

1 **128-22015**

2 **RESOLUTION: Approve Amendments to Town of Vinland Zoning Ordinance**

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TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

6 **WHEREAS**, § 60.62(3)(a), Wis Stats, requires that town zoning ordinances be approved by counties prior to
7 implementation; and

8 **WHEREAS**, on November 10, 2014, and January 12, 2015, the Town of Vinland adopted numerous
9 amendments to Section 13: Zoning Regulations of the Town of Vinland Zoning Code and submitted those
10 amendments to Winnebago County for approval; and

11 **WHEREAS**, on February 2, 2015, the Winnebago County Planning and Zoning Committee reviewed said
12 amendments, found no conflicts with county zoning jurisdiction or regulatory authority, and submitted those
13 amendments of the Town of Vinland Zoning Code to the Winnebago County Board of Supervisors for final approval;
14 and

15 **WHEREAS**, said amendments, which are part of the Town of Vinland Zoning Code located on the Town of
16 Vinland’s website located at <http://www.townofvinland.org/ordinances-and-resolutions>, are made a part of this
17 Resolution and are incorporated herein by reference.

18
19 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
20 approves those amendments to Section 13: Zoning Regulations of the Town of Vinland Zoning Code, which may be
21 viewed on the Town of Vinland’s website as referenced above.

22
23 Respectfully submitted by:

24 **WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE**

25 Committee Vote: **5-0**

26 Vote Required for Passage: **Majority of Those Present**

27

28 Approved by the Winnebago County Executive this ____ day of _____, 2014.

29

30
31 _____
32 Mark L Harris
Winnebago County Executive

Meeting Minutes

The Vinland Town Board Meeting began at 7:00 on Monday November 10, 2014 with the Pledge of Allegiance. Present were Chairman Batley, Supervisors Farrey and Sypek Clerk Fahrenkrug, Treasurer Brazee, Zoning Administrator Spierowski and 7 other people.

APPROVAL OF MINUTES:

1. Fire Dept. meeting minutes of October 7, 2014. Motion to approve made by Sypek/second/Farrey/carried.
2. Board Meeting minutes of October 13, 2014. Motion to approve made by Farrey/second/Sypek/carried.
3. Board Workshop Meeting of October 14, 2014. Motion to approve made by Sypek/second/Farrey/carried.
4. Board Workshop meeting of October 15, 2014. Motion to approve made by Farrey/second/Sypek/carried.

FINANCIAL REPORT FOR October, 2014

1. Treasurer's report on all accounts held by the Town. Checking Balance as of 10/31/2014 \$5,947.72; Savings \$142,822.02; Reserve accounts \$181,579.73. Motion to approve Treasurer Report made by Batley/second/Sypek/carried.
2. Reconciliation between the Clerk and the Treasurer. Motion to approve reconciliation made by Batley/second/Farrey/carried.
3. Authorization to pay all bills submitted by the Clerk. Motion to approve bills as submitted made by Batley/second/Sypek/carried.

PUBLIC INPUT: There was no public input.

NEW DISCUSSION/ACTION ITEMS:

1. Agreement between K-Land LLC and Town for extended Fire Truck storage. K-Land LLC will erect a building for the sole purpose of storage for a Town Fire Truck. Batley explained that the Board wanted an escape clause in the contract for both parties in three years as things may change. Ann of K-Land LLC, stated they would not build if the contract was less than 5 yrs. The Board voted to remove the escape clause and approve the contract for 5 years. Motion made by Farrey/second/Sypek/carried.
2. 2015 Assessor Contract for a fee of \$12,500. Up from 2014 cost of \$11,600. Farrey made a motion to approve the contract as submitted second by Batley. Motion carried.
3. Proposal for Codification service by General Code. The board would like to have a second meeting with Marcia of General Code to clarify our intentions. Motion to approve hiring General Code for the codification/updating of the Towns Ordinances made by Batley seconded by Sypek. Motion carried.
4. Resolution NO. 02-2014 Budget Amendments (Details attached.) Clerk Fahrenkrug explained the need to transfer money from a variety of accounts that had excess to accounts that were negative in order to pay various bills. Motion to approve the Resolution 02-2014 to transfer funds made by Sypek/second/Farrey/carried.

OLD BUSINESS:

1. Joint Powers Agreement Winnebago County 911 Emergency System effective 12-1-14 through 11-30-2015. Motion to approve made by Batley/second/Sypek/carried.

ZONING:

1. Pond Permit for Greg & Peggy Goltz 2063 Shawnee Ln. This property is being restored as a wetland. Mr. Goltz is working with Winnebago County and other agencies on this project.
 - 250" barrier between ponds and buildings
 - Berms on the sides of the ponds according to the wetland restoration photo presented to the Board (attached)
 - 8 : 1 slope in pondsMotion to approve the permit with the above conditions made by Farrey seconded by Sypek. Motion carried.
2. Adoption of Proposed changes to Article J: Accessory Uses and Structures; Fences Sec.13-1-140 (4)(5)(a) Public Hearing was held just before this board meeting. There were no comments made by the public. Motion to approve the changes made by Batley/second/Sypek/carried.

ROAD SUPERINTENDENT'S REPORT. Signs on County road T are reinstalled, Sypek spoke with Piper and Allen about ditching-it is still in the plans. Motion to approve the report made by Batley/second/Sypek/carried.

SHARING OF CORRESPONDENCE RECEIVED.

FUTURE MEETINGS:

- November 17, 2014 Budget Public Hearing, Special Town Elector Meeting, Special Town Board Meeting
7:00 PM Vinland Town Hall
- November 19, 2014 IoH Meeting County Highway Garage- Oshkosh 7:00 pm
- November 24, 2014 Board of Appeals Meeting 6:30 pm, Vinland

Motion to adjourn at 7:46 made by Batley/second/Sypek/carried.

Respectfully submitted,



Marilyn Fahrenkrug, Clerk

Raymond T. Batley, Chairperson

Ed Sypek, Supervisor 1

Chuck Farrey, Supervisor 2

The Vinland Town Board on November 11, 2014 adopts the amendments to Vinland Zoning Ordinance Article J 13-1-140 (4)&(5)(a)(1)(2)

- (4) **Residential Attached Garages.** ~~Garages, when attached, shall comply with the dimensional requirements of the zoning district in which located.~~ Attached garages shall comply with the setback requirements applicable for principal structures on the lot.
- (5) **Residential Detached Garages.** Detached garages are permitted in the rear yard and side yards only. ~~They shall not be closer than 10 feet to the principal structure.~~ Garages in all residential districts or on a lot where the principal use is residential shall conform to the following floor area requirements:
- a. **R-1 Garage.** The floor area for a garage(s) on a lot with a single family use in an R-1 Residential District shall:
- ~~1. For lots one (1) acre or more, not exceed one thousand two hundred (1,200) square feet in area for any one single garage, nor one thousand six hundred (1,600) square feet in area for combine total;~~
 - ~~2. For lots two (2) acres or more, not exceed one thousand six hundred (1,600) square feet in area for any one single garage, nor two thousand (2,000) square feet in area for any combined total;~~
 - ~~3. For lots three (3) acres or more, not exceed two thousand four hundred (2,400) square feet in area for any combined total.~~
1. For residential properties less than one acre in size, the maximum size of the detached garage shall not exceed 1,200 square feet plus 1% of the lot size. The structure shall not be closer than five feet to any lot line or five feet from any alley.
One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted.
 2. If the residential property is one acre or greater but less than five acres, the maximum size of the detached garage(s) shall be 1,500 square feet plus 1% of the lot size. Up to two structures shall be permitted and these shall not be closer than five feet to any lot line or five feet to any alley.
One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted.

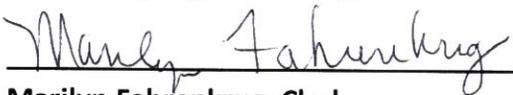
* A complete copy of this ordinance may be viewed during regular office hours.

Adopted November 10, 2014



Raymond T. Batley, Chairman

I hereby certify that the foregoing Ordinance changes were adopted by the Town of Vinland Board at a legal meeting on the 10th day of November, 2014.



Marilyn Fahrenkrug, Clerk

Approved 11-10-14

Effective 11-11-14

STATE OF WISCONSIN
BROWN COUNTY

TOWN OF VINLAND

6085 COUNTY ROAD T
OSHKOSH WI 549049734

Alexandra Zakowski

Being duly sworn, doth depose and say that she/he is an authorized representative of the Oshkosh Northwest
daily newspaper published in the city of Oshkosh, in Winnebago County, Wisconsin, and that an advertisement
which the annexed is a true copy, taken from said paper, which was published therein on

Account Number: GWM-N5845
Order Number: 0000159206
No. of Affidavits: 1
Total Ad Cost: \$103.11
Published Dates: 10/31/14, 11/07/14

(Signed) Alexandra Zakowski (Date) 11/12/14
Legal Clerk

Signed and sworn before me

[Signature]

My commission expires

12/25/16



Public Hearing Notice
Monday November 10 2014 8:45 PM
Vinland Town Hall 6085 County Road T
Oshkosh, WI
The following changes have been proposed to Article J* of the Town of Vinland Ordinances. The changes are as follows:
(4) Residential Attached Garages. Garages when attached shall comply with the dimensional requirements of the zoning district in which located. Attached garages shall comply with the setback requirements applicable for principal structures on the lot.
(5) Residential Detached Garages. Detached garages are permitted in the rear yard and side yards only. They shall not be closer than 10 feet to the principal structure. Garages in all residential districts or on a lot where the principal use

is residential shall conform to the following floor area requirements:
a. R-1 Garage. The floor area for a garage(a) on a lot with a single family use in an R-1 Residential District shall:
1. For lots one (1) acre or more, not exceed one thousand two hundred (1,200) square feet in area for any one single garage, nor one thousand six hundred (1,600) square feet in area for combine total;
2. For lots two (2) acres or more, not exceed one thousand six hundred (1,600) square feet in area for any one single garage, nor two thousand (2,000) square feet in area for any combined total;
3. For lots three (3) acres or more, not exceed two thousand four hundred (2,400) square feet in area for any combined total.
1. For residential properties less than one acre in size, the maximum size of the detached garage shall not exceed 1,200 square feet plus 1% of the lot size. The structure shall not be closer than five feet to any lot line or five feet from any alley.
One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted.
2. If the residential property is one acre or greater but less than five acres, the maximum size of the detached garage(s) shall be 1,500 square feet plus 1% of the lot size. Up to two structures shall be permitted and these shall not be closer than five feet to any lot line or five feet to any alley.
One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted.
* A complete copy of this ordinance may be viewed during regular office hours. All interested persons wishing to be heard at the Public Hearing are invited to be present.
Marilyn Fahrnkug, Clerk
RUN: Oct 31, Nov 7, 2014 WNAXLP

TOWN OF VINLAND
Re: Pub Hmg-Nov 10

Article J: Accessory Uses and Structures; Fences.

Sec. 13-1-140 Accessory Uses or Structures.

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions.** An accessory use or structure may be established subject to the following regulations (these restrictions shall not apply to accessory buildings in Agricultural, Business or Industrial Districts):
- (1) **Attached Accessory Building Size Limits.** No attached accessory building or structure shall exceed the height of the principal building or structure.
 - (2) **Attached Accessory Buildings Yard Requirements.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (3) **Detached Accessory Non-Garage Buildings.** No detached accessory building (non-garage) shall occupy more than thirty percent (30%) of the required front yard or be larger than twenty-four (24) feet by thirty-six (36) feet (whichever is more restrictive) or be located within three (3) feet of any other accessory building or within five (5) feet of a lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
 - (4) Residential Attached Garages. ~~Garages, when attached, shall comply with the dimensional requirements of the zoning district in which located.~~ Attached garages shall comply with the setback requirements applicable for principal structures on the lot. *(Updated 11-10-2014)*
 - (5) Residential Detached Garages. Detached garages are permitted in the rear yard and side yards only. ~~They shall not be closer than 10 feet to the principal structure.~~ Garages in all residential districts or on a lot where the principal use is residential shall conform to the following floor area requirements: *(Updated 11-10-2014)*
 - a. R-1 Garage. The floor area for a garage(s) on a lot with a single family use in an R-1 Residential District shall:
 1. ~~For lots one (1) acre or more, not exceed one thousand two hundred (1,200) square feet in area for any one single garage, nor one thousand six hundred (1,600) square feet in area for combine total;~~

~~2. For lots two (2) acres or more, not exceed one thousand six hundred (1,600) square feet in area for any one single garage, nor two thousand (2,000) square feet in area for any combined total;~~

~~3. For lots three (3) acres or more, not exceed two thousand four hundred (2,400) square feet in area for any combined total.~~

1. For residential properties less than one acre in size, the maximum size of the detached garage shall not exceed 1,200 square feet plus 1% of the lot size. The structure shall not be closer than five feet to any lot line or five feet from any alley.

One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted. *(Updated 11-10-2014)*

2. If the residential property is one acre or greater but less than five acres, the maximum size of the detached garage(s) shall be 1,500 square feet plus 1% of the lot size. Up to two structures shall be permitted and these shall not be closer than five feet to any lot line or five feet to any alley.

One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted. *(Updated 11-10-2014)*

(6) Residential Attached Garages. Garages, when attached, shall comply with the dimensional requirements of the zoning district in which located. Attached garages shall comply with the setback requirements applicable for principal structures on the lot.

(7) Residential Detached Garages. Detached garages are permitted in the rear yard and side yards only. Garages in all residential districts or on a lot where the principal use is residential shall conform to the following floor area requirements:

a. R-1 Garage. The floor area for a garage(s) on a lot with a single family use in an R-1 Residential District shall:

1. For lots one (1) acre or more, not exceed one thousand two hundred (1,200) square feet in area for any one single garage, nor one thousand six hundred (1,600) square feet in area for combine total;
2. For lots two (2) acres or more, not exceed one thousand six hundred (1,600) square feet in area for any one single garage, nor two thousand (2,000) square feet in area for any combined total;
3. For lots three (3) acres or more, not exceed two thousand four hundred (2,400) square feet in area for any combined total.

b. R-2 District Garage Area. The floor area for a garage(s) in an R-2 Residential District shall not exceed one thousand two hundred (1,200) square feet in area – neither singularly nor combined.

c. R-3 Duplex District Garage Area. The floor area for a garage on a lot with a duplex use and not accessory to a farm shall not exceed nine

hundred (900) square feet for a single garage, nor shall any combined total exceed one thousand two hundred (1,200) square feet.

- d. R-4 Mult-Family District Garage Area.** The floor area for a garage on a lot with a multiple-family use shall not exceed eight hundred seventy (870) square feet for a single garage, nor shall the combined total exceed two hundred sixty-five (265) square feet per dwelling unit, unless otherwise specified in a conditional use approval.
- e. Setback Between Two Garages.** Two (2) or more garages on any one (1) lot having a residential use shall have a minimum of ten (10) feet of yard between them.
- (c) Use Restrictions-----Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations defined and authorized herein and shall not be occupied as a dwelling unit.
- (d) Use Restrictions-----Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.
- (e) Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure.
- (f) Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator/Permit Issuer and shall be removed within thirty (30) days of occupancy of the project.
- (h) Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, following approval by the Town Board, provided as follows:

 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall not be more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (i) Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and were not specifically

otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.

(k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.

Sec. 13-1-141 Fences.

(a) **Definitions.** For the purpose of this Section.

(1) **Fence.** Any artificially constructed barrier of any materials erected to enclose or screen areas of land or limit ingress/egress thereto. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

(2) **Boundary Fence.** A fence placed near the property lines of adjacent properties. Updated May 10, 2011

(3) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.

(4) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.

(5) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(b) **Residential, Commercial and Industrial Fence Permits Required.** No person shall erect a fence in the Town within a Residential, Commercial or Industrial zoned property without first obtaining a fence permit from the Zoning Administrator. A fee will be charged. The applicant shall provide the Zoning Administrator with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.

(c) **Height of Fences Regulated.**

(1) Except as provided in Section 13-1-90, a fence or wall may be erected, placed or maintained along a lot line on residential, commercial and industrial zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no fence or wall that is located in a required front or corner side yard shall exceed a height of two and one-half (2 ½) feet. Where such lot line is adjacent to a non-residentially

zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.

- (2) No fence or wall shall be erected, placed or maintained along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (3) In any residential district, no fence or wall shall be erected, constructed or maintained to a height exceeding four (4) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected. (See Section 13-1-90)

(d) Setback for Residential Fence.

- (1) Fences in or adjacent to a residential property shall be constructed inside the fence owners' lot lines. Fences may be constructed parallel to lot lines but shall not extend into the front setback area as extended to the side lot lines. Fences shall be located no closer than two (2) feet to a right-of-way. Updated May 10, 2011.
- (2) Front yard fences shall be of an open type (fifty percent (50%) or less opaque) and shall not exceed four (4) feet in height.
- (3) In those cases where the rear yard is a shore yard, fences located between the shore yard setback line and half the distance to the ordinary high water mark shall adhere to the rear yard standards. The remaining shore yard shall adhere to the street yard standards.

(e) Industrial/Commercial Security Fences. Security fences are permitted in industrial/commercial districts on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire, wrought iron or chain link fencing, unless otherwise provided by conditional use permit. (i.e. solid fence)
Reference Section 13-1-90.

(f) Prohibited Fences. No residential fence shall be constructed which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially/commercial zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.

(g) Fences to be Repaired. All fences shall be maintained and kept safe and in a state of good repair and the finished side of decorative side of the fence shall face adjoining property.

(h) Temporary Fences. Fences erected for the protection of planting or to warn of construction hazard or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary

fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

- (i) **Nonconforming Fences.** Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but any alteration, modification or improvement of more than fifty percent (50%) of said fence shall result in the entire fence being brought into compliance with this Section.
- (j) **Location Determination.** The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his/her property. In a dispute, the Town Board shall serve as fence viewers per the Wisconsin State Statutes.

Sec. 13-1-142 Reserved for future use.

Sec. 13-1-143 Standards for Boathouses.

Boathouses may be located within shore yard but shall be not closer than five (5) feet to the average annual high-water elevation of the stream, lake, pond, wetland or other navigable water.

In no case, however, shall boathouses be located below a high-water elevation, nor shall boathouses be used for human habitation. Furthermore, boathouses shall not:

- (a) Exceed one (1) boathouse for each shoreland lot;
- (b) Exceed a height of fifteen (15) feet above the high-water elevation;
- (c) Exceed five hundred (500) square feet in horizontal area covered; and
- (d) Be closer than three (3) feet to any side lot line.

Sec. 13-1-144 Construction of Ponds.

(a) Permit Required for Construction of Ponds. No person shall construct, enlarge or modify any pond, borrow pit or pool of water, out of doors and containing over five hundred (500) gallons of water or having a water depth of two (2) feet or more, without obtaining a permit from the Town of Vinland pursuant to the procedures set forth in Subsection (b).

(b) Procedure for Obtaining a Permit.

- (1) An application for a permit required by Subsection (a) shall be commenced by written application to the Town of Vinland Zoning Administrator which shall state the name and address of the owner of the property in question and shall describe in detail the construction or other modification of the body of water in question. In addition, the application shall state in reasonable detail:
 - a. The effect of the proposed construction or modification on the drainage of adjacent and surrounding property.
 - b. Health hazards caused by or arising out of water stagnation or insect growth.
 - c. Public safety and liability risks.
 - d. A plan to eliminate or minimize any of the harmful effects, hazards and risks.

(c) Fencing Required. For every person who is in possession of land within the Town of Vinland on which there is a pond, a fence is required if the pond is located within two hundred fifty (250) feet from another residence. Such fence or other solid structure shall be not less than forty-four (44) inches in height and shall completely enclose such pond area. There shall be no openings permitted in such fences or solid structures larger than six (6) inches square, except for gates

or doors. Any gates in such fences shall have self-closing and self-latching devices which shall be on the inside of the gate at least thirty (30) inches above grade and shall be designed and able to keep the gate closed at all times.

(d) Fee. There shall be a fee as prescribed in Section 1-3-1 for every approved pond permit.

(e) Disclaimer of Liability. The issuance of a permit under this Section is expressly not a warranty or endorsement of the design of the proposed body of water, including its effect on surrounding property and ground water; its safety and health effects or otherwise.

(f) Maintenance of Pond. Should any work performed under a permit issued pursuant to this Section become a public nuisance, the Town Board may order it abate.

Sec. 13-1-145 through Sec. 13-1 149 Reserved for Future Use



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

November 11, 2014

Marilyn Fahrenkrug, Clerk
6085 County Road T
Oshkosh, WI 54904

Dear Marilyn:

Re: Certification of the Town of Vinland's Farmland Preservation Zoning Ordinance

Attached is a department order certifying the Town of Vinland's Farmland Preservation Zoning Ordinance under s. 91.16, Wis. Stats. Please send a letter or resolution confirming Town Board adoption of the amendment.

We look forward to working with you in the future on farmland preservation in the Town of Vinland. If you have any questions, feel free to contact me.

Sincerely,

Alison Volk, Chief
Land Management Section
608-224-4634

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STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

<p>TOWN OF VINLAND (WINNEBAGO COUNTY) FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP)</p>	<p>DOCKET NO. 14-F-67-70-<i>STW</i> DARM Docket No. 139-82875-O-14 F-1014 ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2018</p>
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INTRODUCTION

The Town of Vinland in Winnebago County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed revision of the town’s currently certified farmland preservation ordinance text, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

- (1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin’s farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28 (“new law”).
- (2) The Town of Vinland is a town in Winnebago County, Wisconsin. The Town of Vinland is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.
- (3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.
- (4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the *county’s* certified farmland preservation *plan*.
- (5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision’s application, but DATCP may conduct its own review and verification as it deems appropriate.
- (6) DATCP may make its certification contingent upon the political subdivision’s adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county’s certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

? (7) The Town of Vinland has a certified farmland preservation zoning ordinance. The ordinance expires December 31, 2014.

(8) Winnebago County has a certified farmland preservation plan. This plan is currently certified through December 31, 2017.

(9) On September 17, 2014, DATCP received an application from the Town of Vinland, in which the town asked DATCP to certify revisions to the town's currently-certified farmland preservation ordinance. The Town of Vinland submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(10) On September 17, 2014, DATCP confirmed by letter that the Town of Vinland's certification application was complete, and that DATCP would proceed to review the complete application.

(11) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an ordinance may not exceed 10 years. See s. 91.36(2)(b), Wis. Stats.

CONCLUSIONS OF LAW

(1) Based on the representations made by the Town of Vinland in its application for certification of a revised farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed Town of Vinland farmland preservation ordinance, consisting of a proposed ordinance text dated October 20, 2014 and map dated October 8, 2014, meets certification requirements under s. 91.38, Wis. Stats.

(b) DATCP may certify the proposed ordinance pursuant to s. 91.36, Wis. Stats.

(2) Pursuant to s. 91.36(2)(b), Wis. Stats., DATCP should certify the proposed ordinance through December 31, 2018.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Town of Vinland adopting the ordinance, in the form certified, before June 30, 2015.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Town of Vinland farmland preservation ordinance, consisting of the proposed ordinance text dated October 20, 2014, and map dated October 8, 2014 is hereby

certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning district for the Town of Vinland is the A-1 Farmland Preservation Zoning District.

(3) This certification is contingent upon the Town of Vinland adopting the certified ordinance, in the form certified, before June 30, 2015.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2018.

Dated this 10th day of Nov, 2014

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

Town of Vinland

Copies to:

Marilyn Fahrenkrug, Clerk
6085 County Road T
Oshkosh, WI 59904
Vinlandclerk@ntd.net

Raymond Batley, Chairman
1519 Cowling Bay Road
Neenah, WI 54956

**PLAN COMMISSION
MEETING MINUTES**

The Vinland Planning Commission began its meeting at 6:30 pm on Monday January 5, 2015. Present were Commissioner Jay Jack, Chairman Jim Wollerman, Commissioners John Kunde and Joe Kuehnl, and Secretary Marilyn Fahrenkrug. Zoning Administrator Tom Spierowski was absent.

Motion was made by Joe Kuehnl to approve the minutes of December 1, 2014 seconded by John Kunde. Motion carried.

The Commissioners reviewed the text changes made to the Town of Vinland Ordinances listed below:

- Article A 13-1-8 Definitions (40); (106)
- Article C 13-1-40 Zoning Districts Designated (a)10,12,16
- Article C 13-1-42 R-1 Rural Residential District (Non-subdivided) (c)(2)b
- Article C 13-1-43 R-2 Rural Residential District (Subdivided) (c)(2)b
- Article C 13-1-44 R-3 Two Family Residential District (c)(2)b
- Article C 13-1-45 R-4 Multiple-family Residential District (Sewered) (c)(2)b
- Article C 13-1-46 R-5 Planned Residential District (Sewered) (c)(5)b
- Article C 13-1-47 MH-1 Mobile Home District (Subdivided; Sewered or Unsewered) (c)(2)b
- Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (B) Definitions (7)
- Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (E) Permitted Use (2)(a),(3),(6),(10)
- Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (F) Conditional Uses (2), (5a-f),(6a1,b),(7a1-3,b,c,d)(8)
- Article C 13-1-56 Overlay District..... (Title Change)

Motion to send to Board for approval the items listed above with the exception of Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (E) Permitted uses (2)Accessory uses including (a) A wind turbine.....

The Commission stated this should not be in the ordinance as the power company requires the power to be put on their grid first then the power company sells it back to the farm, therefore does not allow energy collection devices to provide energy primarily for use on the farm. The Commission referenced the David Allen Farm as an example. The above motion was made by Joe Kuehnl/second/Jay Jack/carried.

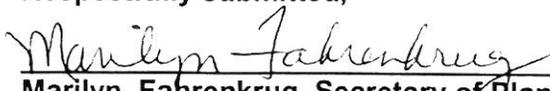
836-1736

The Commission requested that the Town Board look closer at the following item in Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11):

13-1-52 (B) Definitions (1)(d(4)). The Commission stated that 4 employees is too restrictive. Farms may have over 4 full time employees with only family members counted – Why limit the number of employees? This could restrict growth for the farm. They stated there should be no restrictions on the number of full time employees. This motion was made by Jay Jack/second/John Kunde/carried.

Motion to adjourn was made by Jay Jack at 7:14 pm and seconded by Jim Wollerman. Motion carried.

Respectfully submitted,


Marilyn Fahrenkrug, Secretary of Plan Commission

Plan Commission Resolution
01-05-2015

The Town of Vinland Plan Commission resolves to advise the Town Board to approve the text changes that appear throughout the Articles of Chapter 13 Town of Vinland Zoning ordinance as listed below:

Text changes are in the following Articles of Chapter 13:

Article A 13-1-8 Definitions (40); (106)

Article C 13-1-40 Zoning Districts Designated (a)10,12,16

Article C 13-1-42 R-1 Rural Residential District (Non-subdivided) (c)(2)b

Article C 13-1-43 R-2 Rural Residential District (Subdivided) (c)(2)b

Article C 13-1-44 R-3 Two Family Residential District (c)(2)b

Article C 13-1-45 R-4 Multiple-family Residential District (Sewered) (c)(2)b

Article C 13-1-46 R-5 Planned Residential District (Sewered) (c)(5)b

Article C 13-1-47 MH-1 Mobile Home District (Subdivided; Sewered or Unsewered) (c)(2)b

Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (B) Definitions (7)

Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (E) Permitted Use
(2)(a),(3),(6),(10)

Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (F) Conditional Uses (2), (5a-f),(6a1,b),(7a1-3,b,c,d)(8)

Article C 13-1-56 Overlay District..... (Title Change)

Therefore the Town of Vinland Planning Commission resolves to send to the Town Board for approval the items listed above with the exception of Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11)

(E) Permitted uses (2) Accessory uses including (a) A wind turbine.....

The Commission stated this should not be in the ordinance as the power company requires the power to be put on their grid first then the power company sells it back to the farm, therefore does not allow energy collection devices to provide energy primarily for use on the farm. The Commission referenced the David Allen Farm as an example. The above motion was made by Joe Kuehn/second/Jay Jack/carried.


Jim Wollerman, Chairman

Attest:

Marilyn Fahrenkrug, Secretary of Plan Commission

TOWN OF VINLAND
WINNEBAGO COUNTY, WI

RESOLUTION TO ADOPT text changes to the following Articles of the Town
Vinland Ordinances:

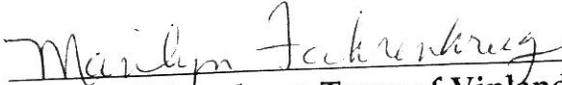
- Article A 13-1-8 Definitions (40); (106)
- Article C 13-1-40 Zoning Districts Designated (a)10,12,16
- Article C 13-1-42 R-1 Rural Residential District (Non-subdivided) (c)(2)b
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- Article C 13-1-44 R-3 Two Family Residential District (c)(2)b
- Article C 13-1-45 R-4 Multiple-family Residential District (Sewered) (c)(2)b
- Article C 13-1-46 R-5 Planned Residential District (Sewered) (c)(5)b
- Article C 13-1-47 MH-1 Mobile Home District (Subdivided; Sewered or Unsewered) (c)(2)b
- Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (B) Definitions (7)
- Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (E) Permitted Use
(2)(a),(3),(6),(10)
- Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (F) Conditional Uses (2), (5a-
f),(6a1,b),(7a1-3,b,c,d)(8)
- Article C 13-1-56 Overlay District..... (Title Change)

THEREFORE BE IT RESOLVED, that the Vinland Town Board on January 12, 2015
adopts the Farmland Preservation A-1 Zoning District 11 Ordinance 13-1-52.

THEREFORE BE IT RESOLVED, that the Vinland Town Board on January 13, 2015
repeals Section 13-1-52 A-1 Agri-Business District of the Town Ordinances.


Raymond T. Batley, Chairman

I hereby certify that the foregoing resolution was duly adopted by the Town of
Vinland Board at a legal meeting on the 12th day of January, 2015 as required under
s. 60.80, Wis. Stat.


Marilyn Fahrenkrug, Town of Vinland Clerk

The adopted Ordinance is effective January 13, 2015.

ORIGINAL

Vinland Town Board Meeting Minutes

The Vinland Town Board began its monthly meeting on Monday January 12, 2015 at 7:00 p.m. in the Vinland Town Hall 6085 County Road T Oshkosh, WI 54904 with the Pledge of Allegiance. Those present were Chairman Batley, Supervisors Farrey and Sypek, Clerk Fahrenkrug, Treasurer Brazee and 8 other Town residents.

APPROVAL OF MINUTES:

1. Fire Dept. meeting minutes of December 2, 2014. Motion to approve made by Batley/second/Sypek/carried.
2. Town Board Meeting minutes of November 10, 2014. Motion to approve made by Farrey/second/Sypek/carried.
3. Board Workshop Meeting minutes of December 3, 2014. Motion to approve made by Batley/second/Sypek/carried.
4. Town Board Meeting of December 8, 2014. Motion to approve made by Farrey/second/Sypek/carried.

FINANCIAL REPORT FOR December, 2014

1. Treasurer's report on all accounts held by the Town. Chase Bank Balance 12-31-2014 \$1,899,551.88, Fox Communities Reserve money accounts 12-31-2014 \$246,701.74. Motion to approve Treasurer report made by Batley/second/Farrey/carried.
2. Reconciliation between the Clerk and the Treasurer. Books do balance. Motion to approve reconciliation made by Batley/second/Sypek/carried.
3. Authorization to pay all bills submitted by the Clerk. Total of bills to be paid \$1,877,303.32. Motion to approve bills as submitted made by Batley/second/Sypek/carried.

PUBLIC INPUT: Georgia Jensen thanked Chuck Farrey for getting reflectors placed on the curve that is on the south end of Green Valley Road. Officer Ripple from the Sheriff Dept. had nothing new to report to the town. There were questions asked of the Deputy about the recent burglaries in the area however he had no new information.

NEW DISCUSSION/ACTION ITEMS:

1. Policy for refunds of overpayments to the Town. The discussion included comparisons of what other municipalities do City of Neenah minimum \$25, Town of Winneconne \$1, Federal Gov't \$1, Town of Neenah no policy. It costs the Town \$25 to process a check. The motion by Roll call vote to set the policy for refunds of overpayments at \$10 or more. Votes were: Farrey-No; Sypek-Yes; Batley-Yes. Motion carried.
2. Resolution No. 03-2014 Amendments to the 2014 Budget (listed on pgs 3-4 attached) Motion to approve Resolution 03-2014 made by Farrey/second/Batley/motion carried.
3. Resolution No. 01-2015 Amendment to the 2015 Budget to add a line item for Capital Outlay of \$8995 for review and updating the Town of Vinland ordinances. Motion to approve Resolution 01-2015 made by Batley/second/Sypek/carried.
4. 2015 Animal Impound and Maintenance Contract with Animal Welfare League, Inc. on County Road G. The Board would like to make changes to the contract to have people that are taking animals to the shelter get permission from a Town Official prior to taking to the shelter. The clerk will have the changes made and resubmit for review.
5. Installation of a new Flag Pole in front of the Town Hall. The current flag pole will remain. Supervisor Sypek will donate a new flag pole if the Board will allow it to be placed near the existing pole. Motion made by Farrey to allow the placement of new pole. Motion seconded by Batley. Motion carried.
6. Resolution 02-2015 for operation of Implements of Husbandry and Agricultural Commercial Motor Vehicles on Town Roads as provided in 2013 ACT 377 and State Statute 348.15(3)(g). The Resolution adopts the County resolution which allows the County Highway Department to administer the ne fee permits for the Towns in Winnebago County. They will be applying Option "F" as defined by the State with single axil weight limits of 23,000 pounds and above or GVW of 92,000 and above, with the Town Chairman as the Town contact. Motion to approve Resolution 02-2015 made by Farrey/second/Sypek/motion carried.
7. Operator License for Bradley Clements to work at Vinland Still 'n' Grill. Motion to approve issuance of Operator license made by Batley/second/Sypek/carried.
8. Re-creation of a Local Government Stormwater Group to provide lobbying efforts for changes on NR 151 and other stormwater issues. No action taken.

ZONING:

1. Adopt the Town of Vinland text changes in the following Articles of Chapter 13 as follows:
There were no comments made at the Public Hearing held prior to this meeting.

Vinland Town Board Meeting Minutes

Supervisor Farrey clarified that we did adopt the Farmland Preservation Ordinance in December of 2012. What is being approved today are text changes as mandated by DATCP.

Article A 13-1-8 Definitions (40); (106) - Motion to approve changes in Article A made by Farrey/second/Batley/carried.

Article C 13-1-40 Zoning Districts Designated (a)10,12,16

Article C 13-1-42 R-1 Rural Residential District (Non-subdivided) (c)(2)b

Article C 13-1-43 R-2 Rural Residential District (Subdivided) (c)(2)b

Article C 13-1-44 R-3 Two Family Residential District (c)(2)b

Article C 13-1-45 R-4 Multiple-family Residential District (Sewered) (c)(2)b

Article C 13-1-46 R-5 Planned Residential District (Sewered) (c)(5)b

Article C 13-1-47 MH-1 Mobile Home District (Subdivided; Sewered or Unsewered) (c)(2)b

Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (B) Definitions (7)

Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (E) Permitted Use (2)(a),(3),(6),(10)

Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (F) Conditional Uses (2), (5a-f),(6a1,b),(7a1-3,b,c,d)(8)

Article C 13-1-56 Overlay District..... (Title Change)

- **Motion to approve the changes throughout Article C made by Batley/second/Sypek/carried.**

2. Repeal Section 13-1-52 Agri-Business District that currently appears in Article C of the Town of Vinland Ordinances. Motion to Repeal the Agri-Business District Ordinance made by Farrey/second/Sypek/motion carried.

ROAD SUPERINTENDENT'S REPORT. Wollerman checked a culvert on I-Ah-Maytah and found it to be clear and good. Motion to approve the Road report made by Farrey/second/Sypek/carried.

SHARING OF CORRESPONDENCE RECEIVED. Brazee shared a letter from the State for our Transportation aid we will receive \$76,981.92 in 4 installments; Fahrenkrug asked that the Board support the continued existence (as a non-partisan entity) of the Government Accountability Board as they provide valuable support to all the Clerks throughout the State of WI. Batley shared a letter stating meeting room changes at the County.

FUTURE MEETING DATES:

- WTA meeting Thursday 1-15-2014 Town of Black Wolf 6:30 pm
- January 29, 2015 Board of Appeals Workshop 5:30 pm, Town of Winchester
- Land Owners Conference February 7, 2015 LaSures, Oshkosh, WI
- Town Board Meeting February 9, 2015 7:00pm; Vinland Town Hall

Motion to Adjourn was made at 7:53 pm by Sypek/second/Farrey/carried.

Respectfully submitted,


Marilyn Fahrenkrug, Clerk

_____ Raymond T. Batley, Chairperson
 _____ Ed Sypek, Supervisor 1
 _____ Chuck Farrey, Supervisor 2

STATE OF WISCONSIN
BROWN COUNTY

TOWN OF VINLAND
6085 COUNTY ROAD T
OSHKOSH, WI 54904-9734

Alexandra Zakowski

Being duly sworn, doth depose and say that she is an authorized representative of the Oshkosh Northwestern, a newspaper published in Winnebago, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on:

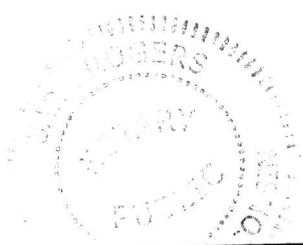
Account Number: N5845

Ad Number: 5001859045

Published Date: December 22, 2014
December 29, 2014

(Signed): Alexandra Zakowski Date: 1/7/15
Legal Clerk

Signed and sworn to before me
[Signature]
Notary Public,
Brown County, Wisconsin
My commission expires 12/25/16



Notice of Public Hearing
Town of Vinland

The Town of Vinland, pursuant to State Statute 60.80(5)(b)1-4, will hold a public hearing at the Vinland Town Hall, 6085 County Rd. T, Oshkosh on Monday, January 12, 2015 at 6:45 p.m. to take comments on text amendments to Town of Vinland Zoning Code Chapter 13 Ordinance as required for state certification of our Farmland Preservation Ordinance.

Text changes are in the following Articles of Chapter 13:

Article A 13-1-8 Definitions (40); (106)
Article C 13-1-40 Zoning Districts Designated (a)10,12,16
Article C 13-1-42 R-1 Rural Residential District (Non-subdivided) (c)(2)b
Article C 13-1-43 R-2 Rural Residential District (Subdivided) (c)(2)b
Article C 13-1-44 R-3 Two Family Residential District (c)(2)b
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Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (B) Definitions (7)
Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (E) Permitted Use (2)(a),(3),(6),(10)
Article C 13-1-52 Farmland Preservation A-1 (Zoning District 11) (F) Conditional Uses (2), (5a-f),(6a1.b),(7a1-3.b,c,d)(8)
Article C 13-1-56 Overlay District..... (Title Change)

The amendments will be on file at the Vinland Town Hall, 6085 County Rd. T, Oshkosh in the clerk's office and open for public inspection during regular business hours.

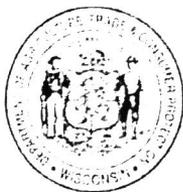
Marilyn Fahrenkrug, Clerk
Publish as a Class 2 notice 12-22-2014 and 12-29-2014

WI-5001859045 WNAJLP

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EMAIL legals@thenorthwestern.com



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

November 11, 2014

Marilyn Fahrenkrug, Clerk
6085 County Road T
Oshkosh, WI 54904

Dear Marilyn:

Re: Certification of the Town of Vinland's Farmland Preservation Zoning Ordinance

Attached is a department order certifying the Town of Vinland's Farmland Preservation Zoning Ordinance under s. 91.16, Wis. Stats. Please send a letter or resolution confirming Town Board adoption of the amendment.

We look forward to working with you in the future on farmland preservation in the Town of Vinland. If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Al Volk".

Alison Volk, Chief
Land Management Section
608-224-4634

Agriculture generates \$88 billion for Wisconsin

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov
An equal opportunity employer

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

TOWN OF VINLAND (WINNEBAGO COUNTY) FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP)	DOCKET NO. 14-F-67-76-OTM DARM Docket No. 139-82875-0-14 F-1014 ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2018
--	--

INTRODUCTION

The Town of Vinland in Winnebago County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed revision of the town’s currently certified farmland preservation ordinance text, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

- (1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin’s farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28 (“new law”).
- (2) The Town of Vinland is a town in Winnebago County, Wisconsin. The Town of Vinland is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.
- (3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.
- (4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the *county’s* certified farmland preservation *plan*.
- (5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision’s application, but DATCP may conduct its own review and verification as it deems appropriate.
- (6) DATCP may make its certification contingent upon the political subdivision’s adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county’s certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

(7) The Town of Vinland has a certified farmland preservation zoning ordinance. The ordinance expires December 31, 2014.

(8) Winnebago County has a certified farmland preservation plan. This plan is currently certified through December 31, 2017.

(9) On September 17, 2014, DATCP received an application from the Town of Vinland, in which the town asked DATCP to certify revisions to the town's currently-certified farmland preservation ordinance. The Town of Vinland submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(10) On September 17, 2014, DATCP confirmed by letter that the Town of Vinland's certification application was complete, and that DATCP would proceed to review the complete application.

(11) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an ordinance may not exceed 10 years. See s. 91.36(2)(b), Wis. Stats.

CONCLUSIONS OF LAW

(1) Based on the representations made by the Town of Vinland in its application for certification of a revised farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed Town of Vinland farmland preservation ordinance, consisting of a proposed ordinance text dated October 20, 2014 and map dated October 8, 2014, meets certification requirements under s. 91.38, Wis. Stats.

(b) DATCP may certify the proposed ordinance pursuant to s. 91.36, Wis. Stats.

(2) Pursuant to s. 91.36(2)(b), Wis. Stats., DATCP should certify the proposed ordinance through December 31, 2018.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Town of Vinland adopting the ordinance, in the form certified, before June 30, 2015.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Town of Vinland farmland preservation ordinance, consisting of the proposed ordinance text dated October 20, 2014, and map dated October 8, 2014 is hereby

certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning district for the Town of Vinland is the A-1 Farmland Preservation Zoning District.

(3) This certification is contingent upon the Town of Vinland adopting the certified ordinance, in the form certified, before June 30, 2015.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2018.

Dated this 10th day of Nov, 2014

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

Town of Vinland

Copies to:

Marilyn Fahrenkrug, Clerk
6085 County Road T
Oshkosh, WI 59904
Vinlandclerk@ntd.net

Raymond Batley, Chairman
1519 Cowling Bay Road
Neenah, WI 54956

FLP for
JAN 2015

Article A: Introduction; Definitions

Sec. 13-1-1 Authority.

These regulations are adopted under the authority granted by Secs. 60.61, 60.62 and 62.23(7) WI. State Statutes.

Sec. 13-1-2 Short Title.

This Chapter shall be known as, referred to or cited as the "Zoning Code, Town of Vinland, Winnebago County, Wisconsin".

Sec. 13-1-3 Purpose.

The purpose of this Chapter is to promote the health, safety, prosperity, aesthetics and general welfare of the Town of Vinland.

Sec. 13-1-4 Intent.

It is the general intent of this Chapter to:

- (a) Regulate and restrict the use of all structures, lands and waters;
- (b) Regulate and restrict lot coverage, population distribution, density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways;
- (c) Secure safety from fire, flooding, panic and other dangers;
- (d) Provide adequate light, air, sanitation and drainage;
- (e) Prevent overcrowding; avoid undue population concentration;
- (f) Facilitate the adequate provision of public facilities and utilities;
- (g) Stabilize and protect property values;
- (h) Further the appropriate use of land and conservation of natural resources;
- (i) Preserve and promote the beauty of the Town of Vinland;
- (j) Implement the Town comprehensive plan or plan components;
- (k) Provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

Sec. 13-1-5 Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of the Chapter shall govern.

Sec. 13-1-6 Interpretation; Standard Industrial Classifications.

- (a) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (b) Uses allowed in Commercial and Industrial Districts may be cross-referenced with the Standard Industrial Classification. The SIC number is shown in ().

Sec. 13-1-7 Effective Date.

This Chapter originally became effective as of 12:01 a.m. on the day after the last to occur of: enactment by the Town Board of the Town of Vinland; approval by the County Board of Winnebago County; referendum approval by the electors of the Town of Vinland, pursuant to Sec. 60.74(7), WI. St. Stats., of the exercise of Town zoning; and publication (Feb. 7, 1980).

Sec. 13-1-8 Definitions.

- (a) **General Terms.** For the purposes of this Chapter, certain words and terms are defined as follows: Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.
- (b) **Definitions.** For the purpose of this Chapter, the following definitions shall be used:
 - (1) **Accessory Building.** A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building, not including a garage as defined herein.
 - (2) **Adult-Oriented Establishment.** Any premises including, without limitation, "adult bookstores", or "adult motion picture theaters". It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult-Oriented Establishment" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment

studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

- (3) **Accessory Use.** A use subordinate in nature, extent or purpose to the principal use of the building or lot.
- (4) **Advertising Sign, Outdoor.** A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (5) **Advertising Structure, Outdoor.** A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (6) **Airport, Public.** Any airport which complies with the definition contained in Sec. 114.013(3) WI. St. Stats. Or any airport which serves or offers to serve common carriers engaged in air transport.
- (7) **Alley.** A way which affords only a secondary means of access to abutting property and which is not more than twenty-four (24) feet wide.
- (8) **Apartment.** A portion of a residential or commercial building used as a separate housing unit.
- (9) **Apartment House.** See "Dwelling, Multiple".
- (10) **Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
- (11) **Automobile Wrecking Yard.** Any property zoned premises on which any inoperable or unlicensed automotive vehicles are stored in the open.
- (12) **Basement or Cellar.** A story partly underground but having at least one-half (1/2) of its height or more than five (5) feet below the level of the adjoining ground. See COMM Chapters 20, 21 and 22, WI. Admin. Code.
- (13) **Boarding House.** A building other than a hotel where meals or lodging and meals are served for compensation for not more than six (6) persons.
- (14) **Boathouse.** Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
- (15) **Building, Alterations Of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders

of a building, an addition to a building or movement of a building from one location to another.

(16) Building, Front Line Of. A line parallel to the street intersection the foremost point of the building, excluding uncovered steps.

(17) Building, Height Of. The vertical distance from the mean elevation of a finished grade along the front of the building to the highest point of a flat roof or to the deck line of a mansard roof or to the mean height between eaves and ridge for gable, hip or gambrel roofs.

(18) Building, Principal. A building in which is conducted the main use of the lot on which said building is located.

(19) Bulkhead Line. A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Sec. 30.11 WI. Stats. Filling and development is only permitted to the landward side of such bulkhead line.

(20) Business. Includes the commercial, limited industrial and general industrial uses and districts as herein defined.

(21) Carport. See "Garage".

(22) Center Line. A line connecting points on highways from which setback lines shall be measured, at any point on the highway.

(23) Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

(24) Clinic. A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or non-boarding basis only.

(25) Club. A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.

(26) Community Living Arrangement. The following facilities licensed or operated or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Sec. 48.60, WI. Stats., group foster homes for children under Sec. 48.02(7m), WI. Stats. And community-based residential facilities under Sec. 50.01, WI. Stats; but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Secs. 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a) and amendments thereto and also the Wisconsin Administrative Code.

- (27) **Conditional Use.** A use of land, water or building which is allowable only after the issuance of a special permit by the Town Board under conditions specified in this Chapter.
- (28) **Conforming Use.** A use of land, water or building which is allowable only after the issuance of a special permit by the Town Board under conditions specified in this Chapter.
- (29) **Court.** An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- (30) **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (31) **Curb Level.** The level of the established curb in the front of the building measured at the center of such front.
- (32) **Day Care Center.** A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec. 48.65, WI. Stats.
- (33) **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings but not including hotels, motels or lodging houses.
- (34) **Dwelling, One Family.** A detached building designed, arranged or used for and occupied exclusively by one (1) family, whether attached, detached or semi-attached. Shall include specially designed buildings covered by earth and manufactured homes.
- (35) **Dwelling, Two Family.** A building designed, arranged or used for, or occupied exclusively by, two (2) families living independently of each other.
- (36) **Dwelling, Multiple.** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.
- (37) **Dwelling Group.** A group of two (2) or more multi-family dwellings occupying a lot in one (1) ownership with any two (2) or more dwellings having any yard or court in common.
- (38) **Emergency Shelters.** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (39) **Family.** One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not

more than two (2) persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.

- (40) **Farm.** Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale, or are rented to others for such purposes or are enrolled in federal or state conservancy or set-aside programs. Does not apply to Farmland Preservation District.
- (41) **Floor Area.** The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- (42) **Foster Family Home.** The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Sec. 48.62, WI. State Stats., and amendments thereto.
- (43) **Frontage.** All of the property abutting on one (1) side of a street measured along the street line.
- (44) **Garage.** An accessory building or portion thereof used exclusively for parking or temporary storage of self-propelled vehicles.
- (45) **Garage, Public.** A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.
- (46) **Garage, Storage.** Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients and where no equipment, parts, fuel, grease or oil is sold.
- (47) **Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.

- (48) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Sec. 48.62 WI. State Stats., for the care and maintenance of five (5) to eight (8) children.
- (49) **Home Occupation.** Any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building thereto and meeting the standards of Section 13-1-72.
- (50) **Hotel.** A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six (6) sleeping rooms, usually occupied singly and no provision made for cooking in the individual apartments.
- (51) **House Trailer.** A non self-propelled vehicle, containing living or sleeping accommodations, which is designed and used for highway travel.
- (52) **Junk Yard.** An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.
- (53) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.
- (54) **Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter.
- (55) **Lot Corner.** A lot located:
- a. At the junction of and abutting two (2) or more intersecting streets; or
 - b. At the junction of and abutting a street and the nearest shoreline or high-water line of a storm or floodwater runoff channel or basin; or
 - c. At the junction of and abutting two (2) or more storm or flood water runoff channels or basins; or
 - d. At and abutting the point of abrupt change of a single street where the interior angle is less than one hundred thirty-five degrees (135) and the radius of the street is less than one hundred (100) feet.
- (56) **Lot Depth.** The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- (57) **Lot Interior.** A lot other than a corner lot.

- (58) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (59) **Lot Width.** The distance between sidelines of the lot at the building line. In the case of a shore-land lot, the lot width is the width of the lot seventy-five (75) feet from the waterline.
- (60) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (61) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (62) **Lot, Zoning.** A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.
- (63) **Marquee or Canopy.** A roof-like structure of permanent nature which projects from the wall of the building.
- (64) **Manufactured Dwelling.** A dwelling structure or component thereof as is defined in the Wisconsin Administrative Code One and Two Family Uniform Dwelling Code Section 20.07(52), which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.
- (65) **Manufactured Home.** A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site, which is certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:
- (a) Is set on an enclosed continuous foundation in accordance with COMM 21, Subchapters III, IV, and V, WI. Adm. Code or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - (b) Is installed in accordance with the manufacturer's instructions;
 - (c) Is properly connected to utilities; and
 - (d) Meets other applicable standards of this Chapter.
- (66) **Mobil Home.** A transportable factory built structure designed for long term occupancy built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of

1974, which became effective June 15, 1976 and which is, or was as originally constructed, designed to be transported by any 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; including and additions, attachments, annexes, foundations and appurtenances. In the purpose of this Section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above.

- (67) **Mobile Home Park.** Any plot or tract of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- (68) **Motel.** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- (69) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.
- (70) **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
- (71) **Nonconforming Building or Structure.** Any building or structure which does not comply with all of the regulations of this Chapter or of any amendment hereto regulating any building or structure for the Zoning District in which such building or structure is located.
- (72) **Nonconforming Use.** Any use of land, buildings or structures which does not comply with all of the regulations of this Chapter or of any amendment hereto governing use for the Zoning District in which such use is located.
- (73) **Nuisance.** An injurious effect on the safety, health, or morals of the public or use of property which works some substantial annoyance, inconvenience or injury to the public and which causes hurt, inconvenience or damage.
- (74) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (75) **Nursery School.** Any building used routinely for the daytime care and education of preschool age children and including all

accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.

- (76) **Nursing Home.** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (77) **Overly Zone.** Zoning requirements that are described in the ordinance text, mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.
- (78) **Parking Area, Semi-Public.** An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation or as an accommodation for clients or customers.
- (79) **Parking Space.** An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto.
- (80) **Pierhead Line.** A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Section 30.13, WI. State Stats. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to Section 30.12(2), WI. State Stats.
- (81) **Place.** An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.
- (82) **Planned Residential Development.** A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.
- (83) **Property Lines.** The lines bounding a platted lot as defined herein.
- (84) **Public Way.** Any sidewalk, street, alley, highway or other public thoroughfare.
- (85) **Professional Home Office.** The office of a doctor, practitioner, clergy, dentist, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession meeting the standards in Section 13-1-72. When established in a commercial district, a beauty parlor shall be limited to three (3) licensed operators working at

any one time and a barbershop to two (2) licensed barbers operating in not to exceed two (2) barber chairs at any one time; and provided further that a beauty parlor or barbershop shall not occupy over five hundred (500) square feet of floor area, including lavatories and waiting room and only one (1) unlighted name plate, not exceeding four (4) square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.

- (86) **Railroad Right-Of-Way.** A strip of land with tracks and auxiliary facilities for track operation but not including freight depots or stations, loading platforms, train sheds, warehouses, caror locomotive shops or car yards.
- (87) **Recreational Vehicle.** Means any of the following, whether it is dependent (requires camp facilities for toilet and lavatory) or self-contained (can operate independent of connections to sewer, water and electrical systems).
- a. **Camping trailer.** A canvas or folding structure mounted on wheels and designed for travel, recreation and vacation use.
 - b. **Motor Home.** A portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 - c. **Pickup Coach.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
 - d. **Travel Trailer.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.
 - e. **Tent.** A portable lodge of canvas or strong clothe, stretched and sustained by poles.
 - f. **Unclassified Uses.** Any similar vehicle, unit, etc., which is less than forty-five (45) feet in length.
- (88) **Retention Basin.** A pond-type facility, which provides for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.
- (89) **Roadside Stand.** A structure not permanently fixed to the ground that is readily removable in its entirety covered or uncovered and not wholly enclosed and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than fifty (50) square feet in ground area and there shall not be more than one (1) roadside stand on any one (1) premises.

- (90) **Sanitary Sewer.** A constructed conduit for the collection and carrying of liquid and solid sewage wastes from two (2) or more premises, other than storm water, to a sewage treatment plant and which is approved by the WI. Department of Natural Resources.
- (91) **School, Private.** An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for mentally disabled persons or a college or other institution of higher learning.
- (92) **School, Commercial.** A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.
- (93) **Setback.** Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback lines" means between the setback line and the highway.
- (94) **Sign.** Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization or any sign indicating address. Each display surface of a sign shall be considered a sign.
- (95) **Sign, Directional.** A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- (96) **Stable.** "Stable" shall have the same meaning as "garage", one (1) draft animal being considered the equivalent of one (1) self-propelled vehicle.
- (97) **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.
- (98) **Story, Half.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- (99) **Street.** A public or private thoroughfare, which affords the principal means of access to abutting property.
- (100) **Street Line.** A dividing line between a lot, tract or parcel of land and a contiguous street.

- (101) **Structural Alteration.** Any change in the bearing walls, columns, beams, girders or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height and/or any movement of a structure from one (1) location or position to another.
- (102) **Structure.** Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks and disposal fields.
- (103) **Temporary Structure.** A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
- (104) **Traffic Lane.** A strip of roadway intended to accommodate a single lane of moving vehicles.
- (105) **Trailer Park.** Any lot on which are parked two (2) or more house trailers or mobile homes for longer than forty-eight (48) hours.
- (106) **Underlying District.** The Zoning District assigned to the land upon which an overlay zone or district is added.
- (107) **Use.** The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained and shall include any manner of standards of this Chapter.
- (108) **Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional".
- (109) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (110) **Use, Conditional.** See definition (26) above.
- (111) **Vending Machine.** A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.
- (112) **Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.

- (113) **Yard, Front.** A yard extending along the full length of the front lot line between the side lot lines.
- (114) **Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines.
- (115) **Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard.
- (116) **Yard, Corner Side.** A side yard, which adjoins a public street.
- (117) **Yard, Interior Side.** A side yard, which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.
- (118) **Yard, Street.** Yard abutting a street.
- (119) **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.
- (120) **Zoning District.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

Sec. 13-1-9 through 13-1-19 Reserved for Future Use.

FLD for
JAN. 2015

Article C: Zoning District

Sec. 13-1-40 Zoning Districts Designated.

- (a) For the purpose of this Chapter, the Town of Vinland, Winnebago County, is hereby divided into the following sixteen (16) districts:
- (1) R-1 Rural Residential District (Non-Subdivided)
 - (2) R-2 Suburban Residential District (Subdivided)
 - (3) R-3 Two-Family Residential District
 - (4) R-4 Multiple Family Residential District (Sewered)
 - (5) R-5 Planned Residential District (Sewered)
 - (6) MH-1 Mobile Home District (Subdivided; Sewered or Unsewered)
 - (7) G-1 Garage Lot District (Floating)
 - (8) B-1 General Commercial District
 - (9) B-2 Highway Business Park District
 - (10) B-3 General Business District *(This section 13-1-50(1) was adopted 4-8-13)*
 - (11) P-1 Institutional and Recreational Park District
 - (12) A-1 Farmland Preservation District *(New Farmland Preservation Ordinance adopted 12-10-12 by Town - effective date pending state approval.)*
 - (13) A-2 General Farming District
 - (14) M-1 Light Industrial and Office District
 - (15) M-2 Heavy Industrial District
 - (16) **Overlay District M-3 Extraction District or Landfill District**

Sec. 13-1-41 District Boundaries

- (a) **Zoning Map.** The boundaries of the districts enumerated in Section 13-1-40 above are hereby established as shown on a map entitled "Zoning Map, Town of Vinland, Wisconsin", as amended periodically, which is adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Town Chairperson and the Town Clerk and shall be available to the public in the office of the Town Clerk.
- (b) **Boundary Lines.** The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey Lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad right-of-ways; or such lines extended unless otherwise noted on the Zoning Map.
- (c) **Vacation.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (d) **Unzoned Lands.** Unzoned lands located in the Town not otherwise zoned or coming into the Town under Town zoning jurisdiction by any means, shall initially be placed in the A-2 General Farming District until rezoned by the Town with approval of the Winnebago County Board.

- (e) **Residential Districts Interpretation.** The residential zoning standards of this Chapter have been divided into those suitable for homesites with public sewer and those for homesites dependent upon onsite sewage disposal systems. Homesites developed on a scattered basis, disassociated from any recorded subdivision or approved planned unit development shall conform to the lot size and associated standards of the appropriate residential district designated "non-subdivided". The reduced lot size and associated standards which accompany residential districts designated as "subdivided" shall be utilized in determining optimum land use in the process of establishing a duly recorded subdivision. "Subdivided" lot sizes and standards shall not be applied to any unplatted lands or assessor's plats and when applied to existing plats, shall not allow a reduction in recorded lot size without a replat of the affected subdivision.
- (f) **Business District Interpretation.** The uses within each business district have been grouped according to the expected intensity of the commercial activity. Also, lot sizes have been adjusted according to service by public sewer or on-site sanitary system.

Sec. 13-1-42 R-1 Rural Residential District (Non-subdivided).

- (a) **Purpose.** The intent of this District is to provide a lot size and associated standards for homesites developed on a scattered basis. The criteria of this District are designed to provide reliable single-family homesites in those areas where "neighborhood" and "community" facilities and services are of secondary significance to the location of the homesite itself.
- (b) **Permitted Uses.** Permitted uses in this District are as follows:
- (1) Incidental agricultural activities when the site is used as a farm homesite or the following uses provided that they shall be of noncommercial nature.
 - a. Nurseries and orchards.
 - b. Raising and keeping of dogs (maximum of three per Town of Vinland Ordinance Title 7 Chapter 1 Sec. 7-1-17 (c)) – not include breeding or boarding.
 - c. Raising of chickens, for personal use whether or not incidental to agricultural activities, requirements are not to exceed eight (8) hens (female chickens). Roosters (male chickens) are prohibited. Containment on property is required.
 - d. Smaller "hobby" type animals such as rabbits, hares, etc – not to include those animals of such size or character as to normally be considered to be big game, e.g., lions, tigers, bears, etc., and not to include furbearing animals, e.g., mink, chinchilla, etc., except for rabbits. (*Amended and adopted June 11, 2013*)

(c) **Conditional Uses.** Conditional uses in this District shall be as follows:

(1) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:

- a. Public; private and parochial elementary and secondary schools and all churches.
- b. Clubs, fraternities, lodges and meeting places of a noncommercial nature.
- c. Home occupations and professional offices.
- d. Model homes and accessory signs.

(2) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:

- a. Utilities – and associated structures – provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
- b. Governmental and cultural uses; except the Town Hall, town offices and Town fire stations shall be considered principal uses they shall require a conditional use.
- c. One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.

(3) (a) The following uses provided that they shall be of noncommercial nature and comply with Subsection (c)(3)b-d below:

- a. Raising and keeping of stable animals and all other domestic livestock.
- (b) There shall be a minimum lot area of five (5) acres to consider the raising and keeping of stable animals and domestic livestock.
- (c) Where the application is for the raising and keeping of stable animals or domestic livestock or for the development of orchards or nurseries, the applicant must reserve sufficient area for the relocation of the residential structure's drain field. Such reserved area must be verified as suitable by a Certified Soil Tester or by detailed soil maps. Furthermore, the reserved area must be safeguarded from heavy traffic and shall be located so as to comply with the setback standards of Ch. COMM 83.43-1, WI. Admin. Code and the Winnebago County Sanitary ordinance – both for existing and future structures.
- (d) The number of animals to be kept shall be established in the conditional use approval.

(d) **Basic District Standards.** The basic lot standards in this District shall be as follows:

(1) **Unsewered Lot Width.** Minimum two hundred (200) feet on a public road.

(2) **Unsewered Lot Area.** Minimum forty-three thousand five hundred (43,500) square feet.

- (3) **Sewered Lot Width.** Minimum eighty-five (85) feet.
- (4) **Sewered Lot Area.** Minimum twelve thousand (12,000) square feet.
- (5) **Building Height.** Maximum thirty-five (35) feet.
- (6) **Yard Setbacks.**
 - a. Street:
 - 1. Minimum fifty (50) feet (sewered)
 - 2. Minimum fifty (50) feet (unsewered)
 - b. Rear: Minimum twenty-five (25) feet (sewered or unsewered).
 - c. Side:
 - 1. Minimum seven (7) feet one side.
 - 2. Minimum ten (10) feet other side.
 - 3. Shore: Minimum seventy-five (75) feet.
- (7) **Minimum Dwelling Width.** Twenty (20) feet, measured from narrowest part of structure and a minimum area of one thousand (1,000) square feet.
- (e) **Accessory Uses.** Permitted accessory uses in this District shall include stables, sheds and similar structures for Group 3 Conditional Uses provided their combined floor area does not exceed one percent (1%) of the total lot area.
- (f) **Accessory Structure Standards.** Accessory structure standards for this District, in addition to those set forth in Article J shall be as follows:
 - (1) **Building Height.** Maximum eighteen (18) feet.
 - (2) **Yard Setback.**
 - a. Street: Minimum one hundred (100) feet or as specified in the conditional use approval.
 - b. All Other: Minimum fifty (50) feet.
 - (3) **Confinement Setbacks.** The permanent confinement of animals; the placement of pens; and location of structures for same shall be a minimum of seventy-five (75) feet from any adjoining residence. (Said adjoining residence shall have the right to expand, remodel or reconstruct without regard for this minimum distance.)

Sec. 13-1-43 R-2 Suburban Residential District (Subdivided).

- (a) **Purpose.** The intent of this District is to provide a lot size and associated standards for homesites in a duly recorded and legally maintained subdivision. The criteria of this District have been designated to provide reliable single-family homesites in those developing areas which do not have public sanitary sewer but which offer a "suburban" arrangement of amenities, services, facilities, etc.
- (b) **Permitted Uses.** Permitted uses in this District are as follows:

- (1) One-family dwellings on lots, which have been developed and recorded according to Chapter 236, WI State Stats and the Town of Vinland Land Division/Subdivision Ordinance, for lots not served by public sanitary sewer. These shall be single-family dwellings, excluding all mobile homes; for purposes of this Chapter, manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be a double wide of at least twenty-five (25) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector. The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material. (See also Section 13-1-25)
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Vinland.
 - (3) Community living arrangement and day care centers which have a capacity for eight (8) or fewer persons.
 - (4) Foster Family care.
 - (5) Home occupations and professional home offices.
- (c) **Conditional uses.** Conditional uses in this District shall be as follows:
- (1) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:
 - a. Public, private and parochial elementary and secondary schools and all churches.
 - b. Clubs, fraternities, lodges and meeting places of a noncommercial nature.
 - c. Home occupations and professional offices.

d. Model homes and accessory signs.

(2) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:

a. Utilities - and associated structures - provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

b. Governmental and cultural uses; except the Town Hall, Town offices and Town fire stations shall be considered principal uses they shall require conditional use approval.

c. One-time deposit, except in a Floodplain/Shoreland District, subject to receiving DNR permits.

(d) Basic District Standards. The basic lot standards in this District shall be as follows:

(1) **Unsewered Lot Width.** Minimum one hundred (100) feet.

(2) **Unsewered Lot Area.** Minimum forty-three thousand (43,000) square feet (unless otherwise determined by soil conditions and/or percolation rates).

(3) **Sewered Lot Width.** Minimum sixty-five (65) feet.

(4) **Sewered Lot Area.** Minimum nine thousand (9,000) square feet.

(5) **Building Height.** Maximum thirty-five (35) feet.

(6) **Yard Setbacks.**

a. Street: Minimum thirty (30) feet.

b. Rear: Minimum twenty-five (25) feet.

c. Side:

1. Minimum seven (7) feet one side.

2. Minimum ten (10) feet other side.

d. Shore: Minimum seventy-five (75) feet.

(7) **Minimum Dwelling Width.** Twenty (20) feet measured from the narrowest part of the structure and a minimum area of one thousand (1,000) square feet.

Sec. 13-1-44 R-3 Two-Family Residential District

(a) Purpose. The intent of this District is to provide a lot size and associated standards for a homesite which will accommodate the use of a "duplex" housing type. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, duplex zoning - when desired - should be applied on a district basis, adjacent to, but not within the character of the single-family neighborhood in which it is to be located.

(b) Permitted Uses. Permitted uses in this District are as follows:

(1) Two-family and single-family dwellings.

(2) Incidental agricultural activities when such a site is utilized as a farm homesite in an A-1 or A-2 district.

(c) Conditional Uses. Conditional uses in this District shall be as follows:

(1) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:

- a. Public, private and parochial elementary and secondary schools and all churches.
- b. Clubs, fraternities, lodges and meeting places of a noncommercial nature.
- c. Home occupations and professional offices.
- d. Model homes and accessory signs.

(2) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:

- a. Utilities – and associated structures – provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
- b. Governmental and cultural uses; except the Town hall, Town offices and Town fire station shall be considered principal uses they shall require conditional use approval.
- c. One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.

(3) Senior citizen homes, nursing homes and homes for the aged.

(4) Day care centers and children's nurseries.

(5) Medical clinics.

(d) Basic District Standards. The basic lot standards in this District shall be as follows:

(1) **Unsewered Lot Width.** Minimum two hundred (200) feet.

(2) **Unsewered Lot Area.** Minimum forty-three thousand (43,000) square feet.

(3) **Unsewered Lot Width.** Minimum eighty-five (85) feet.

(4) **Sewered Lot Area.** Minimum ten thousand (10,000) square feet.

(5) **Building Height.** Maximum thirty-five (35) feet.

(6) **Street Yard Setbacks (Unsewered).**

- a. Minimum thirty (30) feet subdivided.
- b. Minimum fifty (50) feet nonsubdivided.

(7) **Street Yard Setbacks (Sewered)**

- a. Minimum thirty (30) feet subdivided.
- b. Minimum fifty (50) feet nonsubdivided.

(8) **Other Yards.**

- a. Rear: Minimum twenty-five (25) feet.
- b. Side:
 1. Minimum seven (7) feet one side.

2. Minimum ten (10) feet other side.
- c. Shore: Minimum seventy-five (75) feet.

Sec. 13-1-45 R-4 Multiple-family Residential District (Sewered).

(a) Purpose. The intent of this District is to provide residential development of “walk-up” type apartment buildings which provide rental housing to be built within the economies of scale, while retaining a relatively low density pattern. The use of this District should be applied to those locations in the “neighborhood” in which it will be compatible with surrounding uses; where the increased density would not create a service problem; and where the use will accommodate both the existing or anticipated character of the surrounding area and the needs of the future of the multiple-family development itself.

(b) Permitted Uses. Conditional uses in this District shall be as follows:

- (1) Multiple-family dwellings, on lots served by public sanitary sewers.

(c) Conditional Uses. Conditional uses in this District shall be as follows:

- (1) In addition to those stated elsewhere in this Chapter, the follow shall be conditional uses:
 - a. Public, private and parochial elementary and secondary schools and all churches.
 - b. Clubs, fraternities, lodges and meeting places of a noncommercial nature.
- (2) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:
 - a. Utilities - and associated structures - provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
 - b. Governmental and cultural uses: except the Town hall, Town offices and Town fire stations shall be considered principal uses they shall require conditional use approval.
 - c. One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.

- (3) All conditional uses specified under R-2 Two-Family Residential District.

(d) Basic District Standards. The basic lot standards in this District shall be as follows:

- (1) **Lot Width.** Minimum one hundred twenty (120) feet.
- (2) **Lot Area.** Minimum fifteen thousand (15,000) square feet with a one thousand five hundred (1,500) square feet increase in area for each added unit over a four (4) unit structure.
- (3) **Building Height.** Maximum thirty-six (36) feet.
- (4) **Yard Setbacks:**

- a. Street: Minimum forty (40) feet.
- b. Rear: Minimum forty (40) feet.
- c. Shore: Minimum seventy-five (75) feet.
- d. Open Space: Minimum five hundred (500) square feet unit.

Sec. 13-1-46 R-5 Planned Residential District (Sewered).

- (a) Purpose.** The intent of this District is to produce a total residential development area with standards designed to encourage creativity in the arrangement and placement of residential dwellings. To this end, the District allows a diversity of dwelling types, open spaces, and uses conceived and planned as comprehensive and cohesive projects. Furthermore, the application of this District should produce a more rational and economic use of land and public services while encouraging the preservation of open space.
- (b) Permitted Uses.** All permitted structures shall be arranged and development organized following approval under the procedures established under Article D. (Development by individual lots or condominium):
- (1) Attached single-family dwellings.
 - (2) Clustered single-family dwellings.
 - (3) Lot development.
 - (4) Two-family dwellings.
 - (5) Multiple family dwellings, served by a public sanitary sewer system.
- (c) Conditional Uses.** If project is approved under procedures in Subsection (d) below:
- (1) Location, site and operational plans for all structures and improvements which serve the principal use.
 - (2) All principal, conditional and Article D approval uses of the B-1 and B-2 Business Districts and any other business uses which will complement the density and setting of the residential development.
 - (3) Elevator apartments in excess of thirty-five (35) feet in height when distance between the subject building and other structures and/or from property lines is increased at a rate of two (2) feet for each additional five (5) feet of height of the building over the first thirty-five (35) feet of height.
 - (4) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:
 - (a) Public, private and parochial elementary and secondary schools and all churches.
 - (b) Clubs, fraternities, lodges and meeting places of a noncommercial nature.
 - (c) Home occupations and professional offices.

- (d) Model homes and accessory signs.
- (5) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses;
 - (a) Utilities – and associated structures – provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
 - (b) Governmental and cultural uses; except the Town hall, Town offices and Town fire stations shall be considered principal uses they shall require conditional use approval.
 - (c) One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.
- (6) All conditional uses specified for the R-3 Two Family Residential District.
- (7) Patio or zero side yard houses.
- (8) Single and two-family residences with onsite sewage disposal systems; providing the overall density of the development does not exceed two (2) dwelling units/acre.
- (9) Private roads.

(d) Approval Procedures.

- (1) **Application.** In addition to the requirements of Article D, there shall be a preliminary plan provided with each application. The data on this plan shall conform to the standard of Section 5 of the Winnebago County Subdivision Ordinances, Town of Vinland Subdivision/Land Division Ordinances, and shall also show:
 - (a) The overall plan for development; including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open spaces;
 - (b) Total development area (square feet);
 - (c) Total proposed number of living units;
 - (d) Total proposed building area at ground level including garages, carports and other community facilities;
 - (e) Total number of open space area (square feet);
 - (f) Total number of parking spaces.
- (2) **Final Plan.** In the event the Town Board approves the preliminary plan or tentatively approved it with conditions, the applicant shall submit a final plan for final approval within six (6) months. (After six (6) months the applicant must resubmit an original application in order to be eligible for further consideration)
- (3) **Permit.** Issuance of a Conditional Use Permit for a planned residential district shall be based upon the following evaluation of the final plat:

- (a) That the final plan conforms to the conditions for approval of the preliminary plan;
 - (b) That all Basic District Standards are satisfied;
 - (c) That the overall density of the project is in compliance with a comprehensive plan or where no such plan has been duly adopted, is, in the Board's judgment, compatible with the surrounding areas and/or within the capacity of the community's public services;
 - (d) That public sewer and adequate water is present;
 - (e) That landscaping and grading will be done to assure compliance with Sections 13-1-23 and 13-1-26;
 - (f) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snow plows, garbage and fire trucks, the loading and unloading of furniture and other pickups and deliveries without blocking traffic.
 - (g) That there will be a minimum number of conflicts between pedestrian and vehicular traffic;
 - (h) That adequate lighting will be provided;
 - (i) That the final plans include the planting of adequate trees and shrubs where not already present;
 - (j) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood.
 - (k) That adequate surety bonds and/or scheduling dates are provided to guarantee the improvements shown on the plans;
 - (l) That deed restrictions are included, to assure the proper preservation, care and maintenance, by the original and all subsequent owners of the exterior design and layout of the development and of all common structures, facilities, utilities, accesses, open spaces and park lands;
 - (m) That the final plan shall be platted and duly recorded according to the standards and procedures of the Winnebago County Subdivision Ordinance, Town of Vinland Subdivision/Land Division Ordinance and Chapter 236, WI State Statutes.
- (e) **Basic District Standards.** The basic lot standards in this District shall be as follows:
- (1) **Development Area.** Minimum ten (10) acres under single ownership.
 - (2) **Development Width.** Minimum eighty (80) feet.
 - (3) **Open Space Area.** Minimum twenty percent (20%) of the development area.
 - (4) **Lot Area.**

- (a) Minimum eight thousand (8,000) square feet per row house.
- (b) Minimum twenty-one thousand two hundred fifty-one (21,251) square feet per one-family dwelling.
- (c) Other uses according to conditional use permit.
- (5) **Lot Width.** Minimum fifty (50) feet. (All lot areas to be designed by broken line on plot plan when in condominium ownership.)
- (6) **Building Height.** Maximum thirty-five (35) feet.
- (7) **Yard Setbacks.**
 - a. Street: Minimum thirty (30) feet.
 - b. Rear: Minimum twenty-five (25) feet.
 - c. Side: Minimum fifteen (15) between single and two-family dwellings.
 - d. Other:
 - 1. Minimum thirty (30) feet from public street rights of way.
 - 2. Minimum thirty (30) feet from exterior property lines of the development and between multiple family and row house buildings.
 - 3. All other uses according to conditional use permit.
 - e. Shore: Minimum seventy-five (75) feet.

Sec. 13-1-47 MH-1 Mobile Home District (Subdivided; Sewered or Unsewered).

- (a) **Purpose.** The intent of this District is to provide a lot size and associated standards for mobile homes in a duly recorded and legally maintained mobile home park subdivision. The criteria of this District have been designed to provide reliable homesites in those developing areas which do or do not have public sanitary sewer and which offer a "suburban" arrangement of amenities, service, facilities, etc.
- (b) **Permitted Uses.** Permitted uses in this District shall be as follows:
 - (1) Mobile home dwellings on lots which have been developed and recorded according to Chapter 236, WI. State Stats, the Winnebago County Subdivision Ordinance and the Town of Vinland Subdivision Ordinance.
- (c) **Conditional Uses.** Conditional uses in this District shall be as follows:
 - (1) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:
 - a. Public, private and parochial elementary and secondary schools and all churches.
 - b. Clubs, fraternities, lodges and meeting places of noncommercial nature.
 - c. Home occupations and professional offices.
 - d. Model homes and accessory signs.

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- (2) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:
- a. Utilities - and associated structures - provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
 - b. Governmental and cultural uses; except the Town Hall, Town offices and Town fire stations shall be considered principal uses they shall require conditional use approval.
 - c. One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.
- (3) Mobile home parks according to the procedures for "application and permit" provided under R-5 "Planned Residential District" providing:
- a. Each mobile home shall be located on a lot of not less than five thousand (5,000) square feet.
 - b. Each mobile home lot shall contain a parking space upon which the mobile home shall be situated which parking space shall be gravel or paved with concrete or bituminous material.
 - c. There shall be a system of roadways with a minimum of thirty-six (36) feet width, surfaced as required by Subsection (3)b above, providing access from each and every trailer and automobile parking space within such mobile home park subdivision to the public street or highway; provided that there shall not be more than two (2) entrances from or exits to such street or highway from any one such park.
 - d. Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs or trees, which shall not be less than fifteen (15) feet wide, except that there need not be more than a five (5) foot setback from an access driveway; provided, however, that such five (5) foot setback shall apply to the longest trailer to be accommodated within such park.
 - e. Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than fifteen (15) feet wide.
 - f. Each mobile home park shall maintain an office where a register shall be kept for the registration of all occupants, which register, shall be open to Town officials for inspection.

(d) Basic District Standards. The basic lot standards in this District shall be prescribed for the R-2 "Suburban Residential District".

Sec. 13-1-48 G-1 Garage Lot District (Floating).

- (a) **Purpose.** The intent of this District is to allow the establishment of garage lots in conjunction with existing residential lots – particularly along the water – not having sufficient area, width, or depth, to allow construction of a garage. This District will allow the establishment of such a garage lot directly across the road from an existing residential lot.
- (b) **Permitted Use.** One (1) detached garage as an accessory use to an existing residential lot. (According to Section 13-1-76)
- (c) **Basic District Standards.** The basic lot standards in this District shall be as follows:
- (1) **Lot width.** As required to align directly across from an existing residential lot but shall not be less than forty (40) feet.
 - (2) **Lot area.** Minimum as required to meet minimum yard requirements.
 - (3) **Structure height.** Maximum eighteen (18) feet.
 - (4) **Structure Floor Area.** Maximum nine hundred (900) square feet.
 - (5) **Yard Setbacks.**
 - a. Rear: Minimum twenty-five (25) feet.
 - b. Side:
 1. Minimum ten (10) feet one side.
 2. Minimum twenty-five (25) feet total both sides.
 - c. Shore: Minimum fifty (50) feet.
- (d) **Deed Restrictions.** In addition, prior to the issuance of a zoning permit, the garage lot and existing related residential lot shall be deed restricted so as to treat use and transfer of ownership of the two (2) lots as one (1) parcel.
- (e) **Plan Approval.** Approval of building site and operational plans shall be pursuant to Article D.

Sec. 13-1-49 B-1 General Commercial District.

- (a) **Permitted Uses.** The B-1 General Commercial District is intended to provide an area for the business and commercial needs of the Town. The intent of this District is to provide for an individual or a small grouping of retail and customer service establishments which will serve the daily needs of local area residents. The physical location and arrangement of these facilities should be laid out so as to orient themselves to the local residential population to be served while remaining compatible in appearance and character with this area. The following uses of land are permitted:

- (1) General business and commercial uses, which do not generate noise or odors that would create a public or private nuisance. These uses generally include:
 - a. Banks, commercial or professional offices, telephone offices and post offices.
 - b. Clubs, lodges and organizations.
 - c. Places of amusement: Theaters, night clubs, bars, restaurants and related uses.
 - d. Personal service and equipment service establishments.
 - e. Retail stores and shops and small service businesses, such as art shops; professional studios; clothing drug, grocery, fruit, meat, vegetable, confectionery, hardware, sporting goods, stationery, music, variety and notion stores; household appliance, fixture and furnishing stores and repair shops; stores and shops for barbers, beauticians, cabinet makers, electricians, florists, jewelers, watchmakers, locksmith, painters, tailors, taxidermists, plumbers, shoemakers, dressmakers, pressers, photographers.
 - f. Greenhouses.
 - g. Other uses similar to or customarily incident to any of the above uses.

(2) Churches

- (3) The enclosed parking of trucks as an accessory use, when use used in the conducting of permitted businesses, shall be permitted to vehicles of not over one and one-half (1 ½) tons of capacity when located within seventy-five (75) feet of a Residence District boundary line.

(b) Conditional Uses. The following are conditional uses in the B-1 District, subject to approval under Article D.

- (1) Residential apartments may be permitted as a conditional use, provided that the quarters are an integral part of the design of the commercial activities not exceeding sixty percent (60%) of the floor area of the structure.
- (2) Agricultural implement business.
- (3) Animal or veterinary hospital or animal sales shop.
- (4) Automobile display and salesroom, parking lots and structures, and when accessory thereto the retail sale of automobile parts and accessories and the washing, cleaning, greasing and servicing of automobiles, including minor adjustments and repairs, but not major rebuilding or demolition or spray painting.
- (5) Baker, laundry or dry-cleaning establishment employing more than five (5) people.
- (6) Billiard or pool hall or bowling alley.
- (7) Cabinet making or carpenter's shop.

(8) Commercial recreational facilities, e.g.:

- a. Clubs.
- b. Driving Ranges.
- c. Miniature golf.
- d. Skating rinks.
- e. Dance Halls.
- f. Lodges.
- g. Physical culture.

(9) Drive-in restaurant or food servicing facilities.

(10) Funeral Homes.

(11) Plumbing or heating fixture or supply shop, machine shop, tin shop, sheet metal shop, welding shop, pattern shop, sign shop, printing shop, monumental works or similar business or industry employing more than three (3) persons on the premises.

(12) Secondhand store or business dealing in secondhand goods or antiques.

(13) Water-orientated commercial uses when on lakes and streams, e.g.:

- a. Bait shops.
- b. Bath houses.
- c. Bathing and fishing areas.
- d. Boat and marine sales.
- e. Boat launching area.
- f. Boat liveries.
- g. Boat storage.
- h. Repair and service marinas.
- i. Sales, service and repairs.
- j. Dance halls.
- k. Fishing equipment sales.
- l. Hotels.
- m. Resorts.
- n. Restaurants.
- o. Campgrounds.

(c) Area, Height and Yard Requirements.

(1) Maximum Building Heights. Thirty-five (35) feet.

(2) Yard Setbacks.

- a. Street: Minimum thirty (30) feet.
- b. Side: Minimum ten (10) feet each side.

- (3) **Minimum Rear Yard Setbacks.** Twenty-five (25) feet, principal and accessory structures.
- (4) **Minimum Lot Size.**
 - a. One (1) acre minimum (unsewered).
 - b. Forty thousand (40,000) square feet (sewered).
- (5) **Minimum Frontage.**
 - a. One hundred (100) feet unsewered.
 - b. Seventy-five (75) feet sewerred.

Sec. 13-1-50 B-2 Highway Business Park District. (This Sec. 13-1-50 was updated in 2010)

- (a) **Purpose.** The B-2 Highway Business Park District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, non-nuisance type operations and research and development institutions. The essential purpose of this district is to achieve economic development, which is an asset to the owners, neighbors and the Town and to promote and maintain desirable planned economic development. In addition, the B-2 district is intended to provide appropriate locations for orderly and attractive grouping of highway-oriented commercial activities, emphasizing a business park environment.
- (b) **Permitted Uses.** The permitted uses hereunder are subject to the provisions of Article D. The permitted uses are subject to the provisions of (d) and (e) below.
- (c) **Conditional Uses.** All conditional uses in this District are subject to the procedures and provisions of Article D. The conditional uses in this District are subject to the procedures and provisions of Article D. The conditional uses are also subject to the provisions of (d) and (e) below.

PERMITTED USES

- (1) Dwelling units (conversion units, apartments, and rented rooms) provided the minimum requirements of the B-1 District are adhered to and the intent of the Chapter upheld.
- (2) Agricultural uses.
- (3) Gift Shop.
- (4) Greenways, open spaces and parking.
- (5) Parks.
- (6) Medical Clinics.
- (7) Grocery Stores.

- (8) Municipal service buildings and functions.
- (9) Sales and storage.
- (10) Medical (including physicians, dental, chiropractic, physical therapy and optometry).
- (11) Legal.
- (12) Real Estate Offices.
- (13) Counseling.
- (14) Financial (banks, credit unions and brokerage).
- (15) Insurance.
- (16) Travel Agency.
- (17) Business services (consulting, computer and employment).
- (18) Accounting.
- (19) Engineering.
- (20) Post Office.
- (21) Telephone/ telecommunications operations.
- (22) Educational functions (technical school, community college, etc.).
- (23) State or local office building.
- (24) Office showrooms.
- (25) Funeral homes.
- (26) Services uses, including computer and data processing services, miscellaneous business services, offices (business and professional) and communication services.
- (27) Telecommunications facilities.

CONDITIONAL USES

- (1) Motor vehicle, sales and service establishments, gas stations and public garages.
- (2) Drive-in establishments serving food and beverages for consumption on the premises, entertainment and amusement establishments and parking lots.
- (3) Motels, motor hotels, tourist homes and informational centers.
- (4) Recreational establishments including drive-in theaters, golf or baseball driving ranges, archery fields, miniature golf courses or similar uses.
- (5) Automobile sales and service.
- (6) Drive-in establishments serving food and beverages.
- (7) Implement sales and service.
- (8) Mobile home sales.
- (9) Motels.

- (10) Night Clubs.
- (11) Restaurants.
- (12) Utility lines and their appurtenances.
- (13) Automobile and truck wash facilities.
- (14) Building materials.
- (15) Electronic and precision instruments manufacture.
- (16) Food processing.
- (17) Light machinery production.
- (18) Printing and publishing.
- (19) Trade and contractor's offices and storage.
- (20) Transshipment depots.
- (21) Trucking terminals.
- (22) Warehousing.
- (23) Child Care.
- (24) Veterinarian clinic.
- (25) Printing.
- (26) State-classified manufacturing operations.
- (27) Warehousing or distribution operations, not including predominantly retail sales to customers on site.
- (28) Offices of construction firms, shops, display rooms and enclosed storage.
- (29) Laboratories, research, development and testing and manufacturing and fabrication in conjunction with such research and development and operations.
- (30) Public utilities and public services.
- (31) Conference centers and hotel facilities.
- (32) Uses clearly similar or incidental to those listed above.

(d) Lot, Yard and Building Requirements.

- (1) **Minimum Dimensional Requirements.** To be eligible for zoning under this District, the parcel to be zoned shall be platted, shall have a minimum size of ten (10) acres or divided into lots with a minimum size of one (1) acres or more each.
- (2) **Lot Frontage.** Minimum one hundred (100) feet.
- (3) **Lot Area.** Minimum one (1) acre.
- (4) **Front Yard.** Minimum twenty-five (25) feet.
- (5) **Side Yard.** Minimum fifteen (15) feet.
- (6) **Rear Yard.** Minimum thirty (30) feet.
- (7) **Building Height.** Maximum thirty-five (35) feet.
- (8) **Requirements may be modified by conditional use permit.**

(e) **Other Requirements.** Uses permitted and conditional in the B-2 District are subject to the following requirements:

- (1) No building or improvement shall be erected, placed or altered on any lands in the B-2 District until the plans for such building or improvement including site, landscaping and building plan and specifications, have been approved by the Town Board. The Town Board shall review and approve, approve conditionally or disapprove such plans with respect to conformity with deed restrictions and protective covenant placed on the land in the B-2 District.
- (2) Design standard in the B-2 District shall include as a minimum the following standards:
 - a. All uses shall comply with Town performance standards for air pollution, fire and explosive hazards, glare and heat, liquid or solid wastes, noise and vibration, odors, radioactivity and electrical disturbances and refuse.
 - b. All business, servicing or processing, except off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
 - c. The building coverage on any zoning lot shall not exceed sixty percent (60%), nor be less than twenty-five (25%).
 - d. All areas not covered by buildings or parking lots shall be landscaped subject to detail requirements of restrictive covenants.
 - e. All zoning lots abutting residentially zoned districts shall be screened.

Sec. 13-1-50 (1) B-3 General Business District. *(Adopted 4-8-13)*

The primary intent of this District is to provide for the special development needs of those wholesale and retail stores, shops and services and those professional offices which, by their nature, are dependent upon a wide trade area and/or employee base. The secondary intent of this District is to provide for certain commercial activities which are uniquely oriented towards the service of highway traffic. Therefore, whether for use as a wide retail district or for use by highway business, this District should be utilized to produce a safe and orderly placement of facilities and activities along and/or with access to major traffic routes. Additionally, when applied as a wide business district, its size and location should be in relationship to the needs and economy of the entire service area.

Recommended District Size:	12 - 20 Acres (Unsewered)
(per 9,000 - 12,000 families)	6 - 10 Acres (Sewered)

Permitted uses shall include all principal uses permitted in the B-1 District. Also, the following uses and similar wholesale and retail stores, shops and services provided that they do not have outdoor storage yards:

Automotive Part & Supply Store	Physical Culture & Health Studios
Auto, Truck & Heavy Equipment Sales, Service, Mechanical & Body Repair	Printing, Advertising & Publishing Shops
	Private Clubs, Lodges and Indoor Court Facilities
Boat Sales, Rental and Repair	Radio Broadcasting Studios
Building Material & Product Sales	Second Hand Shops
Department Stores, except Discount Dept. Stores & Discount Centers	Trade & Contractors Offices
	Feed & Seed Stores
Exterminating Shops	Vending Machine Sales, Service & Repair
Food Lockers	Wholesale Establishments
Food Packaging & Distribution	
Monument Sales	
Motorcycle & Recreational Vehicle Sales, Repair & Service	

B-3 Basic District Standards.

The basic lot standards in this District shall be as follows:

Lot	Frontage	Minimum	75 feet
(sewered)	Width	Minimum	85 feet
	Area	Minimum	15,000 sq. ft.

Lot	Frontage	Minimum	100 feet
(unsewered)	Width	Minimum	100 feet
	Area	Minimum	30,000 sq. ft.
Building	Height	Maximum	35 feet
Yards	Street	Minimum	50 30 feet
(sewered)	Rear	Minimum	25 feet
	Side	Minimum	7 feet one side (4-2013)
		Minimum	10 feet either side
	Shore	Minimum	75 feet
Yards	Street	Minimum	50 feet
(unsewered)	Rear	Minimum	50 feet
	Side	Minimum	7 feet one side (4-2013)
		Minimum	10 feet either side
	Shore	Minimum	75 feet

B-3 Conditional Uses: (According to Article D) Permitted conditional uses in this District shall be as follows:

All conditional uses specified under the B-1 District.

Approval of Building Site and Operational Plans. (according to Article D)

- (a) Highway Business Uses - (H.B.) - such as:
- (1) Drive-in establishments service food or beverages for consumption outside the structure.
 - (2) Motels, mini-warehouses.
 - (3) Tourist's homes provided such district is located on a State Trunk or U.S. numbered highway.
 - (4) Highway oriented recreation, e.g. driving ranges, miniature fold.
 - (5) Discount Department Stores & Discount Centers.
 - (6) Home building centers, including lumber yards.
 - (7) Outdoor sales, e.g. garden centers, nurseries and greenhouses.
 - (8) Any B-3 Principal Use to be developed in an area mapped as B-3 (H.B.) referred to in the Town of Vinland Comprehensive Land Use Plan.
- (b) Outdoor Display Areas when accessory to a principal use.

B-3 General Business District Accessory Uses.

In addition to those accessory uses specified under Article D, the following accessory standards shall apply in all general business districts:

In addition to those accessory uses specified or under a special district, the following accessory standards shall apply in all general business districts:

- (a) Signs are permitted under Article G.

B-3 Other Requirements.

Uses permitted and conditional in the B-3 District are subject to the following requirements:

(1) No building or improvement shall be erected, placed or altered on any lands in the B-3 District until the plans for such building or improvement including site, landscaping and building plan and specifications have been approved by the Town Board. The Town Board shall review and approve, approve conditionally or disapprove such plans. with respect to conformity with deed restrictions and protective covenants placed on the land in the B-3 District. The deed restriction and protective covenants must be approved by the Town Board. The approved deed restrictions and protective covenants must be recorded on the land prior to rezoning to the B-3 District. 4-2013 A zoning permit is required.

(2) Design standards in the B-3 District shall include as a minimum the following standards:

- (a) All uses shall comply with Town performance standards for air pollution, fire and explosive hazards, glare and heat, liquid or solid wastes, noise and vibration, odors, radioactivity and electrical disturbances and refuse.
- (b) All business, servicing or processing, except for off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
- (c) All areas not covered by buildings or parking lots shall be landscaped subject to detail requirements of restrictive covenants.
- (d) All zoning lots abutting residentially zoned districts shall be screened.

Sec. 13-1-51 P-1 Institutional and Recreational Park District.

(a) **Purpose.** The intent of this District is to provide an area for public and private institutional and recreational uses. The area utilized for such a District should be such that it is compatible with and is an asset to the surrounding land uses.

(b) **Permitted Uses.** Permitted uses in this District shall be as follows:

- (1) Public and private institutional uses such as:

- (a) Cemeteries.
- (b) Colleges and universities.
- (c) Parks and playgrounds.
- (d) Religious and charitable institutions.
- (e) Schools.

(c) Conditional Uses. Conditional uses in this District shall be as follows:

(1) Airports, airstrips and landing fields with a minimum area of twenty (20) acres.

(2) Public and quasi-public cultural recreational facilities, e.g.:

- (a) Golf Courses.
- (b) Campgrounds.
- (c) Driving ranges.
- (d) Archery and firearm ranges (outdoors).
- (e) Sports fields.
- (f) Zoological and botanical gardens.
- (g) Race tracks.
- (h) Exposition and fairgrounds.
- (i) Riding academies and stables.

(3) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:

- (a) Residential apartments may be permitted as a conditional use, provided that the quarters are an integral part of the design of the commercial activities not exceeding sixty percent (60%) of the floor area of the structure.
- (b) Public passenger transportation terminals, such as heliports, bus and rail depots - except airports, airstrips and landing fields - provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
- (c) Vehicle service, washing, repair stations, garages, taxi stands, public parking lots, and self-service and full service gas stations:
 - 1. Group 3 Standards - Gas Pump Yards. All minimum 30 feet.
 - 2. Group 3 Standards - Canopy Yards. Street minimum 18 feet.
- (d) Planned Business District with minimum of four (4) acres in one ownership and with a minimum frontage of two hundred (200) feet subject to the approval procedures provided under the R-5 Planned Residential District.

(d) Accessory Uses. Permitted accessory uses in this District shall be as follows:

(1) In addition to those accessory uses specified under this Subsection, the following accessory standards shall apply in all agricultural districts:

- (a) Security fences are permitted on the property line but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or chain link fencing.
- (b) Signs are permitted according to Article G.
- (c) One (1) roadside stand on any one (1) farm shall be permitted, providing it will be used only for the sale of the farm products raised on the farm.
- (d) Outbuildings.
- (2) Clubs, taverns, nightclubs, restaurants and convenience goods and services, etc. when supportive of the principal use.
- (3) All equipment and improvements used in conjunction with the principal use.
- (e) **Basic District Standards.** The basic lot standards in this District shall be as follows:
 - (1) **Lot Width.** Minimum two hundred (200) feet.
 - (2) **Lot Area.** Minimum forth-three thousand (43,000) square feet.
 - (3) **Building Height.** Maximum fifty (50) feet.
 - (4) **Yard Setbacks.**
 - (a) Street: Minimum seventy-five (75) feet.
 - (b) Rear: Minimum fifty (50) feet.
 - (c) Side: Minimum fifteen (15) feet each.
 - (d) Shore: Minimum seventy-five (75) feet.

Sec. 13-1-52 Farmland Preservation - A-1 (Zoning District 11) (Adopted 12-10-12 pending DATCP approval)

- (A) The purpose of Farmland Preservation District(s) are to:
- (1.) Preserve agricultural land for food and fiber production;
 - (2.) Protect productive farms;
 - (3.) Maintain a viable agricultural base to support agricultural processing and service industries;
 - (4.) Prevent conflicts between incompatible uses;
 - (5.) Reduce costs of providing services to scattered non-farm uses;
 - (6.) Implement the provisions of the county agricultural plan when adopted and periodically revised; and
 - (7.) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Sec. 71.613, Wis. Stats.

(B) Definitions. In this farmland preservation ordinance:

(1.) "Accessory use" means any of the following land uses on a farm:

91.01
(1) (d)

- a. A building, structure, or improvement that is an integral part of, or is incidental to, an *agricultural use*. This may include, for example:
 - 1. A facility used to store or process raw agricultural commodities, all of which are produced on the *farm*.
 - 2. A facility used to keep *livestock* on the *farm*.
 - 3. A facility used to store or process inputs primarily for *agricultural use* on the *farm*.
 - 4. A facility used to keep or service vehicles or equipment primarily employed in *agricultural uses* on the farm.
 - 5. A wind turbine or solar energy facility that collects wind or solar energy on the *farm*, and uses or transforms it to provide energy primarily for use on the *farm*.
 - 6. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the *farm*.
 - 7. A waste storage or processing facility used to store or process animal waste produced solely from *livestock* kept on the *farm*.
- b. An activity or business operation that is an integral part of or incidental to, an *agricultural use*.
- c. A *farm residence*, including normal residential appurtenances.
- d. A business, activity, or enterprise, whether or not associated with an *agricultural use*, which meets all of the following requirements:
 - 1. It is conducted on a farm by an owner or operator of that farm.
 - 2. It requires no buildings, structures, or improvements other than those described in paragraph (a) or (c).
 - 3. It does not impair or limit the current or future *agricultural use* of the *farm* or other *protected farmland*.
 - 4. Employs no more than four (4) full time employees annually.

(1) (4) is written into law. The Bd. has not changed

(2.) "Agricultural use" means any of the following activities conducted for the purpose of producing an income or livelihood:

- a. Crop or forage production.
- b. Keeping *livestock*.
- c. Beekeeping
- d. Nursery, sod, or Christmas tree production.
- e. Floriculture.
- f. Aquaculture.
- g. Fur farming
- h. Forest Management.
- i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

- (3.) "Agriculture-related use" means a facility whether or not located on a *farm*, that has at least one of the following as a primary and not merely incidental purpose:
- Providing agricultural supplies, agricultural equipment, agriculture inputs or agricultural services directly to *farms*, including *farm* the farmland preservation zoning district.
 - Storing, processing or handling raw agricultural commodities obtained directly from *farms*, including *farms* in the farmland preservation zoning district.
 - Slaughtering *livestock*, including *livestock from farms* in the farmland preservation zoning district.
 - Marketing *livestock* to or from *farms*, including *farms* in the farmland preservation zoning district.
 - Processing agricultural by-products or wastes received directly from *farms*, including *farms* in the farmland preservation zoning district.
- (4.) "Base farm tract" means all land, whether one parcel or 2 or more contiguous parcels, which is in a farmland preservation zoning district and is part of a single *farm* on March 1, 2011, regardless of any subsequent changes in the size of the *farm*.
- (5.) "Common ownership" means ownership by the same *person* or *persons*, or by *persons* that are all wholly owned by the same *person* or *persons*. "Common ownership" includes joint tenancy and tenancy in common. Solely for the purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
- (6.) "Contiguous" means adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.
- (7.) "Farm" means all land under *common ownership* that is primarily devoted to *agriculture use*.
- ~~a. A majority of the land area is in *agricultural use*. 10-8-14~~
- (8.) "Farm acreage" means the combined total acreage of all of the following in the "base farm tract:"
- Farms*.
 - Open space parcels* of more than 5 acres.
- (9.) "Farm residence" means any of the following structures located on a *farm*:
- A single-family (or duplex) residence that is the only residential structure on the *farm*.
 - A single-family (or duplex) residence that is occupied by any of the following:
 - An owner or operator of the *farm*.
 - A parent or child of an owner or operator of the *farm*.
 - An individual who earns more than 50 percent of his or her gross income from the farm.

- c. A migrant labor camp that is certified under s. 103.92 stats.
- (10.) "Gross farm revenue" means gross receipts from *agricultural uses*, less the cost or other basis of *livestock* or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter, but does not include rent paid to the land owner.
- (11.) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, came lids, ratites, and farm-raised fish.
- (12.) "Non-farm residence" means any residence other than a farm residence.
- (13.) "Non-farm residential acreage" means the combined total acreage of all parcels on which *non-farm residences* are located, all parcels on which the Town Board has approved *non-farm residence*, all parcels 5 acres or less that do not qualify as *farms*, and the parcel to which the conditional use permit application pertains. If a residence is located or proposed to be located on an *undivided farm*, but does not qualify as a *farm residence*, the size of the residential parcel is deemed to be five (5) acres.
- (14.) "Open space parcel" means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
- (15.) "Person" means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (16.) "Prime farmland" means all of the following:
- a. An area with a Class I or Class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - b. Land, other than described in paragraph (a), which is identified as prime farmland in Winnebago County's certified farmland preservation plan.
- (17.) "Prior nonconforming use" means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.
- (18.) "Protected farmland" means land that is any of the following:
- a. Located in a farmland preservation zoning district certified under Ch. 91, Wis. Stats.
 - b. Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
 - c. Covered by an agricultural conservation easement under Sec. 93.73 Wis. Stats.
 - d. Otherwise legally protected from nonagricultural development.

(C) **Authority:** The Town of Vinland has adopted and administers this farmland preservation zoning ordinance in accordance with Wis. Stat. 59.69, 60.61, 60.62, 62.23.

(D) **Land Use In Farmland Preservation Zoning District: General.** Only the following land uses are allowed in a farmland preservation zoning district:

- (1) Uses allowed under Permitted Uses.
- (2) Uses allowed under Conditional Uses Permit.
- (3) Prior nonconforming uses, subject to Section 60.61 Wis. Stats.

(E) **Permitted Use**

- (1) Agricultural uses.
- (2) Accessory uses including:
 - (a) A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm. *This language prevents wind energy systems from being built on farm land for commercial purposes*
- (3) Non-farm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under s. 91.46. **Wis. Stats. 10-8-14**
- (4) Undeveloped natural resource and open space areas.
- (5) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- ~~(6) Other uses identified by the department by rule. 10-8-14~~
- (7) Security fences are permitted on the property line but shall not exceed ten feet in height and shall be of an open type similar to woven wire or chain link fencing.
- (8) Signs are permitted according to Article G.
- (9) One (1) roadside stand on any one (1) farm shall be permitted, providing it will be only used for the sale of the farm products raised on said farm.
- ~~(10) Farm dwellings (one or two family dwellings) for those resident owners who earn a substantial part of their livelihood from farm operation on the parcel 10-8-14~~

(F) **Conditional Uses.** The Vinland Town Board may issue a conditional use permit for the uses below provided it is allowed as a conditional use under s. 91.46

- (1) Transportation, communications, pipeline, electric transmission, utility or drainage uses that qualify under sub. (4) of Wis. Stats. 91.46.
- (2) Government, institutional, religious, or nonprofit community uses, ~~other than uses covered by par. (f), 10-8-14~~ that qualify under sub. (5) of Wis. Stats. 91.46.
- (3) Nonmetallic mineral extraction that qualifies under Wis. Stats. 91.46 sub. (6).
- (4) Oil and gas exploration or production that is licensed by the Department of Natural Resources under sub. Ch. II of Ch. 295.
- (5) Agriculture related uses if conditions a-f below are met.

- a) The use supports *agricultural uses* in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
 - b) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - c) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - d) The use is reasonably designed to minimize conversion of land, at and around the use site, from *agricultural use* or open space use.
 - e) The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.
 - f) Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.
- (6) Non-farm residence. The Town board may issue a conditional use permit for a single proposed *non-farm residence* if all the following standards will be met when the approved *non-farm residence* comes into existence:
- a. If the *non-farm residence* will be located in a *base farm tract*:
 - 1. The ratio of *non-farm* residential acreage to *farm acreage* in the *base farm tract* will not exceed 1:20.
 - 2. There will be no more than 4 dwelling units in *non-farm residences*, nor, for a new non-farm residence, more than 5 dwelling units in residences of any kind, on the *base farm tract* after the residence is constructed or converted into a nonfarm residence.
 - b. Regardless of whether the non-farm residence is located is a base farm tract neither the *non-farm residence*, nor the parcel on which the *non-farm residence* is located, will do any of the following:
 - 1. Convert *prime farmland* from agricultural use or convert land previously used as crop land, other than a wood lot, from agricultural use if on the farm there is a reasonable alternative location or size for a non- farm residential parcel or non- farm residence.
 - 2. Significantly impair or limit the current or future *agricultural use* of any other *protected farmland*.
- (7) Non-Farm Residential Clusters. The Town Board may issue a single conditional use permit authorizing 2 or more proposed *non-farm residences* if all of the following apply:
- (a) The conditional use permit includes all of the following information:
10-8-14

1. The total number of *non-farm residences* authorized by the permit. *10-8-14*
2. A legal or survey description of each parcel on which a *nonfarm residence* is authorized. *10-8-14*
3. The number of *non-farm residences* authorized on each parcel under *subd. 2* if more than one. *10-8-14*
4. The number of dwelling units authorized in each authorized *non-farm residence*, if more than one.

(b) Each of the parcels described under paragraph (a) 2 shares a boundary with at least one other parcel described under paragraph (a) (2). *10-8-14*

(c) Each of the proposed *non-farm residences* will meet all of the standards under 13-1-52(F)(6) when all of the proposed *non-farm residences* have come into existence.

(d) The conditional use permit prohibits all of the following:

1. Any further division of any parcel described in paragraph (a) (2). *10-8-14*
2. Any *non-farm residence* or dwelling unit on a parcel identified in paragraph (a) (2), other than a *non-farm residence* or dwelling unit identified in the permit. *10-8-14*

~~(8) Other uses allowed by the department by rule. *10-8-14*~~

(G) **Basic District Standards.** The basic new farm residence lot standard shall be a minimum 75 feet set back from road right-of-way away, minimum 300 feet of road frontage, lot setbacks minimum 75 from street minimum 50 feet from rear, and minimum 15 feet from side, 75 feet from navigable high water line.

(H) **Site Plan Requirement.** If a new non-farm or farm residence is to be constructed on a parcel in the "Farmland Preservation District", the applicant shall first submit for Town Board approval a site plan showing, at a minimum, residence location, and farm drainage title locations, along with a proposed drainage plan. Applicable Ch. 91.46 Wis. Stats., criteria shall be complied with.

(I) **Rezoning Land out of a Farmland Preservation Zoning District.**

- (1) The Town Board may only grant rezoning land out of a farmland preservation district if the Town Board finds that paragraphs 1 - 4 are true after a public hearing.
 - a. The land is better suited for a use not allowed in the farmland preservation zoning district.
 - b. The rezoning is consistent with any comprehensive plan, adopted by the Town Board, which is in effect at the time of rezoning.

- c. The rezoning is substantially consistent with the Winnebago County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of other *protected farmland*.
- (2) Subsection (1)a above does not apply to any of the following:
- a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91 Wis. Stats.
 - b. A rezoning that makes the farmland preservation ordinance map more consistent with the Winnebago County farmland preservation plan map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (3) By March 1 of each year, the township shall submit to the Wisconsin Department of Agriculture, Trade and Consumer Protection and to the County of Winnebago a report of the number of acres rezoned out of the farmland preservation zoning district and a map that shows the location of those acres.

Sec. 13-1-53 A-2 General Farming District. Purpose. The intent of this District is to allow the development of small scale farming activities characterized by the mixed use of the traditional family farm along with residential growth, although agriculture is to be recognized as the dominant activity in the district.

(a) Permitted Uses. Permitted uses in this District are as follows:

- (1) All uses permitted in the A-1 District.
- (2) One-family dwellings, whether or not accessory to farm operations. These dwellings shall adhere to the standards of the applicable residential districts. Furthermore, while the zoning districts shall remain A-2 General Farming, those residences not accessory to the principal farm operation shall be restricted to the principal, accessory and conditional uses of the affected residential uses. Single family dwellings shall contain a minimum width of twenty (20) feet, measured from the narrowest part of the structure and a minimum area of one thousand (1,000) square feet.

(b) Conditional Uses. Conditional uses in this District shall be as follows when developed according to Basic District Standards – Farm:

- (1) In addition to those accessory uses specified under this Subsection, the following accessory standards shall apply in all agricultural districts:

- a. Security fences are permitted on the property line but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or chain link fencing.
 - b. Signs are permitted according to Article G.
 - c. One (1) roadside stand on any one (1) farm shall be permitted, providing it will be used only for the sale of the farm products raised on said farm
 - d. Outbuildings
- (2) All conditional uses specified under the applicable residential use: R-1 for single family; R-3 duplex when not according to Basic District Standards - Farm.

(c) Basic District Standards. The basic lot standards for residential uses in this District shall be those of the applicable residential district, whether R-1 to R-3; except that all new homes built during and after 1999 shall have a minimum setback of seventy-five (75) feet from the road right-of-way. (Note: This provision prohibits construction of new residential development within the A-2 General Farming District on lots without at least a minimum of three hundred (300) feet of frontage and specifies that no residential development be allowed in the A-2 General Farming District without a variance from the minimum three hundred (300) foot frontage requirement. The Town Board also reserves the right to adjust the building site location when based on natural features, such as wetlands, woodlots and percolation location. Amended 9-4-07. Resolution 9-4-07-1)

- (1) **Farm/Residence Frontage.** Minimum three hundred (300) feet.
- (2) **Farm Area.** Minimum five (5) acres including land area to the middle of the public right-of-way. (Note: Any new parcel less than five (5) acres would require a zoning change.)
- (3) **Structure Height.** Maximum - none.
- (4) **Yard Setbacks:** (Amended 9-4-07. Resolution 9-4-07-1)
 - a. Street: Minimum seventy-five (75) feet.
 - b. Rear: Minimum fifty (50) feet.
 - c. Side: Minimum fifteen (15) feet each.
 - d. Shore: Minimum seventy-five (75) feet.

Sec. 13-1-54 M-1 Light Industrial and Office District.

- (a) Purpose.** The intent of this District is to provide for the development of "clean" industrial employment centers within the immediate vicinity of residential neighborhoods.
- (b) Permitted Uses.** Permitted uses shall include, but without limitation by such enumeration the following:
- (1) All uses permitted in B-1 and B-2 Districts.

- (2) Warehousing.
 - (3) Light industrial plants such as required for production of millwork, machine tools, paper containers, light metal fabrication and similar small industries.
 - (4) Manufacture, fabrication, packing, packaging, processing and assembly of confections, cosmetics, electrical appliances, electronic devices, foods (except garbage, fish and fish products, meat and meat products and pea vineries and instruments.
 - (5) Manufacturing and bottling of non-alcoholic beverages.
 - (6) Painting, printing, publishing establishments.
 - (7) Commercial bakeries and trade and contractor's offices.
- (c) **Conditional Uses.** Conditional uses shall be as follows:
- (1) In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:
 - a. Public passenger transportation terminals, except airports, airstrips and landing fields, provided all principal structures and uses are not less than one hundred (100) feet from any Residential District or use.
 - b. Animal hospitals provided all principal structures and uses are not less than one hundred (100) feet from any Residential District.
 - (2) Outside Storage yards.
- (d) **Basic District Standards.** The basic lot standards in this District shall be as follows:
- (1) **Building Height.** Maximum forty-five (45) feet.
 - (2) **Accessory Building Height.** Maximum thirty (30) feet.
 - (3) **Lot Area.** Minimum as necessary to comply with all District regulations.
 - (4) **Yard Setbacks.**
 - a. Street: Minimum fifty (50) feet on all streets, the opposite side of which lies in a more restrictive district in this or a neighboring municipality; and thirty (30) feet minimum on streets, both sides which lie within this or a less restrictive district (wherein there shall be no structure of any kind or parking of automobiles).
 - b. Side and Rear: Minimum twenty-five (25) feet except where property is adjacent to residential districts it shall not be less than fifty (50) feet.
 - c. Shore: Minimum seventy-five (75) feet.
- (e) **Approval of Building Site and Operational Plans (According to Article D Procedures).** Such approval is required for all structures and substantial improvements for principal uses subject to the following:
- (1) No merchandise shall be handled for sale or service rendered on the premises except such as are incidental or accessory to the principal permissible use of the premises, except for sales or service to industrial customers.
 - (2) All operations and activities of all uses within this District shall be conducted wholly inside a building or buildings.

- (3) No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any Residential District.
- (4) No toxic matter, noxious matter, smoke or gas and no odorous or particulate matter detectable beyond the lot lines.
- (5) The storage or use of chemicals either solid, liquid or gas, shall be subject to the following conditions:
 - a. The storage, utilization or manufacturing of material or products ranging from incombustible to moderate burning is permitted.
 - b. The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted providing the following conditions are met: Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
 - c. The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

Accessory Use. In addition to those accessory uses and standards specified under individual districts, the following accessory standards shall apply in Industrial Districts:

- (6) Security fences are permitted as prescribed in Section 13-1-141.
- (7) Outdoor lighting installations are permitted in all yard areas but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (8) Signs are permitted according to Article G.
- (9) Parking is required according to Article F.
- (10) Storage facilities, power supply buildings and other uses normally supportive of the principal use.

Sec. 13-1-55 M-2 Heavy Industrial District.

- (a) **Purpose.** The intent of this District is to provide for industrial uses often considered offensive or unique by nature. Therefore, the location of this District often requires isolation from most of the community's population or placement within an industrial park.
- (b) **Permitted Uses.** The following uses and similar uses are permitted, subject to prior approval by the Town board.
 1. All permitted uses in the B-2 Highway Business Park District.
 2. All permitted uses in the M-1 Light Industrial and Office District.

3. Freight yards, freight terminals and transshipment depots.
4. Inside storage warehouses.
5. Breweries.
6. Crematories.
7. All other manufacturing, assembling or processing not otherwise requiring a conditional use permit.
8. Vehicle body shops, vehicle wholesale and auction centers but not including the storage of junked or wrecked vehicles.

(c) Conditional Uses.

1. In addition to those stated elsewhere in this Chapter, the following shall be conditional uses:
 - a. Public passenger transportation terminals, except airports, airstrips and landing fields, provided all principal structures and uses are not less than one hundred (100) feet from any Residential District boundary.
 - b. Animal hospitals provided all principal structures and uses are not less than one (100) hundred feet from any Residential District.
2. Airports, airstrips and landing fields, provided the site area is not less than twenty (20) acres provided they meet F.A.A. requirements.
3. The following and similar uses, provided such uses shall be at least six hundred (600) feet from any residential or public district:
 - a. Manufacturing and processing of such items as:
 1. Abrasives.
 2. Acetylene.
 3. Acid
 4. Alkalies.
 5. Ammonia.
 6. Asbestos.
 7. Asphalt.
 8. Batteries.
 9. Bedding.
 10. Bleach.
 11. Bond.
 12. Cabbage.
 13. Candles.
 14. Carpeting.
 15. Celluloid.
 16. Cement.
 17. Cereals.

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18. Charcoal.
 19. Chemicals.
 20. Chlorine.
 21. Coat tar.
 22. Coffee.
 23. Coke.
 24. Condenseries.
 25. Cordage
 26. Creameries.
 27. Creosote.
 28. Dextrine
 29. Disinfectant.
 30. Dye.
 31. Excelsior.
 32. Felt.
 33. Fish.
 34. Fuel.
 35. Furs.
 36. Gelatin.
 37. Glucose.
 38. Gypsum.
 39. Hair products.
 40. Ice.
 41. Ink.
 42. Insecticide.
 43. Lampblack.
 44. Line
 45. Line products.
 46. Linoleum.
 47. Matches.
 48. Meat.
 49. Oilcloth.
 50. Paint.
 51. Paper.
 52. Peas.
 53. Perfume.
 54. Pickles.
 55. Plaster.
 56. Plaster of Paris.

57. Plastics.
 58. Poison.
 59. Polish.
 60. Potash.
 61. Pulp.
 62. Pyroxylin.
 63. Radium.
 64. Rope.
 65. Rubber.
 66. Sausage.
 67. Shoddy.
 68. Shoe and lampblacking.
 69. Size.
 70. Starch.
 71. Stove polish.
 72. Textiles.
 73. Varnish.
- b. Manufacturing, processing and storage of building materials, explosives, dry ice, fat fertilizer, flammables, gasoline, glue, grains, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast. *
 - The storage of flammables and gasoline in excess of ten thousand (10,000) gallons, shall require diking and underlying in accordance with applicable State requirements.
 - c. Manufacture and bottling of alcoholic beverages; bag cleaning, bleacheries, canneries; cold storage warehouses; electric and steam generating plants; electroplating; enameling; forages, foundries; garbage; incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards, tanneries; and weaving.
 - d. Outside storage and manufacturing areas.
 - e. Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from residential, public and semi-public districts.
 - f. Commercial service facilities, such as restaurants and fueling stations, provided all such services are physically and salewise oriented toward industrial district users and employees and other users are only incidental customers.
4. All conditional uses under B-2 Highway Business Park District.

(d) Basic District Standards.

- (1) **Building Height.** Maximum - none.
- (2) **Yard Setbacks:**
 1. Street: Minimum thirty (30) feet.
 2. Rear: minimum twenty-five (25) feet.
 3. Side:
 - a. Minimum seven (7) feet one side.
 - b. Minimum ten (10) feet other side.
 4. Shore: Minimum seventy-five (75) feet.

(e) Approval of Building Site and Operational Plans (According to Article D Procedures).

- (1) All structures and substantial improvements for principal uses.
- (2) All such uses listed under the B-2 Highway Business Park District.
- (3) All such uses listed under the M-1 Light Industrial District.

(f) Accessory Uses. In addition to those accessory uses and standards specified under individual districts, the following accessory standards shall apply in Industrial Districts:

- (1) Security fences are permitted as prescribed in Section 13-1-141.
- (2) Outdoor lighting installations are permitted in all yards, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (3) Signs are permitted according to Article G.
- (4) Parking is required according to Article F.
- (5) Storage facilities, power supply buildings and other uses normally supportive of the principal use.

~~Sec. 13-1-56 M-3 Extraction or Landfill Overlay District.~~

Sec. 13-1-56 Overlay District M-3 Extraction District or Landfill District.

(an underlying Zoning District is required in conjunction with Sec.13-1-56) (Adopted June 9, 2014; Effective June 24, 2014)

(a) Purpose. The intent of this District is to provide a means of properly regulating and reclaiming sites which are located primarily by their geological characteristics rather than to a planning and zoning process. All uses in the M-3 Extraction or Landfill Overlay District are excluded from the Town of Vinland A-1 Farmland Preservation District.

(b) Permitted Uses. Mineral extraction operations and landfill sites that are presently in existence.

(c) **Conditional Uses.** Conditional uses in the District shall include all conditional uses listed in the underlying district. In addition, the following are permitted conditional uses:

- (1) Extension of legally existing mineral extraction operation or the creation of a new such extraction operation.
- (2) New mineral extraction operations and the following: Landfills; solid waste management facilities; recycling centers; bio-remediation sites; and soil extraction or scraping for purposes of obtaining fill material for such large scale operations as landfill sealing, roadbed construction, etc.; or similar uses. These uses shall be a conditional use in all zoning district except in the R-1, R-2, R-3, R-4, R-5 and MH-1 Districts. Conditional use procedures, as described in Article D, shall be adhered to as well as to the requirements of this Section.

(d) **Basic District Standards.**

- (1) **Basic Standards.** The basic standards in this District shall be controlled by those of the underlying district unless more restrictive standards are established in the conditional use approval. Also, excavations or fill areas within two hundred (200) feet from any right-of-way or property line shall not be permitted unless the Town Board determines that the operational plans adequately provide for:
 - a. Safety of abutting land uses and for safe ingress to, egress from and traffic flow past the site.
 - b. Aesthetic screening from abutting properties.
 - c. Dust control from the operation and/or any stockpiling.
 - d. Staging of the operation to produce a minimal time frame between commencing of operations and restoration within this two hundred (200) foot area.
- (2) **Permit Validity; Operational Requirements.** The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period not to exceed two (2) years; a shorter period may be established by Town Board action. Modification or additional conditions may be imposed upon application for renewal. Operational requirements shall include the following where applicable:
 - a. Fencing or other suitable barriers shall be erected as necessary to protect the public.
 - b. Machinery, roads and equipment used in the extractive operation shall be constructed, maintained and operated in such a manner as to minimize dust.
 - c. Crushing, washing, refining or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit.

- d. Planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Town and other applicable agencies.
 - e. Hours of operation may be established.
- (3) **Plan of Reclamation.** A reclamation plan meeting the standards of NR 135, Wis. Adm. Code, shall be submitted and approved by Winnebago and other applicable agencies.
- (e) **Existing Operations.** Existing operations shall be subject to the following further requirements:
- (1) **Permit.** Within sixty (60) days after the original adoption of this Section all existing extractive operations shall be required to register with the Zoning Administrator, submitting pertinent data relative to the present operation, including the boundaries of the actual operation and of the ownership. A permit shall be granted to such existing operation, subject to compliance with the operational requirements, listed above where they can be reasonably applied under existing circumstances.
 - (2) **Plan for Restoration.** There shall be required within one (1) year after original adoption of this Section, the submission of a plan for restoration of the size of existing extractive operation as provided above. The plan for restoration in such case shall not, however, impose requirements which are economically or engineering unreasonable with respect to conditions resulting from operations prior to enactment of this Section.
- (f) **Renewal Permit.** Within two (2) years after the original date of this section, any such existing operation unless permitted as a use by right shall be required to make application for a renewal permit the same as for reapplication in the case of a new operation under this section.
- (g) **Plan of Operation.** All mineral extraction operations including those operations and activities which lawfully existed prior to the original adoption of this Section shall prepare a plan of operation for the site which shall include the following information:
- (1) Statement of ownership of the parcel and control of the operations.
 - (2) A site plan, drawn to scale, showing the lateral extent of existing and proposed excavations; the location and width of all easements and right-of-way on or abutting the site; existing water bodies, water courses and drainage ways and proposed modifications; estimate direction of flow or groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all existing and proposed storage and stockpiling areas.

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- (3) Cross sections of the site, drawn to scale, showing the vertical extent of existing and proposed excavations.

State Law Reference: NR 135, Wis. Adm. Code

Sec. 13-1-57 through Sec. 13-1-59 Reserved for future use.