1.07 Planned Unit Development (PUD)

(1) Purpose. The PUD is meant to encourage flexibility in the development of land that may be necessary to permit adjustment to changing public and private needs; to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs, to promote the more efficient use of land so as to preserve and enhance the natural characteristics and unique features of a property; to site development in a location that does not diminish the local character and which preserves agricultural lands and environmentally sensitive areas; to limit the number, size and location of lots to minimize the impacts associated with rural development; to encourage integrated planning to achieve the objectives of the Town of Fairfield Comprehensive Plan, local municipal comprehensive plans and the Sauk County Agricultural Preservation Plan; to preserve open and agricultural areas; to facilitate the adequate and economical provision of streets and utilities; and to conserve the value and character of land. The PUD will allow for flexibility in increasing the intensity of development, while at the same time maintaining the density and use requirements set forth in the applicable zoning district, comprehensive plan(s) or provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

(2) Uses. Uses permitted in a PUD shall conform to uses generally permitted in the applicable zoning district with the following exceptions:

- (a) PUD Development Areas
1. Cluster Development
- a. One single family residential dwelling unit shall be permitted for each density credit as defined in Section 1.07(5)(a).
- b. The raising or keeping of farm animals is permitted contingent upon the following:
1. That the parcel is two (2) acres or greater.
2. Development and approval of a nutrient management plan by the Sauk County Conservation, Planning and Zoning Department.
3. The number of animals shall not exceed one animal unit per net acre based on the following ratios; one (1) animal unit equal 1 cow, 2 hogs, 2 sheep, 10 poultry, 1 horse, 1 pony, 1 mule, 10 rabbits, rounded down to the nearest whole acre. For animals not provided for herein and otherwise allowed under the applicable zoning district, the Department shall determine the number of allowed animal units based on a comparison of the animal to the ratios provided herein. Under no circumstances shall the number of animals constitute an unreasonable number that is inconsistent with the provisions of the Cluster Development. For purposes of this calculation, areas of building footprints and driveways shall be excluded from total lot acreage when determining animal units permitted.
- c. Agricultural uses, provided that no building for the housing of livestock or poultry shall be located within 300 feet of any potable water well located on a separate residential or commercial lot other than the owner or lessee of such building containing such livestock or poultry.
2. Conservation Subdivision. Uses permitted within the Subdivision Residential District provided that one single family residential dwelling unit shall be permitted for each density credit as defined in Section 1.07(5)(b) and the applicable comprehensive plan(s).
- (b) PUD Preservation Area
1. PUD Preservation Areas shall follow the permitted uses allowed within the applicable zoning district with the exception that residential structures and related accessory buildings shall not be permitted.
2. The raising or keeping of farm animals is permitted contingent upon the development and approval of a nutrient management

plan by the Sauk County Conservation, Planning and Zoning Department.

3. Agricultural uses and uses consistent with agricultural use shall be allowed, provided that no building for the housing of livestock or poultry shall be located within 300 feet of any potable water well located on a separate residential or commercial lot other than the owner or lessee of such building containing such livestock or poultry.

(3) Conditional Uses. Conditional uses permitted in a PUD shall conform to uses generally permitted in the applicable zoning district with the following exceptions:

(a) PUD Development Areas. Conditional uses permitted by the applicable zoning district shall be limited to:

1. Ponds or lakes within 110 feet of a road or property line.

2. Cottage industries in accordance with the definition of Section 1.02(25).

3. Governmental uses such as police and fire stations, highway storage garages, schools, parks and campgrounds, airports and landing strips.

(4) Heights, yards, area and other requirements.

(a) Height restrictions. Buildings erected on lands within a PUD shall not exceed a height greater than the height permitted in the applicable zoning district.

(b) Lot area. The minimum lot area shall not be less than 20,000 square feet in a Conservation Subdivision and 43,560 square feet for a Cluster Development unless a greater minimum lot size is identified in the Town's comprehensive plan or provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive, and provided that space is reserved for the installation of a primary and replacement POWTS.

(c) Lot coverage. No residential building together with any accessory buildings shall cover in excess of fifty percent (50%) of the lot area.

(d) Side yards. The standards of the Subdivision Residential District shall be applied, unless a lesser amount is approved in writing by the Agency. Lots bordering lands that are currently used for agriculture or preserved as part of a forest management plan shall have a minimum 100 foot setback between residences and said lands.

(e) Rear yards. The standards of the applicable zoning district shall be applied, unless a lesser amount is approved in writing by the Agency.

Lots bordering lands that are currently used or preserved as part of an agriculture or forest management plan shall have a minimum 100 foot setback between residences and said lands.

(f) Highway setback lines. Highway setback lines shall be the same as those required in Section 1.14 except that the setback from class C highways may be reduced to 20 feet from the right-of-way for Conservation Subdivisions. Any reduction in right-of-way setback from those required under Section 1.14 must be approved in writing by the Agency.

(5) Density Policy. Density policies required as part of the application of a PUD shall be applied in accordance with the provisions of this Section in addition to Land Division and Subdivision Ordinance Section 1.39 and shall further conform to the following standards:

(a) Cluster Development.

1. The density policy for Cluster Developments is one dwelling unit for each density credit as determined by the applicable zoning district, applicable comprehensive plan(s) or as provided by Table 3.1 Town Plan Provisions of the Sauk County Agricultural Preservation Plan, whichever is more restrictive. The newly developed lot to accommodate the dwelling unit(s) shall not exceed five (5) acres unless additional density credits are utilized. The number of density credits utilized to establish the number, size of lots, and dwelling units shall not exceed the applicable zoning district's maximum density rounded down to the nearest whole number. For the purpose of this calculation, lands subject to a preexisting easement or other similar agreement for the purpose of eliminating development rights shall not be counted toward the calculation of density credits.

2. The density policy is defined by the number of credits calculated by the applicable zoning district, applicable comprehensive plan(s), or the Sauk County Agricultural Preservation Plan, whichever is more restrictive in effect at the time of such calculation.

3. Density credits may be utilized to establish a set number and size of lots or dwelling units for residential development purposes based on a maximum lot size of up to five (5) acres for each density credit. To determine the maximum allowable acreage for a PUD Development Area, multiply the number of density credits by five (5) acres.

4. Application of density credits, as defined in this ordinance, and of a corresponding PUD Preservation Area shall further be applied in accordance with Land Division and Subdivision Ordinance Section 1.39.

(b) Conservation Subdivision.

1. The PUD Development Area(s) shall only be located within a Subdivision Residential District.

2. The density policy for a Conservation Subdivision shall require that forty percent (40%) of the total acreage of the original parcel be protected as a PUD Preservation Area while the remaining sixty percent (60%) of the total acreage of the original parcel may be utilized for the subdivision of lands, provided that the density shall not exceed one (1) acre per lot or dwelling unit placed on a lot within the PUD Development Area. The number of density credits utilized to establish the number and size of lots and dwelling units per lot shall not exceed sixty percent (60%) of the total acreage of the original parcel and rounded down to the nearest whole number.

(6) Procedure. The authority to approve Conditional Use Permits for the purpose of establishing a PUD is hereby delegated by the Town Board to the Planning and Zoning Commission. In order to create a PUD pursuant to Land Division and Subdivision Ordinance Section 1.39, a Conditional Use Permit must first be obtained from the Planning and Zoning Commission. The procedure to acquire such a Conditional Use Permit for a PUD is as follows:

(a) The landowner shall consult with the Department to determine eligibility of establishing a PUD.

(b) The Department will determine if the land affected by a proposed PUD is subject to a Farmland Preservation Agreement with the Wisconsin Department of Agriculture, Trade and Consumer Protection. If said lands are subject to an Agreement, the landowner will be referred to the Wisconsin Department of Agriculture, Trade and Consumer Protection.

(c) Utilizing the density policy set forth in the applicable comprehensive plan(s), the applicable zoning district, or the Sauk County Agricultural Preservation Plan, whichever is more restrictive, a density calculation shall be conducted by the Department in order to determine the number

of allowable lots and dwelling units within a PUD Development Area.

(d) An application for a Conditional Use Permit and PUD shall be made to the Planning and Zoning Commission on a form provided by the Department. The application shall be accompanied by the following information:

1. A Development Plan in accordance with the provisions of Land Division and Subdivision Ordinance Section 1.18 which clearly delineates the Principal and Secondary Conservation Areas as well as the proposed PUD Development Area and PUD Preservation Area on a map that is no less than 11 inches by 17 inches with a scale of not more than 1 inch equals 400 feet.

2. A written description of how the proposed PUD protects Principal Conservation Areas and substantially protects Secondary Conservation Areas in accordance with the provisions of this ordinance, the Sauk County Agricultural Preservation Plan and the applicable comprehensive plan(s).

3. A copy of the density calculation developed under Section 1.07(6)(c).

4. Written verification that the land is not subject to a Farmland Preservation Agreement, or that said Agreement has been amended or relinquished by the Wisconsin Department of Agriculture, Trade and Consumer Protection to permit a PUD.

5. A preliminary title report for all lands affected by a PUD Development Area and PUD Preservation Area, and where required, consents to a Preservation Area Easement from holder(s) of any liens that cannot be completely removed on a form acceptable to the Department.

6. A draft copy of the Preservation Area Easement in a form acceptable to the town in which the application is being made and Department.

(e) The Department shall submit a copy of the completed application to the town in which the application is being made for consideration of the Conditional Use Permit for a PUD.

(f) Following Planning and Zoning Commission action on the Conditional Use Permit, the application shall be presented to the Agency for consideration at a public meeting as provided by Land Division and Subdivision Ordinance Section 1.14(5).

(g) Upon approval of the Conditional Use Permit, the landowner may proceed to obtain a

PUD pursuant to Land Division and Subdivision Ordinance Section 1.39 that is inclusive of a Preservation Area Easement and the appropriate land division process.

(7) Standards for approving a PUD. After the Planning and Zoning Commission reviews and acts upon the application, the Agency may approve applications for a PUD as a Conditional Use in the Agricultural Conservancy district upon finding that such PUD is in the public interest after consideration of the following factors.

(a) General Standards.

1. Adequate public facilities to accommodate development either exist or will be provided within a reasonable amount of time as determined by the Agency.

2. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide such facilities.

3. The land proposed for a PUD is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

4. Impacts on principal and secondary conservation areas as determined in Land Division and Subdivision Ordinance Section 1.18(5). For the purposes of applying this standard, Principal Conservation Areas shall be protected from residential uses while Secondary Conservation Areas shall be substantially protected from residential uses. Substantially protected areas shall only be part of a PUD Development Area if the remaining land within a parcel is considered a Principle Conservation Area, when it furthers the preservation of Principal Conservation Areas, or as determined necessary by the Agency when considering alternative locations.

5. Whether the development as proposed is located to minimize the amount of agricultural or forest land converted.

6. Compatibility with existing or permitted uses on adjacent land.

7. Productivity of land involved from an agricultural, forest and conservation perspective.

8. Provision of safe and adequate public and emergency vehicle access.

9. Consistency with all officially adopted local and county plans and ordinances.

10. On lands covered by a Farmland Preservation Agreement, the Agreement must have

been referred to the Wisconsin Department of Agriculture, Trade, and Consumer Protection for determination of potential conflicts between a PUD and the terms of the Agreement. If such a determination is made, verification of release or modification and release shall be provided by the Wisconsin Department of Agriculture, Trade, and Consumer Protection for lands within PUD Development Areas before the PUD can be approved.

(b) Additional Standards for Agricultural Conservancy District. In addition to the standards listed in subsection (a) above, the Agency must consider the following standards for PUD applications within the Agricultural Conservancy District to comply with applicable portions of Wis. Stat. § 91.

1. The PUD complies with the definition of a "use consistent with agricultural use" pursuant to Wis. Stat. § 91.01(2) and any applicable portions of Wis. Stat. § 91. The Agency shall make written findings thereof as part of the record of its proceedings.

2. A PUD and related regulations shall be utilized in conjunction with provisions set forth in the Sauk County Agricultural Preservation Plan or the applicable comprehensive plan(s) and ordinances. For areas zoned Agricultural Conservancy where the local comprehensive plan is less restrictive than the provisions of the Sauk County Agricultural Preservation Plan, the provisions of the Sauk County Agricultural Preservation Plan shall prevail.

3. The Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified by the Agency of all PUD approvals in areas zoned Agricultural Conservancy.

(8) A Conditional Use Permit approved pursuant to this Section shall be revocable by the Agency if the conditions imposed are violated.

1.08 General Provisions and Exceptions.

(1) Buildings and uses.

(a) No provision of this ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.

(b) No provision of this ordinance shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of

overground or underground public utility neighborhood service lines and mechanical appurtenances thereto, where reasonably necessary for the preservation of the public health, safety, convenience and welfare.

(c) The use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.

(d) Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.

(e) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this ordinance and the construction of which shall have been started within six (6) months from the date of such permit.

(f) Nonconforming uses:

1. The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be continued although such use does not conform to the provisions of this ordinance for the district in which it is located, but no building or premises containing a nonconforming use shall be enlarged or extended.

2. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use. A nonconforming use shall not be changed to another nonconforming use of the same classification unless and until a permit therefore shall first have been secured from the Fairfield Town Board.

3. If the nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.

4. When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than 60 percent (60%) of its current market value as determined by the local assessor, it shall not be restored except in conformity with the regulations of

the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50 percent (50%) of the market value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

(g) Accessory buildings which are not a part of the main building shall not occupy more than 30 percent of the area of the required rear yard and shall not be nearer than three (3) feet to any line, except that where a private garage has an entrance facing on an alley, such entrance shall be located not less than ten (10) feet from the nearest alley line. The above area restrictions shall not apply to accessory buildings on farms, but such accessory buildings shall not be closer than 100 feet to any side lot line. Where an accessory building is a part of the main building or is substantially attached thereto, or is located partly or wholly in front of the rear wall of the main building, the side yard and the rear yard requirements for the main building shall be applied to the accessory building.

(h) The Fairfield Town Board, after investigation and public hearing, may authorize the location of any of the following buildings or uses in any district from which they are excluded by this ordinance, provided that the Board shall find that the proposed location is necessary in order to serve the public health, safety, convenience and welfare, and provided further that each such building or use shall comply with all other regulations for the district in which it is proposed to be located and that in the Agricultural Conservancy District all structures and improvements must be consistent with agricultural uses as defined in Wis. Stat. § 91.01(10) and must meet all applicable standards in Wis. Stat. § 91.75. To protect the value of neighboring buildings or uses, the Board may attach reasonable conditions and safeguards, in line with the general purpose and intent of this ordinance.

1. Cemeteries.
2. Fire and police stations.
3. Hospitals and clinics, but not veterinary hospitals or clinics.
4. Institutions, public or private, of an educational, philanthropic or charitable nature.
5. Private clubs or lodges, excepting those the chief activity of which is a service customarily carried on as a business.
6. Public utility buildings, structures and lines and their appurtenances, for such purposes

as are reasonably necessary for the public convenience and welfare.

7. Railroad siding and structures.

8. Sewage disposal plants.

9. Dependency Living Arrangements provided that the following conditions are met as part of the approval of the Fairfield Town Board:

a. The arrangement shall be permitted only after a septic verification and/or a sanitary permit has been issued by the Department and subsequent issuance of a Town Land Use Permit allowing the construction of the dependency living unit.

b. The arrangement shall be limited in duration such that when separate living space is no longer utilized that said living space shall be physically removed altogether from the primary dwelling or incorporated as part of the primary dwelling, and which includes the complete removal of all kitchen facilities and common wall(s) originally separating the dependency living unit from the primary residence.

c. Upon cessation of use, the property owner shall to notify the Department as to the destined use of the dependency living unit as specified under above and shall seek a Town Land Use Permit approving the proposed use of the dependency living unit.

d. The permit is issued to the owner(s) of the residence and is not transferable.

(i) The Fairfield Town Board, after investigation and public hearing, may authorize the change of a nonconforming use to another of the same classification, provided that the Board shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use.

(j) Signs. The requirements and provisions of this ordinance shall apply to all signs adjacent to highways erected, moved, altered or reconstructed after the effective date of June 15, 1971, and shall comply with all applicable regulations of the Wisconsin Statutes. Unless otherwise provided by this ordinance or by the Wisconsin Statutes, signs shall be located in the following manner:

1. Permit required. Except as otherwise provided in this ordinance no person shall erect, enlarge, structurally alter or repair within the Town of Fairfield, any sign, as defined in this ordinance, without first obtaining a sign permit from the Zoning

Administrator and making payment of the required fee.

2. Applications. An application for a sign permit shall be made on forms provided by the Agency. Every sign shall require a separate permit. A complete sign application shall contain the following items:

a. A dated and complete application on a form provided by the Agency.

b. A detailed plot plan showing all setbacks from road intersections, right of ways, and property lines along with the location of all signs and buildings within 1,000 feet of the proposed sign.

c. A diagram showing the shape of the sign, including the face area, which depicts the sign height, width and other general features.

d. A plan for the control of woody vegetation that would obstruct the view of the sign from the road.

e. Any other information as identified and required by the Agency.

3. Permit issued if application in order: It shall be the duty of the Zoning Administrator, upon the application for a sign permit, to investigate same and if it shall appear that the proposed sign is in compliance with all requirements of this ordinance, he shall then issue the sign permit. A separate permit shall be required for each sign. If work authorized under the sign permit has not been started within six (6) months after date of issuance or a time extension obtained, the said permit shall become null and void.

4. Fees. Permit fee shall be two dollars (\$2.00) per square foot of sign face or fraction thereof. The permit fee shall be paid at the time of application, and no permit may be issued until such fee has been paid.

5. Electric power lines. No sign shall be constructed, installed or erected which has less horizontal or vertical clearance from energized electric power lines than required by law or applicable regulations.

6. Distance from highway right-of-way.

a. No sign may be erected so that any part may extend over the highway right-of-way.

b. Signs shall be setback no less than five (5) feet from the right-of-way line of any highway.

7. Distance between signs. Signs placed along any highway must be at least 500 feet from any other sign.

8. Distances from street intersections or from end of taper of entrances or exit ramps. Signs shall not be placed closer than 1,000 feet from the intersection of any street nor from the end of the taper of entrance or exit ramps, except on premise signs as provided in this ordinance.

9. Size of signs. The number of square feet in any sign will be determined by measurement of copy area. This does not include trim or poles, unless there is copy on said sections.

10. Removal of certain advertising. Any advertising now or hereafter existing which no longer advertises a bona fide business conducted or a product available must be removed within 30 days of written notification from the Zoning Administrator.

11. On premise signs.

a. On premise signs shall be considered such signs that are erected on the same premises as the business conducted or the product sold as advertised by such sign.

b. Such signs shall be exempt from the requirements of this ordinance in regard to the distance between signs and from highway intersections or entrance or exit ramps, except that such signs located near intersections shall not obstruct the vision clearance of said intersection.

12. Temporary signs.

a. Temporary signs shall not exceed twenty (20) square feet, shall be self-supported, and shall not be placed on any property without the written consent of the owner thereof.

b. Temporary signs shall not be erected or placed on any property until an application under 1.08(1)(j)2 above has been received by the Agency and a permit has been issued to the owner of the sign or owner of the property upon which the temporary sign is located.

c. Permit fees for a temporary sign shall be five dollars (\$5.00) per sign. The permit fee shall be paid at the time of application and no permit may be issued until such fee has been paid.

d. Temporary signs shall be removed within thirty (30) days from the date of permit issuance. Failure to make or complete such removal shall result in enforcement actions specified under Section 1.08(1)(j)20 of this ordinance.

e. Permits for temporary signs may be renewed for a period of 30 additional days

upon approval by the Agency. A temporary sign shall not be located on a property for more than a total of 90 days within a 12 month period beginning on the date of the initial permit.

13. Political signs. Political signs are signs with a political message as that term is defined in Wis. Stat. § 12.04(1)(b).

a. Political signs on residential property as that term is defined in Wis. Stat. § 12.04(1)(c) are exempted from the provisions and regulations of this ordinance except for regulation of distances from highway intersections and end of taper for entrance and exit ramps and obstruction of traffic signals, and except as set out in this subsection.

b. Violations of the following provisions of this subsection are subject to the penalties specified in Section 1.08(1)(j)20.

1. No political sign may be placed in the right of way of any public road.

2. No political sign having an area of more than 16 square feet may be placed between the right of way for any road and the structure setback line for the property as set out in Section 1.14.

3. Political signs advocating for a particular candidate, party or position specific to a particular election campaign or referendum shall be displayed only during the election campaign period as that term is defined in Wis. Stat. § 12.04(1)(a), plus five (5) days before and after that period.

4. Political signs not advocating for any particular candidate, party or position specific to a particular election campaign or referendum may be displayed for 180 consecutive days, after which they must be removed.

c. Notwithstanding any other provisions of this subsection, if a political sign meets the requirements of Section 1.08(j)1 through 11 and 14 through 19, and is granted a permit according to the provisions of this ordinance, the time limits in this subsection do not apply.

d. Political signs not on residential property as that term is defined in Wis. Stat. § 12.04(1)(c) are not exempt from any provision of this ordinance.

14. Exemptions. The provisions and regulations of this ordinance, except for regulation of distances from highway intersections and end of

taper for entrance and exit ramps and obstruction of traffic signals shall not apply to the following signs:

a. Real estate signs not exceeding 12 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are located.

b. Professional name plates not to exceed one (1) square foot in area.

c. Bulletin boards, not over 20 square feet in area for public, charitable, or religious institutions when the same are located on the premises of said institution.

d. Signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding 32 square feet in area. Such signs will be removed within thirty (30) days of project completion.

e. Memorial signs or tablets.

f. Traffic or other municipal signs, legal notices or railroad crossing signs.

g. Signs of public service companies indicating danger and aids to service and safety.

h. Signs used exclusively to advertise farm products for sale on the premises. Such signs shall not be more than eight (8) square feet in area. There shall not be more than one (1) such sign in either direction along any one (1) highway on any one (1) premise.

i. Signs giving the name of a farm or the farm owner. Not to exceed 20 square feet in area.

15. Signs not to obstruct traffic signals. No sign allowed by this ordinance shall be erected in any location where by reasons of its position will obstruct the view of any authorized traffic sign, signal, or device.

16. General provisions.

a. No sign shall be erected that has any flashing or moving parts.

b. Lighted signs shall have the lighting shielded to prevent the glare of said lights shining upon the highway.

c. Signs not in good repair will not be issued a permit. Signs not issued a permit will be considered condemned. Condemned signs shall be removed within 30 days following notification by the Zoning Administrator, or penalties of this ordinance will be evoked.

d. All signs will have a permit number clearly shown on the face of the sign.

17. Construction, appearance and maintenance of signs.

a. No sign shall be maintained by persons or vehicles located within the highway right-of-way.

b. All signage within the jurisdiction of this Section shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration and shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

c. The repainting, changing of parts, and preventative maintenance of signs which completely conform to the requirements of this Section, and result in absolutely no change in the structural appearance of the sign from that originally approved, shall not be deemed as alterations requiring a sign permit.

d. The owner, lessee, manager of a sign, or the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the property on which the sign is located.

e. Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice by the Zoning Administrator.

f. All signs shall be constructed, mounted and maintained so as to comply with applicable State Building and Electrical Codes.

g. The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

h. The back of all signs shall be painted an earth-tone color.

18. Nonconforming existing signs. The provisions of this ordinance with reference to existing signs not conforming to this ordinance at the time of its effective date shall not be considered to have a retroactive effect. When a structural change is applied for, such sign must comply with all sections of the ordinance. Said existing and nonconforming signs shall not be exempt from the payment of fees set for permit fees.

19. Revocation of permit and removal of signs.

a. The Zoning Administrator is hereby authorized and empowered to revoke any permit previously issued upon failure of the holder to comply with any provisions of this ordinance.

b. If a sign is determined by the Zoning Administrator to be defective, has been abandoned, or has been maintained so as to be dangerous to the public health and safety, then the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located that such violation must be corrected within thirty (30) days of receipt of such notice.

c. If the Zoning Administrator sends such notice and the violation is not corrected within thirty (30) days, the Zoning Administrator shall revoke any sign permit for the defective or dangerous sign and shall order the sign to be removed at the expense of the sign permit holder or the owner of the property on which the sign is located within thirty (30) days. If after 30 days, the sign has not been removed, the Zoning Administrator may cause the sign to be removed with the cost thereof to be billed to the property owner or seek corrective relief through court order.

20. Penalties. Any person violating any of the provisions of this ordinance, upon conviction thereof, shall pay and forfeit not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each violation. Each day such violation is committed or permitted to continue shall constitute a separate offense.

21. Appeals may be taken to the Board of Appeals as provided in Section 1.12(3).

22. Liability for damages. The provisions of this ordinance shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the negligence or willful acts of such person, its agents, employees, or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall it be construed as imposing upon the Town, its officers, or employees any responsibility or liability, by reason of the approval of any signs, materials, or devices under the provisions of this ordinance.

(2) Planning commission. Each town which exercises village powers shall have a planning

commission consistent with Wis. Stat. § 60.62(4). See section 1.16 of this Ordinance.

(3) Area regulations.

(a) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

(b) Any lot or parcel shown on a recorded subdivision, plat or assessor's plat, or conveyance and recorded in the office of the Sauk County Register of Deeds prior to the adoption of the ordinance for the Town of Fairfield may be used as a building site, or for any purpose permitted by this ordinance, even though such lot or parcel does not conform to the minimum frontage or area requirements of the district in which it is located; provided, however, that no multiple-family dwelling, or residential unit in combination with some other use, shall be erected, structurally altered or converted in use on any lot having a width of less than 50 feet, except by special permit from the Fairfield Town Board.

(c) Any lot or parcel shown on a recorded subdivision, plat or assessor's plat or conveyance and recorded in the office of the Sauk County Register of Deeds prior to the adoption of this ordinance, may be increased in size by the addition of all or part of the adjoining lots or parcels, and such resulting lots or parcels may be used for any purpose permitted in the district in which they are located even though by such addition, the side yard, open space and percentage of occupancy provisions for lots of the resulting size shall apply; and providing further that after buildings have been erected on such lots or parcels their area or width shall not thereafter be reduced, except in conformity with the provisions of this ordinance.

(d) Buildings used in whole or in part for single-family or two-family residential purposes shall have a floor area of not less than 750 square feet per dwelling unit, provided that this regulation shall not apply to mobile homes placed per Section 1.04(2)(f). Buildings in the Wetland District shall have a floor area of not less than 400 square feet as established by Section 1.07(e)(c).

(4) Height regulations.

(a) 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.

(b) A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

(c) Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 75 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 height over the limit otherwise established for the district in which such building is to be located.

(d) Farm buildings not for human habitation, ornamental structures, amusement park facilities, power transmission poles, lines, and necessary mechanical appurtenances, and accessory structures essential to the use or protection of a building or to a manufacturing process carried on therein, are hereby exempted from the height regulations of this ordinance and may be erected in accordance with other regulations or ordinances of the Town; provided that any such structure which is accessory to a building in a residence district, or to a building on a residential lot in the Agricultural District, shall be located not less than 25 feet from any lot line; and provided further that any such structure on farm property shall be located not less than 25 feet from the nearest lot line of any adjoining residential lot.

(e) 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) Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.

(g) On through lots which extend from street to street, the height of the main building may be measured from the average elevation of the finished grade along the end of the building facing either street.

(5) Front, side and rear yard regulations.

(a) 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 other open space required for another building.

(b) Except as otherwise provided in this ordinance, any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards or courts in the two (2) districts which abut the district boundary line.

(c) No part of any building which has a setback less than is required by this ordinance shall be enlarged or structurally altered within the front yard established by the setback required by this ordinance for the district in which such building is located.

(d) Buildings on through lots and extending from street to street may waive 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.

(e) When the side line of an interior lot coincides wholly or partly with the rear line of an abutting corner lot and the setback for the main building on the corner lot is less than the setback required by this ordinance on such interior lot, the setback for the building on such interior lot may be modified so as to be midway between the setback for the building on the corner lot and the setback otherwise required by this ordinance. In the case of interior lots having frontage on two (2) streets, no accessory building shall extend into the setback area of either street.

(f) Every part of a required yard shall be open and unoccupied by any structure from the ground upward, except as follows:

1. Detached accessory buildings may be located in the rear yard, or in the side yard of a main building, provided an additional side yard, equal to that otherwise required for the main building is provided.

2. Sills, belt courses, cornices, canopies, eaves or ornamental architectural features may project into a required yard not more than 30 inches; provided that no such feature shall project over a street line.

3. Bay windows, balconies and chimneys may project into required yard not more than three (3) feet in any case, but not more than 20 percent of the width of any side yard which does not abut on a street; provided that the total length of such projections is not more than one-third (1/3) of the building wall on which they are located.

4. Fire escapes may project into a required yard not more than five (5) feet in any case, but not more than 20 percent (20%) of the width of any side yard which does not abut on a street; provided that no such fire escape need be less than three (3) feet in width.

5. Uncovered steps and landings may project into a required yard not more than six (6) feet in any case, but not more than 20 percent of the width of any side yard which does not abut on a street; provided that no such steps or landings shall extend above the main or entrance floor, except for a railing no more than three (3) feet in height.

6. Platforms, walks and drives extending not more than six (6) inches above the average ground level at their margins, and retaining walls when the top of such walls are not more than six (6) inches above the average level of abutting ground on one (1) side, may be located in any yard.

7. Fences, walls and hedges may be located as follows:

a. Solid fences and walls more than six (6) feet in height shall be considered as buildings and the appropriate requirements of this ordinance shall be applied accordingly.

b. Fences, walls and hedges shall not exceed three and one-half (3½) feet in height when located in a front yard or in the street side yard of a corner lot.

c. Fences, walls and hedges shall not exceed two and one-half (2½) feet in height when located within a vision clearance triangle, except for retaining walls used to hold ground at or below its natural level, and fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one (1) street to another.

(6) Motor vehicles and parking.

(a) In the residence districts not more than half the space in any private garage may be rented for the storage of the private passenger vehicles of persons not resident on the premises, except that all of the space in a private garage having

a capacity of not more than two (2) such vehicles may be so rented.

(b) One (1) off-street parking space shall be 216 square feet in area, exclusive of adequate ingress and egress driveways to connect with a public thoroughfare. A single stall garage, or one (1) stall in a multiple stall garage, may replace any single required parking space.

(c) No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.

(d) No parking spaces required under this ordinance may be used for any other purpose provided, however, that open spaces required by this ordinance for setback and side yards may be used for such parking spaces or approaches thereto, except where otherwise provided in this ordinance, provided that on corner lots there shall be no parking in a vision clearance triangle.

(e) All parking spaces shall be graded and drained so as to prevent the accumulation of surface waters.

(f) Parking lots containing ten (10) or more parking spaces which are located in the residence districts or adjoin residential lots shall be screened alongside or sides of such lots which abut the lot lines of residential lots by a solid wall, fence, evergreen planting of equivalent opacity or other equally effective means, built or maintained at a minimum height of four (4) feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.

(g) Parking spaces required:

1. Multiple-family dwellings shall provide one (1) off-street parking space for each family for which accommodations are provided in the building plus one (1).

2. Roadside stands shall provide not less than five (5) parking spaces at the place of business off the right-of-way of the highway.

3. Establishments offering curbside service or service to customers who remain in their vehicles, shall provide at least five (5) off-street parking spaces for each person employed to serve such customers.

4. Retail or local business places, banks, offices and professional offices and personal service shops shall provide at least one (1) off-street

space for each 300 square feet of ground floor area, plus at least one (1) additional parking space for each 500 square feet of upper floor area.

5. Buildings combining business and residential use shall provide at least one (1) off-street parking space for each 300 square feet of area devoted to business use, plus at least one (1) parking space for each family for which accommodations are provided on the premises.

6. Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide at least one (1) parking space for each seven (7) seats.

7. Lodging houses and dormitories shall provide at least one (1) parking space for each two (2) guest rooms.

8. Medical, correctional or charitable institutions shall provide at least one (1) parking space for each two (2) rooms for patients, clients, guests or persons detained on the premises, plus at least one (1) additional parking space for each three (3) persons employed on the premises.

9. Restaurants, taverns and similar places for eating and refreshments, except curbside service establishments, shall provide at least one (1) parking space for each 50 square feet of floor space devoted to the use of patrons.

10. Funeral homes and mortuaries shall provide at least one (1) parking space for each 50 square feet of floor space devoted to parlors.

11. Bowling alleys shall provide at least five (5) parking spaces for each alley.

12. Garages and service stations shall provide adequate off-street parking space to prevent the parking of vehicles, waiting to be serviced or repaired, on the public street or highway.

13. Industrial uses, warehouses, laboratories and research institutions shall provide at least one (1) parking space for each four (4) employees on the premises at any time, plus at least one (1) additional space for each vehicle operated in connection with such use, for which parking on the premises is required.

14. Parks and playgrounds, recreation camps and mobile home camps shall furnish parking spaces as required by the regulations governing each of these uses.

15. Any use not specifically named herein shall be assigned by the building inspector to the most appropriate of the above classifications when application is made to him for a building

permit. If such determination is not acceptable to the applicant, appeal may be made to the Fairfield Town Board which shall decide the matter at a public hearing.

(7) Camping Provisions

(a) Agriculture Conservancy District, 1.04

1. Camping when located on the same lot as an existing residential dwelling shall be allowed subject to the following conditions:

a. No camping permit shall be required.

b. No more than three (3) camping units shall be allowed on any lot or parcel of land under one (1) ownership, except as provided in Subsection 1.08(7)(a)3.

c. Loud or rowdy behavior which is disruptive to the peace of other persons shall be prohibited.

d. State approved sanitary systems shall be available.

e. Camping is limited to no more than 15 consecutive days during any one stay and each stay shall occur no more than three times a year.

2. Camping when located on a lot or parcel where an existing residential dwelling does not exist shall be subject to the following conditions:

a. An owner of record of any lands being used for camping shall either be personally present or have provided written permission to those persons actually camping.

b. No more than three (3) camping units shall be allowed on any lot or parcel of land under one (1) ownership, except as provided in subsection 1.08(7)(a)3.

c. Approved sanitary provisions, such as state approved systems, metro units, self-contained units or commercially available portable toilet units shall be available.

d. A camping permit is issued by the Department. A fee of twenty dollars (\$20.00) shall be charged.

e. Camping stays shall last no longer than 15 consecutive days and at the completion of such stay all camping units and/or equipment shall be removed.

f. Land disturbance activities likely to result in significant erosion, destruction of vegetation or alteration of existing topography,

insofar as primarily related to any proposed camping, shall be prohibited.

g. Arrangements shall be made for the proper disposal of trash and garbage. Littering shall be prohibited.

h. Loud or rowdy behavior which is disruptive to the peace of other persons shall be prohibited.

3. Camping by organizations or groups on any lot or parcel under one (1) ownership outside of licensed campgrounds shall be allowed under the following conditions:

a. The conditions set forth in Subsection 1.08(7)(a)2.a., f. and g. shall be complied with.

b. State approved sanitary provisions shall be available.

c. Camping is limited to no more than four (4) days during any one (1) stay and each stay shall occur no more than three (3) times a year. Permits for an additional consecutive stay of four (4) days may be approved by the Zoning Administrator if it appears that allowing such an extension would be consistent with the spirit and intent of this Subsection.

d. Loud, rowdy behavior or other activities likely to disturb the peace and enjoyment of other persons shall be prohibited and controlled by the permittee.

e. Sufficient land area shall be available to accommodate all campers.

f. A permit is issued by the Department. A fee of twenty dollars (\$20.00) shall be charged.

(8) Mineral extraction. Pre-existing mineral pits, mines and quarries on which an operation plan was submitted to the Department prior to October 27, 1986, shall be permitted without a conditional use permit providing:

(a) Ownership or control rights of the site remain the same as on the application.

(b) All extraction and processing activities remain within the boundaries as stated in the permit.

(c) Within five (5) years from the date of adoption of this Subsection 1.08(8), a reclamation plan as stated in 1.04(2)(k)19c shall be submitted to the Department for approval on each permitted site.

(d) Sauk County has statutory authority to administer Wis. Adm. Code ch. NR 135, and the

regulations are outlined in the Sauk County Code of Ordinances § 24.

1.09 Building Permits, Conditional Use Permits, Certificates of Occupancy and Use.

(1) Office. The office of building inspector shall be under the supervision of the Zoning Administrator. The building inspector shall supervise and inspect all building activity and assist zoning activity as directed by the Administrator and the Agency.

Legal counsel shall be specified by resolution of the Town. The appointed legal counsel shall expeditiously prosecute all violations, process all zoning variance appeals and keep a record of all Fairfield Town Board proceedings when in session. It shall be the duty of the Zoning Administrator and all his deputies to enforce this ordinance.

(2) Regulations.

(a) No building, sign or other structure or any part thereof shall hereafter be built, enlarged, altered, or moved within the area subject to the provisions of this ordinance until a building permit has been applied for in writing and obtained from the building inspector. Such permits shall be posted in a prominent place on the premises prior to and during the period of construction, alteration or moving. Forms for application for building permits shall be supplied by the building inspector and a record of all permits issued shall be kept in the office of the building inspector.

(b) All applications for a building permit shall be accompanied by a location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing or intended use of building, the number of families to be accommodated, the distances between the nearest point on the building and the center line of the highway, and other information with regard to the proposed building and neighboring lots and buildings as may be called for on the application or may be necessary to provide for the enforcement of this ordinance.

(c) The term "building" as used in this section shall include any building, structure or use of land which is governed by the requirements of this ordinance, and any substantial alteration in the heating plant, sanitary facilities or mechanical equipment of any such building which would effect a change in its use.

(d) A building permit shall lapse and become void unless the separations described in the permit are commenced within one (1) year from the date of issue of such permit.

(3) Certificate of occupancy.

(a) No vacant land shall be occupied or used and no building or structure hereafter erected, altered or moved shall be occupied or used until a certificate of occupancy shall have been issued by the building inspector. Such certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection, alteration, repair or moving of such building shall have been completed in conformity with the provisions of this ordinance and in conformity with the statements of the application for a building permit.

(b) Under such rules and regulations as may be established by the Town Board, the building inspector may issue a temporary certificate of occupancy for part of a building.

(c) Upon written request from the owner, the building inspector shall issue a certificate of occupancy for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

(4) Conditional Use Permits. The Agency may authorize the zoning administrator to issue a land use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

(a) Application. Applications for conditional use permits shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:

1. Name and address of the applicant and owner of the site.

2. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site, type of structure; proposed operation or use of the structure or site; number of employees; the zoning district within which the subject site is located; and indication of whether or not the subject site is located in a floodplain.

3. Plot plan showing all of the information required under Section 1.08 of the general provisions section of this ordinance.

4. Additional information as may be required by the Agency or Department.

(b) Hearings. The Town Board shall hold a public hearing on each conditional use permit application giving a class 2 notice.

(c) Review and Approval. The Town Board shall use the standards for conditional uses which are delineated in section 1.09(4) and within each zoning district of this ordinance when reviewing applications for a conditional use.

1. Compliance with all other provisions of this ordinance, such as lot width, area, yards, heights, parking, traffic and highway access shall be required of all conditional uses. Variances shall only be granted as provided in section 1.12 (4).

(d) Conditional Uses Criteria. In reviewing the conditional use, the Town Board shall consider the following:

1. The erosion potential of the site based on topography, drainage, slope, soil type, and vegetative cover and mitigation of erosion potential.

2. The prevention and control of water pollution, including sedimentation, and the potential impacts on floodplain and wetlands.

3. Whether the site has adequate utilities including, if necessary, acceptable disposal systems.

4. Whether the site has reasonable access to roads and highways.

5. Whether the site has suitable, ingress and egress.

6. Whether the site is designed to minimize traffic congestion, and the potential effect on traffic flow.

(e) Adherence to Conditions. The Town Board shall have the authority to attach such conditions and restrictions on the establishment, location, maintenance, and operation of the conditional use as it deems necessary to ensure the conditional use adheres to the purpose and review criteria of this chapter. Such conditions shall be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. For purposes of

section 1.09(4), substantial evidence is defined as 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.

(f) Approval or Denial. If an applicant meets or agrees to meet all of the requirements and conditions specified in this ordinance and those imposed by the Town Board under section 1.09(4)(e), the Town Board shall grant the conditional use permit. The applicant must demonstrate that the application and all requirements and conditions established by the Town Board relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Town Board's decision to approve or deny the conditional use permit must be supported by substantial evidence.

(g) Recording. If applicable, prior to commencing the authorized activity on the site and obtaining any necessary land use permits, the zoning administrator may require the property owner to record notice against the property of the approved use, applicable plans, and conditions of approval with the county Register of Deeds.

(h) Time Limits Associated with Conditional Use. If the conditional use is not initiated by securing a land use permit within 365 days of the date of the approval, the conditional use shall be considered void. The applicant may apply, without a fee, and the Town Board may grant a one-time 365-day extension provided that a written request for extension is submitted to the zoning administrator before the original expiration date. If a use or activity associated with a previously approved conditional use ceases for 365 days or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorizing agent must reapply and obtain another conditional use before recommencing the use or activity.

(i) Effect of Denial. No application that has been denied under this section may be resubmitted for a period of 365 days from the date of final Town Board action, except on grounds of new evidence or proof of changes of factors found valid by the Town Board.

(j) Monitoring and Potential Revocation of a Conditional Use. The Town Board or zoning administrator may require evidence and guarantees as either may deem necessary as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for conditional use at all times. If the Town Board or zoning administrator finds that the approved plans are not being followed or that the review criteria of this section are not satisfied or the conditions attached to the permit are not complied with, the zoning administrator may suspend the permit and promptly schedule a public hearing before the Town Board, at which the permit holder and other interested parties shall have the right to present evidence. If the Town Board finds that the approved plans are not being followed, that the review criteria of this section are not satisfied, or that the conditions attached to the permit have not been complied with, the Town Board may revoke or modify the conditional use permit.

(k) Expansion of Conditional Use. The expansion of any use approved by a conditional use shall require an application and review by the Town Board. What constitutes an expansion of use shall be determined by the zoning administrator.

(5) Fees. Fees shall be reviewed annually by the Town Board and a fee schedule adopted by resolution.

1.10 Boundaries of Districts. In unsubdivided property, unless otherwise indicated on the map, the district boundary lines are the center lines of streets, highways, railroads, section lines, quarter section lines, quarter-quarter section lines or such lines extended. Where not otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way lines and be not less than 300 feet in depth, provided, however, that wherever a Commercial District is indicated on the district map as a strip paralleling the highway, the depth of such strip shall be 300 feet measured at right angles to the right-of-way line of the street or highway to which it is adjacent, unless a different depth is shown on the map. The length of each such strip shall be as shown on the map. When such Commercial District is located at the intersection of streets or highways, the length shall be measured from the intersection of

each street or highway right-of-way line included in such district.

1.11 Interpretation and Application. It is not intended by this ordinance to interfere with, abrogate or annul any existing easements, covenants, or other agreements between parties, nor is it in any way to impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law, ordinance or by such rules, regulations, agreements, covenants, or permits, the provisions of this ordinance shall control.

1.12 Town of Fairfield Board of Appeals.

(1) Members. The Chairman of the Town Board is hereby directed to appoint a Town of Fairfield Board of Appeals according to Wis. Stat. § 62.23(7)(e), consisting of five (5) members, with allowance for payment per diem and mileage, and two alternate members appointed in accordance with Wis. Stat. § 62.23(7)(e).

(2) Rules.

(a) The Town of Fairfield Board of Appeals shall meet at the call of the Chairman, and at such other times as the Fairfield Town Board may determine, at a fixed time and place. Compensation shall be at same per diem rate of Town Board and mileage.

(b) All meetings of the Board of Appeals shall be open to the public.

(c) Any public hearing which the Board of Appeals is required to hold under Section 1.12(4)(b) shall be held in a town hall or other place as convenient as may be to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address or other commonly known means of identification shall be included in the notice given of such hearing. Other matters upon which the Board of Appeals is required to act may also be heard at any such hearing.

(d) Notice of any public hearing which the Board of Appeals is required to hold under the terms of this ordinance shall specify the date, time and place of hearing and the matters to come before

the Board of Appeals at such hearing, and such notice shall be given in each of the following ways:

1. By publication in the official newspaper of the Town at least once, not less than ten (10) days prior to the date of such hearing.

2. By posting, not less than ten (10) days prior to the date of such hearing, in each of the public places in which official notices are usually published in each town affected by the matters to come before the Board of Appeals at such hearing.

3. By certified mail to the parties having a legal interest in any of the matters to come before the Board of Appeals at such hearing.

(e) The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

(f) The Board of Appeals shall have power to call on any Town department or committee for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.

(g) The Board of Appeals may adopt such rules as are necessary to carry into effect the regulations of the Town Board.

(h) In case of all appeals, the Board of Appeals shall call upon the Agency for all information pertinent to the decision appealed from.

(i) If a member or members of the Board of Appeals refuse to vote because of a conflict of interest or when a member or members are absent, the alternates to the board shall act with full power, and the practice of the alternates serving shall be consistent with Wis. Stat. § 62.23(7)(e).

(3) Appeals. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town of Fairfield affected by any decision of the building inspector. Such appeal shall be taken within a reasonable time, as provided by the rules of the Fairfield Town Board, by filing with the building inspector and with the Board of Appeals a notice of appeal specifying the ground thereof. The building inspector shall forthwith transmit to the Board of Appeals all the papers constituting the records upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector

shall certify to the Board of Appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would cause eminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court of record on application or notice to the building inspector and on due cause shown. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(4) Powers and duties. The Board of Appeals shall have the following powers:

(a) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator or Department or Agency.

(b) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Board of Appeals shall have the power, in passing upon appeals, to authorize such variance from the terms of this ordinance as will not be contrary to the public interest and so that the spirit of the ordinance shall be observed and substantial justice done, provided, however, that no such variance shall have the effect of allowing in any district, uses prohibited in that district.

1.13 Highway Setback Lines. For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, the streets and highways of Sauk County are divided into the following classes:

(1) Class A highways.

(a) All state and federal highways are hereby designated as class A highways; provided that this classification shall also include the entire frontage of all those highways which intersect at an interchange.

(b) The setback line for a class A highway shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater. The centerline shall be as shown on the highway plans.

(2) Class B highways.

(a) All County trunks are hereby designated as class B highways. For the purpose of

this ordinance any road will be considered as a County trunk after it has been placed on the County trunk system by the County Board and approved by the state highway commission.

(b) The setback line for class B highways shall be 75 feet from centerline of such highway or 42 feet from the right-of-way line, whichever is greater.

(3) Class C highways.

(a) All town roads, streets and highways not otherwise classified are hereby designated class C highways.

(b) For all class C highways setback lines are hereby established, parallel to and a distance of 63 feet from the centerline of such highway or 30 feet from the right-of-way line, whichever is greater.

(4) Exceptions to required setbacks. A setback less than the setback required by Section 1.14(1), (2) or (3) shall be permitted where there are at least three (3) legally existing buildings owned by others within 250 feet on the same side of the road as the proposed site and all built to less than the required setback. In such cases the setback shall be determined as follows:

(a) Where two (2) contiguous parcels are occupied, the setback shall be the average of the setbacks on each side provided:

1. The buildings are legally existing structures and not temporary structures such as corn cribs, feeder pens, etc.

2. A road setback for Class A and B roads shall not be less than 30 feet from the right-of-way line.

(b) Where only one (1) contiguous lot is occupied by a building the setback shall be determined by averaging the required setback with the setback of the adjacent building provided the conditions of 1.14(4)(a) 1. and 2. are met.

(5) Vision clearance. There shall be a vision clearance triangle in each quadrant of all intersections of highways or streets with other highways or streets and of highways or streets with railroads. Such vision clearance triangle shall be bounded by the highway, street or railroad right-of-way lines and a vision clearance setback line connecting points of each right-of-way line that is located a distance back from the intersection of the right-of-way lines equal to twice the setback required on the intersecting highway or street.

(6) Structures permitted within setback lines.

(a) Open fences.

(b) Telephone, telegraph and power transmission and distribution towers, poles and lines, transformers, substations, repeater stations and similar necessary mechanical appurtenances and portable equipment housings that are readily removable in their entirety. Additions to and replacement of all such structures may be made, provided the owner will file with the County Clerk of Sauk County, an agreement in writing to the effect that the owner will move or remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.

(c) Underground structures not capable of being used as foundations for future prohibited overground structures; provided that this regulation shall not apply to wells and septic tanks or other means of private sanitary waste disposal.

(d) Access or frontage roads constructed according to plans approved by the County Highway Committee.

(e) Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.

(f) Parking lots.

(g) Soil conservation practices which meet standards provided in the Sauk County Soil Conservation District Technical Guide.

(h) This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees, except as these may be restricted within a vision clearance triangle by the provisions of Section 1.14(6).

(7) Structures prohibited within setback lines. No new building, new sign or other new structure or part thereof shall be placed between the setback lines established by this ordinance and the highway except as otherwise provided by this ordinance, and no building, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be altered or enlarged in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 60 percent (60%) or more of its current market value as determined by the local assessor, unless such alteration, enlargement or reconstruction shall have

been ordered by the Fairfield Town Board, after public hearing and a view of the premises.

1.14 Changes and Amendments. (1) General. The Town Board may from time to time amend, supplement or change by ordinance the boundaries or districts or regulations herein established. Any proposed change shall first be submitted to the Agency for its recommendation and report. Any comprehensive ordinance revisions or ordinance amendments extending Agricultural Conservancy District coverage must be certified by the Land and Water Conservation Board in order for landowners to receive farmland preservation program tax credits.

(2) Procedure. The Town Board may amend the regulations or an ordinance or change the district boundaries. The procedure with reference to such amendments or changes shall be as follows:

(a) A petition for amendment of any Town zoning ordinance may be made by any property owner in the area to be affected by the amendment, by the town wherein the ordinance is in effect, by any member of the Town Board to consider Town zoning matters as provided in Wis. Stats. § 60.62. Such petition shall be filed with the Town Clerk who shall present it to the Agency at its next regular meeting.

(b) Upon receipt of such petition by such agency it shall call a public hearing thereon. Notice of the time and place of such hearing shall be given by publication of a Class II notice. A copy of such notice shall be mailed by registered mail to the town at least ten (10) days prior to the date of such hearing.

(c) As soon as possible after such public hearing, the agency shall act on such petition either approving, modifying and approving or disapproving of the same. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the Town Board with its recommendations. If the agency after its public hearing shall recommend denial of the petition it shall report its recommendation directly to the Town Board with its reasons for such action. Proof of publication of the notice of the public hearing held by such agency and proof of the giving of notice to the town clerk of such hearing shall be attached to either such report.

(d) Upon receipt of such agency report the Town Board may adopt the ordinance as drafted by the zoning agency or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the agency in which case it shall refer the petition to the agency with directions to draft an ordinance to effectuate the petition and report the same back to the Town Board which may then adopt or reject such ordinance.

(e) In case a protest against a proposed amendment is filed with the Town Clerk at least 24 hours prior to the date of the meeting of the Town Board at which the report of the zoning agency is to be considered, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land. Each signer shall state the amount of area or frontage owned by him and shall include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the Town Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present such protest may be disregarded.

(3) Jurisdiction of lands annexed to an incorporated municipality. When any lands previously under jurisdiction of a Town zoning ordinance shall have been finally removed from such jurisdiction by reason of annexation to any incorporated municipality, and after the regulations imposed by the Town Zoning Ordinance have ceased to be effective as provided in Wis. Stats. § 60.62, the Town Board may, on the recommendation of its zoning agency, adopt such amendatory ordinances as shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided in Section 1.15(2)(a) to (f) and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be kept on hand by the Town Clerk. Nothing in this section shall be construed to nullify or supersede the provisions of Wis. Stat. § 80.64.

(4) Fee. Pursuant to Wis. Stat. § 62.23(7)(ea) is hereby established a filing fee for the filing of petitions to amend the Town Zoning

Ordinance, in the amount to be set annually by the Town Board. This fee shall be paid to the Town Clerk at the time the petition is presented to the clerk. No petition shall be presented to the Town Board by the Town Clerk until said fee has been paid to the Town Clerk.

1.15 Enforcement and Penalties. (1) 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.

(2) The Town's Attorney may bring an action to enjoin, remove or vacate any use, erection, moving or structural alteration of any building or use in violation of this ordinance and seek fines as provided in subparagraph (3) below.

(3) The provisions of this ordinance shall be enforced under the direction of the Town Board, through the Agency, the Zoning Administrator and the Town law enforcement officers. Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be subject to a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$500.00) per day as long as the violation shall exist, together with the costs of action, and in default of payment thereof. Compliance therewith may be enforced by an injunction order at the suit of the Town or the owner of land within the district affected by the regulations of this ordinance.

1.16 Planning and Zoning Commission. The Planning and Zoning Commission shall be established as specified in Wis. Stats. § 60.62 (4) and 62.23 and is hereby created to carry out the intent of the Town of Fairfield Zoning Ordinance.

(1) **Membership.** The town planning and zoning commission shall consist of seven (7) members, six citizens and one town board member.

(a) The chairman shall be elected by the members of the commission and will act as liaison with the Sauk County Conservation, Planning and Zoning Department.

(b) The town board member of the commission shall be elected by a two-thirds vote of the town board.

(c) Six (6) citizen members shall be appointed by the town board chairman and confirmed by the full town board.

(d) An alternate member may be appointed by the town chairman for a term of three (3) years and shall act only when a regular member is absent or declines to vote because of conflict of interest.

(e) Zoning Administrator shall attend all meetings when requested by the commission for the purpose of providing technical assistance.

(f) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(g) Terms shall be for staggered three-year periods.

(2) **Powers and Duties.** The Town of Fairfield Planning and Zoning Commission shall have the following powers:

(a) Review and act upon applications for planned unit developments per 1.07.

(b) To review and recommend to the Town Board changes or amendments to the Town Zoning Ordinance following 1.14 of this ordinance.

(c) Other matters as prescribed by Wis. Stats. § 62.23

(d) Annually review and recommend any necessary amendments to the Town of Fairfield Comprehensive Plan, Zoning Ordinance and Zoning Map.

(e) Recommendations – the town planning and zoning commission shall review all proposed changes and amendments within the town limits, conduct a public hearing (with class 2 notice) and shall recommend that the petition be granted, modified or denied.

(f) Town Board's Action – following such hearing and after careful consideration of the town planning commission's recommendation, the town board shall vote on the passage of the proposed change or amendment.

(g) Protest – in the event of protest in accordance with Wisconsin Statutes against a proposed change or amendment to the regulations of this ordinance, such protest must be filed by the persons and in the manner and form required by Wisconsin Statutes not later than two days, not including Saturdays, Sundays and holidays, prior to the day on which the meeting at which such change or amendment is to be considered.

Ordinance History:

Interim Zoning Ordinance adopted March 1, 1993. Public Hearing and Town Board passage on November 7, 1994. County Board Approval on January 18, 1995. Ordinance Published on January 30, 1995. Ordinance effective date March 1, 1995.

Town Board adopted a repeal and recreate on April 5, 2010. (never approved by County Board) Made edits to comply with ATCP 51.12, re-adopt the repeal and recreate ordinance on March 3, 2014.