

ARTICLE 1 – TITLE, AUTHORITY, INTENT AND PURPOSE

Section 1. Title

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

Section 2. Authority

The Town of Carlton pursuant to the authority conferred by applicable provisions of Sections 60.4, 60.75, 61.35, 62.23 and other relevant provisions of the Wisconsin Statutes, 1975, hereby enacts a Zoning Ordinance to read as follows.

Section 3. Intent

This Ordinance is intended to promote the orderly development of the community in accordance with the Official Town Comprehensive Plan or any of the components parts thereof as set forth in the Official Town Map adopted herewith and the corresponding provisions of this Ordinance setting forth such plan.

Section 4. Purpose

The Zoning Ordinance of the Town of Carlton, Kewaunee County, Wisconsin is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to preserve prime agricultural land and to foster a more rational patten of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.

ARTICLE II – DEFINITIONS

Section 5. General Definitions

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

1. The word “shall” is mandatory and not discretionary.
2. The word “may” is permissive.
3. The word “lot” shall include the words “piece”, “parcel”, and “plates”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
4. All “measured distances” shall be to the nearest “integral foot”. If a fraction is one-half foot or less, the next “integral foot” below shall be taken.

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

Section 6. Words Defined

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

1. Abut, abuts, abutting - Having a common property line or district line.
2. Accessory use – See Use, Accessory.
3. Adjacent - To lie near or close to; in the neighborhood or vicinity of.

4. Adjoining - Touching or contiguous, as distinguished from lying near or adjacent.
5. Agricultural Operation – Including, but not limited to, general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, but not including commercial seed, fertilizer, grain mills, food processing, or canning operations.
6. Automobile Wrecking Yard – Any premises on which more than three automotive vehicles, not in running or operating condition, are stored in the open.
7. Bed & Breakfast - Any place of lodging that provides six (6) or fewer rooms for short-term lodging for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast. Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wisconsin Administrative Code.
8. Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or other lines of demarcation.
9. Building – Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
10. Campgrounds or sites – A tract of land with or without buildings or other equipment on which one or more cabins are located or where temporary accommodations are provided for two or more automobile trailers or house cars or tents open to the public, free or for a fee.
11. Conditional Use – A use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.
12. Development - Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
13. Dwelling, Single Family - A detached building designed for or occupied exclusively by one family, which does not include tents, cabins, or mobile homes.
14. Dwelling, Two Family – A detached or semi-detached building designed for or occupied exclusively by two families living independently of each other.
15. Family – Two or more persons, each related to the other by blood, marriage, or legal adoption. A family may include in addition thereto, not more than two roomers, boarders or permanent guests, whether or not gratuitous.
16. Farm – Any parcel of land containing at least five acres which is used for gain in the raising or agricultural products, livestock, poultry and dairy products.
17. Frontage - The length of any one property line of a premises, which property line abuts a legally accessible road right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage.
18. Holding Tank - Tank for holding effluent.
19. Home Occupation - A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation and that no stock in trade is kept or sold, that no sign other than one unlighted name plate no more than three feet square is installed and that only one person other than a member of the immediate family living on the premises is employed.
20. Junk or Salvage Yard – Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber or other materials stored or customarily stored for salvage unless such accumulation shall be housed in a completely enclosed building.
21. kennel - An establishment licensed to operate a facility housing dogs, cats or other household pets and where selling, grooming, breeding, boarding, training for a fee, letting for hire of animals is conducted as a business.

22. Lot – A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building and abutting on a public street or officially approved place, and having the area size and dimensions required by this Ordinance for the particular zoning district.
23. Lot Substandard – A lot smaller than the minimum required acreage or area that has been recorded with Register of Deeds prior to the adoption of this Ordinance.
24. Mobile Home – A mobile home is that which is, or was originally constructed, and designed to be transported by a motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating, and living quarters, or is intended to be so used, and includes any additions, attachments, annexed, foundations, and appurtenances. Units which are delivered to the site in sections and which when joined together total 20 or more feet in width, and which are placed upon a permanent foundation are considered single family dwellings.
25. Nonconforming Use – A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments hereto, which use or occupancy does not conform to the regulations of this Ordinance or any amendments thereto for the zoning district in which it is situated.
26. Parking Space, Off-Street – For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking area for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, highway, walk, alley and so that any automobile may be parked and unparked without moving another.
27. Permitted Accessory Use or Structure – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the permitted use or structure.
28. Permitted Use – A use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.
29. Planned Unit Development (PUD) - A type of residential, commercial, or industrial land development that provides more planning flexibility than traditional zoning and lot layout. Buildings are often clustered on smaller lots, permitting the preservation of natural features in common areas or open park-like areas. The development maintains the same or slightly greater density than is permitted by conventional zoning methods. Individual properties are owned in fee with the common areas owned jointly or deeded to the local government.
30. Prime Agricultural Land – All lands which have capability Unit I and II soils; farmlands of state wide importance having capability Unit III soils and farmland of local significance have capability class and subclass IV, Vw, V1e, V11e. Wetland type 3-8 found within these boundaries are not considered part of Units I, II, or III.
31. Public Hunting & Fishing Grounds – Land purchased or held in compliance with applicable state and federal government statues and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statues and regulations.
32. Roadside Stand – A structure not permanently fixed to the ground area and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one lot.
33. Sanitary Landfill – Sanitary Landfill operations are usually performed by depositing refuse in a natural or man-made depression or trench, or dumping it at ground level, compacting it to the smallest practical volume, and covering it with compacted earth or other material in a systematic and sanitary manner.
34. Setback - The minimum horizontal distance between the roadway center line or road right-of way, as applicable, and the nearest vertical wall or other element of a building or structure, excluding steps.
35. Shooting Preserve – Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.
36. Structure – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

37. Structural Alterations – Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.
38. Use, Accessory - A use clearly incidental and subordinate to, and on the same lot as a principal use.
39. Variance – A variance is a relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owing to condition peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of the yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or uses in an adjoining district.
40. Wetland - An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
41. Wind Energy Conversion Systems (WECS) – All Wind Energy Conversion Units, including related transformers, electrical conductors, substations, and connection points to transmission or distribution lines as defined in the Town of Carlton Wind Energy Conversion System Ordinance.
42. Yard – An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
43. Yard, front - The portion of the yard on the same lot as the principal building, located between the front line of the principal building extended to the side lot lines and the front lot line.
44. Yard, rear - The portion of the yard on the same lot with the principal building, located between the rear line of the principal building extended to the side lot lines and the rear lot line.
45. Yard, side - A yard extending along the side lot line between the front and rear yards.
46. Zoning District - Areas delineated on the Zoning Map of the Town of Carlton within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance, and within which certain yards and other open spaces, lot areas, building sizes and density requirements may be required or regulated, or within which other such regulations are applied.

ARTICLE III – ESTABLISHMENT OF DISTRICTS

Section 7. Establishment of Districts

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

1. A-1 Prime Agricultural Land District
2. A-2 Agriculture – Rural Residential District
3. C-1 Conservancy District

Section 8. Zoning Map

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled “Zoning District Map for the Town of Carlton Kewaunee County, Wisconsin” dated December 12, 1978, which are incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

Section 9. Interpretation of District Boundaries

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

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

ARTICLE IV – REGULATIONS

Section 10. Application of Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered.
 - a. To exceed the height or bulk;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area;
 - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
than herein required, or in any other manner contrary to the provisions of this Ordinance.
3. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. Permitted Uses, Permitted Accessory Uses, and Conditional Uses are not limited to the uses indicated for the respective districts. Additional uses shall be allowed upon written recommendation and approval by the Board of Appeals.
6. The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:
 - a. Architectural projections including spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.
 - b. Special structures including elevator penthouses, gas tanks, silos, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.
7. Holding tanks will be allowed in the Town of Carlton only if no other means of proper sewerage disposal is available at reasonable cost. An individual landowner will be required to follow all regulations established by the Carlton Town Board pursuant to this provision of the Ordinance.
8. In any district. A single-family dwelling and customary accessory buildings may be erected on any single substandard lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance provided that no single-family dwelling and customary

accessory buildings or other buildings or structures already existed on such substandard lot at the effective date of adoption or amendment of this Ordinance. Such not must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lots is located.

9. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which crates a lot with width or area below the requirements stated in this Ordinance.
10. Exceptions, variances, conditional uses, and other modifications in the application of the regulations herein shall be made pursuant to the administrative and appeal procedures set forth in this Ordinance.
11. All Wind Energy Conversion Systems shall be regulated by the Town of Carlton Wind Energy Conversion System (WECS) Ordinance.

Section 11. District Regulations

1. A-1 Prime Agricultural Land District

The prime purpose of this district is to maintain, preserve and enhance agricultural lands historically exhibiting high crop yields. Such lands are generally classified as Prime Agricultural Lands and as Lands of State Wide Importance as rated by the U.S. Department of Agriculture, Soil Conservation Service, and shall include farmland of local significance where it is contiguous to either of the above, or part of a farming operation with either of the above. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture.

a. Permitted Uses

1. Agricultural operations, including but not limited to, animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry green houses, orchards and crop harvesting, truck farming, horticulture or viticulture, and accessory uses.
2. Camping trailer, mobile home, and houseboat parking (not intended for living purposes).
3. Home occupations.
4. Maple syrup processing plants.
5. Roadside stands not to exceed one per farm.
6. Two single-family farm dwellings or one two family farm dwelling or mobile home as per the regulations in Section 14 herein for resident owners, those children of resident owners substantially engaged in conducting a permitted use or approved conditional use, and laborers principally engaged in a permitted use or approved conditional use, except that no such parcel shall be less than two acres.
7. Bed & Breakfasts

b. Conditional Uses

1. Livestock sales facilities.
2. Animal hospitals, shelters and kennels.
3. Commercial fur farms.
4. Commercial egg production.
5. Land restoration.
6. Hunting and fishing clubs.
7. Cemeteries.
8. Mobile homes other than those permitted in Subsection above.

9. Sand, gravel, and stone extraction.
10. Sewage disposal plants.
11. Public Hunting and Fishing Grounds or Shooting Preserves.
12. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters parks playgrounds, and museums.
13. Utilities.
14. Schools and Churches.
15. Sanitary landfill.
16. Signs in conformance with the Town of Carlton Sign Ordinance, excluding any commercial, off-premise signs.
17. Public campgrounds or sites.
18. All other agriculture–related commercial enterprises.
19. Petting zoos.
20. Corn mazes.
21. Wind Energy Conversion Systems.

c. Area, Height, and Yard Requirements

1. Lot (Farm Size) Area
2. Minimum 40 acres measured from center of road
3. Building
4. Farm Dwelling
5. Height Maximum 35 feet
6. Yards. Farm Dwelling and Accessory Structures Rear and Side Minimum of 20 feet from the lot line, except structures used for the housing of animals must be 100 feet from the lot line.
7. Streets Town Road: Minimum of 65 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet. County Road: Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet. State and Federal Highway: Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.
8. Farm Consolidation. Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of the effective date of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided, however, that the parcel created conforms with all regulations set forth in this Ordinance, except that no such parcel shall be less than two acres in area.

2. A-2 Agricultural – Rural Residential District

The primary purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas for rural residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soils, topography, or severance from larger agricultural parcels.

a. Permitted Uses

1. Agricultural Operations Permitted in the A-1 District.
2. Single family dwellings.
3. Home occupations.
4. Orchards.
5. Vegetable raising.
6. Plant nurseries.
7. Greenhouses.
8. Roadside stands not exceeding one per farm or residence.

9. Mobile home as per the regulations in Section 14.

10. Bed & Breakfasts.

b. Conditional Uses

1. Sewage disposal plants.

2. Sanitary landfill.

3. Automobile wrecking yards, junk yards, and salvage yards.

4. Cemeteries.

5. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.

6. Schools and Churches.

7. Utilities.

8. Public hunting and fishing grounds or shooting preserves.

9. Sand, gravel, and stone extraction.

10. Signs in conformance with the Town of Carlton Sign Ordinance.

11. Public campgrounds or sites.

12. All other agriculture-related commercial enterprises.

13. Petting zoos.

14. Corn mazes.

15. Wind Energy Conversion Systems.

c. Area, Height and Yard Requirements

1. Lot Area Minimum 2 acres measured from center of road Width Minimum 200 feet

2. Building Height Maximum 35 feet

3. Yards Rear Minimum 20 feet the lot line One Side Minimum 20 feet from the lot line Other Side Minimum 6 feet from the lot line Streets Town Road: Minimum of 65 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet. County Road: Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet. State and Federal Highway: Minimum of 85 feet from the center of the road and maximum setback from the center of the road to the front of the dwelling shall be 300 feet.

d. Dwellings

Four single family dwellings may be located on each 20 acres of land area in the district provided that no more than eight single family dwellings may be located within each quarter-quarter section of land area as established and defined by the official U.S. Government Rectangular System of Survey.

3. C-1 Conservancy District

Provisions for this district shall be identical to those of the Kewaunee County Shoreland and Flood Plain Zoning Ordinance adopted January 14, 1969, as amended from time to time by the Board of Supervisors of Kewaunee County.

Section 12. Parking

1. Minimum parking space requirements shall be provided in the following amounts:

a. Living quarters.

1. Dwelling (all types) – Two for each dwelling unit.

2. Hotel and Motel – One for each lodging unit.

b. Places of public assembly.

1. Auditorium, theater, churches – one for each six seats based on maximum seating capacity.

2. Bowling Alley – five for each alley.

3. Dance Hall, skating rink, or private club – one for each 100 square feet of floor area used for dancing or assembly.
 - c. Industrial or manufacturing.
 1. All – one for each five employees based on maximum 8 hour shifts.
 - d. Retail and wholesale.
 1. Tavern, restaurant, retail stores, and offices – one for each 200 square feet of floor space.
 2. Wholesale – one for each three employees.
2. Unspecified
- In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as for the previously mentioned uses which, in the opinion of the Zoning Board and Town Board shall be deemed most similar.

Section 13. Regulation of Offensive Material and Conditions

1. General Regulations.
 - a. No person or entity shall cause or permit or otherwise encourage the dumping, accumulation or escape of any material which is offensive to the public or constitutes a public nuisance as defined below.
 - b. The regulations in the following subsections apply to all districts established under this Ordinance and all lands and waters within the Town of Carlton.
2. Specific Regulations.

The following acts, omissions, places, conditions and things are hereby specifically declared to be offensive and to constitute public nuisances, but such enumeration shall not be constructed to exclude other nuisances coming within the definition given below or other wise within the regulatory authority of the town.

 - a. Carcasses of animals, birds, or fowl not intended for human consumption or food which is not burned or otherwise disposed of in a sanitary manner within 24 hours after death.
 - b. Accumulations or storage of decayed animal or vegetable matter, offal, dead animals reduction, trash, rubbish, garbage, or any offensive material whatsoever was not produced on the property on which it is located and which is not incidental to the customary farm operations of the landowner of the property on which it is located.
 - c. The escape of smoke, soot, cinders, noxious acids, odors, fumes, gases, fly ash, industrial dust or other atmospheric pollutants is such quantities as to endanger the health of or offend persons of ordinary sensibilities or to threaten or accuse substantial injury to property in the town.
 - d. Any use of property, substance or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.
 - e. The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial waste or other substances.
3. Public Nuisance.

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

 - a. Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public.
 - b. In any way render the public insecure in life or in the use of property.
 - c. Greatly offend the public morals or decency;
 - d. Unlawfully and substantially interfere with obstruct, or tend-to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
4. Application to Farming Operations.

- a. This section is not intended to unduly or unreasonably interfere with normal and customary farm operations including the accumulation and spreading of manure produced on the farm upon which it is accumulated and spread.
- b. This section is not intended to interfere with the operation of farm machinery and equipment at night for normal and customary farm operations.

Section 14. Mobile Home Regulations

The following regulations shall apply to the location and placement of mobile homes, within the A-1 Prime Agricultural Land and A-2 Agricultural – Rural Residential Districts:

1. A proposed site plan shall be submitted with the application and shall include the size of the mobile home along with the location on the building plot showing all yard measurements and locations of water supply and septic tank filter bed.
2. The mobile home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2800 lbs. and the anchors embedded in concrete to withstand the tie-down strain. The amount of tie-downs shall be guided by the mobile home manufacturer's recommendations provided there are no less than 4 tie-downs. All other district regulations shall apply.

Section 15. Standards for Conditional Uses

1. Purpose
The purpose of conditional uses is to place unique and use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.
2. Initiation
Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for this Ordinance in the zoning district in which the land is located.
3. Application
The application for a conditional use shall be filed with the Town of Carlton Board of Appeals on a form so prescribed by the Town of Carlton. The application shall be accompanied by such plans and/or data prescribed by the Board of Appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Board of Appeals.
4. Hearing on Application
Upon review of the application referred to above, the Board of appeals shall hold at least one (1) public hearing on the proposed conditional use.
5. Authorization
For each application for a conditional use, the Board of Appeals shall record its findings, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest and shall thereupon make a final written decision regarding the grant or denial of the proposed conditional use.
6. Standards
No conditional use shall be allowed by the Board of Appeals unless said Board shall find that the conditions comply with Article 1 Intent.
7. Conditions and Guarantees
Before issuing a conditional use permit, the Board of appeals my require and stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of public interest and to secure compliance with the stands and requirements specified above.

Section 16. Variance

1. Application

An application for a variance shall be filed with the zoning Administrator. The application shall contain such information as the Board of appeals by rule may require.

2. Standards for a Variance

A variance may be granted by the Board of Appeals only when:

- a. Because of the particular physical surrounds, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out.
- b. Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
- c. Alleged difficulty or hardship is caused by this Ordinance and has not been related by any person presently having an interest in the property.
- d. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- e. Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion or the public streets, or increase the danger of fire, or endanger public health and safety, or substantially diminish or impair property values within the neighborhood.

3. Authorized Variance

A variance shall be granted by the Board of Zoning Appeals in accordance with the standards established above.

Section 17. Nonconforming Uses

The purpose and intent of this section is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such nonconforming buildings, structures, and uses shall be permitted to continue. Any non-conforming building, structure, and or other use which existed lawfully at the time of the adoption of this Ordinance is subject to the regulation which follows.

1. If such non-conforming use is discontinued or terminated for a period of 12 months, any future use of the building, structure, and or other use shall thereafter conform to the provisions of this Ordinance.
2. When a non-conforming use of structure is damaged by fire, explosion, flood, the public enemy, act of God, or other calamity to the extent of more than 60 percent of its current local assessed value, it shall not be restored except as to comply with the use provisions of this Ordinance.
3. Once a non-conforming use or structure has been changed to conform it shall not revert back to a non-conforming use of this structure.
4. Repairs and alterations may be made to a non-forming building or structure provided the respective structure is not added to or enlarged in size.
5. No building or structure shall be moved in whole or in part to any other location on the same lot, or any other lot in the zone district, unless every portion of such building or structure which is moved shall conform to the zone district requirements.

ARTICLE V – ADMINISTRATION

Section 18. General

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

1. This Ordinance shall provide for the position of Zoning Administrator and Zoning Board of Appeals.

2. This article shall provide the authority and necessary requirements for issuance of building permits, appeals, fees and violations and penalties.

Section 19. Zoning Administrator

A zoning administrator designated by the Town Board shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Town Board may direct. The Zoning Administrator shall have the following duties:

1. Issue all building permits and make and maintain records thereof.
2. Issue all rezoning certificates and make and maintain records thereof.
3. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance
4. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
5. Forward to the Town Board of Appeals all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
6. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this Ordinance.
7. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.
8. Initiate, direct, and review, from time to time, a study of the provisions of this Ordinance, and to make reports of his recommendations to the Town Board.

Section 20. Zoning Board of Appeals

1. Jurisdiction

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

 - a. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this Ordinance.
 - b. Hear and pass upon the application for variances from the terms provided in this Ordinance in the manner prescribed by and subject to the standards established herein.
 - c. Review all applications for conditional uses and amendments to this Ordinance and report said findings and recommendations to the Town Board in the manner designated by this Ordinance for amendments and conditional uses.
 - d. Before issuing a conditional use permit, the Board of Appeals may require and stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. IN all cases in which conditional uses are granted, the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
 - e. Receive from the Zoning Administrator his recommendations as related to the effectiveness of this Ordinance and report his conclusions and recommendations to the Carlton Town Board.
 - f. Hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
2. Meetings and Rules
 - a. All meetings of the zoning Board of Appeals shall be held at the call of the Chairman of the Board, and at such times as the Zoning Board of Appeals may determine.
 - b. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.

- c. Notice of the time and place of such public hearing shall be published as provided by the State Law on Planning and Zoning and applicable to the Town of Carlton
 - d. The Chairman, or in his absence the Acting Chairman may administer oaths and compel the attendance of witnesses.
 - e. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
 - f. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.
 - g. The Board shall adopt its own rules and procedure, not in conflict with this Ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.
3. Decisions
- a. All decisions and findings of the Zoning Board of Appeals on appeals or upon application for a variance, or conditional use shall be by the concurring vote of four members of the Board.
4. Board Membership
- b. The Zoning Board of Appeals shall consist of five (5) members appointed by the Carlton Town Chairman and subject to confirmation by the Carlton Town Board.
 - c. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and two (2) for two (2) years; and two (2) for three (3) years, but not more than one (1) member of the Town Board shall be a member of the Zoning Board or Appeals and all members shall reside in the Town.
 - d. The members serve at the pleasure of the Town Board.
 - e. Vacancies shall be filled for the unexpired term of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Carlton.

Section 21. Appeals

1. Scope of Appeals
- a. An Appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator.
 - b. Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof.
 - c. The Zoning Administrator shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.
2. Findings on Appeals
- a. An appeal shall terminate all further proceedings on action unless the Zoning Administrator certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of record on notice from the Zoning Administrator on due cause.
 - b. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties as provided in the State Law on Planning and Zoning and applicable to the Town of Carlton.
 - c. The Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.
 - d. The Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination that, in its opinion, ought to be done – and to that end, shall have all powers of the officer from whom the appeal is taken. The Board of Appeals shall maintain records of all actions relative to appeals.
3. Appeals from the Board of Appeals

Any person or persons, or any board, taxpayer, department, or bureau of the Town of Carlton aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23 (7) (e).

Section 22. Building Permit

1. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. The application for a building permit shall include information as lawfully may be required by the Town Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. Every building permit shall state that the use complies with the provisions of this Ordinance, and subject to the provisions of Section 10, subsection 7 above, no building permit will be issued unless acceptable results from a soil percolation test are presented with the application as required by the Zoning Administrator. The soil percolation tests required to be conducted prior to the submission of an application for a building permit herein may be conducted any month of the year.
2. Application for said building permit shall be made in writing to the Town Zoning Administrator by the land owner or his authorized agent.
3. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit will be forwarded in writing by the Town Zoning Administrator to the applicant.
4. All applications for building permits for commercial and industrial uses shall be accompanied by the following:
 - a. A plat, in duplicate of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn at a minimum scale of 1 inch to 100 feet showing the actual dimension, as certified by a “registered land surveyor” or a “registered professional engineer”, the piece or parcel, lot, logs, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.
 - b. A plat in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use of be made of the building, structure, or land; and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.
5. Said plat material shall be submitted to the Zoning Administrator. Required plat material shall be submitted in conjunction with an application for a building permit.

Section 23. Violations

1. **Complaints Regarding Violations**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.
2. **Penalties for Violations**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of the Town of Carlton. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$10 and more than

\$500 or in lieu of payment thereof be imprisoned for not more than 30 days and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offence.

The Owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offence and suffer the penalties herein provided. Nothing herein contained shall prevent the Town of Carlton from taking such other lawful action as is necessary to prevent or remedy any violation.

3. Abatement of Violation

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Ordinance. Such removal may be performed by a Town agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

Section 24. Schedule of Fees, Charges, and Expenses

The Town Board shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, appeals, amendments, conditional uses, variances and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Town Board.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE VI - AMENDMENTS

Section 25. Procedure for Amendments

1. Authority

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

2. Initiation

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

3. Application

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

4. Hearing Notice

The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published and provided in the State Law on Planning and Zoning and applicable to the Town of Carlton.

5. Findings and Recommendations

- a. The Board of Appeals shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
- b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Board of Appeals shall make findings based upon the evidence presented to it in each specific case with respect to the following matters.
 1. Existing uses or property within the general area of the property in question.
 2. Zoning classification of property within the general area of the property in question.

3. Suitability of the property in question to the uses permitted under the existing zoning classification.
 4. Trend of development, if any in the general area of the property in question, including changes if any, which have taken place in its present zoning classification.
 5. The Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
 6. The Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
6. Town Board Action
- a. The Town Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from Board of Appeals on the proposed amendment.
 - b. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, by duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent, extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.
 - c. If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

ARTICLE VII – MISCELLANEOUS

Section 26. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

Section 27. Separability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 28. Repealer

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 29. Effective Date

This Ordinance shall take effect from and after its passage and posting according to law, and shall be effective for all areas of the Town of Carlton, excluding only those which are subject to extraterritorial zoning by an incorporated village or city which has exercised such power.

Section 30. Planned Unit Development Overlay (PUD)

1. Intent

The intent of the Planned Unit Development Overlay provision is to encourage quality and desirable development by allowing for greater flexibility and design freedom than that permitted under basic district regulations. These regulations are established to permit and encourage diversification, variation and imagination in layout of development; to encourage the preservation of open space; and to encourage more rational, economic development with respect to the provisions of public services.

2. Unified Control

All land included for development as a PUD shall be under the legal control of the applicant, whether that applicant be an individual, partnership, or corporation or group of individuals, partnerships, or corporations. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations. The applicant shall state agreement to (1) proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the special exception for PUD; (2) provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans; and (3) bind their successors in title to any commitments made in the approval process.

3. Permitted Uses. Any residential or commercial use permitted in the A-1 and A-2 Districts.

4. General Requirements. All permitted uses shall be subject to the accessory use and structure, sign, height and parking requirements of the district in which it is located.

5. Area and Density Requirements. A tract of land proposed for development as a Planned Unit Development shall contain a minimum area of two acres and a maximum density of 12 dwelling units per net acre.

6. Internal Lots and Frontage. Within the boundaries of the PUD, no minimum lot size or minimum yards shall be required, provided, however, that no structure shall be located closer to any peripheral property line than a distance equal to the height of such structure.

7. Access. Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street.

8. Engineering Design Standards. Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a Planned Unit Development, but precise standards shall be made a part of the approved plan and shall be enforceable as a part of this ordinance.

9. Procedures for Approving Planned Unit Developments.

- a. Before submitting an application for a PUD, an applicant shall confer with the Plan Commission, Town staff and other Town department heads, if required, in connection with the preparation of the Planned Unit Development.
- b. The purpose of the pre-application conference shall be to familiarize both the applicant and the Plan Commission with each other's intentions with respect to the PUD before the applicant enters into binding commitments or incurs substantial expense.
- c. At the pre-application conference, the Plan Commission shall familiarize the applicant with the PUD process and explain to the applicant issues that should be considered in planning the project. The applicant shall inform the Plan Commission of his development concept through general outlines and sketch plans. Any statement made by either the Plan Commission or the applicant concerning potential disposition of a PUD application or the final form of the development shall not be legally binding.
- d. A development plan shall accompany the application for a special exception permit and contain the following information:

7. Names of the owners and developer.
 8. Scale, date, north arrow.
 9. Existing streets, buildings, watercourses,
 10. Easements and utility lines.
 11. Proposed pattern of public and private
 12. Streets, accessways and parking areas.
 13. Locations and arrangements of lots,
 14. Buildings by dwelling types, open space areas and recreational facilities, if any.
 15. Architectural drawings and sketches illustrating the design and character of the various buildings proposed.
 16. Appropriate statistical data on the size of the development, number of dwellings by type, percentage of open space and other data pertinent to review.
 17. General outline of deed restrictions and other documents pertaining to the development, operation and maintenance of the project.
- e. Plan Approval. Upon approval of a development plan, a special exception permit shall be issued. All terms, conditions and stipulations made at the time of approval shall be binding upon the applicant or any successors in interest.
 - f. Preliminary and Final Plans. Approval of a development plan for a special exception does not constitute preliminary or final plat approval. Preliminary and final plats shall be submitted and processed in accordance with standard subdivision review procedures.
 - g. Changes in Plan. Minor changes in plans shall be made by application and follow procedures pursuant to Section 7.25. Minor changes shall not be considered a reapplication for special exception permit. Substantial changes in plans shall be made by application and processed as a new application for a special exception permit.
 - h. Deviation from Approved Plans. Deviation from approved plans or failure to comply with any requirement, condition or safeguard during approval or platting procedures shall constitute a violation of these zoning regulations.
10. Building Permits. Final approval does not constitute approval for the construction of individual buildings or structures in the development. Application for building permits shall be submitted and processed in accordance with standard procedures.