

**TOWN OF LINCOLN
KEWAUNEE COUNTY,
WISCONSIN**

CHAPTER 10 ZONING ORDINANCE

**CODE OF ORDINANCES
OF
THE TOWN OF LINCOLN**

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Town of Lincoln Zoning Ordinance

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Official Zoning Map is on file with the Town of Lincoln Zoning Administrator

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SECTION 1.0 - INTRODUCTION

1.1 Title

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

1.2 Authority

The Town of Lincoln pursuant to the authority conferred by applicable provisions of Chapter 60, Chapter 61, Chapter 62 and Chapter 91, Sections 60.61, 60.62, 61.35, 62.23(7), 91.75 and other relevant provisions of the Wisconsin Statutes and amendments thereto, do ordain as follows:

1.3 Purpose

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community.

1.4 Intent

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and water; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as: to lessen congestion in the streets- to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare, to provide adequate light, air, including access to sunlight for solar collectors and to wind for wind energy systems, and open space; to maintain the aesthetic appearances and scenic values of the town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial and recreational uses for the mutual benefit of all.

1.5 Abrogation and Greater Restrictions

It is not intended by this Ordinance 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 laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.6 Severability

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

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

1.7 Effective Date

This Ordinance shall be effective after a public hearing, adoption by the Town Board and posting as provided by law. Changes or amendments to the text of this Ordinance or the "Official Zoning Map" shall be effective after the provisions of Section 15.0 have been complied with and the change or amendment has been posted by law.

1.8 Commentary.

Throughout this Ordinance, insertions prefaced "Commentary:" are included. They are intended to give information or to explain certain provisions in this Ordinance. They are not by themselves regulatory provisions and shall not be used thusly.

SECTION 2.0 - DEFINITIONS

2.1 General

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

The word "shall" is mandatory and not discretionary.

The word "may" is permissive.

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

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

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

2.2 Words Defined

Certain words and terms in this Ordinance are to be interpreted as defined herein (NOTE: other sections of this Ordinance may contain additional definitions specific to those sections):

ACCESSORY USE OR BUILDING - a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the main use of the principal structure.

AGRICULTURE - is the use of land for agricultural purposes, including soil tillage for the production of crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for parking, treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the primary agricultural activities occurring thereon.

AGRICULTURAL OPERATION - Agricultural Operation - Including, but not limited to, general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, but not including commercial seed, fertilizer, grain mills, food processing, or canning operations.

AIRPORT - any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings, or

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

ALLEY - a public or private right-of-way primarily designed to serve as secondary access to abutting properties.

ARTIFICIAL LAKES OR PONDS – An artificial lake or pond is any body of water, conforming to the definition of a lake or pond; that is made, fabricated, or constructed, with human skill or labor, by dredging or otherwise shall not be considered creation of an artificial lake or pond under this definition. However, the creation of an open body of water by dredging or excavation of a wetland or any other area shall be subject to the rules and regulations pertaining to artificial lakes and ponds.

AUTOMOBILE WRECKING YARD - Any premises on which more than three automotive vehicles, not in running or operating condition, are stored in the open.

BASEMENT - that portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

BED AND BREAKFAST ESTABLISHMENTS RESIDENTIAL - means any place of lodging that: (a) Provides four or fewer rooms for rent to no more than a total of 10 tourists or transients; (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place; (c) Is the owner's personal residence; (d) Is occupied by the owner at the time of rental; (e) Was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a single-family residence and; (f) Has had completed as of May 1, 1990, any structural additions to the dimensions of the original structure, including renovation, except that a structural addition, including renovation to the structure may after May 1, 1990, be made within the dimensions of the original structure.

BED AND BREAKFAST ESTABLISHMENTS COMMERCIAL - means any place of lodging that: (a) Provides eight or fewer rooms for rent to no more than a total of 20 tourists or transients; (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place; (c) Is the owner's personal residence; (d) Is occupied by the owner at the time of rental; (e) Was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a place of lodging; and (f) Has had completed as of May 1, 1990, any structural additions to the dimensions of the original structure, including renovation, except that a structural addition, including renovation to the structure may after May 1, 1990, be made within the dimensions of the original structure.

BLOCK - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines or waterways or municipal boundary lines.

BOAT LIVERIES - establishments offering the rental of boats and sale of fishing equipment.

BUILDING - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land.

BUILDING HEIGHT - the vertical distance from the top of the building roof to the top of the basement or to the foundation, whichever is less.

CAMPING TRAILER- a vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form: (a) a unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding 35 feet; (b) a unit designed to be mounted on a truck chassis, (c) a unit constructed as an integral part of a self-propelled vehicle; or (d) a canvas, folding unit mounted on wheels.

CLINIC, MEDICAL OR DENTAL - an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.

COMMERCIAL - the offering or purchase of goods and services with the intention of making a profit.

COMMERCIAL FEEDLOTS - an agricultural enterprise where livestock are purchased and raised and then sold to a buyer, feedlot or slaughterhouse.

CONDITIONAL USE - uses of a special nature as to make impractical their predetermination as a principal use in the respective zoning district.

DRIVE-IN RESTAURANT - an establishment which provides no permanent interior seating, but allows window service and carryout counter service for food products to automobile customers.

DRIVEWAY - a minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.

DWELLING - a building, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels and motels.

DWELLING UNIT - one (1) or more rooms which are arranged, designed for use as living quarters for one family only. Individual bathrooms and complete kitchen facilities that are permanently installed, shall always be included for each dwelling unit.

DWELLING UNIT, SINGLE-FAMILY - a building designed to be occupied exclusively by one family, including site built homes, manufactured dwellings, and “manufactured homes defined as single family dwellings” (as defined in this section).

DWELLING UNIT, TWO-FAMILY - a building designed to be occupied exclusively by two (2) families, including site built homes, and manufactured dwellings defined as single family dwellings.

DWELLING, MULTI-FAMILY - a building used and designed as a residence for three (3) or more families.

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FARM - Any parcel of land containing at least 5 (five) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.

FARM FAMILY BUSINESS - A home occupation/business or industry that is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than 2 persons who are not members of the resident farm family may be employed in the farm family business.

FARM AGGREGATION OR CONSOLIDATION – Any combination of two or more farms that results in a fewer number of farms.

FISH HATCHERIES - establishments devoted to hatching, raising or rearing fish.

FLOOR AREA - the area within the exterior walls of a building which is usable as living quarters.

FRONTAGE - the side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

GARAGE, PRIVATE - an accessory structure to the principal structure which provides for the storage of motor vehicles. These structures shall have a height limitation of 14 ft.

GARAGE, PUBLIC AND STORAGE - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.

GRADE - the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

HARD SURFACED - a driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.

HOME OCCUPATION - a gainful occupation conducted by the member of the family within his or her place of residence, where the space used is incidental to residential use and where no article is sold or offered for sale except as is produced by such home occupation. A household occupation includes such things as baby-sitting, millinery, dressmaking, canning, laundering and crafts.

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

HUNTING AND FISHING CABINS - means a buildings used temporarily as a base for hunting, fishing and outdoor recreation and not intended for permanent human habitation or for conversion to a permanent residence.

JUNK (OR SALVAGE) YARD - An area where waste or scrap materials are bought, sold, exchanged, stored, baled, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used machinery, used building material

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and similar materials. A "junk" yard includes an auto wrecking yard. A lot with three or more unlicensed vehicles also constitutes a "junk" yard.

LAKE – An inland body of water, either natural or artificially created, of five (5) acres or more.

LAKE (ARTIFICIAL) – A man-made (created) body of water, more than two (2) acres in water surface area and no more than five (5) acres in water surface area.

LIVING AREA - the total area bounded by the exterior walls of a building at the floor levels, but not including basements, utility rooms, garages, porches, breezeways, and unfinished attics.

LIVING QUARTERS - A building or a portion of a building which provides, as a minimum, an area equipped or furnished for sleeping purposes. Living quarters also include those finished portions of a building in which normal residential activities occur.

LOT - a parcel of land abutting on a public street having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory buildings together with the open spaces required by this Ordinance.

LOT OF RECORD - a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Kewaunee County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this Ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Kewaunee County.

LOT, CORNER - a lot abutting on two or more streets at their intersection.

LOT, DEPTH OF - the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT LINES AND AREA - the peripheral boundaries of a parcel of land including the street right-of-way lines and the total area lying within such boundaries.

LOT, WIDTH OF - the horizontal distance between the side lot lines of a lot at the rear line of the required front yard.

MANUFACTURED DWELLING - A factory built one or two family home regulated by the State of Wisconsin Uniform Dwelling Code. These homes are commonly referred to as modular.

MANUFACTURED HOME - Is that which is, or was, as originally constructed, a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426.

MANUFACTURED HOME DEFINED AS A SINGLE FAMILY DWELLING - A structure certified and labeled as a manufactured home under 42 U.S.C. sec. 5401 to 5426, which, when placed on the site:

1. Is set on an enclosed foundation in accordance with sec. 70.043(1), Stats., and subchapters III, IV and V of ch. ILHR 21, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the Plan Commission. The Plan Commission may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
2. Is installed in accordance with the manufacturer's instructions.
3. Is properly connected to utilities.

MOBILE HOME - Is that which is, or was, as originally constructed a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

MOTEL - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

MOTOR HOME - a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home (as defined in Section 5.2 of this Ordinance). This would include buses or vans equipped as living units.

MOTOR VEHICLE - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

NON-CONFORMING USE - any use of land, building, or structure, lawful at the time of the adoption of this Ordinance, which does not comply with all of the regulations and standards of this Ordinance or of any amendment thereto governing use for the zoning district in which such use is located.

PARKING SPACE - a graded and surfaced area of not less than two hundred square feet either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

PERMITTED USE - uses listed under this heading are permitted as of right. This means that an applicant for a building permit must be given a permit if the applicant meets the other requirements of the Ordinance, e-g-, yards, setbacks, and so forth.

POND – An inland body of water, either natural or artificially created, of less than five (5) acres.

PRINCIPAL BUILDING (Structure) - the building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory of secondary importance.

PRIVATE SEWAGE SYSTEM - in this Ordinance, "private sewage system" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located in the same parcel as the structure. This term also means an alternative sewage system approved by the Wisconsin Department of Industry, Labor and Human Relations including a substitute for the septic tank or absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

PROFESSIONAL OFFICE - the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation the office shall not exceed one-half (1/2) the area of only one (1) floor of the residence and only one (1) resident person is employed.

RECREATION CAMPS AND RESORTS - areas of land improved with buildings or tents and sanitary facilities used for occupancy during a part of the year only.

RENTAL CABINS OR COTTAGES - buildings designed for seasonal uses and occupancy by persons other than the owner upon periodical payment.

ROADSIDE STAND - 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 300 square feet in ground area and limited to a maximum height of 10 feet.

SETBACK - minimum horizontal distance between the front line of a building or structure and the front property line.

SIGN - a structure or device on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

SITE BUILT HOME - A single or two family home built on site to the State of Wisconsin Uniform Dwelling Code.

STANDARDS - the setbacks, using vision corner, sideline requirements, height limitations, square footage requirements and other specifications as required by this Ordinance.

STOCKFARM - an agricultural operation, usually non-dairying in nature where livestock are raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

STORY - that part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured.

STREET - a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land, throughway or otherwise designated, but does not include driveways or easements to buildings.

STRUCTURE - anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

STRUCTURAL ALTERATION - any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

USE, PRINCIPAL - the main use of land or buildings as distinguished from a subordinate or accessory use. A "Principal use" may be "permitted", "conditional" or "non-conforming".

USE CONSISTENT WITH AGRICULTURAL "USE" - Any activity that meets all of the following conditions:

- (1) The activity will not convert land that has been devoted primarily to agricultural use.
- (2) The activity will not limit the surrounding land's potential for agricultural use.
- (3) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
- (4) The activity will not conflict with agricultural operations on other properties

VARIANCE - authority granted to the owner to use his property in a manner which is prohibited by the Zoning Ordinance. A departure from the terms of the Zoning Ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses. (a) Area Variance: one which does not involve a use which is prohibited by the Zoning Ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot-size restrictions, density, density regulations, and yard requirements. (b) Use Variance one which permits a use of land other than which is prescribed by the Zoning Ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the Ordinance. Use variances shall not be granted under this Ordinance.

SECTION 3.0 - GENERAL PROVISIONS

3.1 Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the town of Lincoln.

3.2 Building and Use Restrictions

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with this Ordinance.
2. All principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot, except in the case of a Planned Unit Development.
3. Permitted, Permitted Accessory Uses, and Conditional Uses are limited to the uses indicated for the respective zoning districts.
4. Accessory uses and structures are permitted in any district , except as provided for by Section 3.14 of this Ordinance Residential accessory uses shall not involve the conduct of any business, trade, or industry as a principal use.
5. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board and issuance of a conditional use permit.
6. No lot area shall be reduced so that the yards and open spaces are smaller than is required by this Ordinance.
7. Where the Town Building/Zoning Administrator has issued a Building Permit pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit.
8. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans.
9. Every building intended for human habitation or occupancy shall be provided with a properly functioning system for treatment of domestic waste to include a private sewage system as defined by 145.01(14) Wisconsin Statutes.

3.3 Area Regulations

1. Lot sizes shall comply with the required regulations of the established zoning districts.

2. No Building Permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

3.4 Height Regulations

1. Except as otherwise provided in this Ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which the building is located.
2. Except as otherwise provided in this Ordinance, accessory farm buildings, belfries, cupolas, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, wind mills, scenery lofts, tanks, water towers, ventilators, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this Ordinance.
3. All other non-residential structures and public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided the front, side and rear yards required in the district are each increased at least one (1) foot for each foot of additional building height.
4. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.

3.5 Front, Side and Rear Yard Regulations

1. No part of the required front yard shall be used for permanent open storage of boats, vehicles or any other equipment except for vehicular parking on driveways. All open storage areas shall be properly landscaped.
2. No part of a yard or other open space provide about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of the yard or any other open space required for another building.
3. A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing principal structures existing at the date of enactment of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest principal structure on each side of the proposed site or if there is no building on one side, the average of the setback for the principal structure on one side and the required setback. In no case shall the required setback be less than 10 feet. Such setback shall be granted by a permit from the Plan Commission and shall not require a variance.

3.6 Minimum Lot Frontage

All lots shall abut upon a street, and each lot shall have a minimum frontage of 30 feet.

3.7 Parking Standards

1. Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
2. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.
5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
6. Where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.
7. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
8. None of the off-street facilities as required in this Ordinance shall be required for any building or use lawfully existing, prior to the effective date of this Ordinance, unless said building or use shall be enlarged, extended or increased in which case the provisions of this Ordinance shall apply only to the enlarged, extended or increased portion of the building or use. Such lawfully existing buildings or uses shall comply with the Parking Standards contained in the Town of Lincoln Zoning Ordinance.
9. Required Number of Parking Stalls

Use	Minimum Parking Required
Single-family dwellings and	Two (2) spaces for each manufactured homes dwelling unit

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Multiple-family dwellings	One and a half (1.5) spaces dwelling unit for each
Motels, hotels	One (1) space for each guest room plus one (1) space for each three (3) employees
Hospitals, clubs, lodges,	One (1) space for each two dormitories, and lodging and (2) beds plus one (1) space boarding houses for each three (3) employees
Sanitariums, institutions,	One (1) space for each five rest and nursing homes (5) beds plus one (1) space for each three (3) employees
Medical and dental clinics	Five (5) spaces for each doctor
Churches, theaters, auditoriums,	One (1) space for each five (5) seats community centers, vocational and night schools, and other places of public assembly
Colleges, secondary and elementary schools	One (1) space for each two (2) employees plus one (1) space for each 10 students of 16 years of age or more
Restaurants, bars, places and entertainment, repair	One (1) space for each 150 of square feet of floor area shops; space for each two (2) employees and retail and service stores
Manufacturing and processing laboratories, and warehouses	One (1) space for each two plant, (2) employees
Financial institutions, and business, government, and warehouses	One (1) space for each 300 square feet of floor area and one (1) space for each two (2) employees
Funeral homes	One (1) space for each four (4) seats
Bowling alleys	Five (5) spaces for each alley
Lodges and clubs	One (1) space for each five (5) members
Automobile repair garages	One (1) space for each regular employees plus one (1) space or each 250 square feet of floor area used for repair work
Gasoline filling stations	Three (3) spaces for each grease rack or similar facility plus one space for each attendant

Uses Not Listed - For uses not listed, the Plan Commission shall determine the number of parking spaces to be required after considering, but not limited to the following: the amount of floor space,

number of employees, the traffic generation potential, and the number of spaces required for uses that are specified.

3.8 Loading Requirements

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

3.9 Parking of Commercial Vehicles, Buses, and Commercial Trailers in Residential Areas Restricted

No commercially licensed motor vehicle having a gross weight in excess of 10,000 pounds, bus or commercially licensed trailer shall be parked or stored in any residential district, other than by a conditional use permit, except when loading, unloading or rendering a service.

School buses as defined in Wis. Stats. 340.01(56) and regulated by Wisconsin Administrative Code Trans 300 are exempt from Section 3.9 provided that no more than two school buses shall be parked or stored on a parcel and such buses must be operated by the occupants of the parcel.

3.10 Driveways

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

1. Islands between driveway openings shall be provided, with a minimum of 12 feet between all driveways and six (6) feet at all lot lines.
2. Openings for vehicular ingress and egress shall not be less than 24 feet at the street line nor more than 35 feet.
3. Vehicular entrances and exits to drive-in theaters; banks; restaurants; motels; funeral homes; vehicular sales, service, washing, and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
4. Driveway approaches shall be so constructed so as not to restrict the natural flow of water. Property owners shall be financially responsible for providing the proper size culvert necessary for driveways if needed as determined by the Town Zoning Administrator.

3.11 Setback Requirements from State and Federal Highways, County Highways and Town Roads

1. There shall be minimum building setback of 110 feet from the center line of state and federal trunk highways, 85 feet from the center line of county trunk highways and 75 feet from the center line of town roads.

3.12 Visual Clearance Triangle

1. In each quadrant of every public street intersection, there shall be a visual clearance triangle bounded by the street center lines and a line connecting points on them 300 feet from a state or federal highway intersection, 200 feet from a county highway intersection and 150 feet from a town road intersection. Uses permitted in a visual clearance triangle include:
 - a. Open fences.
 - b. Telephone, telegraph and power transmission poles, lines and portable equipment.
 - c. Field crops, shrubbery and trees, except that no trees, shrubbery or crops may be planted within a visual clearance triangle so as to obstruct the view.

3.13 Regulation of Offensive Material and Conditions

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

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

- a. Carcasses of animals, birds, or fowl not intended for human consumption or food which is not burned or otherwise disposed of in a sanitary manner within 24 hours after death.
- b. Accumulations of storage of decayed animal or vegetable matter, offal, dead animals reduction, trash, rubbish, garbage, or any offensive material whatsoever which was

not produced on the property on which it is located and which is not incidental to the customary farm operations of the landowner of the property on which it is located.

- c. The escape of smoke, soot, cinders, noxious acids, odors, fumes, gases, fly ash, industrial dust or other atmospheric pollutants in such quantities as to endanger the health of or offend persons of ordinary sensibilities or to threaten or cause substantial injury to property in the town.
 - d. Any use of property, substance or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia or stench, extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.
 - e. The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial waste or other substances.
 - f. Existing buildings destroyed beyond 50 percent of full market value shall be repaired or demolished within 12 months in accordance with the provisions of this Ordinance (see Section 10.0).
3. Public Nuisance. Defined, a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
- a. Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public;
 - b. In any way render the public insecure in life or in the use of property;
 - c. Greatly offend the public morals or decency;
 - d. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

4. Application to Farming Operations

This section is not intended to unduly or unreasonably interfere with normal and customary farm operations including the accumulation and spreading of manure produced on the farm upon which it is accumulated and spread.

3.14 Accessory Uses and Structures

1. Any permanent, roofed structure serving as an accessory use if attached to the principal building by an enclosed structure shall be considered a part of the principal building. If an accessory structure is not attached to the principal building as specified above, it shall conform

to the setback and other dimensional requirements for accessory buildings within the zoning district.

2. Living Quarters Prohibited - Accessory buildings shall not contain living quarters (as defined in Section 2.0 of this Ordinance).
3. Accessory uses and detached accessory structures are permitted in the rear and side yards only.
4. Accessory buildings and accessory structures permitted in Residential Zoning Districts shall conform to the following requirements:
 - a. Number - No more than two accessory buildings shall be permitted on a lot.
 - b. Floor area - Total floor area of the accessory building or of the two accessory buildings shall not exceed the area of the footprint of the principal building on the lot.
 - c. Height - The height of an accessory building shall be that vertical distance measured from the mean finished grade around the foundation to the highest point of the roof. The maximum permitted height of an accessory building shall be fourteen (14) feet.
5. Such items as, but not limited to, boats, truck bodies, manufactured homes, mobile homes, buses, railroad cars, shipping containers and trailers, shall not be used as accessory structures.

3.15 Physical Requirements Applying to Single and Two Family Residential Dwellings

Commentary: Manufactured homes that meet the definition of MANUFACTURED HOMES DEFINED AS SINGLE FAMILY DWELLING in section 2.2 of this Ordinance and that comply with the provisions of section 3.15 are considered to be Single Family Residential Dwelling

1. Minimum Size:
 - a. The total minimum living area of a dwelling shall be 900 square feet per dwelling unit.
 - b. The minimum exterior width shall be 22 feet at its narrowest point of its first story for a depth of 20 feet, exclusive of porches (enclosed or unenclosed), garages, decks, and other similar structural additions.

2. Foundation:

Dwellings shall have a properly engineered, permanently attached means of support that meets the manufacturer's installation requirements and all applicable building codes.

3. Applicability of Wisconsin Uniform Dwelling Code to-Site Built Additions to Manufactured Homes:

Site built additions to a manufactured home, such as a basement, crawl spaces or room additions must meet the requirements of the Wisconsin Uniform Dwelling Code.

4. Siding Material:

Dwellings shall have exterior siding material that is residential in appearance and consists of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

5. Roof:

The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run, and covered with material that is residential in appearance. The roof shall have a minimum 12-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.

6. Mobility:

Once placed on site, no modular home or manufactured home shall contain any axles, wheels, hitch, or any other device facilitating its mobility.

7. Any manufactured home not meeting the requirements of Section 3.15 shall only be permitted as provided in Section 5.0 of this Ordinance.

SECTION 4.0 - ESTABLISHMENT OF ZONING DISTRICTS

4.1 Establishment of Districts

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

- A-1 Exclusive Agricultural District
- A-2 General Agricultural District
- Rs-1 Single-Family Residential District One
- B-1 Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- LCO Lowland Conservancy Overlay District
- PDO Planned Development Overlay District

4.2 Zoning Map

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled "Zoning Map for the Town of Lincoln, Kewaunee County, Wisconsin" dated July 7, 1986, which are incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein. The Town Clerk shall keep a revised version of said map reflecting any and all changes of zoning boundaries.

4.3 Interpretation of District Boundaries

The following rules shall apply with respect to the boundaries of the various districts as shown on the zoning map.

1. District boundary lines are the center lines of highways, streets, alleys, and pavements; or right-of-way lines of railroads and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
2. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall be hereafter erected, constructed, reconstructed, moved, or structurally

altered except in conformity with all of the regulations herein specified for the district in which it is located..

3. No building or other structure shall hereafter be erected or altered.
 - a. to exceed the height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance.
4. All principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot.
5. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
6. Holding tanks will be allowed in the town of Lincoln only if no other means of proper sewage disposal is available at reasonable cost. An individual landowner will be required to follow all regulations established by Kewaunee County pursuant to this provision of the Ordinance.
7. Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. Criteria used in reviewing this situation shall consider which land use has existed for the longest period of time, and what land use existed at the time the adjacent land use was created.

4.4 A-1 Exclusive Agricultural District

1. Purpose and Intent of the A-1 Exclusive Agricultural District

The purposes of the A-1 District are to: (1) preserve productive agricultural land for food and fiber production; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; and (5) reduce costs of providing services to scattered, non-farm uses. The A-1 District is generally intended to apply to lands in productive farm operations including- (1) lands historically exhibiting high crop yield or capable of such yields; (2) lands, which have been demonstrated to be productive for dairying, livestock raising, and grazing; (3) other lands which are integral parts of each farm operation; and (4) land used for the production of specialty crops such as mint, sod, fruits, and vegetables. As a matter of policy, it is hereby

determined that the highest and best use of these lands is agricultural. The Exclusive Agricultural District allows only structures and improvements that are "consistent with agriculture use" as defined by Wisconsin Stats. s 91.01(10)., and all uses in the District are restricted to agricultural uses and uses consistent with agricultural uses. Note: Readers are referred to Chapter 91 Farmland Preservation Wisconsin Statutes for additional information on exclusive agriculture zoning districts.

2. Permitted Principal Uses

The following uses are permitted in this district:

- a. Pursuant to Wisconsin Stats 91.01 (1) permitted uses in the A-1 Exclusive Agricultural District are restricted to "agricultural uses" and "uses consistent with agricultural use" including: beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.
- b. Essential Services, exclusive of commercial radio and television transmission towers, not requiring authorization under applicable state statutes or Wisconsin Public Service Commission Administrative Code (PSC 113, PSC 114, PSC 115, and PSC 116) and as defined in Section 10.1500 of this ordinance.
- c. Use consistent with agricultural "use" means any activity that meets all of the following conditions:
 - (1) The activity will not convert land that has been devoted primarily to agricultural use.
 - (2) The activity will not limit the surrounding land's potential for agricultural use.
 - (3) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
 - (4) The activity will not conflict with agricultural operations on other properties
- d. Farm ponds.
- e.. Single-family dwelling occupied by an owner (as defined in Wis. Stats. 91.01(9); also includes a partnership and a shareholder in a corporation) of the parcel and consistent with agricultural use.

3. Permitted Accessory Uses

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The following uses are permitted in this district only when there is a principal permitted use present:

- a. A single-family dwelling occupied by a person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel. Gross income has the meaning given for adjusted gross income in Wis. Stats. 71.01(13).
- b. Roadside stands provided that the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height and that the use complies with Wis. Stats. 91.75(8).
- c. Additional structures necessary for the continuance of the farming operation.

4. Conditional use

A conditional use in this district is to permit the following uses only after public meeting and approval of the Town Board. The Department of Agriculture, Trade and Consumer Protection (DATCP) shall be notified of the Town's approval of conditional use permits within the A-1 Exclusive Agricultural District. All conditional uses must be "consistent with agriculture use" and found to be necessary in light of alternative locations. The Town Board shall make findings for the record. :

- a. Stockyards and fur farms,
- b. Riding academies and stables, if a farm family business.
- c. Farm family business restricted to the provisions of Wis. Stats. 91.75(8) and defined as:

Farm Family Business is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than 2 persons who are not members of the resident farm family may be employed in the farm family business. Farm Family Business means any lawful activity, except a farm operation, conducted primarily for any of the following:

- (1) The purchase, sale, lease or rental of personal or real property.
 - (2) The manufacture, processing or marketing of products, commodities or any other personal property.
 - (3) The sale of services.
- d. Artificial lakes (See Section 2.0 DEFINITIONS).
 - e. Institutional, governmental uses and religious uses such as: colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches and other

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religious institutions, cemeteries, public parks, public recreation sites, and public golf courses.

- f. Airfields, airports and heliports incidental to the farm operation and not open to the public.
 - g. Quarries, sand and gravel pits incidental to the farm operation. The Town Board must require a permit and reclamation plan under the provisions of this Ordinance and the *Kewaunee County Non-Metallic Mining Reclamation Ordinance*. All land reclaimed must be restored to agricultural use.
 - h. Supportive agribusiness activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar agricultural-related activities.
 - i. A second single-family dwelling occupied by:
 - 1. a parent or child of an owner who conducts the majority of the farm operations on the parcel.
 - 2. a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.
 - j. For the purposes of farm consolidation, farm dwellings and related farm structures existing at the time of the effective date of December 1, 1986 of the Town Zoning Ordinance adopted July 7, 1986, may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the General Agricultural District (A-2) and is no larger than reasonably necessary to accommodate the proposed use. Note: Under s .91.75 (6) farm residences or structures with up to 5 acres of land which are separated from a larger farm parcel are not subject to the liens under s. 91.19 (8) to (10).
 - k. Gas and electric utility uses not requiring authorization under Wis. Stats. 196.491(3).
 - l. Uses related to the Ice Age Trail under Wisconsin Stats. 23.17 and 23.293.
 - m. Telecommunications Antennas and Towers not including radio or television transmission towers - see Section 7 of this Ordinance
 - n. Wildlife sanctuaries and game preserves.
5. Lot Size, Bulk Restrictions and Yard Requirements

Within the A-1 District the following standards shall apply:

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a. Lot Size

AREA: Minimum 35 acres

WIDTH: Minimum 200 feet

b. Building Height

RESIDENTIAL STRUCTURES: Maximum 35 feet

FARM STRUCTURES: Maximum 60 feet

RESIDENTIAL ACCESSORY: Maximum 14 feet-

c. Yards

FRONT YARD SETBACK: See Section 3.11.1

SIDE YARD SETBACK:

Principal Minimum One Side: 25 feet

Accessory Minimum one Side: 10 feet

REAR YARD SETBACK: Minimum: 50 feet

d. Building Area

The total minimum living area of a dwelling shall be 900 square feet.

e. Maximum Lot Coverage - Not applicable.

6. Permitted Nonconforming Uses

a. Isolated substandard parcels less than 35 acres in size that existed prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance are allowed by the Town Board as a prior nonconforming uses. (Note construction of residence on substandard parcel must comply with Section 10.6 of this Ordinance, which does not permit the construction of residences of such substandard lots in the A-1 District.)

b. Isolated industrial or commercial uses that existed prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance adopted are allowed by the Town Board as nonconforming uses.

c. Residences existing prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance that do not conform to the provisions of this district may

continue in residential use, such existing residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, width, and other dimensional requirements.

7. Rezoning of Exclusive Agricultural District Lands

In addition to the provisions of Section 15.0 Changes and Amendments, the following provisions shall apply:

- a. DATCP Notification.
 1. The Town Board shall report to the Wisconsin Department Agriculture Trade and Consumer Protection (DATCP) within 60 days of local government approval, final Ordinance map amendments, and all final rezoning actions that rezone land into or out of exclusive agricultural use, and all conditional uses granted in the A-1 District.
 2. The Town Board shall report to DATCP prior to the local approval of a comprehensive revision to the ordinance or any local governmental approval of a text amendment to the A-1 Exclusive Agricultural District. The Town Board shall delay the effective day of any revision or amendment until such revision or amendment has been certified by the Land and Water Conservation Board under s. 91.06 or until the Town Board is notified by DATCP that such amendment does not require certification under s.91.06. This is to help ensure that the tax credit coverage is maintain uninterrupted.
- b. The Ordinance requires the Town Board shall find all of the following when removing land from exclusive agricultural use districts:
 1. The Ordinance amendment or rezoning action will protect or promote the public health, safety or welfare. The findings shall specify how the amendment or rezoning will protect or promote the public health, safety or welfare.
 2. The removed land is suitable for development, and development will not result in undue water or air pollution, unreasonable soil erosion, or unreasonable adverse effects on the rare or irreplaceable natural areas.
 3. There are, or will be within a reasonable time, adequate public facilities to accommodate any development resulting from the amendment or rezoning, and that the provision of those public facilities will not place an unreasonable burden on local units of government.

8. Variances

In addition to the provisions of Section 14 Board of Adjustment, any variance that is granted must be found to be "consistent with agricultural use".

4.5 A-2 General Agricultural District

1. Purpose and intent of Agricultural District

The purpose of the A-2 District is to provide a mixture of low density residential and agricultural land uses. This district is designed to permit utilization of smaller land parcels in predominantly agricultural areas for small scale agriculture and rural residential uses. The intent of the A-2 District is that it is to be applied to those rural lands with less than 35 acres that have marginal utility for agricultural use because of soil type, lot configuration and/or topography.

2. Permitted Uses

The following uses are permitted in this district:

- a. Single family dwellings.
- b. General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal.
- c. In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs each not larger than eight square feet each advertising such sale.
- d. Gardening, including truck gardens, nurseries, greenhouses, and orchards.
- e. Governmental buildings.
- f. Public parks, playgrounds, recreational and community center buildings and grounds.
- g. Grade schools, cemeteries, churches and their affiliated uses.
- h. Water storage facilities and their accessory structures.
- i. Accessory buildings, including buildings clearly incidental to the residential use of the property; provided however, that no necessary building may be used as a separate dwelling unit.
- j. Uses customarily incidental to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

3. Conditional Uses

A conditional use in this district is to permit the following uses only after public meeting and approval of the Town Board.

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- a. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
- b. Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.
- c. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- d. Fur farms, kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural uses.
- e. Two-family dwelling only as a result of the conversion of an existing single-family dwelling.
- f. Day Care Center, Group.
- g. Camps and recreational vehicle parks (SIC 703).
- h. Public landfills, warehouses, garages, shops and storage areas.
- i. No subdividing of A-2 parcels without obtaining a conditional use permit for more than one single family dwelling.

4. Requirements for Permitted and Conditional Uses

a. Lot Size

AREA	Minimum 5 acres
	Maximum 35 acres
WIDTH:	Minimum 200 feet

b. Building Height

RESIDENTIAL STRUCTURES:	Maximum 35 feet
FARM STRUCTURES:	Maximum 60 feet
RESIDENTIAL ACCESSORY:	Maximum 14 feet

c. Yards

FRONT YARD SETBACK:	See Section 3.11.1
SIDE YARD SETBACK:	
Principal	Minimum One Side: 25 feet
Accessory	Minimum One Side: 10 feet
REAR YARD SETBACK:	Minimum: 50 feet

d. Building Area

The total minimum living area of a dwelling shall be 900 square feet.

e. Maximum Lot Coverage - 20 percent.

f. Density: Maximum of two dwelling units per public land survey quarter quarter section (40 acres). A density of three to eight units per public land survey quarter quarter section may be permitted by a conditional use permit.

4.6 Rs-1 Single Residential District One

1. Purpose and intent of the Rs-1 Residential District

The Rs-1 District is intended to provide for a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of non-compatible land uses. The intent is to provide for rural residential development and for recreational residential development on soils that are compatible for on-site disposal of sewage effluent, and in areas that do not infringe on agricultural uses.

2. Permitted Uses

The following-uses are permitted uses in this District:

- a. Single-family dwellings.
- b. Public parks, playgrounds, and athletic fields.
- c. Churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
- d. Community living arrangements with a capacity of 8 or fewer persons served by the program.

3. Permitted Accessory Uses

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The following uses are permitted in this district only when there is a principal permitted use present:

- a. General farming, dairying, floriculture, forestry, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves.
- b. Private garages, carports, and driveways.
- c. Home occupations.
- d. Tool houses, sheds and other similar buildings used for the storage of common supplies.
- e. Roadside stands provide the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.
- f. Day Care Center, family.

4. Conditional Uses

A conditional use in this district is to permit the following uses only after a public meeting and approval of the Town Board.

- a. Airfields, airports, and heliports.
- b. Cemeteries.
- c. Public and private campgrounds.
- d. Water storage facilities.
- e. Fire stations, police stations, post offices and other municipal facilities necessary for town operation.
- f. Two-family dwellings.
- g. Day Care Center, group.
- h. Community living arrangements with a capacity of 9 to 15 persons served by the program.
- i. Professional offices, bed and breakfasts, and churches
- j. Manufactured Home Parks. (see Section 5.0)

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- k. Subdividing of Rs-1 parcels for additional residential dwellings

5. Requirements for Permitted and Conditional Uses

- a. Lot Size -

Area Minimum: 1 1/2 acre

Maximum: 5 acres

Width Minimum: 100 feet

Width Corner Lot Minimum: 120 feet

- b. Building Height

Principal Building Maximum: 35 feet

Accessory Building Maximum: 16 feet

- c. Yards

Front Yard Setback See Section: 3.11.1

Side Yard Setback Minimum One (1) Side: 15 feet

Minimum Combined: 30 feet

Rear Yard Setback Minimum- 25 feet

Accessory Use Minimum: 10 feet

- d. Building Area

- 1. The total minimum living area of a dwelling shall be 900 square feet per dwelling unit.

- e. Maximum Lot Coverage 30 percent

4.7 B-1 Business District

1. Intent and Purpose

The primary purpose of the Business District is to serve the retail and service needs of area residents with a wide range of products and services for both daily and occasional shopping. The following regulations shall apply in the B-1 Districts:

2. Permitted Uses

- | | | |
|--|-----|------|
| 1) Accounting, auditing, bookkeeping services | SIC | 872 |
| 2) Advertising agency | SIC | 7311 |
| 3) Amusement parks | SIC | 7996 |
| 4) Animal specialty services/pet grooming, kennels animal shelters | SIC | 0752 |
| 5) Apparel and accessory stores | SIC | 56 |
| 6) Art and school supply stores | SIC | 5999 |
| 7) Art dealers | SIC | 5999 |
| 8) Art galleries | SIC | 834 |
| 9) Auto and home supply stores | SIC | 553 |
| 10) Automotive parking | SIC | 752 |
| 11) Barber shops | SIC | 724 |
| 12) Beauty shops | SIC | 72 |
| 13) Bed and breakfast establishments | SIC | 201 |
| 14) Boat dealers | SIC | 555 |
| 15) Book stores, except adult | SIC | 5942 |
| 16) Bowling centers | SIC | 793 |
| 17) Building maintenance services | SIC | 7349 |
| 18) Building materials and garden supplies | SIC | 52 |

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19) Business credit institutions	SIC	615
20) Camps and recreational vehicle parks	SIC	703
21) Child care services (day care services, group day care center, family daycare center)	SIC	835
22) Computer and data processing services	SIC	737
23) Credit reporting and collection	SIC	732
24) Depository institutions, banks, credit unions, etc.	SIC	60
25) Drug stores and proprietary stores	SIC	591
26) Eating and drinking places	SIC	581
27) Electrical repair shops	SIC	762
28) Employment and help agencies	SIC	736
29) Engineering and architectural services	SIC	871
30) Equipment rental, small	SIC	7359
31) Farm machinery and equipment sales	SIC	5083
32) Florists	SIC	5992
33) Food stores	SIC	54
34) Furniture and home furnishing stores	SIC	571
35) Gasoline service stations	SIC	554
36) General merchandise stores	SIC	53
37) Gift, novelty, and souvenir shops	SIC	5947
38) Hardware stores	SIC	525
39) Hobby, toy and game shops	SIC	5945
40) Holding and other investment offices	SIC	67
41) Home health care services	SIC	808

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42) Hotels and motels	SIC	701
43) Household appliance stores	SIC	572
44) Insurance agents, brokers and services	SIC	64
45) Insurance carriers	SIC	63
46) Jewelry stores	SIC	5944
47) Landscaped horticultural services	SIC	078
48) Lawn and garden services	SIC	0782
49) Laundry, cleaning and garment service	SIC	721
50) Libraries	SIC	823
51) Livestock services	SIC	751
52) Liquor stores	SIC	592
53) Lumber and other building materials	SIC	521
54) Mailing, reproduction, stenographic services	SIC	733
55) Management and public relations services	SIC	874
56) Membership organizations	SIC	86
57) Nursing and personal care facilities	SIC	805
58) Office and clinic of medical doctors	SIC	801
59) Office of other health practitioners	SIC	804
60) Office and clinic of dentists	SIC	802
61) Outdoor advertising services	SIC	7312
62) Paint, glass and wallpaper stores	SIC	523
63) Pest control	SIC	7342
64) Photographic studios, portrait	SIC	722

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65) Physical fitness centers	SIC	7991
66) Public golf courses	SIC	7992
67) Radio, television, computer stores	SIC	573
68) Real estate agents and managers	SIC	653
69) Real estate operators and lessors	SIC	651
70) Repair shop, misc.	SIC	769
71) Research and testing services	SIC	873
72) Residential care services	SIC	836
73) Retail nurseries and garden stores	SIC	526
74))Re-upholstery and furniture repair shops	SIC	764
75) Security and commodity brokers	SIC	62
76) Security systems services	SIC	7382
77) Sewing, needlework, and piece goods stores	SIC	5949
78) Shoe repair	SIC	725
79) Sporting goods and bicycle shops	SIC	5941
80) Sports and recreation clubs, membership	SIC	7997
81) Tax return preparation	SIC	729
82) Title abstract offices	SIC	654
83) Veterinary services	SIC	074
84) Video tape rental store	SIC	874
85) Watch, clock and jewelry repair	SIC	763

3. Accessory Uses

a. Parking lots

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- b. Accessory buildings or use incidental to principal use

4. Conditional Uses

- a. Amusement establishments - archery ranges, shooting galleries, game rooms, swimming pools, skating rinks, and other similar amusement facilities
- b. Auction rooms
- c. Automotive repair shops (SIC 753)
- d. Automotive rental and leasing (SIC 751)
- e. Automotive services (SIC 754)
- f. Car wash (SIC 754)
- g. Contractors yards-Plumbing, heating, etc.
- h. Dry cleaning establishments employing more than four (4) persons
- i. Attached dwelling units for the owner or operator of the principal use
- j. Eating and drinking establishments primarily engaged in drive-in and carry-out service
- k. Greenhouses, commercial
- l. Fuel Oil Dealers (SIC 598)
- m. Mail order houses (SIC 5961)
- n. Manufactured home sales (SIC 835)
- o. Motor vehicle sales (New and used) (SIC 551)
- p. Off-premise signs greater than three hundred (300) square feet in size and less than five hundred one (501) square feet in size
- q. Parking garages or structures, other than accessory, for the storage of private passenger automobiles only
- r. Parking lots, open and other than accessory
- s. Recreational and utility trailer dealers (SIC 556)
- s. Used merchandise stores (SIC 593)

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- r. Welding
- t. Wood cabinetmaking

5. Lot Size, Bulk Restrictions, and Requirements

a. Lot Size-

Area Minimum: 2 Acres.

Width Minimum: 150 ft.

b. Building Height

Principal Building Maximum: 35 ft.

Accessory Building Maximum: 20 ft.

c. Yards

Front Yard Setback See Section 3.11.1

Side Yard Setback Minimum One (1) Side: 20 feet

Minimum Combined: 40 feet

Rear Yard Setback Minimum: 25 feet

Accessory Use Setback Minimum: 15 feet

d. Maximum Lot Coverage 60 percent

6. Plans and Specifications to be submitted to Plan Commission

A site plan shall be submitted to the Plan Commission in accordance with Section 8.0 of this Ordinance.

7. Conditional Uses

In addition to the above conditional uses, the following uses may be permitted by the Town Board after review and public hearing:

Special Use: Commercial establishments dealing in "pornographic" materials and activities:

- 1. It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and to impose restriction upon those activities which pander to gross sexuality in a manner that would

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detract from the neighborhood and adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Town's interest in the present and future character of its community development.

2. The following uses shall only be permitted as herein provided:

- a. Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.
- b. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.
- c. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

3. Definitions

- a. As used herein, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.
- b. As used herein, "sexual conduct" means acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

4. The above conditional uses shall be subject to the following provisions:

- a. No permit shall be granted where the proposed establishment is within 500 feet of any hospital, church, school, funeral parlor, restaurant, library, museum, or playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.
- b. No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential or agricultural in the same or a contiguous town or municipality.
- c. The applicant shall furnish the Town detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment under subparagraph (2)(a) or (2)(b) of this subsection, the applicant shall furnish

representative samples of the materials to be dealt in. If the application is for an establishment under subparagraph (2)(c) of this subsection, the applicant shall in detail specify the nature of the activity to be engaged in.

- d. The applicant for the permit shall provide the names and addresses of the owners and occupants of all property within 300 feet of the proposed establishment.
- e. Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semipublic areas.
- f. All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semipublic area.
- g. In case of a protest signed by 20 percent or more of the persons of the area within 300 feet of the proposed establishment, the grant of such permit shall require a two-thirds vote of the Town Board.
- h. The Town Board in determining whether to grant a permit hereunder shall, in addition to considerations otherwise taken into account when acting on Conditional Use Permits, consider the protection of property values in the affected area; the preservation of neighborhoods, the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; and any other factor created by the type of use being considered, along with the health, safety and general welfare of the community.

4.8 I-1 Light Industrial District

1. Purpose and Intent

The I-1 Industrial District is intended to provide for the orderly development of light manufacturing or light industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as well reasonably ensure compatibility with the surrounding area in this respect.

2. Permitted Uses:

- (1) Agricultural services
- (2) Apparel manufacture

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- (3) Appliance repair
- (4) Automotive services, except repair
- (5) Automotive truck, trailer leasing
- (6) Blacksmith shops
- (7) Building cleaning and maintenance services
- (8) Bus charter service
- (9) Communications equipment manufacture
- (10) Computer and office equipment manufacture
- (11) Contractors: carpentry and floor work
- (12) Contractors: concrete work
- (13) Contractors: electrical
- (14) Contractors: masonry, stonework, tile, plastering
- (15) Contractors: painting and paper hanging
- (16) Contractors: plumbing, heating and air conditioning
- (17) Contractors: roofing, siding, and sheet metal work
- (18) Electronic components and accessories manufacture
- (19) Equipment rental and leasing
- (20) Farm machinery and equipment, sales
- (21) Farm machinery repair
- (22) Farm supplies wholesale
- (23) Food manufacturing facilities, except slaughtering
- (24) Footwear manufacture
- (25) Furniture and fixture manufacture

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- (26) General building contractors, except heavy construction
- (27) Gloves and mitten manufacture
- (28) Handbags and other personal leather goods
- (29) Household audio and video equipment
- (30) Laundry, cleaning, and garment services
- (31) Locksmith shops
- (32) Luggage manufacture
- (33) Lumber and other building supplies and sales
- (34) Mailing, reproduction, commercial art supplies
- (35) Miscellaneous fabricated textile products manufacture
- (36) Motorcycle repair shops, including sales
- (37) Pest control services
- (38) Photographic equipment manufacture
- (39) Photography and stenographic services
- (40) Printing and publishing
- (41) Printing service industries, typesetting,
- (42) Professional and scientific instrument manufacture
- (43) Retail nurseries, lawn and garden supply stores
- (44) Re-upholstery and furniture repair
- (45) School bus establishment
- (46) Surgical, medical and dental supplies and manufacture
- (47) Taxidermists
- (48) Textile mill products

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- (49) Warehousing and storage
- (50) Watches and clocks manufacture
- (51) Wholesale trade-nondurable goods, except chemicals
- (52) Wholesale trade-durable goods
- (53) Wood kitchen cabinets manufacture

3. Permitted- Accessory Uses

- a. Garages for storage of vehicles used in conjunction with the operation of an industry.
- b. Off-street parking and loading areas.
- c. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
- d. Residential quarters for the owner or caretaker.
- e. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- f. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

4. Conditional Uses

- a. Automotive repair shops
- b. Business services, miscellaneous
- c. Contractors: well drilling
- d. Farm machinery repair
- e. Miscellaneous wood manufacture
- f. Miscellaneous light manufacturing
- g. Motor vehicle parts, used-wholesale and retail (salvage yards)
- h. Repair services, miscellaneous

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- i. Sawmills and planing mills
- j. Septic tank cleaning services
- k. Sewer cleaning
- l. Special trade contractors, except excavation and demolition
- m. Welding shops
- n. Transmission lines, substations, telephone and telegraph lines, and public utility installations

5 Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the town and surrounding area and are herewith prohibited:

- a. Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, proxy-line, and radium.
- b. Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, proxy line, and radioactive materials.
- c. Storage of explosives, gasoline in excess of 50,000 gallons, grease and radioactive materials.
- d. Garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

6. Lot Size,-Bulk Restrictions, and Yard Requirements

a. Lot Size

Area	Minimum: 2 acres.
Width	Minimum: 150 feet

b. Height

Principal Building	Maximum: 45 feet
Accessory Building	Maximum: 45 feet

c. Yards

Front Yard Setback See Section 3.11.1

Side yard Setback Minimum One Side: 20 ft.
Minimum Combined: 40 ft.

Rear Yard Setback Minimum: 45 feet

Accessory Uses

Setback Minimum: 15 feet

d. Maximum Lot Coverage Maximum: 75 percent

7. Plans and Specifications to be submitted to Plan Commission

a. A site plan shall be submitted to the Plan Commission in accordance with Section 8.0.

4.9 I-2 Heavy Industrial District

1. Purpose and Intent

The I-2 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operation characteristics, would not be detrimental to the surrounding area or to the town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

2. Permitted Uses

- | | | |
|---|-----|-----|
| 1) Aircraft and parts manufacture | SIC | 372 |
| 2) Apparel manufacture | SIC | 23 |
| 3) Computer and office equipment manufacture | SIC | 357 |
| 4) Converted paper and paper board products and manufacture | SIC | 267 |
| 5) Electronic and electrical equipment manufacture | SIC | 36 |
| 6) Fabricated metal products manufacture | SIC | 34 |

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7) Food manufacturing facilities	SIC	20
8) Furniture and fixture manufacture	SIC	25
9) General building contractors	SIC	15
10) Heavy construction contractors	SIC	16
11) Industrial and commercial machinery manufactures	SIC	35
12) Leather and leather products manufacturers	SIC	31
13) Lumber and wood products manufacture	SIC	24
14) Millwork, veneer, plywood and structural wood manufacturers	SIC	243
15) Motor freight transportation and warehousing	SIC	42
16) Motor freight terminal and maintenance terminals	SIC	423
17) Motor vehicles and motor vehicle equipment manufacture	SIC	371
18) Motorcycles, bicycles and parts manufacture	SIC	375
19) Pallets and skid manufacture	SIC	2441
20) Paper and allied products manufacture	SIC	26
21) Paper mills	SIC	262
22) Paperboard containers and box manufacture	SIC	265
23) Printing, publishing and allied industries	SIC	27
24) Professional and scientific instrument manufacture	SIC	38
25) Public warehousing and storage	SIC	422
26) Pulp mills	SIC	261
27) Railroad equipment	SIC	374
28) Railroad transportation	SIC	40
29) Rubber and plastics manufacture	SIC	30

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30) Sawmills and planing mills	SIC	242
31) Ship and boat building and repair establishments	SIC	373
32) Special trade contractors	SIC	17
33) Stone, clay, glass, and concrete products manufacturers	SIC	32
34) Textile mill products	SIC	22
35) Transportation equipment and manufacturers	SIC	37
36) Trucking and courier services	SIC	421
37) Wholesale trade-nondurable goods	SIC	50
38) Wholesale trade durable goods	SIC	51
39) Wood containers manufacturers	SIC	244
3. Permitted Accessory Uses		
a. Garages for storage of vehicles used in conjunction with the operation of an industry.		
b. Off-street parking and loading areas.		
c. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.		
d. Residential quarters for the owner or caretaker.		
e. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure in adequate to support the load.		
f. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.		
4. Conditional Uses		
a. Asphalt paving and roofing establishments	SIC	2951
b. Chemicals and allied product manufacture	SIC	28
c. Electrical power generation facilities	SIC	491
d. Landfill sites	SIC	4953

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- | | | |
|---|-----|------|
| e. Mining and quarrying of nonmetallic minerals | SIC | 14 |
| f. Miscellaneous heavy industry | SIC | 38 |
| g. Motor vehicle parts used-retail and wholesale (salvage yards) | SIC | 5015 |
| h. Petroleum refining | SIC | 2911 |
| i. Primary metals industries, steel works, foundries, castings | SIC | 33 |
| j. Sand and gravel extraction and preparation | SIC | 144 |
| k. Scrap and waste material firms (junk yards, recycling centers) | SIC | 5093 |
| l. Sewerage systems (wastewater treatment plants) | SIC | 4952 |
| m. Sludge disposal sites | | |
| n. Power plants | | |
| o. Transmission lines, substations, telephone and telegraph lines, and public utility installation. | | |

5. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Town and surrounding area and are herewith prohibited:

- a. Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, proxy-line, and radium.
- b. Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, proxy line, and radioactive materials.
- c. Storage of explosives, gasoline in excess of 50,000 gallons, grease and radioactive materials.
- d. Garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

6. Lot Size, Bulk Restrictions, and Yard Requirements

- a. Lot Size-

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Area Minimum: 2 acres

Width Minimum: 150 feet

b. Height

Principal Building Maximum: 45 feet

Accessory Building Maximum: 45 feet

c. Yards

Front Yard Setback See Section 3.11.1

Side Yard Setback Minimum One Side: 20 ft.

Minimum Combined: 40 ft.

Rear Yard Setback Minimum: 45 feet

Accessory Use Setback Minimum: 15 feet

d. Maximum Lot Coverage - 75 percent

7. Plans and Specifications to be submitted to Plan Commission

A site plan shall be submitted to the Plan Commission in accordance with Section 8.0 of this Ordinance.

4.10 LCO - Lowland Conservancy Overlay District

1. Purpose and Intent Lowland Conservancy District

The LCO District is designed to protect public health, safety and general welfare of the citizens of the community; private and public property from the hazards of floodwater inundation or high groundwater; and to protect the community from costs which are incurred when development occurs in lowland areas. The intent of this district is to conserve areas which are subject to flood hazard for open land uses including; agricultural uses, drainage ways, wetlands, recreational uses and other uses which do not require construction of extensive buildings in lowland areas.

2. Uses

Uses permitted in the Lowland Conservancy Overlay District shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district

3. Provisions

Provisions for this district shall be identical to those found in the Kewaunee County Shoreline and Flood Plain Zoning Ordinance adopted April 19, 1983, as amended, except where the town zoning Ordinance is more restrictive the town zoning ordinance shall continue in full force and extend to the extent of the greater restriction.

4.11 PDO Planned Development Overlay District

1. Purpose and Intent PDO District

The PDO planned development overlay district is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, to provide attractive recreation and open spaces as integral parts of the developments to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PDO Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the town upon specific petition under this section of the Ordinance and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the Ordinance have been met. Planned developments are not permitted in the A-1 Exclusive Agricultural District.

2. Permitted Uses

Uses permitted in a Planned Development Overlay District shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

3. Minimum Area Requirements

- a. Areas designated as Planned Development Overlay Districts shall be under single or corporate ownership or control and shall contain a minimum development area of:

Principal Uses	Minimum Area of PDO
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Residential PDO	5 acres
Commercial PDO	3 acres
Industrial PDO	20 acres

4. Procedural Requirements

- a. Pre-petition Conference. Prior to the official submission of the petition for the approval of a Planned Development Overlay District, the owner or his agent making such petition shall meet with the Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
- b. Petition and Fee. Following the pre-petition conference, the owner or his agent may file a petition with the Building inspector for approval of a Planned Development Overlay District. Such petition shall be accompanied by a review fee, as required by the Town Board and the following information:
 1. Total area to be included in the PDO, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 3. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 4. Any proposed departures from the standards of development as set forth in the town's zoning regulations, other town regulations or administrative rules, or other universal guidelines.
 5. The expected data of commencement of physical development as set forth in the proposal.
- c. A statement which sets forth the relationship of the proposed PDO to towns adopted master plan, if applicable, or any adopted component thereof, and the general character of and the uses to be included in the proposed PDO, including the following information:
 1. Total area to be included in the PDO, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 3. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 4. Any proposed departures from the standards of development as set forth in the town's zoning regulations, other town regulations or administrative rules, or other universal guidelines.
 5. The expected data of commencement of physical development as set forth in the proposal.
- d. A general development plan including:
 1. A legal description of the boundaries of the subject property included in the proposed PDO and its relationship to surrounding properties.

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2. The location of public and private roads, driveways, and parking facilities.
 3. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
 4. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.
 5. The type, size, and location of all structures.
 6. General landscape treatment.
 7. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
 8. The existing and proposed location of public sanitary sewer and water supply facilities.
 9. The existing and proposed location of all private utilities or other easements.
 10. Characteristics of soils related to contemplated specific uses.
 11. Existing topography on the site with contours at no greater than two (2) foot intervals.
 12. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
 13. Additional information as may be reasonably requested by the Plan Commission or Town Board.
- e. Referral to Plan Commission. The petition for a Planned Development Overlay District shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
- f. Public Hearing. The Plan Commission shall hold a joint public hearing of this Ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Development.
- g. Overlay District. As soon as is practical following the hearing, the Plan Commission shall report its findings and recommendations to the Town Board.

5. Basis for Approval of the Petition

- a. The Plan Commission in making its recommendation and the Town Board in making its determination, shall consider:
- b. That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PDO within nine (9) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the town.
- c. That the proposed Planned Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted master plan or any adopted component thereof; and that the development would not be contrary to the general welfare and economic prosperity of the community.
- d. The Plan Commission in making its recommendations and the Town Board in making its determination shall further find that:
 1. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
 2. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 3. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 4. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and meet the minimum standards of all applicable ordinances or administrative regulations of the town.
 5. Public water and sewer facilities shall be provided.
 6. The entire tract or parcel of land to be included in a Planned Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot or tract and be so recorded with the Register of Deeds for Kewaunee County.
- e. That in the case of a proposed residential Planned Development Overlay District.

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1. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
 2. The total net residential density within the Planned Development Overlay District will be compatible with the Town master plan or component thereof.
 3. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
 4. Adequate, continuing fire and police protection is available.
 5. The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 6. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation or maintenance or by dedication to the public.
- f. That in the case of a proposed commercial Planned Development Overlay District:
1. The proposed development will be adequately served by off-street parking and truck service facilities.
 2. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public-areas.
 3. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 4. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- g. That in the case of a proposed industrial Planned Development Overlay District:
1. The operational character, physical plant arrangement and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.

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2. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
3. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately serviced by rail and/or arterial highway facilities.
4. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

6. Determination

- a. The Town Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Town Board.

7. Changes and Additions

- a. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Plan Commission, and if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 16.2 of this Ordinance, and said proposed alterations shall be submitted to the Town Board for approval.

8. Subsequent Land Division

- a. The division of any land or lands within a Planned Development Overlay District for the purpose of change of conveyance of ownership shall be accomplished pursuant to the land division regulations of the town and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PDO approval.

SECTION 5.0 - MANUFACTURED HOMES & MANUFACTURED HOME PARKS

5.1 Purpose

The purpose of these regulations is to provide for the orderly and well planned development of manufactured home parks and the for the placement of manufactured homes in zoning districts, consistent with the Intent of this ordinance.

Commentary: Manufactured homes that meet the definition of MANUFACTURED HOMES DEFINED AS SINGLE FAMILY DWELLING in Section 2.2 of this Ordinance and that comply with the provisions of section 3.15 are considered to be Single Family Residential Dwelling.

5.2 Definitions

1. **Manufactured Home Park** - Any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.
2. **Occupied Area** - That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.
3. **Pad** - A concrete slab or its equivalent, as determined by the Town Building/Zoning Administrator, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.
4. **Park Management** - The person who owns or has charge, care or control of the manufactured home park.
5. **Person** - Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.
6. **Space** - A plot of ground in a manufactured home park designed for the location of only one (1) manufactured home.
7. **Unit** - One (1) manufactured home.

5.3 General Requirements

1. It shall be unlawful, except as provided in this Ordinance for any person to park any manufactured home on any street, alley or highway or other public place or on any tract of land owned by any person, within the Town of Lincoln.

2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
3. Parking of only one (1) unoccupied, mobile home, or travel trailer is permitted, provided no living quarters shall be maintained or business practiced in said trailer, while such trailer is so parked or stored. Said unit can be parked or stored:
 - a. Within an accessory private garage building or in a rear yard during the entire year.
 - b. Within the side yard setback area during the period between the dates of May 1 and the second Tuesday in September. A unit so parked may have the drawbar protrude into the front yard setback area.
 - c. Within the front yard setback area for a maximum period of two (2) weeks during the period indicated in (b) above to permit preparation and cleaning of the unit.
4. Except as permitted under Section 5.3.3, mobile homes are permitted only in manufactured home parks.
5. All manufactured homes manufactured for or used for human habitation must meet the construction standards established under the National Manufactured Housing and Construction and Safety Standards Act of 1974.
6. Site built additions to a manufactured home, such as a basement, crawl spaces or room additions must meet the requirements of the Wisconsin Uniform Dwelling Code.

5.4 License for Manufactured-Home Park: Application and Issuance

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a manufactured home park within the limits of the Town of Lincoln without first securing a license for each park from the Town Board, pursuant to this section. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this section for additional periods of one (1) year.
2. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee of One Hundred (\$100.00) Dollars and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of one thousand (\$1000.00) dollars for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their

operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.

3. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan at a minimum scale of 1" = 50 feet showing the following, either existing or as proposed:
 - a. The extent and area for park purposes.
 - b. Roadway and driveways.
 - c. Location of manufactured home spaces.
 - d. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
 - e. Complete layout of storm, sanitary and water systems for service building spaces.
 - f. Method and plan of garbage removal.
 - g. Plan for electrical or gas lighting of spaces.
 - h. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.
 - i. Landscape plan.

5.5 Revocation and Suspension

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.058 (2) (d), Wisconsin Statutes.

5.6 Location of Manufactured Home Parks

Manufactured home parks as a conditional use are permitted in the Rs-1 Single-Family Residential District subject to the regulations of this Ordinance.

5.7 Manufactured Home Park Plan

The manufactured home park shall conform to the following requirements:

1. Manufactured home spaces shall be clearly defined and shall consist of a minimum of four thousand two hundred (4200) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Engineer. The roadways shall be well lighted and shall not be obstructed.
2. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
3. All manufactured homes within a manufactured home park shall be parked within the designated spaces.
4. For the protection of abutting property owners as well as manufactured homeowners, a twenty-five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking Ordinance may, if so desired, be substituted for the rear and interior twenty-five (25) foot buffer strip.
5. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:
 - a. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
 - b. The hitch used for pulling the manufactured home may protrude into the front yard setback.
6. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section 3.7.
7. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Building/Zoning Administrator to be used for the accommodation of necessary water and sanitary connections.

8. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in 5.7 (4) and 5.7 (5) above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
9. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space.
10. All manufactured homes in manufactured home parks shall be skirted. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
11. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Building/Zoning Administrator. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition of awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback, side yard and rear yard requirements for manufactured home units.
12. The manufactured home park shall comply with the Wisconsin Administration Code Chapter HSS177 except when this Ordinance is more restrictive.

5.8 Sanitation Regulations

All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Kewaunee County.

5.9 Operation of Manufactured Home Parks: Responsibility of Park Management

1. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.
2. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
 - a. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
 1. Names and addresses of all owners and occupants of each manufactured home.
 2. Number of children of school age.
 3. State of legal residence.

4. Dates of entrance and departure of each manufactured home.
 5. Make, model, year, and serial number or license number of each manufactured home and towing or other motor vehicles and state, territory or country Issuing such licenses.
 6. Place of employment of each occupant, if any.
- b. Notify park occupants of the provision of this Ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.
 - c. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
 - d. Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tie downs.
 - e. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

5.10 Variances

The requirements of Section 5.7 (1), (4), (5), (6), (7), (8), and (9) shall not apply to manufactured home parks existing prior to the adoption of this Ordinance; however, they shall apply to new manufactured home parks and to additions to existing manufactured home parks.

5.11 Monthly Parking Fee

1. There is hereby imposed on each owner of a nonexempt, occupied manufactured or mobile home in the Town of Lincoln a monthly parking fee determined in accordance with Section 66.058 (3) of the Wisconsin State Statutes which is hereby adopted by reference and made part of this Ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each manufactured and mobile home owner. Said licensee shall be liable to the town for any default in payment of the monthly parking permit fee by the manufactured home or mobile home owner.
2. Licenses of manufactured home parks and owners of land on which are parked any occupied, nonexempt mobile or manufactured homes shall furnish information to the Town Clerk on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.058 (3) (c) and (e) of the Wisconsin Statutes.

5.12 Permit Required for Manufactured Homes not Located in a Manufactured Home Park

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1. Manufactured Homes are permitted as conditional use in the R-1 Single Family Residential District and are permitted, subject to the site plan procedure in Section 8 of the Ordinance, in the A-1 Exclusive Agricultural Zoning District and the A-2 General Agricultural Zoning District, provide that.
 - a. A site plan prepared in accordance with Section 8 of this Ordinance shall be submitted with the building permit application to the Zoning Administration for review and approval for manufactured homes in the A-1 Exclusive Agricultural Zoning District and the A-2 General Agricultural Zoning District.
 - b.. A site plan prepared in accordance with Section 8 of this ordinance shall be submitted with the conditional use permit application to the Zoning Administrator for review and approval by the Town Board for manufactured homes in the R-1 Single Family Residential District.
 - c. To help ensure that the manufactured home is compatible with site-built housing, the manufactured home shall comply with the following design standards:
 - (1) The manufactured home is set on an enclosed foundation in accordance with Sec. 70.043(1), Wisconsin Stats., and subchapters III-Excavations, IV-Footings, and V-Foundations of ch. IHR 21, Wis. Admin. Code. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - (2) The manufactured home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2800 lb. and the anchors embedded in concrete to withstand the tie-down strain. The amount of tie-downs shall be guided by the manufactured home manufacturer's recommendations provided there are no less than 4 tie-downs.
 - (3) The manufactured home is installed in accordance with the manufacturer's instructions and is properly connected to utilities.
 - (4) Once placed on site, no manufactured home shall contain any axles, wheels, hitch, or any other device facilitating its mobility
 - (5) The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run, and covered with material that is residential in appearance, including but not limited to, approved wood, asphalt, composition or fiberglass shingles but excluding corrugated aluminum, corrugated fiberglass, or metal roof. The roof shall have a roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.
 - (6) The dwelling shall have exterior siding material that is residential in appearance and consist of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles shakes, or

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similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

- (7) The manufactured home shall have a minimum exterior width of 12 feet.
- (8) The manufactured home shall have a minimum area of 900 square feet as measured by the total area bounded by the exterior walls of the manufactured home as constructed by the manufacturer.

d. All other zoning district regulations shall apply.

2. No manufactured home shall be located in the Town of Lincoln after six (6) months unless it meets the requirements of a permanent dwelling and is taxed accordingly, or located in a manufactured home park licensed and approved by the Town Board.

SECTION 6.0 - SUPPLEMENTARY USE REGULATIONS

6.1 Fences and Hedges

1. Definition - For the purposes of this Ordinance a fence is herein defined as an enclosing barrier consisting of vegetation, wood, stone, metal, brick, cement or other material. The term "fence" shall be construed to include planting, such as hedges.
2. Location - Fences may be located on lot lines if the adjoining property owner(s) approves in writing. Such written approval must be filed with the Town Zoning Administrator prior to construction, erection, or planting of the fence. No fence or other structure consisting in whole or in part of barbed wire, rods or bands or other material dangerous to life and limb, shall be erected along or within four (4) feet of any public streets, sidewalks or alleys.
3. Construction and Maintenance - Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose. Every fence shall be maintained on both sides in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the Town health or welfare, is a public nuisance, and the Town may commence property proceedings for the abatement thereof. Electric fences shall not be permitted except for agricultural purposes. Barbed wire fences shall only be permitted for agricultural uses and by conditional use for industrial or commercial security uses. No fence shall have sharp or pointed pickets dangerous to life or limb. Hedges and other plantings shall be continuously trimmed and all parts thereof confined to 'the property on which planted.
4. Residential Fences - No fence or hedges exceeding two and one-half (2-1/2) feet in height shall be allowed within the building setback limits adjacent to a street right-of-way, except in rear yard setback where there is no access to a street right-of-way, the maximum height may be six (6) feet. The maximum height of fences or any other boundary line shall not be more than six (6) feet in height, except the hedges may be permitted to grow to their natural height. Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited. The most attractive side of a fence shall face adjoining property.
5. Commercial, Agricultural, Industrial Fences - Fences used for industrial, commercial, agricultural, purposes shall have a maximum height of eight (8) feet, except within the required front or corner setback areas wherein such height shall be limited to two and one-half (2-1/2) feet. Arms or extensions which project from the fence must project into the lot proper.
6. Swimming Pool Fences - All permanent in-ground or above ground private swimming pools shall be completely enclosed by a fence of not less than four (4) feet in height so as to prevent uncontrolled access by children. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors which shall have self-closing and self latching so as to be inaccessible to small children.

6.2 Junk Yards, Salvage Yards, Solid Waste Recycling, Storage or Transfer Facility

1. Conditional Use - Junk or salvage yard, solid waste recycling, storage or transfer facility, shall be a conditional use and shall only be permitted in I-2 Districts.
2. Procedure - Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Section 13.0 of this Ordinance.
3. Fees - Each application shall be accompanied by a fee as established by the Town Board, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Town.
4. Operational Plan - The application shall be accompanied by a detailed description of the proposed method of operation; the manner in which materials will be stored; the equipment proposed to be used; the method of disposition of end products; the manner in which adjoining property owners will be protected; the hours of operation; the town highways proposed to be used; the gross weight of equipment to be used in hauling in and hauling out of any of the product; and other similar information as the Town Board may require.
5. Restoration Plan - The application for the operation of a conditional use under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.
6. State Licenses - Any permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.
7. Bond - No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Town Board.
8. Term of Permit - The permit shall be in effect for one year, subject to termination by the Town Board after notice and hearing for violations of the Operational Plan or Restoration Plan, and may be renewed by the Town Board if the operations are in reasonable compliance with the terms of the existing permit.
9. Inspection - The Town Zoning Administrator shall inspect the operations at least semi-annually to insure compliance, and the reasonable fees of such inspection, as fixed by the Town Board at the time of granting the permit, shall be paid by the applicant.
10. Fencing
 - a. Junk or salvage materials shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be a minimum of eight (8) feet in height and shall be kept in good repair.

- b. Junk or salvage materials shall not be piled higher than the height of the fence.
- c. For fire protection, an unobstructed fire break shall be maintained, one rod in width and completely surrounding the salvage or junk yard.

6.3 Quarries and Mines

1. **Applicability** - The following regulations shall apply to mining operations on activities for the extraction from the earth of mineral aggregates such as stone, sand and gravel; nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; and other natural material; and to related operations or activities such as excavation, grading or dredging; and related processes such as crushing, screening, scalping, dewatering and blending.
2. **Exempt Activities** - These regulations do not apply to the following activities:
 - a. Excavations or grading by a person solely for domestic use at his or her residence.
 - b. Excavations or grading conducted for highway construction purposes within the-highway right-of-way.
 - c. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
 - d. Excavations for building construction purposes.
3. **Permit** - The application for a conditional use permit shall be submitted to the Town Zoning Administrator on forms provided by the Town of Lincoln. The application shall be signed and dated by the applicant and shall be accompanied by information which shall include but not be limited to the following:
 - a. **General Information** - The name and address of the operator.
 - b. **Lease(s)**- - A signed copy of the lease(s) or a letter(s) signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this Ordinance. The expiration date of the lease of agreement shall clearly be indicated thereon.
 - c. **Legal Description** - A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.
 - d. **General Map** - Two copies of a general map which shall be drawn at a scale of no less than one (1) inch equals 200 feet and shall include the following:

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1. Property boundaries of the operator's owned or leased land and the location of other owners' property boundaries at the point where they abut the boundary of the project site.
 2. Topography of affected lands at intervals no greater than ten feet.
 3. Location and names of all streams and roads, on or within 300 feet of the project site.
 4. Location of all structures on or adjacent to the site and the purpose for which each structure and the adjoining land is used.
 5. Boundaries of previous excavations on the site.
 6. Location and description of mining site boundary stakes and permanent reference point. Boundary stakes may not be required for projects which are to be completed in six (6) months or less.
- e. Operational Plan - All horizontal and vertical measurements shall be referenced to a permanent reference point. The operational plan shall include two (2) copies of maps, information about the site, a description of the proposed mining operation, methods and procedures to be used in mining the site and a proposed timetable for completion of various stages of the operation as follows:
1. Observed or estimated depth to groundwater.
 2. Type of mining and processing.
 3. Estimated total volume of materials to be extracted.
 4. A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation shall be identified.
 5. Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.
 6. Plan view drawing and a description of the sequential stages of mining. The drawing shall show the location of the stage boundary stakes, the location and extent of the mining site to include but not be limited to mining refuse dumps, sediment and/or wash ponds, and sediment basins.
 7. Two (2) copies of a plan showing temporary erosion control measures to be used during excavation.

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- a. Temporary stabilization measures shall describe how such things as haul roads and stockpiles will be dealt with to minimize erosion and contamination of surface and groundwater.
 - b. Temporary stabilization measures may be ordered by field directive by the Town Zoning Administrator or his designee to correct situations which arise out of the operation of a project site.
 - c. Temporary stabilization may include but need not be limited to the following: Silt fencing, bale check dams, sod strips, rock riprap, hard surfacing through the use of concrete or blacktop, slope or high-wall reduction, temporary seeding, erosion mat placement, mulching and sediment basin construction.
8. Proposed truck and machinery access to the site.
 9. Types and location of temporary or permanent buildings and structures to be erected on the site.
 10. Approximate number of trucks and other types of machinery to be used at the site.
- f. Reclamation Plan - All horizontal and vertical measurements shall be referenced to a permanent reference point. The reclamation plan including maps, information about the site, a description of the proposed reclamation including methods and procedures to be used and a proposed timetable for completion of various stages of reclamation of the mining site shall be provided as follows:
1. Two (2) copies of a plan and description of the proposed reclamation including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures.
 2. Description of topsoil stripping, stabilization and conservation methods that will be used during replacement.
 3. Two (2) copies of a plan and description of anticipated final topography, water impoundments, artificial lakes, and anticipated future land use of the site.
 4. Description of plans for disposition of surface structures, roads, and related facilities after cessation of mining.
 5. The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.
 6. A seeding plan which shall include methods of seedbed preparation, seeding rates, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization.

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7. A timetable of the commencement, duration, -and cessation of reclamation activities.
- g. Other Information - The Plan Commission and the Town Board may require the submittal of such other information as may be necessary to determine the nature of the mining operation and proposed reclamation.
4. Conditions - These conditions shall apply to the Permit in addition to those established under Section 13.0.
 - a. No fixed machinery shall be erected or maintained within 200 feet of any property or street right-of-way.
 - b. No excavation shall take place within 100 feet of any property line or 100 feet of an existing or platted street right-of-way.
 - c. Screening, silting, washing, crushing or other forms of processing conducted upon the premises shall be at least 500 feet from any residential zone.
 - d. The following conditions shall apply to reclamation work:
 1. Slopes - No site shall exceed a three (3) feet horizontal to one foot vertical incline. This angle of repose shall extend vertically six (6) feet below the lowest seasonal groundwater level. This angle of repose may be modified to a flatter but not a steeper angle if it is shown that the material to be excavated or to be used in reclamation of the site will be unstable at three-to-one (3:1) ratio.
 2. Topsoil Storage and Reapplication - All topsoil on a mining site shall be saved for future application unless it can be proven that it is not all needed for reclamation. Topsoil shall be reapplied to the slopes as uniformly as possible. Sites which lack adequate topsoil shall have the topsoil applied preferentially to the sloped areas.
 3. Seeding/Re-vegetation/Stabilization - Seeding shall be done in accordance with a Soil Conservation Service Critical Area Plan or Wisconsin Department of Transportation, Road and Bridge Standards, 1981 Edition, Section 630, entitled, "Seeding", except that seeding rates listed in subsection 630.3.3.4.2 shall be doubled.
5. Standards Applied to all Permits:
 - a. Right of Access - The filing of an application shall grant the Town the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this Ordinance.
 - b. Boundary Staking - All excavation and phase boundaries shall be staked or otherwise marked and the operator shall notify the department that the site is staked at least two

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work days prior to commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the Town. Stakes may be removed after reclamation-is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.

- c. Permit Period - Permits shall be granted for a specified period of time not to exceed two (2) years based on the nature of the operation.
 - d. Limits-of Operation - Projects shall be limited to approved dimensions and depths.
 - e. Conflicts with other Regulations - It is the responsibility of the operator to obtain any local, state and federal permits or approvals.
 - f. Compliance with Reclamation - The operator shall comply with progressive and final reclamation plans for the site.
 - g. Notification of Commencement and Secession - The operator shall notify the department, in writing, at least fifteen (15) working days prior to initial mining operations and at least thirty (30) work days prior to final completion of project reclamation. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the Town for approval of the reclamation before entering the next stage.
 - h. Other Standards - The Town may apply such other requirements as are necessary to ensure progressive and final reclamation in a manner consistent with the Ordinance and to limit environmental pollution.
6. Renewal of a Permit
- a. Requests for permit renewal must be submitted in writing to the Town Zoning Administrator prior to the 60 days expiration date of the existing permit.
 - b. Permit renewals may be granted by the Town Board for not more than the duration of the original permit.
 - c. No permit renewal shall be granted unless the project is in reasonable compliance with the terms of the existing permit.
 - d. Permit renewals may be conditioned upon correction of any unanticipated environmental pollution occurring during the original permit.
7. Project Site Modification or Enlargement and Transfer of Permit
- a. Site modification - An operator may apply, in writing, to the Town Zoning Administrator, for a modification or cancellation of a permit or for a change in the

reclamation plan for a project site. This application shall identify the area to be removed as affected by a change on the operation and reclamation plans.

- b. Transfer of Permit - When one operator succeeds to the interest of another in an uncompleted site, the Town Board shall release the first operator of the responsibilities imposed by the permit only if:
 1. Both operators are in compliance with the requirements and standards of this Ordinance.
 2. The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document.
- c. Site Enlargement - Any proposed enlargement may be approved by the Town Board subject to the Town Board's evaluation of the revised reclamation plan.

8. Fees

- a. The application for a permit shall be accompanied by a permit fee established by the Town Board.
- b. The Applicant shall furnish the necessary sureties which will enable the Town to perform the planned restoration of the site in event of default by the applicant. The form and type of such sureties shall be approved by the Town Attorney.

6.4 Hunting Cabins

1. Where Permitted. Hunting Cabins are permitted as an accessory use in the A-1 Exclusive Agricultural District and the A-2 General Agricultural Zoning
2. Lot Size, Bulk Restrictions and Yard Requirements - The minimum lot size is 20 acres. All other bulk Restrictions yard requirements apply.

Comment: Any new lots created in the A-1 district after the effective date of this ordinance, July 7, 1986, must be 35 acres or greater.

3. Commercial use of hunting cabins is not permitted
4. Site Plan Required: A site plan is required under the provision of Section 8 of this ordinance.
5. Sanitation Facility Removed: To ensure that the hunting cabin is not used for as a permanent dwelling , toilet facilities are not permitted. Existing toilet facilities such as those in mobile home used as hunting cabins must be removed.

SECTION 7.0 - TELECOMMUNICATIONS ANTENNAS AND TOWERS

7.1 Definitions.

As used in this article, the following terms shall have the meanings indicated.

1. **Alternative tower structure** shall mean man-made structures such as elevated tanks, electric utility transmission line towers, non-residential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Free standing signs are not considered to be alternative tower structures,
2. **Antenna** shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
3. **FAA** shall mean the Federal Aviation Administration.
4. **FCC** shall mean the Federal Communications Commission,
5. **Governing authority** shall mean the governing authority of the Town of Lincoln.
6. **Pre-existing towers and antennas** shall have the meaning set forth in Section 7.2.4 of this article.
7. **Height** shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
8. **Tower** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structures, and the like.
9. Electric generating facilities and transmission lines **Height** shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

7.2 Applicability.

1. **Public, Property.** Antennas located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authority such antenna or tower has been approved by-the governing authority,
2. **Amateur Radio: Receive-Only Antennas.** This article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by

a federally-licensed amateur radio station operator or is used exclusively as a receive only antenna,

3. Pre-Existing Towers and Antennas. Any tower or antenna for which a permit has been property issued prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of Sections 7.3.5 and 7.3.6. Any such towers or antennas shall be referred to in this article as “pre-existing towers” or “pre-existing antennas.”

7.3 General Guidelines and Requirements

1. Purpose: Goals: The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goals of this article are to: (i) encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community, (ii) strongly encourage the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently,
2. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.
3. Inventory of Existing Sites. Each applicant for an antenna and or tower shall provide to the Town Board an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within one mile of the border thereof, including specific information about the location, height and design of each tower. The Town Board may share such information with other applicants applying for administrative approvals or Conditional Use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Town Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics and Lighting, The guidelines set forth in this Section 7.3.4. shall govern the location of all towers, and the installation of all antennas, governed by this article, provided, however, that the governing authority may waive these requirements if it determines that the goals of this article are better served thereby:
 - a. Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

- b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting, alternatives and approve the design that would cause the least disturbance to the surrounding views.
 - e. Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 ft. above the ground on a placard no larger than 1-1/2 sq. ft.
5. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
6. Building Codes. Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

7.4 Permitted Uses.

1. General. The uses listed in this Section 7.4. are deemed to be permitted uses and shall not require a Conditional Use permit. Nevertheless, all such uses shall comply with Section 7.3, of this article and all other applicable articles.
2. Specific Permitted Uses. The following uses are specifically permitted:
 - a. Installing an antenna on an existing alternative tower structure, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and
 - b. Installing an antenna on an existing tower of any height including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

7.5 Conditional Use Permits.

1. General. The following provisions shall govern Conditional Use permits:
 - a. If the tower or antenna is not a permitted use under Section 7.4 of this article, then a Conditional Use permit shall be required prior to construction of any tower, or the placement of any antenna.
 - b. Towers and antennas may only be located in the Exclusive Agricultural District (A-1), Light Industrial (I-1), Heavy Industrial (I-2), and Business (B-1) zoning districts.
 - c. If a Conditional Use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
2. Information Required. Each applicant requesting a Conditional Use permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.
3. Factors Considered in Granting Conditional Use Permits. The governing authority shall consider the following factors in determining whether to issue a Conditional Use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

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- a. Height of the proposed tower;
 - b. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
 - c. Proximity of the tower to residential structures and residential district boundaries;
 - d. Nature of uses on adjacent and nearby properties;
 - e. Surrounding topography;
 - f. Surrounding tree coverage and foliage;
 - g. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - h. Proposed ingress and egress;
 - i. Availability of suitable existing towers and other structures as discussed in Section 7.3.4. of this article.
4. Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- a. No existing towers or structures are located within the geographic; area required to meet applicants engineering requirements.
 - b. Existing, towers or structures are not of sufficient height to meet applicants engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicants proposed antenna and related equipment.
 - d. The applicants proposed antenna would cause electromagnetic interference with the antenna on the existing tower or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

5. **Setbacks and Separation.** The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby.
 - a. Towers must be set back a distance equal to the height of the tower from any off-site residential structure, or any parcel of land zoned residential.
 - b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
6. **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a Conditional Use permit is required; provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby.
 - a. Towers facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

7.6 Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

7.7 Electric Generating Facilities and Transmission Lines and Gas Utilities

Any electric generating facility, transmission line or gas utility use not requiring a certificate from the Wisconsin Public Service Commission under Wisconsin Stats. 196.49(5) or 196.491(13) is a conditional use and requires a conditional use permit. Such things as electrical wind generating facilities and large scale solar electrical generating facilities are allowed only in the A-1 Exclusive Agricultural District, the I-1 Light Industrial District, and the I-2 Heavy Industrial District. Small scale solar electrical generating facilities intended for a residential principal use are deemed to be a permitted accessory use. In the granting of the conditional use, the Town Board may consider, as

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deemed appropriate by the Town Board those provisions of this article that apply to Telecommunications Antennas and Towers.

SECTION 8.0 - SITE PLAN REVIEW AND APPROVAL AND ARCHITECTURAL CONTROL

8.1 Purpose and Intent

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a permit for new construction or additions without first obtaining the approval of the Plan Commission of a site plan as set forth in this section.

The Plan Commission shall insure that such construction is in accord with any official map, subdivision ordinance and comprehensive plan of the town of Lincoln and other applicable codes and ordinances of the town of Lincoln.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

8.2 Exceptions

1. Residential development having four or fewer dwelling units on a lot of record are exempt from the site plan review.
2. Manufactured homes located in the A-1 Exclusive Agricultural District and A-2 General Agricultural District and hunting cabins are not exempt from the provision of Section 8.0; however, the Zoning Administrator may approve the site plan on behalf of the Plan Commission.
3. The Zoning Administrator or the Plan Commission may waive certain site plan materials that are not critical to the purpose and intent of this section.

8.3 Fee

All site plans submitted to the town of Lincoln for review and approval shall be accompanied by a review fee as established from time to time by the Town Board.

8.4 Principles

To implement and define criteria for the purposes set forth in Section 8.1, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

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1. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
3. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
4. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
5. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the town.
6. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.

8.5 Site Plan Materials

Four copies of the site plan shall be submitted to the Zoning Administrator who shall transit all applications and their accompanying plan to the Plan Commission for their review. Plan data to be submitted with all review applications shall include the following:

1. Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.
2. Name of project noted.
3. Owner's and/or developer's name and address noted.
4. Architect and/or engineer's name and address noted.
5. Date of plan submittal.
6. Scale of drawing noted on plan.
7. North arrow shown.
8. Existing and proposed topography shown at a contour interval not less than two (2) feet.
9. The characteristics of soils related to contemplated specific uses.

10. Total number of parking spaces noted including location and dimension.
11. Dimensions of lot.
12. The type, size, and location of all structures with all building dimensions shown including setbacks.
13. Indicate height of building(s).
14. Existing and proposed street names indicated.
15. Indicate existing and proposed rights-of-way and widths.
16. Locate existing and general location of proposed sanitary disposal systems.
17. Locate any proposed storm water management facilities, including detention/retention areas.
18. Locate existing trees and wetlands.
19. Note location, extent, and type of proposed plantings.
20. Note location of pedestrian sidewalks and walkways.
21. A graphic outline of any development staging which is planned is required to be shown on the site plan.
22. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
23. A certified survey may be required by the Plan Commission.

8.6 Review and Findings

The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

8.7 Sureties

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required

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improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to Section 11.8 of this Ordinance.

SECTION 9.0 - SIGNS

9.1 Purposes

The purpose of this Ordinance is to promote and protect the public safety, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Lincoln.

9.2 Definitions

Animated sign - A sign with action or motion, flashing, color changes requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements, such as flags, banners, or specialty items. This definition does not include public service signs, such as time and temperature, revolving or changeable message signs.

Architectural Projection - Shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

Area of Copy - The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message, announcement, or decoration of a wall sign.

Area of Sign - The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled. Any irregular shaped sign area shall be computed using the actual sign-face surface.

Background Area of Sign - The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted.

Billboard - See “Off-Premise Signs”

Building Facade - That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevations.

Building Facade Facing - A resurfacing of an existing facade with approved material illuminated or non-illuminated.

Building Identification Sign - Any sign which promotes the name and type of business only on the premises where it is located.

Canopy Sign - Any sign attached to or constructed in, on, or under a canopy or marquee. For the purpose of this Ordinance, canopy signs shall be controlled by the rules governing projecting signs.

Changeable Message Sign - A sign, such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

Directional Sign - On-premise incidental sign designed to guide or direct pedestrians or vehicular traffic.

Double Faced Sign - A sign with copy on two (2) parallel faces that are back to back, facing in opposite directions.

Free Standing Signs - A sign which is supported by one or more columns, uprights or braces, in or upon the ground.

Grade - The elevation or level of the street closest to the sign to which reference is made, measured at the street's center line.

Ground Sign - A sign erected on one or more freestanding supports or uprights and not attached to any building.

Gross Area - The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for area or copy apply.

Height of Sign - The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

Illuminated Signs - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

Legal Nonconforming Sign - A nonconforming sign that did not meet code regulations when it was originally installed.

Marquee - Marquee is permanent roofed structure attached to and supported by the building and projections over public property.

Marquee Sign - Any sign attached to or constructed in a marquee.

Multiple Copy Sign - A sign which advertises other than the name of the business and the principal product or service.

Nonconforming Sign - A sign that does not meet code regulations.

Off-Premise Sign - A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.

Projecting Sign - Any sign identifying or advertising a business, person, activity, goods, products, or services located on a premise where the sign is installed and maintained.

Revolving Sign - A sign which revolves three hundred sixty (360) degrees but does not exceed eight rpms.

Roof Sign - A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

Sign - Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal signs shall also include all sign structures.

Sign Structure - Any structure which supports or is capable of supporting any sign, as defined in this code. A sign structure may be a single pole or may or may not be an integral part of the building.

Temporary Sign - A sign which is intended to advertise community or civic project, construction projects, real estate for sale or lease, or other special events on a temporary basis.

Swinging Sign - A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Under Marquee Sign - A lighted or unlighted display attached to the underside of a marquee protruding over public or private sidewalks or right-of way.

Wall Sign - A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall and which does not exceed more than six (6) feet above the parapet, eaves, or building facade of the building on which it is located or a sign which is painted on any exterior wall.

Window Sign - A sign installed on a window for purposes of viewing from outside the premises.

Zoning of Land Use - Shall mean the land use district as established by the Town Board.

9.3 General Requirements

1. Scope. This Ordinance pertains to and regulates all bill boards and sign in the Town of Lincoln.
2. Animated Signs in Residential District. No animated sign shall be erected or maintained in any residential land use district. No animated sign shall be erected or maintained closer than two hundred (200) feet from any residential zoning district.

3. Marquee Signs. Marquee signs may be placed on, attached to, or constructed in a marquee. Marquee signs shall be limited to the size of the marquee.
4. Building Facade Signs. Copy area of a building facade facing shall not exceed forty (40) percent of the background facing to which it is applied.
5. Wall Sign. Background area of wall signs shall not exceed thirty (30) percent of the building facade or four (4) square feet per lineal foot of the elevation upon which they are placed.
6. Multiple Copy Signs.
 - a. Copy of multiple copy signs not to exceed thirty (30) percent of background to which applied.
 - b. Principle identification sign is a sign which identifies only the name of the business and the name of the business and the principle product or service. These signs are not subject to any limitation of copy area background.
7. Free Standing Sign. Free standing sign shall be located within the property lines and shall have a minimum clearance of ten (10) feet.
8. Ground Signs or Billboards.
 - a. Such signs shall be located back of the street line a distance equal to, and not less than, the height of the sign.
 - b. A ground sign, any part of which is located in the building setback of the right-of-way shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three feet in height. Only one (1) ground sign shall be allowed in the front building setback per zoning parcel.
 - c. Any ground sign or projecting sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway measured from the point of intersection with a right-of-way shall maintain a minimum of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall be not more than three (3) feet in height.
9. Maximum Area of Signs. The maximum area of signs shall be the accumulation of the area of all signs located on a parcel of record. The maximum area of signs may differ according to the zoning classification of a lot.
10. Roof Signs. Roof signs are not allowed.
11. Stability. Signs shall be constructed so that they will withstand a wind pressure of at least thirty (30) pounds per square foot surface, and will otherwise structurally be safe, and shall be securely anchored or otherwise fastened, suspended or supported that they will not be a menace to persons or property. No sign shall be suspended by chains or other devices that will allow the sign to swing, due to wind action.

12. **Illumination.** All electrical signs shall conform to State electrical requirements. Illumination shall be directed entirely on the sign.
13. **Maintenance of Signs.** All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.
14. **Removal of Obsolete, Non-maintained, or Abandoned Signs.** All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned, shall be removed by the business or property owner within ninety (90) days after the receipt of removal notice, or, upon failure of such removal, the town shall remove such signs at the expense of the property owner.
15. **Location.** All free standing, ground, and portable signs shall be located within the property lines.
16. **No sign facing a Residential district shall be closer than twenty-five (25) feet to that district line.**
17. **Safety Standards.** All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be a traffic hazard by the Zoning Administrator shall be relocated or rearranged in accordance with safety standards. A sign in direct line of vision of any traffic signal, from any point in the traffic lane, shall not have red, green or amber illumination, nor be illustrated in such a way so as to interfere with vision of said signal, nor be illustrated in such a way as to be distracting.
18. **No sign built within one hundred (100) feet of an intersection shall have less than ten (10) feet of under clearance, unless erected on or against an existing building. Off-premise business signs shall not be located within the front yard setbacks, where such setbacks are established.**

9.4 Permits Required

1. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Town of Lincoln without first obtaining a sign permit for each such sign from the Zoning Administrator, as required by this Ordinance. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance and repair of the sign and the sign structure.
2. **Application for a Permit.** Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator. The applicant shall provide all information required on the application for the permit.
3. **Permit Fees.** Application for permit shall be filed with the Zoning Administrator, together with a permit fee for each sign as established by the Town Board.

9.5 Signs Not Requiring a Permit

1. **Construction Signs.** Two (2) construction signs per construction site, not exceeding one hundred (100) square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.
2. **Directional and Instructional Non-Electric Sign.** Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but not limited to, such signs as those identifying rest rooms, telephone, parking area, entrances and exits.
3. **Government Signs.** Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossings signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.
4. **House Numbers and Name Plates.** House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.
5. **Interior Signs.** Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications of this Ordinance.
6. **Memorial Signs and Plaques.** Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.
7. **No Trespassing or No Dumping Signs.** No trespassing, no hunting and no dumping signs not to exceed one and one-half (1-1/2) square feet in area per sign.
8. **Public Notices.** Official notices posted by public officers or employers in the performance of their duties.
9. **Public Signs.** Signs required as specifically authorized for public purpose by any law, statute, or ordinance.
10. **Political and Campaign Signs.** Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
 - a. Said signs may be erected not earlier than thirty (30) days prior to the primary election and shall be removed within fifteen (15) days following said general election.
 - b. Each sign, except billboards, shall not exceed sixteen (16) square feet in nonresidential zoning districts and eight (8) square feet in residential zoning districts.

- c. No sign shall be located within fifteen (15) feet of the public right-of-way at a street intersection, nor over the right-of-way.
11. Real Estate Signs. One (1) real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.
 - a. In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
 - b. In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
 12. Temporary Window Signs. In business, commercial and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed fifty (50) percent of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.
 13. On-Premise Symbols or Insignia. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.
 14. On-Premise Temporary Signs. Temporary signs not exceeding four (4) square feet in areas pertaining to drives or events of civic, philanthropic, educational, religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within fifteen (15) days after the event.
 15. Vehicular Signs. Truck, bus, trailer or other vehicle, while operating the normal course of business, which is not primarily the display of signs.
 16. Neighborhood Identification Signs. In any zone, a sign, masonry wall, landscaping, or other similar material and feature, may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.
 17. Awnings. Awnings with signs consisting of one (1) line of copy upon the border of the awnings.
 18. Home Occupation Signs. A sign, not exceeding two (2) square feet in size, which is located on the property to which the sign pertains.

9.6 Specific Zoning District Requirements

1. All Residential districts and Agriculture District. In the Residential Districts and Agriculture District, all signs are prohibited, except for the following non-flashing, non-illuminated, permanent signs under the conditions specified.

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- a. Real Estate Sign, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No sign shall exceed eight (8) square feet in area. Corner lots shall be permitted two (2) such signs, one facing each street
 - b. Nameplate Signs. Nameplate sign, not to exceed two (2) square feet, located on the premises. Corner lots shall be permitted two (2) such signs shall be permitted per farm.
 - c. Agricultural sign pertaining to the products of the agricultural premises not to exceed thirty-two (32) square feet in area for one (1) farm. Height of this respective sign shall not exceed eight (8) feet and may not be located within the building setback lines.
 - d. Bulletin Boards. Bulletin boards or similar devices for churches and religious institutions shall not exceed thirty-two (32) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet and may not be located within the building setback lines.
 - e. Memorial Signs. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.
 - f. Official Signs. Official signs, such as traffic control, parking restrictions, information and notices.
 - g. Home Occupation Signs. A home occupation sign shall not exceed two (2) square feet in size and shall be located on the property to which the sign pertains.
2. All Business District and Industrial Districts.
- a. Projection. In these Districts, where limitations are imposed by this Ordinance on the projection of signs, from the face of the wall of any building or structure, such limitations shall not apply to identification canopy or marquee signs indication only the name of the building or the name of the principal occupant of the building or the principal product available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the vertical face thereof.
 - b. Mounting. All signs shall be mounted in one of the following manners:
 1. Flat against a building or wall.
 2. Back to back in pairs, so that back of sign will be screened from public view.
 3. In clusters in an arrangement which will screen the back of the signs from public view.
 4. Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

3. B-1 district. In the B-1 district, business sign and advertising devices are permitted, subjected to the following conditions:
 - a. Area. The gross area in square feet of all signs on a zoning lot shall not exceed three hundred (300 square feet).
 - b. Height. No sign shall exceed a height of thirty (30) feet.
 - c. Number of Ground Signs. One (1) ground sign shall be allowed per zoning lot.
 - d. Setbacks. Signs shall meet all yard requirements of the zoning district, except those instances as set forth in Section 7.3 (8) a, b, and c of this Ordinance.

9.7 Off-Premise Poster Panel and Painted Advertising Signs.

1. All off-premise poster panel and painted bulletin signs are prohibited in the Town of Lincoln regardless of the nature, size and location, except as provided herein.
2. Off-premise poster panel and painted bulletin signs shall not be erected in the Town of Lincoln in any location, unless a permit is first obtained from the Town Zoning Administrator. Said permit shall not be issued unless a complete application, as requested by the Zoning Administrator is filed at the time of the application for the permit.
3. In issuing permits for off-premise poster panel and painted bulletin signs in the Town of Lincoln, the Town Zoning Administrator shall see that the following restrictions are complied with:
 - a. All off-premise signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, or those of red green, or amber color at intersections, are prohibited. Lights from any illumination shall be shaded, shielded, or directed so that the light intensity or brightness will be minimized to the surrounding areas. Such illumination shall be direct and the source of light shall not be exposed, when facing a residential zone. There shall be no direct illumination upon a roadway, or no glare or source of light shall be visible.
 - b. There shall be no off-premise signs of any nature in the town located within seventy-five (75) feet of a residential district.
 - c. There shall be no off-premise signs in the town which are more than thirty (30) feet in height above the adjacent street level.
 - d. On all off-premise signs in the town, there shall be a spacing of five hundred (500) feet between any signs three hundred (300) square feet or less, and least one thousand (1000) feet between any signs of three hundred one (301) square feet or more.
 - e. No off-premise signs shall be greater than three hundred (300) square feet in size and shall be permitted in business districts only. Off-premise signs greater than three hundred (300)

feet, but less than five hundred one (501) square feet may be allowed as a Conditional Use in the business zones.

- f. No off-premise sign permitted by this Ordinance, or any other ordinance of the town, shall in any manner project over the right-of-way of any highway or roadway in the town.
- g. No more than two off-premise business sign may be located within the front yard or corner side yard setback of any zoning lot.
- h. No off-premise business sign may be located within the front yard or corner side yard setback of any zoning lot.
- i. Any off-premise sign for advertising purposes in the town shall have at least ten (10) feet of under clearance, unless erected upon or against an existing building.
- j. No off-premise advertising signs shall be allowed to be placed on the roof of an existing building.

9.8 Alteration - Relocation

No sign or billboard in the Town of Lincoln shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this Ordinance. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity herewith shall not be deemed to be alterations within the meaning of this Ordinance.

9.9 Notification of Nonconformance

- 1. After enactment of this Ordinance the Zoning Administrator shall survey the Town of Lincoln to inventory all signs. Upon determination that a sign is nonconforming, the Zoning Administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
 - a. The sign's nonconformity.
 - b. Whether the sign is eligible for characterization as a legal nonconforming sign or is deemed unlawful.
- 2. Signs Eligible for Characterization as Legal Nonconforming

Any sign located within the Town of Lincoln on the sate of adoption of this Ordinance, which does not conform with the provisions of this Ordinance is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:

- a. The sign was covered by a proper sign permit prior to date of adoption of this Ordinance.
- b. If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of adoption of this Ordinance.

3. Loss of Legal Nonconforming Status

A sign loses its nonconforming status if one or more of the following occurs:

- a. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Ordinance that it was before alteration.
- b. The sign is relocated.
- c. The sign fails to conform to the Ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs.
- d. On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Ordinance with a new permit secured, therefore, or shall be removed.

4. Legal Nonconforming Sign Maintenance and Repair

Nothing in this Ordinance shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs.

9.10 Removal and Disposition of Signs

1. Maintenance and Repair

- a. Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except) when a weathered or natural surface is intended, repainting, cleaning and other acts required for the maintenance of said sign.
- b. The Zoning Administrator shall require compliance with all standards of this Ordinance. If the sign is not modified to comply with safety standards outlined in this Ordinance, the Zoning Administrator shall require its removal in accordance with this section.

Abandoned Signs

All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertises is no longer conducted or, for an off-premise sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice, the Town of Lincoln may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

3. Deteriorated or Dilapidated Signs

The Zoning Administrator shall cause to be removed any deteriorated or dilapidated signs under the provisions of Wis. Statutes 66.05.

9.11 Penalty

The remedies in this section for violations, or for failure to comply with the provisions of this Ordinance, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.

1. Remedies. Violation or failure to comply with the provisions of this section is unlawful.
 - a. Any sign erected without a permit shall be removed at the owner's expense, or brought into compliance within thirty (30) days of written notification of the Zoning Administrator. In the event that the owner does not remove, or bring into compliance, the Zoning Administrator may order removal or compliance within this section.
 - b. Any person who shall violate any provision of this section shall, upon conviction, forfeit no less than ten (10) dollars, nor more than two hundred (200) dollars, together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense.
 - c. This section shall not preclude the town from maintaining any appropriate action to prevent or remove a violation of this section.

SECTION 10.0 - NONCONFORMING USES AND STRUCTURES

10.1 Purpose and Intent

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

10.2 Buildings Under Construction

Buildings or structures on which construction was started or for which a construction contract was entered into before the effective date of this Ordinance or amendment of this Ordinance may be constructed notwithstanding this Ordinance, provided that the construction was legal and had received any necessary permits under the ordinances in effect on the date the construction project commenced.

10.3 Existing Structures: Dimensional Nonconformance

Buildings which were constructed prior to the effective date of this Ordinance or amendment of this Ordinance, which are conforming to the Ordinance as to use, but do not conform as to dimensional rules (setbacks, height, yard spaces, separations, etc.) are subject to the following requirements

1. Repairs and improvements of a maintenance nature are allowed.
2. Alterations, additions and expansions which change the exterior dimensions of the structure or building and which conform to the dimensional rules of this Ordinance are allowed.
3. Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which do not conform to this Ordinance, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced are allowed provided that they do not exceed 50 percent of full market value of the structure or building
4. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.

10.4 Existing Uses and Structures: Use Nonconformance

The lawful conforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; provided that:

1. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to this Ordinance.
2. A nonconforming use may be changed to another nonconforming use only as a special exception. A nonconforming use which is changed to a conforming use shall not revert back to a nonconforming use or structure.
3. Permitted Nonconforming Uses in the A-1 Exclusive Agricultural District:
 - a. Isolated substandard parcels less than 35 acres in size that existed prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance are allowed by the Town Board as a prior nonconforming uses. (Note construction of residence on substandard parcel must comply with Section 10.6 of this Ordinance, which does not permit the construction of residences of such substandard lots in the A-1 District.)
 - b. Isolated industrial or commercial uses that existed prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance are allowed by the Town Board as nonconforming uses.
 - c. Residences existing prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance that do not conform to the provisions of this district may continue in residential use, such existing residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, width, and other dimensional requirements.

10.5 Existing Structures and Uses: Other Standards and Requirements

1. Except for nonconforming manufactured homes, when a nonconforming use or structure is damaged by fire, explosion, act of God or public enemy to the extent of more than 50 percent of its current full market value, it shall not be restored except so as to comply with the use requirements of this Ordinance.
2. When a nonconforming manufactured home is damaged by fire, explosion, act of God or public enemy to the extent of more than 50 percent of its current full market value, it may be restored or replaced with a manufactured home certified and labeled under 42 U.S.C. sec. 5401 to 5426, provided either 1) the replacement, repair or restoration would bring the structure into compliance with this ordinance; or 2) the replacement, repair or restoration of the nonconforming portion of the structure occurs fully within the footprint of the structure before damage and there is no increase in the floor area of the nonconforming portion of the structure. Said repair or restoration in the latter case shall only be authorized when the relevant zoning permit for the repair or restoration is issued within twelve months from the date of the damage to the nonconforming structure.
3. Except for historic buildings, no repairs or restoration of nonconforming structures shall be located within any public right-of way.
4. Isolated substandard parcels less than 35 acres in size that existed prior to the effective of December 1, 1986 of the Town of Lincoln Zoning Ordinance are allowed by the Town Board

as a prior nonconforming uses. (Note construction of residence on substandard parcel must comply with Section 10.6 of this Ordinance, which does not permit the construction of residences of such substandard lots in the A-1 District.)

5 Permitted Nonconforming Uses in the A-1 Exclusive Agricultural District:

- a. Isolated substandard parcels less than 35 acres in size that existed prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance are allowed by the Town Board as a prior nonconforming uses. (Note construction of residence on substandard parcel must comply with Section 10.6 of this Ordinance, which does not permit the construction of residences of such substandard lots in the A-1 District.)
- b. Isolated industrial or commercial uses that existed prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance are allowed by the Town Board as nonconforming uses.
- c. Residences existing prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance that do not conform to the provisions of this district may continue in residential use, such existing residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, width, and other dimensional requirements.

10.6 Substandard Lots

In any residential district or in the A-2 agricultural district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendments of this Ordinance.

1. All the district requirements shall be complied with insofar as practical but shall not be less than the following:

Lot Width Minimum 65 ft.

Area Minimum 10,000 sq. ft.

2. Compliance with the standards of the Kewaunee County Sanitary Code shall be a condition for the granting of a building permit.
3. Substandard lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance is issued by the Board of Adjustment.
4. Isolated substandard parcels less than 35 acres in size that existed prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance are allowed by the Town Board as a prior nonconforming uses. (Note construction of residence on substandard parcel must comply

with Section 10.6 of this Ordinance, which does not permit the construction of residences of such substandard lots in the A-1 District.)

5. Permitted Nonconforming Uses in the A-1 Exclusive Agricultural District:

- a. Isolated substandard parcels less than 35 acres in size that existed prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance are allowed by the Town Board as a prior nonconforming uses. (Note construction of residence on substandard parcel must comply with Section 10.6 of this Ordinance, which does not permit the construction of residences of such substandard lots in the A-1 District.)
- b. Isolated industrial or commercial uses that existed prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance are allowed by the Town Board as nonconforming uses.
- c. Residences existing prior to the effective date of December 1, 1986 of the Town of Lincoln Zoning Ordinance that do not conform to the provisions of this district may continue in residential use, such existing residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, width, and other dimensional requirements.

SECTION 11.0 - ADMINISTRATION AND ENFORCEMENT

11.1 Purpose

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

11.2 Administrative Structure

1. This Ordinance hereby establishes a Town Building/Zoning Administrator, and Plan Commission.
2. This section shall provide the authority and necessary requirements for issuance of land use permits and occupation permits; amendments, conditional uses (special exceptions), fees, and penalties.

11.3 Building/Zoning Administrator

1. The Town Board of Lincoln shall appoint a Building/Zoning Administrator. It will be the primary responsibility of the Building/Zoning Administrator to administer and enforce the provisions of this Ordinance. The Town of Lincoln Building/Zoning Administrator shall have the following responsibilities and duties:
 - a. Issue all land and building permits and make and maintain records thereof.
 - b. Issue all rezoning certificates and make and maintain records thereof.
 - c. Conduct inspection of buildings, structures, and use of land and water to determine compliance with the terms of this Ordinance.
 - d. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
 - e. Forward to the Town of Lincoln Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Building/Zoning Administrator.
 - f. Forward to the Board of Adjustment applications of appeals, variances, or other matters on which the Board of Adjustment is required to pass under this Ordinance.
 - g. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.

- h. Initiate, direct and review from time to time, a study of the provisions of this Ordinance and to make reports of its recommendations to the Plan Commission.
- i. If the Building/Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall consult with the Town Board and only with their advice and consent, shall thereafter notify, in writing, the person responsible for such violation and ordering the action necessary to correct it.

11.4 Plan Commission

- 1. The Plan Commission shall perform the duties of the Plan Commission as set forth in Section 60.74 of the Wisconsin Statutes.
 - a. The Town of Lincoln Plan Commission shall have the power to carry out the following duties under this Ordinance.
 - 1. To review all conditional use permits in accordance to the provisions of this Ordinance and report in writing said findings and recommendations to the Town Board.
 - 2. To review all zoning changes and amendment requests to this Ordinance and report said findings and recommendations to the Town Board.
 - 3. To receive from the Building/Zoning Administrator recommendations as related to the effectiveness of this Ordinance and report his/her conclusions and recommendations to the Lincoln Town Board.
 - 4. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Plan Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

11.5 Membership

- 1. The Plan Commission shall consist of five (5) members appointed by the Town Board Chairperson and subject to the confirmation of the Town Board. One member shall be a Town Board member and the Town Chairperson shall appoint the Commission's presiding officer. The Building/Zoning Administrator shall be an ex officio member and shall attend all Plan Commission meetings but shall not be a voting member.
- 2. The four citizen members shall initially serve for terms of one, two and three years with two members serving a one year term, one member serving a two year term and one member serving a three year term. All terms thereafter shall be for three years. The term of the Town Board member shall be for one year.

3. Whenever a vacancy shall occur, the Town Board shall elect or appoint the appropriate member to complete the unexpired term.
4. Town Board Chairperson will appoint an Alternate Member, subject to the confirmation of the Town Board, for a term of three (3) years, and the Alternate Member shall act only when a regular member is absent or refuses or is disallowed to vote by the Town Board because of conflict of interest.

11.6 Meetings

1. All meetings of the Plan Commission shall be held at the call of the Chairperson of the Commission and at such times as the Commission may determine.
2. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing vote, indicating such fact and shall also keep records of its hearings and other official actions.
3. Three members shall constitute a quorum to transact any business and formulate its proper action.

11.7 Permit Fees

All persons, firms or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Town Zoning and Building Inspector, to help defray the cost of administration, investigation, advertising, and processing of permits, licenses and variances. The permits for which a fee is required are the Building Permit, Occupancy Permit, Conditional Use Permit, Site Plan, Quarry and Mine, Junk Yard and Salvage Yard Permit. A fee is required for a manufactured home park and manufactured and mobile home parking. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate, except where specifically listed in this Ordinance.

11.8 Violations and Penalties

1. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building/Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance. The Building/Zoning Administrator may also investigate violations on his/her own initiative (see Section 11.3).

2. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of

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the Town of Lincoln. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, forfeit not less than \$25.00 and not more than \$500 or in lieu of payment thereof be imprisoned for not more than 30 days and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Town of Lincoln from taking such other lawful action as is necessary to prevent or remedy any violation.

3. Abatement of Violation

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

SECTION 12.0 - BUILDING PERMITS

12.1 Cases Where Building Permits are Required

1. Where any building or other structure is erected, moved or structurally altered.
2. Where any land is substantially altered.
3. Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.
4. For any accessory building where the market value of the labor and materials exceeds \$500.
5. For any interior improvements where the market value of the labor and materials exceeds \$1,000.
6. For any exterior maintenance repairs having a cost or fair market value of \$1,000 or more.

12.2 Cases Where Building Permits are Not Required

1. For any accessory building where the market value of the labor and materials does not exceed \$500, provided that such building conforms to this Ordinance including all the setback, yard and open space requirements.
2. For any interior improvements or alterations to an existing building where the market value of the labor and materials does not exceed \$1000, which shall not affect a structural change in use or encroach upon any yard or open space.
3. For any exterior maintenance repairs having a cost or fair market value of less than \$1000.

12.3 Application for Building Permit

1. Application for a building permit shall be made to the Lincoln Town Building/Zoning Administrator by the landowner or his authorized agent and shall include the following, where applicable.
 - a. Plans and information required by Section 8.0 of this Ordinance.
 - b. A copy of the plat or certified survey map of the proposed building site.
 - c. A plat, in duplicate, drawn at a minimum scale of one inch to 100 feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Plan Commission and Building/Zoning Administrator for the proper enforcement of this Ordinance.

- d. Estimated cost of the construction activity.
- e. For new residential dwellings, proposed sewage disposal plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Kewaunee County Zoning Administrator for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
- f. For new residential dwellings, proposed water supply plan if municipal water service is not available. This plan shall be in accordance with Chapter NR 112 of the Wisconsin Administrative Code.
- g. Additional information as may be required by the Plan Commission and Building/Zoning Administrator.
- h. A building permit shall be granted or denied in writing by the Building/Zoning Administrator. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

12.4 Building Permit Fee

The applicant, upon filing of the Building Permit with the Building/Zoning Administrator, shall pay a fee to the Building/Zoning Administrator in accordance with Section 11.7 of this Ordinance.

12.5 Occupancy Permit

No vacant land shall be occupied or used; and no building or premises shall be erected, altered, moved or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been applied for to the Building/Zoning Administrator and issued by the Building/Zoning Administrator. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance. Such permit shall be applied for at the time of occupancy of any land and/or building and shall be accompanied by the fee set forth in Section 11.7 of this Ordinance.

SECTION 13.0 - CONDITIONAL USE (SPECIAL EXCEPTION) PERMITS

13.1 General Provisions

Any use listed as a conditional use in this Ordinance shall be permitted only upon application in duplicate to the Building/Zoning Administrator and issuance of a Conditional Use Permit by the Town Board. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

13.2 Application

The application for a Conditional Use Permit shall be filed with the Town Building/Zoning Administrator on a form so prescribed by the Town of Lincoln. The application shall be accompanied by such plans and data prescribed by the Town Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards, purpose and intent set forth in the respective zoning district. Such application shall be reviewed by the Plan Commission and a written recommendation thereon submitted to the Town Board. In order to secure evidence upon which to base its recommendation, the Plan Commission or the Town Board may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.

13.3 Standards Applicable to All Conditional Uses

In passing upon a Conditional Use Permit application, the Plan Commission and Town Board shall consider the following factors:

1. The location, nature, and size of the proposed use.
2. The size of the site in relation to it.
3. The location of the site with respect to existing or future roads giving access to it.
4. Its compatibility with existing uses on land adjacent thereto.
5. Its harmony with the future development of the district.
6. Existing topography, drainage, soil types, and vegetative cover.

7. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

13.4 Authorization

For each application for a conditional use, the Plan Commission shall report in writing its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

13.5 Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above and prior to the granting of any conditional use , the Plan Commission may recommend and the Town Board shall attach such conditions, in addition to those otherwise specifically listed, that it deems necessary to fulfill the purpose and intent of this Ordinance. The conditions may include landscaping, architectural design, type of construction, construction commencement and completion date, lighting, fencing, location, size and number of signs, water supply and waste disposal systems., higher performance standards, street dedication, certified survey maps, flood proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Plan Commission and may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

13.6 Notice and Public Hearing

Upon receipt in proper form of the written recommendation of the Plan Commission, the Town Board shall hold a public hearing on the proposed conditional use. Notice of such public hearing specifying the time, place and matters to come before at Commission shall be given as a Class II notice as referred to in Chapter 985 of the Wisconsin Statutes. Due notice of the hearing shall be given to parties of interest as well as owners of property within 200 feet of the proposed conditional use.

13.7 Conditional Use Permit Fee

The applicant, upon filing of the application, shall pay a fee to the Building/Zoning Administrator in accordance with Section 9.7 of this Ordinance.

SECTION 14.0 - BOARD OF ADJUSTMENT

14.1 Establishment

There is hereby established a Board of Adjustment for the Town of Lincoln for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance.

14.2 Membership

1. The Board of Adjustment shall consist of three (3) members appointed by the Town Chairperson and confirmed by the Town Board.
 - a. Terms shall be for staggered three-year periods.
 - b. Chairperson shall be designated by the Board of Adjustment.
 - c. Conflict of interest. Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself/herself from any meeting or hearing at which said matter is under consideration.
 - d. An Alternate Member may be appointed by the Town Chairperson for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
 - e. No more than one town board supervisor member may be a member of the Board of Adjustment.
 - f. Secretary shall be appointed by the Board of Adjustment.
 - g. Building/Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.
 - h. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

14.3 Organization

1. The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.
 - a. Meetings shall be held at the call of the Chairperson and shall be open to the public.

- b. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its findings of facts. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.
- c. The concurring vote of two (2) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a conditional use.
- d. In any action involving a historic property, as defined in Wisconsin Statutes s.44.31(3), the Board shall consider any suggested alternatives or recommended decision submitted by the Plan Commission.

14.4 Powers

1. The Board of Adjustment shall have the following powers:
 - a. Errors. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Plan Commission or Building/Zoning Administrator in the enforcement of codes, regulations or ordinances under their jurisdiction.
 - b. Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances and self-imposed hardships shall not be granted.
 - c. Interpretations. To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Plan Commission has made a review and recommendations.
 - d. Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issuance of a permit.
 - e. Assistance. The Board may request assistance from other town and county officials, departments, commissions and boards.
 - f. Oaths. The Chairperson shall administer oaths and may compel the attendance of witnesses.
 - g. Renewable Energy. To grant special exceptions and variances for renewable energy resource systems. If the board denies an application for a special exception or variance for a renewable energy resource system, the board shall provide a written statement of its reasons for denying the application. In this paragraph, "renewable energy resource

system" means a solar energy system, a waste conversion energy system, a wind energy system or any other energy system which relies on a renewable energy resource.

14.5 Appeals and Applications

1. Appeals from the decision of the Building/Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, committee, board or bureau of the Town. Such appeals shall be filed with the secretary within sixty (60) days after the date of written notice of the decision or order of the Building/Zoning Administrator. Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and applications shall include the following:
 - a. Name and Address of the appellant or applicant and all abutting and opposite property owners of record and owners within two hundred (200) feet.
 - b. Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 12.3 for a Building Permit.
 - c. Additional Information required by the Plan Commission, Board of Adjustment or Building/Zoning Administrator.
 - d. Fee Receipt from the Town Clerk in the amount specified by Section 11.7 of this Ordinance.

14.6 Hearings

The Board of Adjustment shall hold a public hearing within thirty (30) days of receiving written application for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Building/Zoning Administrator and the Plan Commission. At the hearing, the appellant or applicant shall appear in person, by agent, or by attorney.

14.7 Findings

1. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates such in the minutes of its proceedings:
 - a. Preservation of-Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
 - b. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same district, and the granting

of the variance should not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

- c. Economic Hardship and Self-Imposed Hardship Not Grounds for-Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-Imposed hardships shall not be considered as grounds for the granting of a variance.
- d. Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- e. Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

14.8 Decision

- 1. The Board of Adjustment shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building/Zoning Administrator and Plan Commission.
 - a. Conditions may be placed upon any Building Permit ordered or authorized by the Board.
 - b. Variances, Substitutions, or Use-Permits-Granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

14.9 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Adjustment may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Town Clerk.

SECTION 15.0 - CHANGES AND AMENDMENTS

15.1 Authority

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance when the amendment is consistent with the purposes and intent of this Ordinance.

Such Change or Amendment shall require the review and recommendation of the Plan Commission.

Additionally, the Town Board shall report to DATCP prior to the local approval of a comprehensive revision to the ordinance or any local governmental approval of a text or map amendment to the A-1 Exclusive Agricultural District. The Town Board shall delay the effective day of any revision or amendment until such revision or amendment has been certified by the Land and Water Conservation Board under s. 91.06 or until the Town Board is notified by DATCP that such amendment does not require certification under s.91.06. This is to help ensure that the tax credit coverage is maintained uninterrupted.

15.2 Initiation

A change or amendment may be initiated by the Town Board, Plan Commission, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

15.3 Petitions

1. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Building/Zoning Administrator, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
 - a. Plot Plan drawn to scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and current use of all properties within five hundred (500) feet of the area proposed to be rezoned.
 - b. Owner's Names and addresses of all properties lying within five hundred (500) feet of the area proposed to be rezoned.
 - c. Additional Information required by the Plan Commission or the Town Board.
 - d. Fee Receipt from the Town Clerk in the amount specified by Section 11.7 of this Ordinance.
 - e. Certified Survey as may be required by the Plan Commission or the Town Board.

15.4 Recommendation

1. The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - a. Existing uses or property within the general area of the property in question.
 - b. Zoning classification of property within the general area of the property in question.
 - c. Suitability of the property in question to the uses permitted under the existing zoning classification.
 - d. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
 - e. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
 - f. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

15.5 Hearings

The Town Clerk shall notify all property owners within five hundred (500) feet of the land in question and after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, the Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

15.6 Town Board's Action

Following such hearing and after careful consideration of the Plan Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

Recommendations of the Plan Commission with respect to said petition may only be overruled by a unanimous vote of the entire Town Board membership.

15.7 Protest to Proposed Change

In the event of protest against a proposed district change or amendment to this Ordinance, duly signed and acknowledged by the owners of 20 percent or more of the areas of the land included in such proposed amendment, or by the owners, of 20 percent or more of the area of the land immediately adjacent extending 100 feet from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the town board voting on the proposed change.

15.8 Rezoning Record

The Town Board shall keep a record of all rezoning activities, including the rationale for rezoning.

SECTION 16.0 - ADOPTION AND EFFECTIVE DATE

16.1 Plan Commission

The Plan Commission of the Town of Lincoln recommended the adoption of this Ordinance at a meeting held on the 16th day of December 1997.

16.2 Public Hearing

Pursuant to and in accordance with the Laws of the State of Wisconsin, the Town Board held a public hearing on this Ordinance on the 2nd day of March 1998.

16.3 Town Board Approval

The Town Board concurred with the recommendations of the Plan Commission and adopted the Zoning Ordinance at a meeting held on the 2nd day of March 1998.

16.5 Effective Date

This Ordinance shall take effect upon adoption by the Town Board and the filing of proof of publication or posting in the office of the Town Clerk.