VILLAGE OF WINDSOR
ORDINANCE 2016-07

ADOPTION OF AMENDMENTS TO THE WINDSOR CODE OF ORDINANCES FOR CHAPTER 52 – ZONING DISTRICTS – RESIDENTIAL DISTRICTS

THE VILLAGE BOARD FOR THE VILLAGE OF WINDSOR, LOCATED IN DANE COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE: Chapter 52, Windsor Zoning Code, shall be amended and replaced with Version 9, which is attached hereto as an exhibit and incorporated by reference as if set forth in full herein.

SECTION TWO: The Windsor Residential Zoning Table is hereby adopted. In the event of a conflict between the Windsor Residential Zoning Table and the text of the ordinance, the text of the ordinance shall control.

SECTION THREE: This Ordinance shall become effective following its adoption by the Village Board and publication or posting in the manner required by law.

The above and foregoing Ordinance was adopted at a duly noticed meeting of the Village Board of the Village of Windsor held on the 29th day of March, 2016, by a vote of 3 in favor and 0 opposed.

VILLAGE OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Village President

Excused Absence
Donald G. Madelung, Trustee

Bruce R Stravinski
Bruce Stravinski, Trustee

Excused Absence
Alan Buchner, Trustee

Monica M. Smith
Monica M. Smith, Trustee

Attested by:
Tina Butteris
Tina Butteris, Deputy Village Clerk

Posted/Published: April 7, 2016

Effective Date: April 8, 2016

Chapter 52 – Zoning

ARTICLE I. – IN GENERAL

Sec. 52-1. – Purpose.

The overall purpose of this chapter is to implement the Village of Windsor comprehensive plan to the extent possible under zoning. This chapter is designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to preserve burial sites as defined in s. 157.70(l), Wis. Stats. Specifically, this chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the comprehensive plan.

Sec. 52-2. – Abrogation.

It is not intended that this chapter abrogate or interfere with any constitutionally protected vested right.

Sec. 52-3. – Application.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare. Where property is affected by the regulations imposed by any provision of this chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations. No structure shall be constructed, erected, modified, converted, enlarged, reconstructed, altered, placed or maintained, and no land shall be used, modified, or maintained for any purpose or in any manner which is not in conformity with the provisions of this chapter.

Sec. 52-4. – Jurisdiction.

This chapter is applicable to all territory located within the corporate limits of the Village of Windsor.

Sec. 52-5. – Effective date.

This chapter shall become effective upon passage and posting according to law, following the date of passage of the official zoning map.

Sec. 52-6 - 52-9. – Reserved.

ARTICLE II. – DEFINITIONS

Sec. 52-10. – Purpose.

For the purposes of this chapter certain terms used herein are defined as set forth in this section. Words and phrases not defined in this section or elsewhere in the ordinance shall be construed by resort to the following, in order of preference: Wisconsin Statutes; Wisconsin zoning case law; other states' zoning case law; the dictionary; and common usage.

Sec. 52-11. – Definitions.

(1) Accessory building. A subordinate or supplemental building, the use of which is incidental to that of the main building on the same lot or the use of the premises on which it is located.

(2) Accessory use. A use customarily incidental and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.

(3) Agricultural use. Means any of the following activities conducted for the purpose of producing an income or livelihood:

(a) Crop or forage production.

(b) Keeping livestock.

(c) Beekeeping.

(d) Nursery, sod, or Christmas tree production.

(e) Floriculture.

(f) Aquaculture.

(g) Fur farming.

(h) Forest management.

(i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(4) Agricultural accessory use. Means any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or incidental to, an agricultural use.

(b) An activity or business operation that is an integral part of, or incidental to, an agriculture use.

(c) Farm Residence.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full- time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(5) Agriculture-related use. A facility, whether or not located on a farm, that has at least one of the following as a primary, and not merely incidental, purpose:

(a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.

(b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.

(c) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation district.

(6) Agricultural accessory building. Means a building or buildings used in the operation of a farm.

(7) Agricultural entertainment. A farm based activity, enterprise, or business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building and may have more than one (1) full-time equivalent employee. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on- farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

(8) Adopted village comprehensive plan. Means a village comprehensive plan adopted by both the affected village board and the Dane County Board of Supervisors under s. 66.1001, Wis. Stats. and Chapter 82, Subchapter II, Dane County Ordinances.

(9) Adult entertainment establishment. Any establishment which regularly features for monetary consideration performances or presentations which are distinguished or characterized by an emphasis on exposure to view of less than completely or opaquely covered human genitals, pubic area, anus, vulva, female breasts below a point immediately above the top of the areola; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate the fondling of another person's genitals, pubic region, anus, or female breasts, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual conduct as defined by s. 944.21(2)(e), Wis. Stats.

(a) The term "regularly features" as used in this subsection means giving special prominence at uniform,

orderly intervals on a permanent basis, or always features.

(10) Animal unit. One animal unit shall be defined as being the equivalent of 1 cow, 4 hogs, 10 sheep, 10 goats, 100 poultry, 1 horse, 1 pony, 1 mule or 100 rabbits or an equivalent combination thereof.

(11) Apartment house. A building containing accommodations for more than two (2) families living independently of each other.

(12) Apartment house complex. A group of apartment houses located on a single parcel of land with certain facilities, such as driveways, parking spaces and the like, common to the buildings in the complex.

(13) Beekeeping. Keeping of more than 1 hive for each 10,000 square feet of lot or parcel area.

(14) Bed & breakfast. A private residence which has rooms set aside for overnight guests whose paid accommodations include breakfast but no other meals, as defined in s. 254.61, Wis. Stats.

(15) Boarding house. A building or premises where meals are served by pre-arrangement for definite periods of time for compensation for five (5) or more persons, but not exceeding 20 persons, not open to transients, in contradiction to hotels and restaurants open to transients.

(16) Boathouse. A building for the storage of boats, canoes and other water craft and their accessories.

(17) Boat slip. Means a mooring accommodation for the in-water storage of a boat or other water craft which is owned by other than a resident or owner of the premises.

(18) Building. Any structure having a roof supported by posts, columns or walls and its appendages including, but not limited to balconies, porches, decks, stoops, fireplaces and chimneys. Also included for permit and locational purposes are swimming pools, both above and below ground, permanent hunting blinds with a foundation, and towers, including communication towers. Not included within the definition, for permit purposes or otherwise, are poles, towers and posts for lines carrying telephone messages or electricity and recreational structures of open construction and without walls, such as swing sets, slides, yard gyms, climbers, sand boxes and teeter totters.

(19) Building footprint. The entire area of ground covered by a structure, expressed in square feet, including appurtenances such as, but not limited to, balconies, porches, decks, stoops, fireplaces, and chimneys.

(20) Building height. The vertical distance, measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof for flat roofs; to the mean height level between the highest ridge and its associated eave for gable and hip roofs; to the deck line for mansard roofs. The front of the building shall be the side directly facing the public or private thoroughfare which affords primary means of access to the property, excluding the driveway.

(21) Building line. The building line shall be the point at which the building wall or any appendage of the building such as steps, chimneys, decks, porches or covered patios meets the ground. For earth sheltered homes, the building line is a line where the exterior walls of the building if extended vertically would be located on the lot.

(22) Building setback line. Is a line that is parallel to the front or street lot line and is located at a distance from either the center line of the adjacent highway or the front lot line as provided for in Sec. 52-21 of this ordinance. For triangular or gored lots that do not have the required lot width at the required building setback line, the building setback line shall be a line that is parallel to the front lot line or if the front lot line is a curve it shall be parallel to the chord of the arc of the curve of the front lot line and located at the point on the lot where the length of the line meets the lot width requirements of the zoning district in which it is located. (See also Lot Width.)

(23) Campground. A parcel or tract of land, maintained, intended or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles or sleeping bags, and may include buildings to provide services to the patrons such as restrooms, bathing, laundry and commissary facilities. A primitive campground shall be any area or site designated for camping purposes which is accessible only by hiking, boating or canoeing.

(24) Cemetery. Shall include, but not be limited to, cemeteries, mausoleums, columbaries and burial chapels. Shall be subject to s. 157.06, Wis. Stats.

(25) Clear area. Means an area adjacent to and completely surrounding each and every physical structure comprising part or all of an historic site. No building or structure of any kind, whether or not a permit therefor is required under this chapter, shall be erected in the clear area and no obstacle of any kind, whether attached to an allowed structure or not, shall be placed in the airspace above the clear area, and no soil disturbance shall occur in the clear area.

(26) Clinic. An office or building in which dental, veterinary, medical or paramedical services is provided on an outpatient basis. Such services as laboratory, X-ray and first aid services may be provided.

(27) Club. An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business.

(28) Colony house. A building for the breeding and raising of experimental and laboratory animals, such as white mice and rats, guinea pigs and the like, and for the storage of feed and accessory materials.

(29) Committee. The zoning and natural resources committee of the Dane County Board of Supervisors or any other committee of the Dane County Board of Supervisors designated to act as the county zoning agency and delegated the responsibility for zoning matters under s. 59.69, 59.692, 87.30 and 144.26, Wis. Stats.

(30) Communication tower. Any structure, whether free-standing or attached to an existing building or structure, other than a building or structure which is both owned by the village in which located and dedicated to a governmental use or a structure that is both owned by the County of Dane and used as a warning siren site, 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, alternative tower structures, and the like.

(31) Community living arrangements. Community living arrangement means any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under s. 48.60, Wis. Stats., group foster homes for children under s. 48.02(7), Wis. Stats., and community based residential facilities under s. 50.01, Wis. Stats., but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

(32) Condominium. Individual ownership of a structure or a unit in a multi-unit structure located on a commonly held parcel of land organized under ch. 703, Wis. Stats. Buildings in a condominium shall meet the density and locational requirements of the zoning district in which they are located.

(33) Construction equipment. Shall include, but not be limited to, tractors, both wheeled and crawler types, graders, end loaders, scrapers, bulldozers, cranes, back hoes, drag lines, trucks, including dump, stake body or semi-trailer lo- boys of more than two and one-half (2-½) ton capacity, "cherry picker" vehicles and air compressors. Any of the aforementioned equipment that is used in connection with a farm operation and is not leased or contracted for use on any other property shall not be considered construction equipment.

(34) Contiguous. Lots or parcels shall be considered as contiguous for the purpose of this ordinance if they share a common boundary for a distance of at least 66 feet.

(35) Day care centers. A place or home which provides care for four (4) or more children under the age of seven (7) years for less than 24 hours a day and is licensed as provided for in s. 48.65, Wis. Stats.

(36) Dependency living arrangement. Means a physical arrangement of a dwelling unit in such a fashion that separate living spaces are created within a dwelling unit for the sole purpose of allowing a dependent person to live in the secondary living area while the owner and his or her family reside in the principle living area. The secondary living area may contain a bath and limited kitchen facilities which permit a degree of independence.

(37) Dependent. As it pertains to dependency living arrangements, is an individual who requires some assistance in the activities of daily living such as eating, dressing, bathing or ambulation.

(38) Development. Means any activity requiring a zoning permit or certificate of compliance, including earth-disturbing activities that will lead to the installation of footings, piers, posts, pilings or foundations, as described in Sec. 52-101(11).

(39) Development plan. Means a scale drawing of the premises which accurately depicts the shape and dimensions of the lot or parcel, the location and dimensions of all existing and proposed buildings and other structures; the location and dimensions of all parking areas, loading areas, circulation areas, and access drives; the distance in feet between all structures, and between all structures and parking areas, abutting streets and highway rights-of-way or easements and side and rear lot lines; together with such other information as the zoning administrator deems necessary.

(40) Development right. Means a potential new residential building site available under the policies of an adopted village and county comprehensive plan, subject to the standards of this ordinance and ch. 11, 17 and 75. For purposes of participating in a transfer of development rights program, a development right exists on a particular property if adopted village and county comprehensive plans would support a rezone petition to allow residential development on the property under Sec. 52-100 (2) of this ordinance and s. 59.69 and 91.48, Wis. Stats.

(41) Domestic fowl. Domestic fowl includes female chickens, ducks, and quail. Geese, turkeys, and pea fowl are not considered domestic fowl for the purposes of this ordinance.

(42) Drive-in establishment. Means an establishment which accommodates motor vehicles from which the occupants may obtain or receive a service or product which may be used or consumed in the vehicle on the same premises or an establishment which accommodates motor vehicles for the purpose of fueling or providing minor motor vehicle services. All such establishments shall operate pursuant to a conditional use permit secured from the committee.

(43) Dwelling.

(a) Single family dwelling. A building designed for and occupied exclusively as a residence for one (1) family.

(b) Multiple family dwelling. A building designed or intended to be used by more than two (2) families living independently of each other.

(c) Duplex family dwelling. A building designed to be occupied by two families living independently of each other.

(44) Explosive materials. Mean explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. Exempted from this definition are those explosive materials set forth in Comm 7.02(2), Wis. Admin. Code.

(45) Extended care facilities. A nursing home which is certified by the State of Wisconsin under the Federal Social Security Act to care for patients under the Medicare Program.

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

(47) Farm. Means all land under common ownership that is primarily devoted to agricultural use.

(48) Farm operator. A person who, or a family at least one member of which, earns substantial farm income, as defined in Sec. 52-11, from farm operations on the farm.

(49) Farm residence. Any of the following structures that is located on a farm:

(a) A single-family residence that is occupied by any of the following:

1. A person who is both the owner and farm operator of the farm.

2. A parent or child of the owner and farm operator of the farm.

3. An individual who earns more than 50 percent of his or her gross income from the farm.

(b) A migrant labor camp that is certified under s. 103.92, Wis. Stats.

(50) Governmental uses. Shall include, but not be limited to, parks, playgrounds, hospitals, police and fire stations, solid waste disposal sites and recreational areas. For purposes of this chapter, a school is not a governmental use. Installation of communications equipment on a building or structure which is both owned by the village in which located and dedicated to a governmental use or on a structure that is both owned by the County of Dane and used as a warning siren site, is included within this definition.

(51) Gross floor area. The aggregate area of all horizontal levels of a building, expressed in square feet, not including any horizontal level where the average floor to ceiling height is less than 6 feet. When used as a basis of measurement for off-street parking and loading spaces for any use, gross floor area shall be the sum of the areas of the several floors of the buildings devoted to such use, including all areas devoted to restrooms, storage, utilities and circulation.

(52) Gross income. Means Wisconsin adjusted gross income as defined in s. 71.01(13), Wis. Stats., 1989-90.

(53) Gross vehicle weight. Means the weight of any truck or road tractor and its semi- trailer plus the load that the vehicle is rated to haul.

(54) Historic site. Means any burial site designated as an historic site by the county board of supervisors. A burial site has the definition set forth in s. 157.70(1)(b), Wis. Stats, 1987. Any action of the county board designating an historic site shall constitute a zoning map change and shall be subject to village approval and the protest rights of landowners under s. 59.69, Wis. Stats. No person shall enter any property to survey the land for historic sites without the written permission of the property owner.

(55) Home occupation. A home occupation is any occupation carried on by a member of the immediate family residing on the premises, which meets all of the following conditions:

(a) That the occupation is conducted within a dwelling and not in an accessory building;

(b) That only members of the immediate family residing on the premises may be employed on the premises, plus a maximum of one other unrelated person;

(c) That no stock-in-trade is kept or commodities sold, other than those made on the premises;

(d) That samples may be kept but not sold on the premises;

(e) That no mechanical equipment is used except such as may be used for purely domestic or household purposes;

(f) That such occupation shall not require internal or external alterations, or involve construction features not customary in a dwelling;

(g) That not more that 25 percent (25%) of the floor area of one (1) story of the dwelling is devoted to such home occupation;

(h) That the entrance to the space devoted to such occupation is from within the building;

(i) That there is no evidence, other than the sign referred to in subsection (j) below, that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and

(j) That one (1) sign shall be permitted, which sign shall be attached to the building, shall not exceed two (2) square feet in area and shall not be lighted at night.

(56) Hospital. An institution providing health services, primarily for in-patients, and medical and surgical care of the sick and injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

(57) Hotel. A building in which board and lodging are provided to the transient public for compensation.

(58) Incidental indoor maintenance. Maintenance and repair of equipment and vehicles owned and operated by a principal business on the premises, and not as a service to others. All maintenance activities must take place within an enclosed building.

(59) Indoor storage. Uses that are primarily oriented to the receiving, holding and shipping of materials for a single business. Such uses are not for retail sales, storage of personal belongings of others, or warehousing of materials for others. With the exception of loading facilities, such uses are contained entirely within an enclosed building.

(60) Junk. Garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, any inoperable motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, paper, rags, cans or bottles.

(61) Kennel. A kennel is any premise, or portion thereof, where dogs, cats or other household pets are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

(62) Land disturbing activity. Means any alteration or disturbance that may result in soil erosion, sedimentation or change in runoff including, but not limited to, removal of ground cover, grading, excavating or filling of land.

(63) Light industrial. The processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from previously processed or previously manufactured materials. All operations (with the exception of loading operations):

(a) Are conducted entirely within an enclosed building;

(b) Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;

(c) Do not pose a significant safety hazard (such as danger of explosion); and

(d) Include no retail sales.

(64) Limited family business. A small family-run commercial operation, accessory to a permitted principle use that takes place entirely within an accessory building. All employees, except one or one full-time equivalent, must be a member of the family residing on the premises. Limited Family Businesses must comply with all requirements of Sec. 52-28.

(65) Limited rural business. A Limited Rural Business may include any use permitted in the A-B, B-1, C-1 or C-2 zoning districts if it is located exclusively in building(s) in existence prior to April 30, 2005, maintains, restores or enhances the existing exterior character of the building(s), employs no more than 4 non-family employees, and does not conflict with the overall purposes of the district within which the Limited Rural Business is proposed. "Family" has the meaning set forth in Sec. 52-11.

(66) Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

(a) For purposes of this ordinance, 100 or more rabbits shall be considered livestock and subject to the regulations pertaining to the keeping of livestock.

(b) For purposes of this ordinance, domestic fowl in single family residential yards under Sec. 52-29 shall not be considered livestock and shall not be subject to regulations pertaining to the keeping of livestock.

(67) Location survey. Refers to survey information prepared by a licensed surveyor indicating the location of property lines and building location distances from those property lines for the specific portions of the building indicated in this ordinance. Such surveys are not required to provide all the parcel information set forth by ch. A-E 7.02, Wis. Admin. Code, Minimum Standards for Property Surveys item A-E 7.01(2) but may exclude unnecessary information as permitted in A-E 7.01(2) and provide only the information required by the zoning ordinance but such information must comply with the accuracy standard required by A-E 7.06 Measurements.

(68) Lodging house. A building in which lodging accommodations are provided by previous arrangements for definite periods of time to four (4) or more but not to exceed twelve (12) individuals not members of the owner's family.

(69) Lot. A parcel of land occupied or intended to be occupied by one (1) building and its accessory building and uses, except as otherwise provided herein. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the register of deeds. No land included in any street, highway or railroad right-of-way shall be included when computing area.

(70) Lot depth. The lot depth is the mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

(71) Lot width. The distance between the side lot lines measured along a line that is parallel to the front lot line at the required building setback line. On triangular or gored lots the lot width shall be measured along a line that is parallel to the chord of the arc of the front lot line at the required building setback line, the lot width at this point shall be a minimum of that required by the zoning district in which the lot is located. (See also building setback line.)

(72) Lot zoning. A parcel of land under single ownership occupied or intended to be occupied by one main building, and buildings and uses customarily accessory or incidental thereto, including such open spaces as are provided or are intended to be used in connection therewith or are required by the ordinance. A zoning lot may or may not coincide with a lot of record.

(73) Majority. Means more than one half of the pertinent total.

(74) Marina. Means a shoreside facility that provides accommodation and service for boating and may include, but is not limited to, docks; boat slips; inside or outside storage of boats, boat trailers, storage cradles and other related marina items; sale of boats, boating equipment, fuel and supplies. Docks or boat slips by themselves do not constitute a marina use.

(75) Mineral extraction. Quarrying or excavation of sand, gravel, limestone, earth, soil or other mineral resources. This definition includes (when done in connection with mineral extraction) accessory uses such as washing, crushing and other processing of the materials, stockpiling and processing concrete and asphalt pavements for the purpose of recycling for reuse in asphalt or concrete mixtures or base course products, the erection of structures and the installation or storage, or both, of the necessary machinery and equipment used in the mineral extraction operation. Production of asphalt or concrete is not to be considered part of a mineral extraction operation.

(a) The following uses are not part of a mineral extraction operation: site preparation for residential or commercial plats, construction or landscaping projects, soil conservation practices, stream, lake or shoreline protection, agricultural land leveling projects if materials are not removed from the property and similar uses.

(76) Mini-warehouse. A storage building comprised of separate compartments each of which is intended for separate rental and each of which has its own separate access.

(77) Mobile home park. Any plot or plots of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for an accommodation. Is subject to the requirements of s. 66.058, Wis. Stats.

(78) Motel. A building containing sleeping rooms for the temporary accommodation of tourists and not for permanent occupancy except by the owner or resident operator.

(79) Motor vehicle. Cars, trucks, buses, semi- tractors and semi-trailers which may be used to transport goods, materials, freight or passengers.

(80) Native wildlife rehabilitator. A person who has permits from the United States Department of Interior, Fish and Wildlife Service and/or the Wisconsin Department of Natural Resources to rehabilitate injured or sick native wildlife as defined in the Wisconsin Administrative Code.

(81) Occupiable floor area. When used as a basis of measurement for off-street parking spaces for any use, shall be the sum of the areas of the several floors of the buildings designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the sale of merchandise, or in the case of office use those areas occupied or used by employees. Occupiable floor area shall not include areas used principally for non-

public purposes such as restrooms, locker rooms, storage, utilities and areas behind counters.

(82) Office. An exclusive indoor land use whose primary function is the handling of information or administrative services. Such uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

(83) Outdoor storage. Outdoor storage is primarily oriented to the receiving, holding and shipping of materials for a single business. Such a use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage use. Such uses do not include junk or other materials typically associated with a junkyard, salvage recycling center or solid waste recycling center, as defined in this ordinance.

(84) Nonconforming use. A lawful use that existed prior to adoption of an ordinance which restricts or prohibits said use.

(85) Notice document. A recorded instrument to notify future landowners and others of unusual features, policies, regulations or other characteristics that may affect future development potential or other speculative use of a specific property. All notice document instruments must meet the minimum recording standards of the Dane County Register of Deeds.

(86) Nursing home. A home for the aged, chronically ill or incurable person in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

(87) Park, amusement. An area, publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.

(88) Park, public. An area owned by the county or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

(89) Person. Except where otherwise indicated by the context, the word person shall include the plural, or a company, firm, corporation or partnership.

(90) Planned unit development. A form of land development permitted after following the procedures for creating a planned unit development district as provided in Sec. 52-77. The planned unit development district is designed to allow variation in the types and arrangements of land uses and structures in developments conceived and implemented as cohesive, unified projects. Each planned unit development district shall be either a rural planned unit development district or an urban planned unit development district.

(91) Pleasure horses. All horses and ponies which are kept or raised for personal use by the owner(s) of or persons residing on the property or their guests. The term does not include horses or ponies kept or raised for commercial breeding purposes, held for sale as beasts of burden or draft animals, boarded for a fee, or offered to the public for riding purposes upon payment of a fee.

(92) Professional office. A building in which is provided space for professional offices such as those of doctors, practitioners, dentists, real estate brokers, engineers, lawyers, authors, architects, musicians and other recognized professional occupations.

(93) Race event or rally. Means a gathering of more than three people for the purpose of repetitive vehicular activity over a fixed course or area, which persists for periods in excess of 30 minutes in any one 24 hour period.

(94) Racing vehicle. A motor vehicle of a type used for racing or participation in a race event or rally. Such vehicles may not normally be legally operated on the public highways.

(95) Recorded. Means recorded with the Dane County Register of Deeds.

(96) Recreational equipment. Shall include boats, canoes, snowmobiles or camping and luggage carrying trailers intended to be towed by an automobile or truck or a camper unit to be mounted on a truck. Any motor

driven camper or motor home shall be considered as recreational equipment.

(97) Refuse. Refuse means combustible and noncombustible rubbish including, but not limited to, paper, wood, metal, glass, cloth and products thereof, litter and street rubbish, ashes and lumber, concrete and other debris resulting from the construction or demolition of structures.

(98) Religious uses. Shall include, but not be limited to, churches, convents and monasteries. For purposes of this chapter, a school is not a religious use.

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

(100) Roadside stand. A structure having a ground area of not over 200 square feet, not permanent by being attached to the ground, readily removable in its entirety and to be used solely for the sale of farm and garden products produced on the premises. Such structures may be located within the setback lines of roads but shall not interfere with visibility along the highway.

(101) Rooming house. Same as lodging house.

(102) Salvage recycling center. A salvage recycling center is an area where waste or scrap materials are bought, sold, exchanged, stored, recycled, baled, packed, disassembled or handled, including, but not limited to, motor vehicles, farm equipment, scrap iron and other metals, paper, rags, rubber tires and bottles. A salvage recycling center includes a motor vehicle wrecking or dismantling yard, but does not include a solid waste recycling center as defined in Sec. 52-11.

(103) Sanitary fixture. Any plumbing fixture that requires discharge to a private onsite wastewater treatment system or public sanitary sewer system pursuant to state or county plumbing code.

(104) Sanitary landfill. Sanitary landfill is a type of land disposal operation involving the disposal of solid waste on land.

(105) Schools. Means any private, public or religious school but does not include either truck driving schools or construction equipment operator schools unless expressly stated otherwise in this chapter.

(106) Setback. The minimum horizontal distance from the front line or from the center of the highway, measured parallel to the highway or front lot line, to the front of the building.

(107) Slaughterhouse. Any building or premises used commercially for the killing or dressing of cattle, sheep, swine, goats or horses, for human consumption and the storage, freezing and curing of meat and the preparation of meat products.

(108) Small scale electric generating station. Electric generating equipment and associated facilities designed for nominal operation at a capacity of 100 megawatts or less, not requiring approval of the state Public Service Commission under s. 196.491, Wis. Stats. Equipment and structures, not including towers, for the purposes of creating electricity to be used primarily on the property are not considered small scale electric generating stations.

(109) Solid waste. Solid waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, operations and other domestic use and public service activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

(110) Solid waste disposal operation. A solid waste disposal operation is the operation or maintenance of a solid waste disposal site or facility for the collection, storage, utilization, processing or final disposal of solid waste, including, but not limited to, land disposal, incinerator, transfer, air curtain destruction, composting reduction, shredding, compression, processing and salvage. In-house re-use of the imperfect finished products to make a merchantable finished product is not a solid waste disposal operation.

(111) Solid waste recycling center. A solid waste recycling center is a solid waste disposal operation at which temporary storage and processes such as baling of paper, grinding of glass and flattening of cans, are conducted on segregated solid waste to facilitate reuse of the segregated solid waste as raw material. Also

see salvage yard, Sec. 52-30.

(112) Stormwater runoff. Means the waters derived from rains falling or snowmelt or ice melt occurring within the drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

(113) Story. The vertical distance of a building included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling, provided that a basement shall not be considered a story.

(114) Story, half. A story under a gable, hip or mansard roof, the wall plates of which on at least two (2) sides are not more than two (2) feet above the floor of that story.

(115) Street. A public or private thoroughfare which affords primary means of access to abutting property is a street to that property for the purposes of this ordinance, except driveways to buildings.

(116) Street line. The dividing line between the street and the lot.

(117) Structure. Means any manmade object with forms, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

(118) Structural alteration. Any change in the dimensions of a structure or in the interior layout or floor plan of a structure.

(119) Substandard lot. Means a lot the dimensions of which, although fully conforming when created, are now, in whole or in part, less than existing requirements for the zoning district in which located.

(120) Substantial farm income. Means that a minimum of $10,400 gross farm income/year for the past three (3) years is currently derived from the farming operation on the farm where the residential use is proposed. Rental income may not be used to meet the income requirement.

(121) Tavern. A building or part of a building open to the public, where fermented malt beverages and/or intoxicating liquors are sold at retail for consumption on the premises. The following shall not be considered a tavern: a restaurant where such beverages are sold only at tables and only in conjunction with meals; a club not open to the public where such beverages are sold in conjunction with the operation of the club; premises where malt beverages are sold by established organizations in conjunction with the operation of a picnic, fair or other amusement enterprise.

(122) Terminal, bus. A building or facility where passengers may board or leave intercity buses, also facilities for baggage handling, bus package services and ticket sales.

(123) Terminal, truck. Buildings or land which is used for the storage or distribution of freight or goods by a common carrier.

(124) Temporary or portable building. A building or structure that is not attached to the ground by anchors, bolts, footings, foundation piers, pilings, posts or other means of attaching permanently to the ground. Lawn and yard buildings not attached, anchored or affixed to the ground shall not exceed 32 square feet of floor area on a lot in a residential district.

(125) Topography. Means the configuration of the ground surface and relations among human- made and natural features that may determine ground slope and direction of runoff flow.

(126) Transfer of development rights (TDR). Means the conveyance of development rights, as defined herein, by TDR agricultural conservation easement from one parcel of land to another and the recording of that conveyance with the Dane County Register of Deeds and other land records of Dane County. Any individual transfer of development rights transaction may, at the discretion of the parties involved, also include the conveyance of additional rights not enumerated in this ordinance.

(127) TDR agricultural conservation easement. Means a holder's non-possessory interest in real property imposing any limitation or affirmative obligation, the purpose of which may include any or all of the following: retaining or protecting natural, scenic or open space values of real property; assuring the

availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; maintaining or enhancing air or water quality; preserving a burial site, as defined in s.157.70(1)(b), Wis. Stats.; or, preserving the historical, architectural, archaeological or cultural aspects of real property. TDR agricultural conservation easements need not include any requirements for public access or restrictions on agricultural or forestry practices.

(128) Use, conditional. A conditional use is a use which may be essential or desirable, but which is not allowed as a matter of right within a zoning district such as a permitted use. A conditional use requires a public hearing process.

(129) Use, permitted. A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms to all requirements and regulations of such district in which such use is located.

(130) Use, principal. A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.

(131) Utility services. Transmission and distribution lines both above and below ground which carry electricity, petroleum products, natural or manufactured gas, water, sewer or telephone messages. Included are buildings and structures necessary to operate transmission and distribution lines such as substations, transformer installations, repeater stations, pumping stations and water towers, but not including offices, garages, manually operated exchanges, terminal distribution facilities, electric generating plants and sewage disposal plants. Installation of privately owned and operated communications equipment on a water tower which is owned by the village in which located is included within this definition, provided that the installation of this equipment does not compromise the structural integrity of the water tower. A zoning permit will not be issued for the installation of this equipment by the Dane County Planning and Development Department without provision of a structural analysis stamped by a professional engineer (P.E.) and a P.E.'s written statement that the affected tower is structurally capable of accommodating the equipment.

(132) Urban service area. Areas identified and mapped by the Capitol Area Regional Planning Commission, or successor agency, designated by the State of Wisconsin in accordance with the federal Clean Water Act, that are planned for urban development and capable of being provided with a full range of services.

(133) Vision clearance triangle. Means the area in each quadrant of an intersection which is bounded by the right-of-way lines of the highways or streets and a vision clearance setback line connecting points on each right-of- way line which are located a distance back from the intersection equal to the setback required on the road or highway.

(134) Wind energy system. Wind Energy System has the meaning given in s. 66.0403(1)(m), Wis. Stats.

(135) Yard. A yard is an open space on a zoning lot which is unoccupied or unobstructed from its lowest level to the sky, except as otherwise provided herein. For the purpose of this ordinance, a yard extends along a lot line to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located.

(136) Yard, front. A front yard is a yard paralleling along the full length of the front lot line between the side lot lines.

(137) Yard, rear. A rear yard is a yard paralleling along the full length of the rear lot line between the side lot lines.

(138) Yard, side. A side yard is a yard paralleling along a side lot line from the front yard to the rear yard.

Sec. 52-12 - 52-19. – Reserved.

ARTICLE III. – GENERAL PROVISIONS, REGULATIONS, AND STANDARDS.

Sec. 52-20. – General Provisions and Exceptions.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, ss. 10.04 and 10.16 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-21. – Setback Regulations.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.17 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-22. – Off-Street Parking & Loading.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.18 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-23. – Signs.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, ss. 10.70-10.87 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-24. – Nonconforming Uses.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.21 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-25. – Completion, Restoration or Enlargement of Existing Structures.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.23 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-26. – Standards for Solar and Wind Energy Systems.

Refer to the provisions of ss. 66.0401 and 66.0403, Wis. Stats.

Sec. 52-27. – Mobile Tower Siting Regulations.

Refer to the provisions of s. 66.0404, Wis. Stats.

Sec. 52-28. – Standards for Limited Family Business.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.192 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-29. – Standards for Keeping Domestic Fowl in Single Family Residential Yards.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.195 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-30. – Standards for Salvage Recycling Centers.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.20 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-31. – Standards for Adult Businesses and Entertainment.

Refer to the provisions of ch. 4 of the Village of Windsor Code of Ordinances.

Sec. 52-32 - 52-49. – Reserved.

ARTICLE IV. – DISTRICTS

Sec. 52-50. – Purpose.

The area located within the jurisdiction of this chapter is hereby divided into zoning districts of such number and community character as are necessary to achieve compatibility of land uses within each district and to implement the officially adopted Village of Windsor Comprehensive Plans.

Sec. 52-51. – Zoning Districts.

For the purpose of this chapter, all areas within the jurisdiction of this Article are hereby divided into the following zoning districts:

CO-1	Conservancy District
RE-1	Recreational District

A-1 (EX)	Exclusive Agriculture District
A-2	Agriculture District
A-3	Agriculture District
A-4	Small Lot Agriculture District
A-B	Agriculture Business District
AC	Agricultural Commercial (Sun Prairie)
AG-35AC	Agricultural District (Sun Prairie)
R-1	Single Family Residential District
R-2	Single Family Residential District
R-3	Single Family Residential District
R-4	Single Family Residential District
MF-2	Two-Family Residential District
MF-3	Multiple Family Residential District
ER	Estate Residential District
CR	Countryside Residential District
PUD	Planned Unit Development
C-1	Limited Commercial District
C-2	General Commercial District
NMEO	Nonmetallic Mineral Extraction Operation

Sec. 52-52. – Map of Zoning Districts.

Zoning districts established by this chapter are shown on the Official Zoning Map of the Village of Windsor, with all explanatory materials thereon, is hereby made part of this chapter.

Sec. 52-53. – Interpretation of Zoning District Boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Village of Windsor:

(1) Zoning district boundaries shown as following or approximately following the limits of any City, Village, Town or County boundary shall be construed as following such limits.

(2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village of Windsor or County of Dane Tax Maps shall be construed as following such lines.

(4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(6) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (a) through (e), above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.

(7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

Sec. 52-54. – CO-1 Conservancy District

(1) Statement of purpose. The purpose of the CO-1 Conservancy District is to protect, maintain, and enhance natural resource and open space areas. Limited permitted and conditional uses are offered, and regulation of these areas will serve to control erosion and promote the rural character and natural beauty of the Village while seeking to assure protection of areas with significant topography, natural watersheds, ground and surface water, wildlife habitat, recreational sites, archeological sites, and other natural resource characteristics that contribute to the environmental quality of the Village.

(2) Permitted uses in the CO-1 Conservancy District.

(a) Propagation and raising of game animals, fowl and fish.

(b) The practice of silviculture, including the planting, thinning and harvesting of timber.

(c) The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(d) Pasturing/grazing of livestock, limited to 1 animal unit per each full acre.

(e) Undeveloped natural resource and open space area.

(f) Uses permitted within a shoreland – or inland – wetland district under ss. 11.07 and 11.08, Dane County Code. Pasturing of livestock is subject to the animal unit limitation in sub. (e), above.

(g) Soil conservation, shoreland, wetland and ecological restoration practices with either an approved shoreland zoning permit under s. 11.04(3)(c), or an approved shoreland mitigation permit under s. 11.04(5)(a).

(h) Nonresidential buildings or structures accessory to any permitted use provided any such building or structure is not located in a shoreland-wetland, or inland-wetland district.

(i) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(3) Conditional uses in the CO-1 Conservancy District.

(a) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas.

(b) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(c) Soil conservation, shoreland, wetland and ecological restoration practices, other than those listed as permitted uses above.

(d) The construction and maintenance of roads, railroads or utilities, provided that:

1. The facilities cannot as a practical matter be located outside the CO-1 district; and

2. Any filling, excavating, ditching, draining, land disturbance or removal of vegetation that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize adverse impacts upon the natural and ecological resources of the site.

Sec. 52-55. – RE-1 Recreational District

(1) Statement of purpose.

(2) Permitted uses in the RE-1 Recreational District.

(a) Recreational facilities including, but not limited to, golf courses, golf driving ranges, tennis courts, archery ranges and baseball diamonds, provided that if located outside of a building they shall not be lighted to operate during the hours of darkness.

(b) Boat, canoe and snowmobile rental services.

(c) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(d) Sale of bait for fishing.

(e) Ski slopes and jumps, toboggan slides.

(f) Residences for an owner or caretaker of a permitted use in the RE-1 Recreational District.

(g) Uses incidental to the operation of any permitted use.

(h) Utility services.

(3) Conditional uses in the RE-1 Recreational District.

(a) Recreational camps, campgrounds and camping resorts along with the services and facilities necessary to serve the premises. All such camps shall comply with the standards established in Wis. Admin. Code, chapters H 75 and H 78, or as amended.

(b) Recreational facilities including, but not limited to, golf courses, golf driving ranges, tennis courts, archery ranges and baseball diamonds, that are located outside of a building and are lighted to operate during the hours of darkness.

(c) Rental of residential buildings to someone other than an employee or caretaker on the premises.

(d) Sale of alcoholic beverages by the drink.

(e) Skeet, trap, rifle and pistol ranges.

(f) Private hunting and shooting preserves.

(g) Governmental uses.

(h) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(4) Building height limits.

(a) Residential dwellings shall not exceed 2½ stories or 35 feet.

(b) Other buildings and structures shall not exceed 4 stories or 50 feet.

(5) Area, frontage and population density regulations. A lot shall be a minimum of 100 feet in width at the building setback line and have a minimum area of 20,000 square feet.

(6) Setback requirements. Setbacks from front lot line or highway right-of-way shall comply with the provisions of Sec. 52-21.

(7) Side yard requirements.

(a) For single family residences for an owner or caretaker of a permitted or conditional use on the premises, the minimum side yard shall be a minimum of 10 feet.

(b) For buildings used for other permitted or conditional uses, the minimum side yard shall be a minimum of 10 feet except if the adjacent or abutting land is in a residence district, then the minimum side yard shall be a minimum of 50 feet.

(8) Rear yard requirements.

(a) For single family residences for an owner or caretaker of a permitted or conditional use on the premises, the minimum rear yard shall be a minimum of 25 feet.

(b) For buildings used for other permitted or conditional uses, the minimum rear yard shall be a minimum of 25 feet except if the adjacent or abutting land is in a residence district, the minimum rear yard shall be a minimum of 50 feet.

(9) Off-street parking. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-56. – A-1 (EX) Exclusive Agriculture District.

(1) Statement of Purpose. The A-1 (EX) Exclusive Agriculture District is designed to:

(a) Provide for a wide range of agriculture and agricultural accessory uses, at various scales. The A-1 (EX) district accommodates as permitted uses all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials. Such uses may involve noise, dust, odors, heavy equipment, and use of chemicals and long hours of operation.

(b) Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market. Such uses are conditional as they may have the potential to pose conflicts with agricultural use due to: volumes or speed of vehicular traffic; residential density; proximity to incompatible uses; environmental impacts; or consumption of agriculturally productive lands.

(c) Allow for other incidental activities, compatible with agricultural use, to supplement farm family income and support the agricultural community.

(d) Preserve productive agricultural land for food and fiber production.

(e) Preserve productive farms by preventing land use conflicts between incompatible uses.

(f) Maintain a viable agricultural base to support agricultural processing and service industries.

(g) Reduce costs for providing services to scattered non-farm uses.

(h) Pace and shape urban growth.

(i) Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

(2) Lands to be included within the A-1 (EX) Exclusive Agriculture District. This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation, and undeveloped natural resource and open space areas.

(3) Permitted uses in the A-1 (EX) Exclusive Agriculture District.

(a) Agricultural Uses, except those uses listed as conditional uses below. Keeping of livestock is prohibited on parcels smaller than 5 acres.

(b) Agricultural Accessory Uses, except those uses listed as conditional uses in Sec. 52-56(5), and subject to the limitations and standards below.

1. Any residence lawfully existing as of February, 20, 2010 shall be considered a permitted use. Notwithstanding the provisions of Sec. 52-24 and 52-25 regarding nonconforming uses, such structure may be added to, altered, restored, repaired, replaced or reconstructed, without limitation, provided all of the following criteria are met:

a. the use remains residential,

b. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and

c. for replacement residences, the structure must be located within 100 feet of the original residence. Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the relevant village board.

2. Rental of existing farm or secondary farm residences existing as of December 12, 2012, but no longer utilized in the operation of the farm.

3. Agricultural entertainment activities, not to exceed 45 days per calendar year in the aggregate,

including incidental preparation and sale of beverages and food. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, village clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on five days in a calendar year or less.

5. Small scale energy systems or electric generating stations, provided energy produced is used primarily on the farm.

(c) Undeveloped natural resource and open space areas.

(d) A transportation, utility, communication, or other use that is:

1. required under state or federal law to be located in a specific place, or;

2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit including communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(4) Conditional uses in the A-1 (EX) Exclusive Agriculture District.

(a) Agricultural Accessory Uses: In addition to other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under Sec. 52-11.

1. Farm Residence, subject to sub. (4).

2. Limited Family Businesses, that are entirely within an existing building, subject to Sec. 52-28.

3. Limited Rural Businesses that are operated by an owner or operator of the farm.

4. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Sec. 52-11 that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

5. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

6. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.

7. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.

8. Agricultural entertainment activities exceeding 45 days per year, in aggregate.

9. Horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Such uses must meet the definition and criteria for an Agricultural Accessory Use under Sec. 52-11, or a Limited Family Business under Sec. 52-11, or a Limited Rural Business under Sec. 52-11.

(b) Governmental, institutional, religious, or nonprofit community uses.

(c) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above including communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(d) Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.

(e) Small scale electric generating stations, meeting the requirements of s. 91.46(4), Wis. Stats., and listed as a permitted use in Sec. 52-56(4).

(5) Conditional use permits for residences in the A-1 (EX) Exclusive Agriculture District.

(a) Application. The following information must be submitted with a Conditional Use Permit application for a Farm Residence in the A-1 (EX) Exclusive Agriculture District:

1. Written description of the farm operation. The description should include the following details:

a. Location of the farm.

b. Size of the farm operation in acres.

c. Crops grown and/or livestock raised.

d. Number of employees, if any, in addition to farm family members.

e. Summary of farm income derived from the farm operation.

2. Completed IRS form "Schedule F – Profit or Loss from Farming," or subsequent IRS form for reporting farm profit or loss, for the past 3 tax years.

3. Farm conservation plan obtained from the Land Conservation Division of the Dane County Land & Water Resources Department. All active farms in Dane County have a farm conservation plan detailing the types/location of crops grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer strips, etc.)

4. Map/site plan with aerial photograph showing the farm ownership boundaries. The map should clearly identify the location of the proposed new Farm Residence and driveway access.

(b) Permit conditions.

1. The Zoning Administrator shall include a "sunset" provision on any CUP for a residential use issued after December 17, 2009 in the A- 1EX district stating that the CUP shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.

2. Any Conditional Use Permit found to be in violation of this section may be revoked by the Zoning Administrator, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.

3. The Zoning Administrator shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph 1. and 2. of this section.

(6) Conditional use standards in the A-1 (EX) Exclusive Agriculture District. In addition to the requirements of Sec. 52-101(5), the Zoning Administrator must find that the following standards are met before issuing any conditional use permit in the A-1 (EX) Exclusive Agriculture District.

(a) The use and its location in the A-1 (EX) Exclusive Agriculture District are consistent with the purposes of the district.

(b) The use and its location in the A-1 (EX) Exclusive Agriculture District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(7) Building height limits.

(a) Residential dwellings shall not exceed 2½ stories or 35 feet in height.

(b) Accessory buildings shall not exceed 35 feet in height.

(c) For agricultural accessory buildings there is no limitation on height.

(8) Area, frontage, and population density regulations. The minimum lot size is 35 acres.

(9) Setback requirements. No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.

(10) Side yard requirements.

(a) Side yards for residential dwellings and residential accessory buildings shall be the same as the R-1 Single Family Residential District.

(b) Accessory buildings, cages or hives for housing of animals or insects shall be located at least 100 feet from an R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(11) Rear yard requirements.

(a) Rear yards for residential dwellings and residential accessory buildings shall be the same as the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(12) General provisions applicable to the A-1 (AE) Exclusive Agriculture District. In addition to the conditions provided for in Article III the following additional conditions shall apply:

(a) Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which was received for review by the agency prior to the effective date of A-1 Exclusive Agriculture zoning, was approved and recorded, shall have the same status as pre-existing lots as defined in Sec. 52-20.

(b) Residential and residential accessory buildings on parcels of less than 2 acres in the A-1 (EX) Exclusive Agriculture District shall comply with the standards of Sec. 52-63.

(c) Any residential building or its accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt provided the locational requirements of the R-1 Single Family Residential District are complied with.

(d) The provisions of Sec. 52-20 pertaining to real estate offices do not apply to lands in this district.

(13) Rezoning of land in the A-1 (EX) Exclusive Agriculture District. No land in the A-1 (EX) Exclusive Agriculture District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

Sec. 52-57. – A-2 Agriculture District.

(1) Statement of purpose. The A-2 Agriculture District is designed to provide for low density land uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres.

(2) Permitted uses in the A-2 Agriculture District.

(a) Agricultural uses. The keeping of livestock shall be limited per Sec. 52-57(5)(b).

(b) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(c) Single family detached residences.

(d) Utility services.

(e) Home occupations as defined in Sec. 52-11.

(f) Accessory buildings.

1. Accessory buildings include private garages and buildings clearly incidental to a permitted use of the premises. Such buildings shall not be used for residential purposes. The building shall not be used for the storage of goods or merchandise considered to be a dealer's inventory or for storage of machinery or equipment used off of the premises for other than agricultural purposes.

2. Accessory buildings may be built on parcels of land in the A-2 Agriculture District without the necessity of there being a residence on the property.

(3) Conditional uses in the A-2 Agriculture District.

(a) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(a) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites shall also comply with s. 60.72, Wis. Stats. and shall meet the minimum standards as adopted by the State Department of Natural Resources.

(b) Cemeteries.

(c) Airports, landing strips or landing fields together with accessory structures.

(d) Religious uses.

(e) Salvage recycling centers.

(f) Solid waste recycling centers.

(g) Dependency living arrangements.

(h) Governmental uses.

(i) Native wildlife rehabilitation facilities.

(j) Parking or storage of not more than two trucks, semi-tractors or semi-trailers which have a gross vehicle weight of over 12,000 lbs.

(k) Limited family businesses subject to Sec. 52-28.

(l) Schools.

(m) Kennels, horse boarding stables, riding stables, hay and sleigh rides, horse shows and similar events.

(n) Livestock exceeding 1 animal unit per each full acre on parcels between 2 and 16 acres.

(o) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.

(p) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residents on the premises, this storage to be in existing agricultural accessory buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered

a commercial use and subject to the provisions of this chapter.

(q) Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space.

(r) Retail sales of pet food, pet supplies and related items at a kennel facility. Said use shall be limited to a maximum of 100 square feet of floor space.

(s) Training of dogs at a dog kennel or training of horses at a horse boarding facility.

(t) Storage of explosive materials in strict conformance with Wisconsin Administrative Code provisions regarding explosive materials.

(u) Sanitary plumbing fixtures in accessory buildings involved in an agricultural or agricultural accessory use on parcels over 5 acres in size.

(4) Building height limits.

(a) Residential dwellings shall not exceed 2½ stories or 35 feet in height.

(b) Accessory buildings shall not exceed 35 feet in height.

(c) For agricultural accessory buildings there is no limitation on height.

(5) Area, frontage and population density regulations.

(a) A-2 (1) = Minimum 1 acre.

A-2 (2) = Minimum 2 acres.

A-2 (4) = Minimum 4 acres.

A-2 (8) = Minimum 8 acres.

A-2 = Minimum 16 acres.

(b) Keeping of livestock:

1. On parcels of less than 2 acres the keeping of livestock is not permitted.

2. On parcels sized between 2 acres through 16 acres the keeping of livestock shall be limited to 1 animal unit per each full acre, except through conditional use permit.

3. On parcels of more than 16 acres, there is no limit to the number of livestock that may be kept.

(c) Salvage recycling centers: Minimum area is three acres.

(d) For residential uses the lot width and area shall be the same as for the R-1 Single Family Residential District.

(e) For other permitted uses, there shall be no minimum width or area except for those uses for which special setback and side yard requirements have been established.

(6) Setback requirements. No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by Sec. 52-21.

(7) Side yard requirements.

(a) Side yards for residential dwellings and residential accessory buildings shall be the same as the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(8) Rear yard requirements.

(a) Rear yards for residential dwellings and residential accessory buildings shall be the same as the R-1 Single Family Residential District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(9) Off-street parking. Off-street parking space shall be provided in accordance with the provision of Sec. 52-22.

Sec. 52-58. – A-3 Agriculture District.

(1) Statement of purpose. The A-3 Agriculture District is designed to preserve, for an unspecified time period in agricultural and related open-space land uses, those lands generally located in proximity to developed areas within Dane County where urban expansion is inevitable and broadly in keeping with long time plans for development. It is intended that urban development be deferred in such areas until the appropriate authorities concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is also intended that the status of all areas in this district be reviewed by the appropriate authorities periodically in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of those areas to some other appropriate use district. Any such review will consider developments in keeping with the local and regional land use plans pursuant to Sec. 52-101(5).

(2) Permitted uses in the A-3 Agriculture District. All uses permitted in the A-1 (EX) Exclusive Agriculture District.

(3) Conditional uses in the A-3 Agriculture District. All conditional uses listed in the A-1 (EX) Exclusive Agriculture District.

(4) Building height limits. Building height shall be the same as the A-1 (EX) Exclusive Agriculture District.

(5) Area, frontage and population density regulations. As per the A-1 (EX) Exclusive Agriculture District.

(6) Setback requirements. Setback requirements shall be the same as the A-1 (EX) Exclusive Agriculture District.

(7) Side yard requirements. Side yard requirements shall be the same as the A-1 (EX) Exclusive Agriculture District.

(8) Rear yard requirements. The minimum rear yard shall be the same as the A-1 (EX) Exclusive Agriculture District.

(9) General provisions applicable to the A-3 Agriculture District shall be the same as the A-1 (EX) Exclusive Agriculture District.

(10) Off-street parking. Off-street parking shall be provided as required in Sec. 52-22.

Sec. 52-59. – A-4 Small Lot Agriculture District.

(1) Statement of purpose. The A-4 Small Lot Agriculture District is designed to:

(a) Provide for a modest range of agriculture and agricultural accessory uses, at scales consistent with the size of the parcel and compatible with neighboring land uses. The A-4 district accommodates uses which are associated with production and harvesting of crops, livestock, animal products or plant materials. These uses may involve noise, dust, odors, heavy equipment, and use of chemicals and long hours of operation.

(b) Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market.

(c) Preserve agricultural and open space uses on zoning lots between 5 and 35 acres in size.

(d) Provide for additional economic opportunities for property owners that are generally compatible with agricultural use, such as the establishment of new small-scale farming operations, including market gardens, road-side farmstands, pick-your-own operations, or Community Support Agriculture farms.

(e) Preserve remnant parcels of productive agricultural land following development of adjoining property.

(f) Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

(2) Permitted uses in the A-4 Small Lot Agriculture District.

(a) Agricultural uses. The keeping of livestock shall be limited to 1 animal unit per each full acre.

(b) Agricultural Accessory Uses, subject to the exceptions and limitations below:

1. Exceptions.

a. Farm residences.

b. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Sec. 52-11 that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

c. Uses listed as conditional uses below.

2. Limitations.

a. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibition of farm machinery and technology, agricultural association meetings and similar activities, must occur on five or fewer days in a calendar year.

(c) Undeveloped natural resource and open space areas.

(d) A transportation, utility, communication, or other use that is:

1. required under state or federal law to be located in a specific place, or;

2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit including communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(3) Conditional uses in the A-4 Small Lot Agriculture District.

(a) Agricultural uses. Livestock in excess of one animal unit per acre on parcels over 5 acres in size.

(b) Agricultural accessory uses. In addition to the other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use Sec. 52-11.

1. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

2. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.

3. Agricultural entertainment activities not to exceed 45 days per year, in aggregate, or any event planned or anticipated to attract 200 or more persons per day. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, village clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.

5. Farm family businesses for horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility.

(c) Governmental, institutional, religious, or nonprofit community uses.

(d) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above including communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(4) Conditional use standards in the A-4 Small Lot Agriculture District. In addition to the requirements of Sec. 52-101(5), the Zoning Administrator must find that the following standards are met before issuing any conditional use permit in the A-4 Small Lot Agriculture District.

(a) The use and its location in the A-4 Small Lot Agriculture District are consistent with the purposes of the district.

(b) The use and its location in the A-4 Small Lot Agriculture District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(5) Building height limits. Building height limits shall be the same as the A-1 Exclusive Agriculture District.

(6) Area, frontage and population density regulations.

(a) The minimum lot area shall be a minimum of 5 acres.

(b) The maximum lot area shall be not greater than 35 acres.

(7) Setback requirements. Setback requirements shall be the same the A-1 Exclusive Agriculture District.

(8) Side yard requirements. Side yard requirements shall be the same the A-1 Exclusive Agriculture District. [Side yards for accessory buildings, cages, or hives housing animals or insects shall be at least 100 feet from any R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential District District.]

(9) Rear yard requirements. Rear yard requirements shall be the same as t the A-1 Exclusive Agriculture District. [Rear yards for accessory buildings, cages, or hives housing animals or insects shall be at least 100 feet from any R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential District District.]

(10) General provisions applicable to the A-4 district. In addition to the conditions provided for in Article III, the following additional conditions shall apply:

(a) Any agricultural accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt in the same location, even though such location may not comply with the setback requirements of this section.

(b) The provisions of Sec. 52-20 pertaining to real estate offices do not apply to lands in this district.

(c) Any permitted or conditional use in the A-4 Agriculture District must be consistent with agricultural use as defined in s. 91.01, Wis. Stats.

(11) Rezoning of land in the A-4 Small Lot Agriculture District. No land in the Small Lot Agriculture District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

Sec. 52-60. – A-B Agriculture Business District.

(1) Statement of Purpose. The A-B Agriculture-Business District is designed to:

(a) Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The A- B district accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services. In appearance and operation permitted uses in the A-B district are often indistinguishable from an active farm. Conditional uses are more clearly commercial or industrial in nature, and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure. Examples of activities in the A-B district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:

1. Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;
2. Parking areas, outdoor lighting, and signage appropriate to the scale of use;
3. Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;
4. Low to moderate traffic volumes;
5. Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing.

(b) Meet the requirements for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

(2) Permitted uses in the A-B Agriculture Business District.

(a) Agricultural uses.

(b) Agricultural accessory uses, except uses listed as conditional uses below.

(c) Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the A-B district.

(d) Undeveloped natural resources and open space areas.

(e) A transportation, utility, communication, or other use that is:

1. required under state or federal law to be located in a specific place, or;
2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit including communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(3) Conditional uses in the A-B Agriculture Business District.

(a) Agricultural accessory uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under Sec. 52-11.

1. Farm residences.
2. Limited family businesses or limited rural businesses, including bed and breakfast operations in an existing farm residence located on a farm.
3. A business, activity or enterprise, whether or not associated with an agricultural use, that is

conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Sec. 52-11 that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(b) Agriculture-related uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agriculture-related use under Sec. 52-11.

1. Plant or livestock genetic laboratories, agriculture-related experimental laboratories;
2. Landscape supply or contracting businesses associated with a plant or tree nursery;
3. Dead stock hauling services;
4. Sales or storage of agricultural byproducts;
5. Stock yards, livestock auction facilities;
6. Bio-diesel and ethanol manufacturing;
7. Manure processing facilities;
8. Biopower facilities for distribution, retail, or wholesale sales.

(c) Governmental, institutional, religious, or nonprofit community uses.

(d) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above including communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(4) Conditional use standards in the A-B (agricultural business) zoning district. In addition to the requirements of Sec. 52-101(5), the Zoning Administrator must find that the following standards are met before issuing any conditional use permit in the A-B (agricultural business) zoning district.

(a) The use and its location in the A-B agricultural business zoning district are consistent with the purposes of the district.

(b) The use and its location in the A-B agricultural business zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(5) Building height limits.

(a) For buildings containing offices, sales rooms and service areas and residential buildings, the maximum height shall be 2½ stories or 35 feet.

(b) For all other buildings such as silos, bins and feed and seed storage facilities, no maximum height.

(6) Area and lot width. A lot shall be a minimum of 100 feet in width at the building setback line and have a minimum area of 20,000 square feet.

(7) Density. Buildings shall not occupy more than 60% of the area of an interior or corner lot.

(8) Setback requirements. Buildings that are erected, altered or moved shall be set back not less than is prescribed in Sec. 52-21.

(9) Side yard requirements. The minimum side yard shall be a minimum of 10 feet.

(10) Rear yard requirements. The minimum rear yard shall be a minimum of 10 feet.

(11) Off-street parking. Off-street parking shall be provided as required by Sec. 52-22.

(12) Rezoning of land in the A-B Agriculture Business District. No land in the Agriculture Business District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

Sec. 52-61. – AC Agricultural Commercial (Sun Prairie).

Per s. 66.02162(8), Wis. Stats., refer to the provisions of Sun Prairie-Windsor Extraterritorial Zoning (ETZ) Ordinance, until such time as this section is repealed and recreated by the village.

Sec. 52-62. – AG-35AC Agricultural District (Sun Prairie).

Per s. 66.02162(8), Wis. Stats., refer to the provisions of Sun Prairie-Windsor Extraterritorial Zoning (ETZ) Ordinance, until such time as this section is repealed and recreated by the village.

Sec. 52-63. – R-1 Single Family Residential District.

(1) Statement of purpose. The purpose of the R-1 Single Family Residential District is to provide for traditional single family neighborhoods with moderately sized lots within the urban service area. Most new single family development within the urban service area will utilize this district. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the R-1 Single Family Residential District.

(a) Single family detached dwellings.

(b) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(c) Community living arrangements for less than 9 persons.

(d) Foster homes for less than 5 children licensed under Wis. Stats. 48.62.

(e) Home occupations, as defined Sec. 52-11(55).

(f) Uses and buildings, clearly incidental and necessary to permit use on the premises.

(g) Utility services.

(3) Conditional uses in the R-1 Single Family Residential District.

(a) Cemeteries.

(b) Community living arrangements for 9 or more persons.

(c) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(d) Daycare centers.

(e) Dependency living arrangements.

(f) Governmental uses.

(g) Private club houses and fraternity houses except when service is provided to the general public.

(h) Religious uses.

(i) Schools.

(4) Building height limits.

(a) Residential dwellings or other principal buildings shall not exceed 2½ stories or 35 feet.

(b) Accessory buildings shall not exceed 12 feet in height.

(5) Lot width and area. Lots shall be a minimum of 100 feet in width at the building setback line and have a minimum area of 12,000 square feet.

(6) Lot coverage. No building together with its accessory buildings shall occupy in excess of 30% of the area of an interior lot or 35% of the area of a corner lot.

(7) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(8) Side yard requirements. There shall be total side yards of a minimum of 25 feet and no single side yard shall be less than 10 feet.

(9) Rear yard requirements. The minimum depth of any rear yard shall be 35 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-64. – R-2 Single Family Residential District.

(1) Statement of purpose. The purpose of the R-2 Single Family Residential District is to provide for existing traditional single family neighborhoods with smaller lots within the urban service area. New development may be approved for R-2 zoning upon review by the Village Plan Commission and Board for neighborhood compatibility. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the R-2 Single Family Residential District. All uses permitted in the R-1 Single Family Residential District.

(3) Conditional uses in the R-2 Single Family Residential District. All conditional uses permitted in the R-1 Single Family Residential District.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area. Lots shall be a minimum of 75 feet in width at the building setback line and have a minimum area of 10,000 square feet.

(6) Lot coverage. No building together with its accessory buildings shall occupy in excess of 35% of the area of an interior lot or 40% of the area of a corner lot.

(7) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(8) Side yard requirements. The minimum side yard shall be 10 feet.

(9) Rear yard requirements. The minimum rear yard shall be 35 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-65. – R-3 Single Family Residential District.

(1) Statement of purpose. The purpose of the R-3 Single Family Residential District is to provide for existing traditional single family neighborhoods with smaller lots within the urban service area. New development may be approved for R-3 zoning upon review by the Village Plan Commission and Board for neighborhood compatibility. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the R-3 Single Family Residential District. All uses permitted in the R-1 Single Family Residential District.

(3) Conditional uses in the R-3 Single Family Residential District. All conditional uses permitted in the R-1 Single Family Residential District.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area. Lots shall be a minimum of 60 feet in width at the building setback line and have a minimum area of 8,000 square feet.

(6) Lot coverage. Lot coverage requirements shall be the same as the R-2 Single Family Residential District.

(7) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(8) Side yard requirements. The minimum side yard shall be 10 feet.

(9) Rear yard requirements. The minimum rear yard shall be 25 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-66. – R-4 Single Family Residential District.

(1) Statement of purpose. The purpose of the R-4 Single Family Residential District is to provide for traditional single family neighborhoods with smaller lots within the urban service area. New development may be approved for R-4 zoning upon review by the Village Plan Commission and Board for neighborhood compatibility. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the R-4 Single Family Residential District. All uses permitted in the R-1 Single Family Residential District.

(3) Conditional uses in the R-4 Single Family Residential District. All conditional uses permitted in the R-1 Single Family Residential District.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area. Lots shall be a minimum of 60 feet in width at the building setback line and have a minimum area of 8,000 square feet.

(6) Lot coverage. Lot coverage requirements shall be the same as the R-2 Single Family Residential District.

(7) Setback requirements.

(a) Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21 for Class A and Class B highways.

(b) The minimum setback from all other roadways shall be 25 ft.

(8) Side yard requirements. The minimum side yard shall be 8 feet.

(9) Rear yard requirements. The minimum rear yard shall be 25 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-67. – MF-2 Two-Family Residential District.

(1) Statement of purpose. The purpose of the MF-2 Two-Family Residential District is to provide for traditional single and two-family neighborhoods within the Village. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the MF-2 Two-Family Residential District.

(a) All uses permitted in the R-1 Residential District.

(b) Duplexes.

(3) Conditional uses in the MF-2 Two Family Residential District. All conditional uses permitted in the R-1 Single Family Residential District.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area.

(a) Sewered lots shall be a minimum of 100 feet in width at the building setback line and have a

minimum area of 14,000 square feet.

(b) Unsewered lots shall be a minimum of 100 feet in width at the building setback line and have a minimum area of 22,000 square feet.

(6) Lot coverage. Lot coverage requirements shall be the same as the R-1 Single Family Residential District.

(7) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(8) Side yard requirements. The minimum side yard shall be 25 feet.

(9) Rear yard requirements.

(a) The minimum rear yard for single family dwellings shall be 25 feet.

(b) The minimum rear yard for duplex dwellings shall be 35 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-68. – MF-3 Multiple Family Residential District.

(1) Statement of purpose. The purpose of the MF-3 Multiple Family Residential District is to provide for multiple family, and limited single and two-family neighborhoods within the urban service area. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the MF-3 Multiple Family District.

(a) All uses permitted in the MF-2 Two-Family Residential District.

(b) Community living arrangements for 9 to 15 persons.

(c) Multiple family dwellings including condominium units.

(3) Conditional uses in the MF-3 Multiple Family District.

(a) All conditional uses permitted in the R-1 Single Family Residential District, except community living arrangements for 9 to 15 persons.

(b) Community living arrangements for 16 or more persons.

(c) Hospitals.

(d) Medical clinics.

(e) Mobile and manufactured home parks.

(f) Nursing homes and extended care facilities.

(g) Professional offices.

(4) Building height limits.

(a) Multiple family dwellings shall not exceed 4 stories.

(b) Single family and duplex residential dwellings shall not exceed 2½ stories or 35 feet in height.

(c) Accessory buildings shall not exceed 12 feet in height.

(5) Lot width, area, and lot coverage.

(a) Lots shall be a minimum of 100 feet in width at the building setback line.

(b) Lots shall have a minimum area of 16,000 square feet and increased by 2,000 square feet for each dwelling unit beyond 3, except as follows:

1. A parcel that is subdivided at the time of development for purposes of project phasing and/or financial lending, shall only be required to provide the initial 16,000 square feet of lot area for the original parcel and then 2,000 square feet for each dwelling unit beyond 3; and

2. To ensure the quality of the development and representation made to the Village, the Petitioner shall be required to execute a Developer's Agreement and a Declaration of Covenant and Restrictions to the satisfaction of the Village of Windsor.

(6) Setback requirements.

(a) Setbacks from front lot line or highway right-of-way shall comply with the provisions of Sec. 52-21.

(b) Private roads or driveways within a multiple family dwelling complex shall not be considered a road for determining setback.

(c) Multiple family dwelling buildings located in the interior of a complex shall provide a front yard of a minimum of 15 feet, each building shall be provided with its own front yard area irrespective of the yards required for other buildings.

(7) Side yard requirements.

(a) The minimum side yard for buildings 2 stories or less in height and all single family and duplex residences shall be 10 feet.

(b) The minimum side yard for buildings greater than 2 stories in height shall be as follows:

1. If the side of a building does not include windows for apartment dwellings or offices the minimum side yard shall be 10 feet.

2. If the side of a building does include windows for apartment dwellings or offices the minimum side yard shall be 10 feet and increased by 5 feet for each story over 2 stories.

3. Buildings within a complex shall be provided with their own side yard irrespective of other buildings.

(8) Rear yard requirements.

(a) The minimum rear yard for buildings 2 stories or less in height and all single family and duplex dwellings shall be 25 feet.

(b) The minimum rear yard for multiple family buildings greater than 2 stories shall be a minimum of 25 feet and increased by 5 feet for each story over 2 stories.

(9) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

(10) Manufactured home and mobile home communities.

(a) Manufactured and mobile home communities are subject to Chapter 30 of the Village of Windsor Code of Ordinances.

(b) Manufactured home and mobile home parks are required to follow the requirements of Chapter 10 Article IX of the Village of Windsor Code of Ordinances for Site Plan Review as part of the conditional use review process.

(c) All interior roads and streets of a manufactured home or mobile home park shall conform to the standards of Chapter 42 of the Village of Windsor Code of Ordinances.

(d) Manufactured and mobile home parks are also subject to the provisions of Chapter SPS 326 of the Wisconsin Administrative Code and the more restrictive regulations shall apply.

(e) Each space or lot for the accommodation of a single home shall contain not less than 3,000 square feet of area.

(f) Spacing between homes shall be a minimum of 20 feet, exclusive of decks, cabanas and accessory buildings including sheds. All accessory buildings shall be spaced a minimum of 5 feet from all homes and other accessory buildings.

(g) Homes shall not be located closer to a public road than provided for in Sec. 52-21.

(h) Each space or lot shall provide off-street parking as required in Sec. 52-22.

(i) Each lot shall be landscaped with at least one fast growing tree of at least two (2) inches in diameter at ground level and two bushes or shrubs of at least three (3) feet in height. This requirement may be waived by the Village if, at the time of the application for a conditional use permit, a landscaping plan is submitted that utilizes topography, plantings of trees or shrubs and/or decorative fencing to provide a degree of privacy between lots.

(j) Each manufactured home or mobile home park shall provide a park and recreation area of at least ½ acre for each 50 or fraction of 50 lots in the park. The park and recreation area shall be located to provide easy access for all residents in the park. Additionally, the area shall be well drained to provide a clean and safe area for children to play and shall be equipped with a sufficient amount of playground equipment to accommodate the children living in the park.

Sec. 52-69. – ER Estate Residential District.

(1) Statement of purpose. The purpose of the Estate Residential District is to provide for single family development in a range of lot sizes that complements the rural character of the Village outside of the urban service area. Development density and open space requirements are based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the ER Estate Residential District. All uses permitted in the R-1 Single Family Residential District.

(3) Conditional uses in the ER Estate Residential District.

(a) All conditional uses permitted in the R-1 Single Family Residential District.

(b) Bed & Breakfasts.

(c) Private common or shared sewage systems.

(d) Private residential kennels.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area. Lots shall be a minimum of 100 feet in width at the building setback line and have a minimum area of 20,000 square feet.

(6) Lot coverage. No building together with its accessory buildings shall occupy in excess of:

(a) 25% of a lot less than 1 acre in size.

(b) 20% of a lot between 1 acre and 5 acres.

(c) 10% of a lot greater than 5 acres.

(7) Open Space. Open space shall be provided at time of land division as required by the Village of Windsor Comprehensive Plan based on the Future Land Use Category of the parcel. Open space may contain agricultural land, environmentally sensitive areas, woodlands, general open space, passive or active recreational uses, or any combination thereof. Required open space shall be:

(a) Protected permanently through recording of a deed restriction and indicated on the Certified Survey Map or Plat as an outlot(s) for the purpose of open space.

(b) Owned and used privately (individually or in common) or owned and used publicly by the Village of Windsor or other entity.

(c) Managed and maintained according to an agreement approved by the Village of Windsor.

(d) Organized to enhance the rural character and value of the development and community and shall be:

1. Inclusive of environmentally sensitive areas to the greatest extent possible.

2. Grouped and connected within the development to provide a meaningful neighborhood amenity.

3. Distinguishable from lots within the development as a common space.

4. Linked to adjacent existing and planned permanent open space.

(8) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(9) Side yard requirements. Setback requirements shall be the same as the R-1 Single Family Residential District.

(10) Rear yard requirements. Rear yard requirements shall be the same as the R-1 Single Family Residential District.

(11) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-70. – CR Countryside Residential District.

(1) Statement of purpose. The purpose of the Countryside Residential District is to provide for single family development, hobby farms, and limited livestock in a range of lot sizes that complements the rural character of the Village outside of the urban service area. Development density and open space requirements are based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the CR Estate Residential District.

(a) All uses permitted in the ER Estate Residential District.

(b) Agricultural uses. The keeping of livestock shall be limited to 1 animal unit per each full acre.

(3) Conditional uses in the CR Estate Residential District. All uses permitted in the ER Estate Residential District.

(4) Building height limits.

(a) Residential dwellings or other principal buildings shall not exceed 2½ stories or 35 feet.

(b) Accessory buildings shall not exceed 35 feet in height.

(5) Lot width and area. Lots shall be a minimum of 150 feet in width at the building setback line and have a minimum area of 1 acre.

(6) Lot coverage. Lot coverage requirements shall be the same as the ER Estate Residential District.

(7) Open Space. Open space requirements shall be the same as the ER Estate Residential District.

(8) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(9) Side yard requirements.

(a) Residential buildings shall be the same as the R-1 Single Family Residential District.

(b) Livestock buildings shall have a minimum side yard of 50 feet.

(c) All other accessory structures shall have a minimum side yard of 10 feet.

(10) Rear yard requirements.

(a) Residential and livestock buildings shall be the same as the R-1 Single Family Residential District.

(b) All other accessory structures shall have a minimum rear yard of 10 feet.

(11) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-71. – PUD Planned Unit Development.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.153 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-72. – C-1 Limited Commercial District.

(1) Statement of purpose. The C-1 Limited Commercial District is intended to permit small scale commercial (convenience oriented goods and services) and office development compatible with surrounding agricultural and residential development. Development within the C-1 Limited Commercial District shall be subject to Chapter 10, Article IX of the Village of Windsor Code of Ordinances.

(2) Permitted uses in the C-1 Limited Commercial District.

(a) Bank, office and office building (devoting not more than 2 floors to office space).

(b) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(c) Medical, dental and veterinary clinic.

(d) Outdoor recreation (not lighted).

(e) Retail, service and wholesale use (less than 10,000 square feet).

(f) Rooming and boarding house.

(g) Utility service.

(3) Conditional uses in the C-1 Limited Commercial District.

(a) Agricultural use.

(b) Bank, office and office building (devoting more than 2 floors to office space).

(c) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(d) Dog and cat boarding kennel, grooming and training facility.

(e) Extended care facility and nursing home.

(f) Funeral home and crematorium.

(g) Governmental use.

(h) Hospitals and veterinary hospitals.

(i) Motel and hotel.

(j) Movie theater and auditorium.

(k) Outdoor recreation (lighted).

(l) Private club or organization.

(m) School and educational facility.

(n) Single family, duplex and multiple family dwellings.

(o) Religious use.

(4) Building height limits.

(a) Commercial, mixed use, or multiple family buildings shall not exceed 4 stories.

(b) Single family and duplex residential dwellings shall not exceed 2½ stories or 35 feet in height.

(5) Lot width, area, and lot coverage.

(a) Parcels or sites used for commercial purposes only shall have no minimum parcel width and no minimum area requirements.

(b) Parcels or sites including single family, duplex, or multiple family residential shall have the same lot area, width, and coverage requirements as the MF-3 Multiple Family Residential District. In addition:

1. Multiple family residential is limited to parcels served by public sewer and water.

2. No parcel or site shall contain more than one single family or duplex residence, or a combination of single family, duplex, and multiple family residential. Any single family residence or one unit of a duplex residence shall be limited to use by a caretaker for an associated commercial use on the same parcel.

(c) Any principal building(s) together with its accessory building(s) shall not cover more than sixty percent (60%) of the lot area.

(6) Setback requirements.

(a) Setbacks from front lot line or highway right-of-way shall comply with the provisions of Sec. 52-21.

(b) Internal setbacks for residential and mixed use buildings shall be the same as the MF-3 Multiple Family Residential District.

(7) Side yard requirements. Side yard requirements shall be the same as the MF-3 Multiple Family Residential District.

(8) Rear yard requirements.

(a) The minimum rear yard for buildings used for business purposes shall be a 10 feet.

(b) The minimum rear yard for buildings used for residential or mixed use purposes shall be the same as the MF-3 Multiple Family Residential District.

(9) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-73. – C-2 General Commercial District.

(1) Statement of purpose. The C-2 General Commercial District is intended to permit large scale commercial (regional oriented goods and services) at an intensity compatible with the overall character of the development location. Development within the C-2 General Commercial District shall be subject to Chapter 10, Article IX of the Village of Windsor Code of Ordinances.

(2) Permitted uses in the C-2 General Commercial District.

(a) All uses permitted in the C-1 Limited Commercial District.

(b) Assembly plant, distribution, manufacturing and wholesale center (less than 20,000 square feet).

(c) Building trade, contractor, landscaping and transportation business and school.

(d) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(e) Parking, storage and warehousing incidental to a permitted use.

(f) Retail, service and wholesale uses (greater than 10,000 square feet).

(g) Sales and service of new and used motor vehicles, recreational vehicles and contractor equipment.

(3) Conditional uses in the C-2 General Commercial District.

(a) All conditional uses listed in the C-1 Limited Commercial District, except single family, duplex and multiple family residences are prohibited.

(b) Assembly and processing plant, distribution, manufacturing and wholesale center (greater than 20,000 square feet).

(c) Bulk fuel storage.

(d) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(e) Mini-warehouse.

(f) Outdoor amusement park, race track or course and other entertainment activity (permanent or temporary).

(g) Residence for a caretaker or business owner.

(h) Storage of explosive materials.

(4) Building height limits. The maximum height for all buildings shall be 50 feet. Tanks, storage bins, silos and towers shall not be subject to this limitation.

(5) Lot width, area, and building coverage. For parcels or sites used for business purposes, there is no minimum parcel width and no area limitations. Any principal building together with its accessory building shall not cover more than 60% of the lot area.

(6) Setback requirements.

(a) Setbacks from front lot line or highway right-of-way shall comply with the provisions of Sec. 52-21.

(b) Private roads or driveways within a development shall not be considered a road for determining setback.

(7) Side yard requirements.

(a) The minimum side yard shall be t10 feet.

(b) Buildings within a complex shall be provided with their own side yard irrespective of other buildings.

(8) Rear yard requirements. The minimum rear yard shall be t10 feet.

(9) Off-street parking. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-74. – NMEO Nonmetallic Mineral Extraction Operation District.

Reserved for future use following the adoption of the Village of Windsor Comprehensive Plan.

Sec. 52-75 - 52-99. – Reserved.

ARTICLE V. – ADMINISTRATION AND ENFORCEMENT AND PROCEDURES

Sec. 52-100. – Administration, Enforcement, and Penalties.

(1) Purpose. The purpose of this chapter is to establish the administrative and enforcement framework for the application of this Zoning Ordinance, which shall be referred to as "the Ordinance" in this subchapter.

(2) Zoning Administrator and Zoning Code Enforcement Officer.

(a) Designation. The Zoning Administrator shall be the Director of Planning & Development, or a designee of the Director of Planning & Development approved by the Board. The Zoning Code Enforcement Officer shall be the Building Inspector, the Zoning Inspector or the Building and Zoning Inspector, as determined by the Board, or a designee approved by the Board. The Board designates the Village Engineer as the alternate Zoning Code Enforcement Officer.

(b) Duties.

1. Zoning Administrator. The provisions of this Ordinance shall be administered by the Zoning Administrator. In addition to overall administration, and in furtherance of such authority, the Zoning Administrator shall:

a. Determine that all detailed site analyses, site plans, and related materials comply with all provisions of this Ordinance, Chapter 38-Planning & Development Ordinance and Chapter 10-Buildings and Building Regulations Ordinance.

b. Maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, variances, appeals, interpretations, and applications therefor.

c. Maintain permanent and current records of Chapter 38-Planning & Development Ordinance and Chapter 10-Buildings and Building Regulations Ordinance as pertinent to zoning administration and related planning and development matters.

d. Receive, file and forward all applications for any and all procedures governed by this Zoning Ordinance to the designated official bodies.

e. Make interpretations regarding the provisions of this Zoning Ordinance as necessary and prudent for operation of the Village, and following consultation with the Village Engineer, Village Attorney and/or Village Planner, as needed.

2. Zoning Code Enforcement Officer. The provisions of this Ordinance shall be enforced by the Zoning Code Enforcement Officer, who shall:

f. Determine that all building permits, Certificates of Occupancy, sign permits, (and their constituent plans) comply with all provisions of this Ordinance.

g. Maintain permanent and current records of this Ordinance, including, but not limited to, all building permits, sign permits, occupancy permits and applications therefor.

h. Conduct inspections of buildings, structures and land to determine compliance with all provisions of this Ordinance.

i. Institute, in the name of the Village, any appropriate actions or proceedings against a violator of this Ordinance, as provided by law and following consultation with the Zoning Administrator, Village Engineer, Village Attorney and/or Village Planner, as needed.

(3) Plan Commission. The Plan Commission shall have the duty to review and make recommendations to the Village Board on all requests related to Zoning Ordinance amendments, Zoning Map amendments, Conditional Use Permits, and Site Plan Review. Public hearings on zoning matters, where required by law, shall be conducted by the Plan Commission.

(4) Village Board. The Village Board shall make the final determination of all requests related to Zoning Ordinance amendments, Zoning Map amendments, Conditional Use Permits, and Site Plan Review after consideration of the Plan Commission recommendation.

(5) Board of Zoning Appeals. The Board of Zoning Appeals shall have the duty to review and determine all matters relating to requested variances from the provisions of this Ordinance or appeals regarding an interpretation of the Zoning Administrator of the provisions of this Ordinance.

(6) Fees.

(a) Fees for Procedures Requested by a Private Party. Required fees shall be as set by resolution of the Village Board.

(b) Fees for Procedures Requested by the Village of Windsor. There shall be no fee in the case of applications filed in the public interest by the Village Board or the Plan Commission, other governmental agency as approved by the Zoning Administrator or Village official acting in his or her official capacity.

(c) Payment of Fees. Fees shall be due and paid at the time applications are filed with the appropriate officer of the Village (per the requirements of this Ordinance) and are not refundable.

(d) Applications Deemed "Not Accepted" Due To Unpaid Obligations to Village. Any application for a Zoning Map amendment, Zoning Ordinance amendment, Planned Unit Development, Variance, Site Plan Review, or a Conditional Use Permit from a person, firm or corporation having unpaid and overdue property taxes, special assessments, sanitary sewer hookup fees, park fees, impact fees, building permit fees, any fees and/or charges owed pursuant to a predevelopment agreement, development agreement or an outstanding judgment owed to the Village of Windsor shall be deemed "not accepted" and shall not be reviewed by staff. The Zoning Administrator shall advise the applicant of the "not accepted" status. Because the application is deemed "not accepted," no timelines set by statute shall commence and no further obligations for review by the Village shall accrue. This section does not apply to amounts intended to be paid in installments pursuant to a development agreement or special assessment, provided that all such fees have been paid when due and are current as of the date of the application.

(e) Hearing Request. Upon receipt of such an application from a person, firm or corporation having unpaid fees or accounts due to the Village of Windsor, the person, firm or corporation shall be notified the application will not be accepted and that they may request a hearing before the Village Board regarding the unpaid fees. The request for a hearing must be made in writing to the Zoning Administrator within thirty (30) days of the issuance of the notice or the applicant's right to a hearing shall be deemed fully and forever waived.

(7) Violations and penalties.

(a) Violation of this Ordinance. It is unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation, soils or surface water patterns), or construct or use any structure, land or water in violation of any of the provisions of this Ordinance or otherwise neglect, refuse or fail to comply with the requirements of this Ordinance. Any person who violates or fails to comply with any of the provisions of this Ordinance shall, upon conviction therefor, be subject to the penalties set forth in subsection (b) of this section and in addition, shall pay all costs and expenses, including actual reasonable attorney, consultant and other fees incurred by the Village in the case (collectively herein, "Village Costs"). Each day a violation exists or continues shall constitute a separate offense.

(b) Penalties.

1. General Penalty. Any person who violates or fails to comply with any of the provisions of this Ordinance shall, upon conviction thereof, forfeit a minimum of five dollars ($5.00) nor more than five hundred dollars ($500.00) or such other amount as may be hereafter established and set forth in the Village's forfeiture schedule, plus Village Costs and such other fees, costs and charges imposed by law. Any person found guilty of violating any ordinance or part of an ordinance of this code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit a minimum of twenty dollars ($20.00) nor more than one thousand dollars ($1,000.00) for each such offense, or such other amount as may be hereafter established and set forth in the Village's forfeiture schedule, plus Village Costs and such other fees, costs and charges imposed by law. Default of payment of such forfeiture and costs of prosecution may result in imprisonment in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days, or such other consequences as permitted by law.

2. Continuing Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance.

3. Other Remedies. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs set out in this section. Whenever any person fails to pay any forfeiture and costs upon the order of any court for violation of any ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs or take such other actions as permitted by law.

(c) Village's Right to Abate Violation or Take Corrective Action. In addition to any other penalty imposed for a violation of the provisions of this Ordinance, the Village reserves and maintains the continued right to abate violations of this Ordinance.

1. Hazardous Condition Caused by Violation of this Ordinance. If the Zoning Administrator determines that a violation of this Ordinance exists, and further determines that the nature of such violation poses an immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which such violation has occurred per subsection (c)3. of this section. The Zoning Administrator is authorized to abate a violation of this Ordinance.

2. Nonhazardous Condition Caused by Violation of this Ordinance. If the Zoning Administrator determines that a violation of this Ordinance exists, and further determines that the nature of

such violation is not such as to pose immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by registered mail, certified mail or delivery by a commercial delivery service such as Federal Express with signature or other confirmation of delivery on the current owner of the property (as listed on the current Village tax records) on which such violation is occurring to remove such violation within ten (10) working days. If such violation is not removed within such ten (10) working days, the Zoning Administrator shall cause the violation to be abated per subsection (c)1. of this section. Costs associated with said abatement shall be charged to the owner of the property on which such violation has occurred per subsection (c)3. of this section.

3. Cost of Abatement. In addition to any other penalty imposed for a violation of the provisions of this Ordinance, the cost of abating a violation of this Ordinance per subsections (c)1. and/or (c)2. of this section shall be collected as a debt from the owner of the property on which such violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of such property owner by registered mail, certified mail or delivery by a commercial delivery service such as Federal Express with signature or other confirmation of delivery, and shall be payable within thirty (30) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax or charge as provided by Section 66.615(5), Wisconsin Statutes.

Sec. 52-101. – Procedures.

(1) Purpose. The purpose of this chapter is to establish the procedural requirements for Site Plan Review, Zoning Map Amendments, Zoning Ordinance Amendments, Conditional Use Permits, Variances, Sign Permits, Zoning Provision Interpretations, Appeals of Zoning Provision Interpretations, Certificates of Occupancy, Zoning Permits, and Development Agreements.

(2) General Process. The following is a general overview of the process for Zoning Map Amendments, Zoning Ordinance Amendments, and Conditional Use Permits. Specific submittal requirements for these processes are outlined in Sections 52.101(4) and (5).

(a) Review by Village Staff. Submittals shall be reviewed by Village Staff in the following steps:

1. The Zoning Administrator shall review the submittal in order to ensure that all required portions of the submittal are provided;

2. Upon the receipt and acknowledgment of a complete submittal, Village Staff shall undertake a review of the submittal.

3. A staff report shall be forwarded to the Plan Commission for review and use in the development of a recommendation to Village Board for Zoning Map amendments, Zoning Ordinance Amendments, and Conditional Use Permits.

(b) Review by Plan Commission.

1. Within forty-five (45) days after the receipt of the complete petition as determined by the Zoning Administrator, the Plan Commission shall hold a public hearing. Notice of the proposed amendment and the hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Such notice shall contain a description of the proposed request. In addition, at least ten (10) days before such hearing, the Zoning Administrator shall mail an identical notice to the petitioner; to the Clerk of any municipality whose boundaries are within one thousand (1,000) feet of any portion of the jurisdiction of Ordinance; and to all property owners within five hundred (500) feet of the boundaries of the subject property for a Zoning Map amendment or Conditional Use Permit. Failure to mail such notice, provided it is unintentional, shall not invalidate proceedings under this section.

2. Within sixty (60) days after the receipt of the complete petition as determined by the Zoning Administrator (or within an extension of such period requested in writing by the petitioner and

granted by the Plan Commission), the Plan Commission shall make a written report to the Village Board stating its findings and recommendations.

3. If the Plan Commission fails to make a report within sixty (60) days after the receipt of such complete petition (and in the absence of a petitioner-approved extension), then the Village Board may hold a public hearing within thirty (30) days after the expiration of such sixty (60) day period. Failure to receive such written report from the Plan Commission shall not invalidate the proceedings or actions of Village Board. If such a public hearing is necessary, Village Board shall provide notice per the requirements of subsection (b)1. of this section.

(c) Review and Action by Village Board. Village Board shall consider the recommendation of the Plan Commission regarding the proposed Zoning Map or Zoning Ordinance amendment. The Village Board may request further information and/or additional reports from the Plan Commission, Village Staff, and/or the petitioner. The Village Board may take final action on the request at time of its initial meeting, or such proceedings may be continued from time-to-time for further consideration. Village Board may approve the request as originally proposed, may approve the proposed request with modifications (per the recommendations of Village Staff, the Plan Commission, or Village Board itself), or may deny the proposed request. Any action to amend the provisions of this Ordinance requires a majority vote of the Village Board. Approval shall be considered as the approval of a unique request, and shall not be construed as precedent for any other proposed request.

(d) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of such order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(3) Site Plan Review. Site Plan Review shall be conducted as set forth in the Village of Windsor Code of Ordinances, Chapter 10, Article IX – Site Plan Review for Commercial, Industrial, Governmental, and Multi-Family Developments.

(4) Zoning Map and Zoning Ordinance Amendments.

(a) Purpose. The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this Ordinance or the Official Zoning Map. (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)2.)

(b) Initiation of Requests. Proceedings for Zoning Map and Zoning Ordinance amendments may be initiated by any one of the following methods:

1. A petition by any member of the general public;

2. A recommendation of the Plan Commission;

3. By action of the Village Board.

(c) Zoning Ordinance Amendment Application Requirements. All applications for proposed amendments to this Ordinance shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. A copy of the portion of the current provisions of this Ordinance which are proposed to be amended, with such provisions clearly indicated in a manner which is clearly reproducible with a photocopier;

2. A copy of the text which is proposed to replace the current text;

3. Written justification for the proposed text amendment. (The petitioner is advised to use the requirements of Section 52.101(4)(e)1., to develop such written justification.)

(d) Zoning Map Amendment Application Requirements. All applications for proposed amendments to the Official Zoning Map, regardless of the party of their initiation per subsection B of this section, shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. A map of the subject property showing all lands for which the conditional use is proposed, and all

other lands within five hundred (500) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the same appear on the current records of the register of deeds of Dane County (as provided by the Village). Such map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Such map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is a minimum of one inch equals eight hundred (800) feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

2. A map of the generalized location of the subject property in relation to the Village as a whole;

3. Written justification for the proposed map amendment. (The petitioner is advised to use the requirements of Section 52.101(4)(e)2., to develop such written justification.)

(e) Review by Village Staff.

1. Zoning Ordinance Amendments shall be evaluated based on the following questions:

   j. How does the proposed text amendment further the purposes of this Ordinance?

   k. How does the proposed text amendment further the purposes of the general chapter in which the amendment is proposed to be located?

   l. How does the proposed text amendment further the purposes of the specific section in which the amendment is proposed to be located?

   m. How does the proposed text amendment relate to the Village's Comprehensive Plan and applicable Neighborhood Plan?

   n. Which of the following factors has arisen that are not properly addressed in the current zoning text?:

      i. The provisions of this Ordinance should be brought into conformity with the Comprehensive Plan and applicable Neighborhood Plan. (If a factor related to the proposed amendment, note pertinent portions of the Plan(s);

      ii. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet such change(s);

      iii. New methods of development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;

      iv. Changing governmental finances require amending this Ordinance in order to meet the needs of the government in terms of providing and affording public services.

      v. How does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?

2. Zoning Map Amendments shall be evaluated based on the following questions:

   a. How does the proposed Official Zoning Map amendment further the purposes of this Ordinance?

   b. Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map?:

      i. The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan and applicable Neighborhood Plan;

      ii. A mistake was made in mapping on the Official Zoning Map. (That is, an area is, and has been, developing in a manner and purpose different from that for which it is mapped.) Note: If this reason is cited, it must be demonstrated that the discussed inconsistency

between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from spreading;

iii. Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district;

iv. Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.

c. How does the proposed amendment to the Official Zoning Map relate to the Village's Comprehensive Plan and applicable Neighborhood Plan?

d. Finally, how does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

(f) Review by Plan Commission per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(b).

(g) Review and Action by Village Board per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(c).

(5) Conditional Use Permit.

(a) Purpose. The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of a proposed conditional uses. Conditional uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Ordinance. Conditional uses also have the potential to create undesirable impacts on nearby properties which possibly cannot be determined except with a binding site plan and on a case by case basis. Therefore, all conditional uses are required to meet certain procedural requirements applicable only to conditional uses. These procedural requirements are in addition to the general requirements of this Ordinance and the requirements of the zoning district in which the subject property is located.

(b) Initiation of Requests. Proceedings for Conditional Use Permits may be initiated by any one of the following methods:

1. A petition by the owner(s) of the subject property;

2. A petition by the operator(s) of the subject property;

3. A recommendation of the Plan Commission;

4. By action of the Village Board.

(c) Application Requirements. All applications for proposed conditional uses, regardless of how initiated under subsection (b) of this section, shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within five hundred (500) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the same appear on the current records of the register of deeds of Dane County (as provided by the Village). Such map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Such map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is a minimum of one inch equals eight hundred (800) feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

2. A map of the generalized location of the subject property in relation to the Village as a whole;

3. A written description of the proposed conditional use describing the type of activities, buildings,

and structures proposed for the subject property and their general locations;

4. A site plan of the subject property as proposed for development. Such site plan shall conform to any and all the requirements of the Village of Windsor Code of Ordinances, Chapter 10, Article IX – Site Plan Review for Commercial, Industrial, Governmental, and Multi-Family Developments.

5. Written justification for the proposed conditional use. The petitioner is advised to use the requirements of Section 52.101(5)(d) to develop such written justification.

(d) Review by Village Staff. The proposed conditional use shall be evaluated based on the following questions:

1. How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

2. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of this Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development?

4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

6. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in subsections (d)(1) through (5) of this section), after taking into consideration any proposal by the petitioner and any requirements recommended by the petitioner to ameliorate such impacts?

(e) Review by Plan Commission per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(b).

(f) Review and Action by Village Board per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(c).

(g) Revocation of an Approved Conditional Use. Upon approval by Village Board, the petitioner must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property. Once a conditional use is granted, no site plan approval, Certificate of Occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Ordinance. Any conditional use found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Village Board, following the procedures outlined in subsections (b) through (f) of this section. If the violation of an approved conditional use is determined by the Zoning Administrator to pose an immediate danger or threaten

the public health, safety, morals, comfort, convenience or general welfare such that a more expeditious resolution of or action on the violation is necessary, the Zoning Administrator may, upon written notice to the property owner, refer the matter for a public hearing before the Plan Commission for consideration of amending, temporarily suspending, or revoking the conditional use without following the provisions outlined in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(b). Such notice shall be served upon the property owner and permit holder via certified mail a minimum of seventy-two (72) hours prior to conducting the public hearing. Should the property owner or permit holder be located outside the Village, such notice shall also be served upon their local agent or operator via certified mail and posted on the property a minimum of seventy-two (72) hours prior to continuing the public hearing. The notice shall contain the date, time and place of the hearing, a description of the subject's property, a description of the conditional use, and a statement of the violation(s). After such hearing, the Village Board shall act as provided in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(c).

(h) Time Limits on Development of Conditional Use. All approved conditional uses shall be operational within three hundred sixty-five (365) days of the date of the approving resolution. Failure to complete development and begin operation within this period shall automatically constitute a revocation of the conditional use. For the purposes of this section, "operational" shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the petitioner may request an extension of this period. Such request shall require formal approval by the Village Board and shall be based upon a showing of acceptable justification (as determined by Village Board).

(i) Discontinuance of an Approved Conditional Use. Any and all conditional uses which have been discontinued for a period exceeding three hundred sixty-five (365) days shall be deemed invalid. Notice by the Village is not required. Rather the conditional use is invalidated automatically by operation of law. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(j) Change of Ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. The requirements of the conditional use shall run with the property, rather than the owner; however, the Village may require notice of any change of ownership as a requirement provided that such requirement is specified in the conditional use permit. Modification of any conditional use, without approval by Village Board, shall be grounds for revocation of such conditional use approval per subsection (g) of this section.

(k) Recordation of Conditional Use Requirements. Except for conditional use approvals for temporary uses, all documents associated with the written description, the approved site plan, and the specific requirements of approval (along with a legal description of the subject property), may be recorded by the Village with the County Register of Deeds office.

(6) Sign Permit.

(a) Purpose. The purpose of this section is to provide for regulation of signs and shall specify required procedures prior to the erection of certain signs.

(b) General Requirement. Unless specifically exempted by Subchapter II (signage), no sign shall be erected, altered, or relocated after the effective date of this Ordinance until a sign permit has been secured from the Zoning Administrator.

(c) Application Requirements. All applications for sign permits shall be made in writing on a form supplied by the Village's Zoning Administrator. Such application shall be submitted with all required information provided and shall contain or have attached thereto the following information:

1. The approved site plan for the subject property (or if not previously required, a site plan for the subject property with requirements as determined by the Zoning Administrator), showing the location and dimensions of all buildings, structures, and signs on the subject property; such subject property boundaries; and the location of the proposed sign;

2. The configuration of the proposed sign listing the height, width, total square footage, method of

attachment, method of illumination, and sign materials;

3. The subject property's zoning designation;

4. The total area of all signs on the subject property both before and after the installation of the proposed sign.

(d) Procedure. The Zoning Administrator shall review the submitted application for compliance with the requirements of subsection (c) of this section. Upon the receipt of a complete application, the Zoning Administrator shall review such application for compliance with the requirements of this Ordinance and shall issue an approved or denied based on the submitted application within five working days of the acceptance of the complete application.

(e) Revocation of a Sign Permit. Any sign found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties.

(7) Variances.

(a) Purpose. The purpose of this section is to provide regulations which enable the Village to hear and decide requests for variation from the terms of this Ordinance provided that the request is not contrary to the public interest and where, owing to special factors, a literal enforcement of the provisions of this Ordinance would result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done; all as provided for by Section 62.23(7)(e)7., Wisconsin Statutes.

(b) Initiation of Requests. Proceedings for Variances may be initiated by any one of the following methods:

1. A petition by the owner(s) of the subject property;

2. A recommendation of the Plan Commission;

3. By action of the Village Board.

(c) Application Requirements. All applications for requested variances, regardless of how initiated per subsection (b) of this section, shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. A map of the subject property showing all lands for which the variance is proposed, and all other lands within five hundred (500) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the same appear on the current records of the register of deeds of Dane County (as determined by the Village). Such map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Such map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is a minimum of one inch equals eight hundred (800) feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

2. A map of the generalized location of the subject property in relation to the Village as a whole;

3. A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;

4. A site plan of the subject property as proposed for development meeting the requirements of the Village of Windsor Code of Ordinances, Chapter 10, Article IX regardless of land use type.

5. Written justification for the requested variance. (The petitioner is advised to use the requirements set forth in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(7)(d)2. to develop such written justification.)

(d) Review by Village Staff. The requested variance shall be reviewed by Village Staff in the following steps:

1. First, the Zoning Administrator shall review the submittal in order to ensure that all required

portions of the submittal are provided and that the application is not barred from review by the "not accepted" provisions set forth in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.100(6)(d);

2. Second, upon the receipt and acknowledgment of a complete submittal, Village Staff shall undertake a review of the submittal which shall evaluate and comment on the written justification for the proposed variance provided in the submittal. Furthermore, such review shall evaluate the submittal based on the following questions:

   a. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:

      i. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;

      ii. Loss of profit or pecuniary hardship shall not, in and of itself be grounds for a variance;

      iii. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of such property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;

      iv. Violations by, or variances granted to, neighboring properties shall not justify a variance;

      v. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance.

   b. In what manner do the factors identified in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(d)(2)a. prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

   c. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

   d. Would the granting of the proposed variance as depicted on the required site plan result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

   e. Have the factors which present the reason for the proposed variance been created by the act of the petitioner or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of this Ordinance? The response to this question shall clearly

indicate that such factors existed prior to the effective date of Ordinance and were not created by action of the petitioner, a previous property owner, or their agent.

3. Third, a staff report shall be forwarded to the Board of Zoning Appeals for review and action.

(e) Review and Determination by Board of Zoning Appeals.

1. Within forty-five (45) days after the receipt of the complete petition as determined by the Zoning Administrator, the Board of Zoning Appeals shall hold a public hearing. Notice of the requested variance and the hearing shall conform to the requirements of Section 62.23(7)(d), Wisconsin Statutes. Such notice shall contain a description of the subject property and the proposed variance per the Village of Windsor Code of Ordinances, Chapter 52, Sections 52.101(7)(c)1. and (c)3. In addition, at least ten (10) days before such hearing, the Village Clerk shall mail an identical notice to the petitioner of the proposed variance; to the Clerk of any municipality whose boundaries are within one thousand (1,000) feet of any portion of the subject property; and to all property owners within five hundred (500) feet of the boundaries of the subject property as identified in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(7)(c)1. Failure to mail such notice, provided it is unintentional, shall not invalidate proceedings under this section.

2. Within thirty (30) days after the holding of the public hearing (per subsection 1. of this section or, within an extension of such period approved by the petitioner and granted by the Board of Zoning Appeals), the Board of Zoning Appeals make its findings per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(7)(d) and its determination regarding the petition as a whole. The Board of Zoning Appeals may request further information and/or additional reports from Village Staff and/or the petitioner. The Board of Zoning Appeals may take final action on the request for approval of the requested variance at time of its initial meeting, or such proceedings may be continued from time-to-time for further consideration. The Board of Zoning Appeals shall make a written report of its findings and determinations, particularly with respect to the requirements of Sections 52.101(7)(d)2.a. through (d)2.e.

3. The petitioner may request to waive or extend any of the deadlines noted in subsections 1. and 2. of this section by submitting such request in writing to the Zoning Administrator. Submission and/or confirmation via email shall e sufficient to meet this requirement.

4. If the Board of Zoning Appeals fails to make a determination within thirty (30) days after such public hearing, then the request for the variance shall be considered denied.

(f) Effect of Denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of such order of denial, except on grounds of new evidence or proof of change of factors found valid by the Board of Zoning Appeals.

(g) Limited Effect of a Variance. Where the Board of Zoning Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use. Approval confers only such variance as is specified in the Board of Zoning Appeals determination. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance or allow for expansion of the variance granted.

(h) Stay of Proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of Ordinance from which the petitioner is requesting a variance, unless the Zoning Administrator certifies to the Board of Zoning Appeals after the request for the variance has been filed, that by reason of the facts stated therein, a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed unless a restraining order issues. Any such restraining order issued may be temporary or permanent and may be granted by the Board of Zoning Appeals, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

(8) Zoning Provision Interpretations.

(a) Purpose. The purpose of this section is to assign responsibility for the official interpretation of the

provisions of this Ordinance and to describe the required procedure for securing such interpretation.

(b) Initiation of Requests. Proceedings for Interpretations may be initiated by any one of the following methods:

1. A petition by the owner(s) of the subject property;
2. A recommendation of the Plan Commission;
3. By action of the Village Board;
4. By a request by Village Staff.

(c) Application Requirements. All applications for interpretations, regardless of how initiated per subsection (b) of this section, shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. All requests for interpretations shall clearly indicate the part of the text of Ordinance for which the interpretation is requested and the specific questions the petitioner has regarding such text.
2. If the requested interpretation relates to the application of this Ordinance to a specific property, the additional following information shall be required:
   a. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within five hundred (500) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the same appear on the current records of the register of deeds of Dane County as provided by the Village. Such map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Such map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is a minimum of one inch equals eight hundred (800) feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
   b. A map of the generalized location of the subject property in relation to the Village as a whole;
   c. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property;
   d. A site plan of the subject property as proposed for development. Such site plan shall conform to any and all the requirements of the Village of Windsor Code of Ordinances, Chapter 10, Article IX regardless of land use.
3. If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Ordinance, a series of written responses to the following questions:
   a. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?
   b. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?
   c. Do the potential public benefits of the proposed land use outweigh any and all potential adverse impacts of the proposed land use?

(d) Review by Zoning Administrator.

1. First, the Zoning Administrator shall review the submittal in order to ensure that all required portions of the submittal are provided and that the application is not barred from review by the "not accepted" provisions set forth in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.100(6)(d);

2. Second, upon the receipt and acknowledgment of a complete submittal, and within thirty (30) days of such receipt, the Zoning Administrator shall undertake a review of the submittal which shall evaluate and comment on the written justification for the proposed interpretation provided in the submittal per subsection (c) of this section. This review shall also take into consideration the standards for review presented in subsection (e) of this section.

3. Third, a staff report shall be forwarded to the petitioner indicating the interpretation of the Zoning Administrator.

(e) Standards for Review of Requested Interpretations. This Ordinance shall be interpreted in a manner which is consistent with the purposes intended by the Village Board as noted in this Ordinance and the Comprehensive Plan. The intent of the standards and supporting definitions of this Ordinance is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Ordinance shall proceed as follows:

1. Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.

2. Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. Rationale: There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the title. Design freedom is to be encouraged while a lowering of the standards of this Ordinance is to be prohibited.

3. Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of Ordinance. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Ordinance. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Ordinance has the power to impose additional restrictions or requirements and power to the public exercise this in order protect the public.

4. This Ordinance has been carefully designed by the Village Board to combine maximum achievement of public goals, and the protection of adjoining property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan for the Village. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Ordinance should not substitute their own judgments for the legislative acts of the Village Board.

5. In addition to the petitioner's response to the questions required under the application requirements of this section, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:

a. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Village Board on an application for an amendment to the zoning ordinance, the Official Zoning Map or a previously applied for appeal from a requested interpretation.

b. No interpretation shall permit a land use listed as a use permitted by right a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property.

c. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district.

d. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in such district, or permitted in a more intensive district in the same zoning district category.

e. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a Conditional Use Permit.

(f) Effect of a Favorable Land Use Interpretation. No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by Ordinance. These permits and approvals include, but are not limited to required Site Plans, Conditional Uses, and Certificates of Occupancy.

(g) Limitations on Favorable Land Use Interpretation.

1. No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than three hundred sixty-five (365) days from the date of issuance of the interpretation, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

2. An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of three hundred sixty-five (365) consecutive days or more.

(9) Appeal of Zoning Provision Interpretations.

(a) Purpose. The purpose of this section is to provide regulations which enable the Village to hear and decide requests for appeals from the interpretations of the Zoning Administrator as provided for by Wisconsin Statutes 62.23(7)(e)(7).

(b) Initiation of Requests. Proceedings for an Appeal of Zoning Interpretation may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Village affected by any decision of the Zoning Administrator.

(c) Time Limit for Filing an Appeal. Any appeal of an interpretation under the provisions of this section shall be made per the requirements of subsection (d) of this section within a period not exceeding thirty (30) days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this thirty (30) day period shall constitute a final and binding waiver of any

right to appeal such interpretation. Exhaustion of this administrative remedy is required prior to any appeal to other entities, administrative tribunals or courts, unless the Village expressly waives this requirement in writing.

(d) Application Requirements. All applications for review of an interpretation, regardless of the party of their initiation per subsection (b) of this section shall be filed in the office of the Zoning Administrator. The Zoning Administrator shall forward copies of such application to the office of the Village Clerk, and to the Board of Zoning Appeals. Such application shall be accompanied by all of the following:

1. A copy of pertinent items in the file on the matter at hand maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the petitioner;

2. A written statement from the petitioner indicating the reasons why an appeal is justified, based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the petitioner.

(e) Review by Village Staff. The submitted appeal shall be reviewed by Village Staff in the following steps:

1. First, the Zoning Administrator shall review the submittal in order to ensure that all required portions of the submittal are provided and that the submittal is not barred from review by the "not accepted" provisions set forth in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.100(6)(d) or the bar is not waived by the Zoning Administrator;

2. Second, upon the receipt and acknowledgment of a complete submittal, Village Staff shall undertake a review of the submittal which shall evaluate and comment on the justifications for the appeal as submitted by the petitioner;

3. Third, a staff report shall be forwarded to the Board of Zoning Appeals for review and action.

(f) Review and Determination by Board of Zoning Appeals.

1. Within forty-five (45) days after the receipt of the complete application as determined by the Zoning Administrator, the Board of Zoning Appeals shall hold a public hearing. Notice of the appeal and such hearing shall conform to Section 63.23(7)(d) of the Wisconsin Statutes. Such notice shall contain a description of the issue per subsection (d)2. of this section. At least ten (10) days before such hearing, the Village Clerk shall mail an identical notice to the petitioner; to the Clerk of any municipality whose boundaries are within one thousand (1,000) feet of any portion of the jurisdiction of Ordinance; and to any property owner within five hundred (500) feet of the subject property. Failure to mail such notice provided it is unintentional, shall not invalidate proceedings under this section.

2. Within sixty (60) days after the receipt of the complete petition as determined by the Zoning Administrator (or, within an extension of such period requested in writing by the petitioner and granted by the Board of Zoning Appeals), the Board of Zoning Appeals make its findings per subsection (c) of this section. The Board of Zoning Appeals may request further information and/or additional reports from Village Staff and/or the petitioner. The Board of Zoning Appeals may take final action on the request for appeal at time of its initial meeting, or such proceedings may be continued from time-to-time for further consideration. Such final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the zoning board of appeals concerning the request.

3. If the Board of Zoning Appeals fails to make a determination within sixty (60) days after the receipt of such complete submittal, then the request for the appeal shall be considered denied.

(g) Effect of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of such order of denial, except on grounds of new evidence or proof of change of factors found valid by the Board of Zoning Appeals.

(h) Limited Effect of a Favorable Ruling on an Appeal.

1. No ruling by the Board of Zoning Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than three hundred sixty-five (365) days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

2. A ruling by the Board of Zoning Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of three hundred sixty-five (365) consecutive days or more.

(10) Certificates of Occupancy.

(a) Purpose. The purpose of this section is to provide regulations governing the review and approval of Certificates of Occupancy. This procedure is required to ensure completed development complies with the approved site plan and the requirements of Ordinance as a whole.

(b) Land Uses and Development Requiring a Certificate of Occupancy. Certificates of Occupancy shall be required for any of the following:

1. Occupancy and use of a building or structure hereafter erected or structurally altered;

2. New occupancy and use of an existing building when the new use is of a different land use classification;

3. Occupancy and use of vacant land;

4. New use of vacant land when the new use is of a different land use classification;

5. Any change in the use of a nonconforming use. No such occupancy, use of change of use shall take place until a Certificate of Occupancy therefor shall have been issued by the Building and Zoning Inspector.

(c) Issuance of Certificate of Occupancy.

1. Every application for a building permit shall also be deemed to be an application for a Certificate of Occupancy for a new building or for an existing building which is to be substantially altered or enlarged as determined by the Zoning Administrator. Such certificate shall be issued within ten (10) working days after a written request for the same has been made to the building inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance, as determined by the building inspector and/or the Village Engineer.

2. Written application for a Certificate of Occupancy for the use of vacant land or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the building inspector; if the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued within ten (10) working days after the application therefor has been made.

3. Every Certificate of Occupancy shall state that both the building, and the proposed use of a building or land, substantially complies with all provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

(d) Certificate of Occupancy for Legal Nonconforming Uses. Upon application, a Certificate of Occupancy shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance, or in existence at the effective date of this Ordinance. Application for such Certificate of

Occupancy for nonconforming use shall be filed with the building inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Ordinance. It shall be the duty of the building inspector to issue a Certificate of Occupancy for a legal nonconforming use, following consultation with the Zoning Administrator and/or Village Engineer, as appropriate. Failure to apply for such Certificate of Occupancy for such nonconforming use shall be prima facie evidence that such nonconforming use was either illegal or did not lawfully exist at the effective date of Ordinance.

(e) Revocation of a Certificate of Occupancy. It shall constitute a violation of this Ordinance for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in subsection (b) of this section, without having first obtained a Certificate of Occupancy. Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the building inspector, he or she shall forthwith revoke the Certificate of Occupancy, by notice in writing to be delivered by him or her to the holder of the void certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the notice of revocation by certified letter to his or her last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Ordinance.

(11) Zoning Permit.

(a) Purpose. The purpose of this section is to provide regulations governing the review and approval of zoning permits. A zoning permit is required in order to ensure that land uses and development activities comply with the standards of this section, and to otherwise protect the public health, safety, and welfare. Zoning permits will help ensure new projects comply with the regulations of Ordinance and serve as a final step in the approval process for other land use and development application types.

(b) Applicability. Unless exempted under subsection (c) of this section, zoning permits shall be required prior to any of the following activities:

1. The construction or placement of a new building, structure or paved surface; or the expansion or exterior modification of a building, structure or paved surface above and beyond minor repairs and maintenance;

2. A change in occupancy and use of, or the addition of a use to, an existing building, structure or property when the new use is of a different land use classification than the existing or prior use;

3. Occupancy and use of vacant land;

4. The re-establishment of an allowed use on a property that has been inactive for a period of more than twelve (12) months.

(c) Exemptions. The following activities shall not require the issuance of a zoning permit:

1. Street construction or repair, utility work within the public right-of-way or a public easement, or other approved activity performed by a governmental entity or recognized utility within the public right-of-way.

2. The expansion of a single-family home not located within a planned development district. However, a building permit and other permits may still be necessary and the property owner is responsible for ensuring that all requirements of Ordinance are adhered to.

3. The repaving of conforming driveways or parking lots, provided that it does not involve the expansion of a parking lot.

4. Miscellaneous activities and improvements incidental to the use, maintenance and upkeep of residential properties, such as landscaping, the erection of accessory buildings that do not require a building permit, the installation of playground equipment, mailboxes, patios, decks, and other similar activities, provided all locational requirements of Ordinance are met.

5. Other activities may be exempted if the Zoning Administrator determines that a zoning permit is not necessary.

(d) Relationship to Other Application Processes.

1. When a proposed use or development activity requires the issuance of a conditional use permit, approval of a site plan, or other application review per this chapter, the issuance of a zoning permit represents the final step in said application process and shall signify that plans associated with the application have been finalized and approved. The applicant may then proceed to obtain any other required permits (i. e. building permit, etc.);

2. For proposed changes in use and development activities that do not require review under another application process per this chapter, the issuance of a zoning permit signifies that the proposed use or activity is in compliance with the regulations contained in Ordinance.

(e) Procedures.

1. Application Requirements. All applications for zoning permits shall be filed with the planning division and shall include at a minimum the following information:

a. A completed application form.

b. A letter of intent describing in detail the proposed uses or activities.

c. If determined necessary by the Zoning Administrator, a site plan or other map drawn to scale showing the existing and proposed uses and/or structures.

d. Additional information as may be required by the Zoning Administrator.

(f) Zoning Permit Review and Timeline.

1. The zoning permit application shall be reviewed by the Zoning Administrator who shall, within five business days, either issue the zoning permit or a written explanation as to why the permit was not issued. The applicant shall have an opportunity to provide revised application materials.

2. If permit activities are associated with the review of an application for a conditional use permit, special use permit, site plan, or planned development precise implementation plan, the zoning permit shall signify the successful completion of the application process and that a building permit may be issued. If such an application is conditionally approved and corrections are needed prior to final plan approval, then the Zoning Administrator shall review the revisions with five business days from the date the revised information is submitted. The Zoning Administrator shall either issue the zoning permit or a written explanation as to why the permit was not issued. The applicant shall have an opportunity to provide revised application materials.

(g) Expiration. The expiration date of the zoning permit shall be clearly stated on the permit in accordance with the following:

1. In cases where a building permit is required:

a. A building permit shall be obtained within six months of the date of issuance of the zoning permit, or

b. If an alternative timeline for obtaining a building permit is established through Village Board approval said timeline shall apply, and

c. Failure to obtain a building permit within the timelines established in a. and b. above, the zoning permit shall be automatically revoked.

2. When a building permit is not required, the use or activity authorized by said permit shall be commenced within six months. Failure to commence such use or activity within six months shall result in the automatic revocation of the zoning permit.

3. Upon a written request from the applicant, a one-time extension of a period not to exceed six months may be granted if the Zoning Administrator determines that there are sufficient grounds to grant the requested extension.

Redlined

Version #9

Distributed for Tuesday, March 29, 2016 Joint Plan Commission and Board Meeting

Chapter 52 – Zoning

ARTICLE I. – IN GENERAL

Sec. 52-1. – Purpose.

The overall purpose of this chapter is to implement the Village of Windsor comprehensive plan to the extent possible under zoning. This chapter is designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to preserve burial sites as defined in s. 157.70(l), Wis. Stats. Specifically, this chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the comprehensive plan.

Sec. 52-2. – Abrogation.

It is not intended that this chapter abrogate or interfere with any constitutionally protected vested right.

Sec. 52-3. – Application.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare. Where property is affected by the regulations imposed by any provision of this chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations. No structure shall be constructed, erected, modified, converted, enlarged, reconstructed, altered, placed or maintained, and no land shall be used, modified, or maintained for any purpose or in any manner which is not in conformity with the provisions of this chapter.

Sec. 52-4. – Jurisdiction.

This chapter is applicable to all territory located within the corporate limits of the Village of Windsor.

Sec. 52-5. – Effective date.

This chapter shall become effective upon passage and posting according to law, following the date of passage of the official zoning map.

Sec. 52-6 - 52-9. – Reserved.

ARTICLE II. – DEFINITIONS

Sec. 52-10. – Purpose.

For the purposes of this chapter certain terms used herein are defined as set forth in this section. Words and phrases not defined in this section or elsewhere in the ordinance shall be construed by resort to the following, in order of preference: Wisconsin Statutes; Wisconsin zoning case law; other states' zoning case law; the dictionary; and common usage.

Sec. 52-11. – Definitions.

(1) Accessory building. A subordinate or supplemental building, the use of which is incidental to that of the main building on the same lot or the use of the premises on which it is located.

(2) Accessory use. A use customarily incidental and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.

(3) Agricultural use. Means any of the following activities conducted for the purpose of producing an income or livelihood:

(a) Crop or forage production.

(b) Keeping livestock.

(c) Beekeeping.

(d) Nursery, sod, or Christmas tree production.

(e) Floriculture.

(f) Aquaculture.

(g) Fur farming.

(h) Forest management.

(i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(4) Agricultural accessory use. Means any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or incidental to, an agricultural use.

(b) An activity or business operation that is an integral part of, or incidental to, an agriculture use.

(c) Farm Residence.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full- time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(5) Agriculture-related use. A facility, whether or not located on a farm, that has at least one of the following as a primary, and not merely incidental, purpose:

(a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.

(b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.

(c) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation district.

(6) Agricultural accessory building. Means a building or buildings used in the operation of a farm.

(7) Agricultural entertainment. A farm based activity, enterprise, or business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building and may have more than one (1) full-time equivalent employee. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on- farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

(8) Adopted village comprehensive plan. Means a village comprehensive plan adopted by both the affected village board and the Dane County Board of Supervisors under s. 66.1001, Wis. Stats. and Chapter 82, Subchapter II, Dane County Ordinances.

(9) Adult entertainment establishment. Any establishment which regularly features for monetary consideration performances or presentations which are distinguished or characterized by an emphasis on exposure to view of less than completely or opaquely covered human genitals, pubic area, anus, vulva, female breasts below a point immediately above the top of the areola; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate the fondling of another person's genitals, pubic region, anus, or female breasts, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual conduct as defined by s. 944.21(2)(e), Wis. Stats.

(a) The term "regularly features" as used in this subsection means giving special prominence at uniform,

orderly intervals on a permanent basis, or always features.

(10) Animal unit. One animal unit shall be defined as being the equivalent of 1 cow, 4 hogs, 10 sheep, 10 goats, 100 poultry, 1 horse, 1 pony, 1 mule or 100 rabbits or an equivalent combination thereof.

(11) Apartment house. A building containing accommodations for more than two (2) families living independently of each other.

(12) Apartment house complex. A group of apartment houses located on a single parcel of land with certain facilities, such as driveways, parking spaces and the like, common to the buildings in the complex.

(13) Beekeeping. Keeping of more than 1 hive for each 10,000 square feet of lot or parcel area.

(14) Bed & breakfast. A private residence which has rooms set aside for overnight guests whose paid accommodations include breakfast but no other meals, as defined in s. 254.61, Wis. Stats.

(15) Boarding house. A building or premises where meals are served by pre-arrangement for definite periods of time for compensation for five (5) or more persons, but not exceeding 20 persons, not open to transients, in contradiction to hotels and restaurants open to transients.

(16) Boathouse. A building for the storage of boats, canoes and other water craft and their accessories.

(17) Boat slip. Means a mooring accommodation for the in-water storage of a boat or other water craft which is owned by other than a resident or owner of the premises.

(18) Building. Any structure having a roof supported by posts, columns or walls and its appendages including, but not limited to balconies, porches, decks, stoops, fireplaces and chimneys. Also included for permit and locational purposes are swimming pools, both above and below ground, permanent hunting blinds with a foundation, and towers, including communication towers. Not included within the definition, for permit purposes or otherwise, are poles, towers and posts for lines carrying telephone messages or electricity and recreational structures of open construction and without walls, such as swing sets, slides, yard gyms, climbers, sand boxes and teeter totters.

(19) Building footprint. The entire area of ground covered by a structure, expressed in square feet, including appurtenances such as, but not limited to, balconies, porches, decks, stoops, fireplaces, and chimneys.

(20) Building height. The vertical distance, measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof for flat roofs; to the mean height level between the highest ridge and its associated eave for gable and hip roofs; to the deck line for mansard roofs. The front of the building shall be the side directly facing the public or private thoroughfare which affords primary means of access to the property, excluding the driveway.

(21) Building line. The building line shall be the point at which the building wall or any appendage of the building such as steps, chimneys, decks, porches or covered patios meets the ground. For earth sheltered homes, the building line is a line where the exterior walls of the building if extended vertically would be located on the lot.

(22) Building setback line. Is a line that is parallel to the front or street lot line and is located at a distance from either the center line of the adjacent highway or the front lot line as provided for in Sec. 52-21 of this ordinance. For triangular or gored lots that do not have the required lot width at the required building setback line, the building setback line shall be a line that is parallel to the front lot line or if the front lot line is a curve it shall be parallel to the chord of the arc of the curve of the front lot line and located at the point on the lot where the length of the line meets the lot width requirements of the zoning district in which it is located. (See also Lot Width.)

(23) Campground. A parcel or tract of land, maintained, intended or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles or sleeping bags, and may include buildings to provide services to the patrons such as restrooms, bathing, laundry and commissary facilities. A primitive campground shall be any area or site designated for camping purposes which is accessible only by hiking, boating or canoeing.

(24) Cemetery. Shall include, but not be limited to, cemeteries, mausoleums, columbaries and burial chapels. Shall be subject to s. 157.06, Wis. Stats.

(25) Clear area. Means an area adjacent to and completely surrounding each and every physical structure comprising part or all of an historic site. No building or structure of any kind, whether or not a permit therefor is required under this chapter, shall be erected in the clear area and no obstacle of any kind, whether attached to an allowed structure or not, shall be placed in the airspace above the clear area, and no soil disturbance shall occur in the clear area.

(26) Clinic. An office or building in which dental, veterinary, medical or paramedical services is provided on an outpatient basis. Such services as laboratory, X-ray and first aid services may be provided.

(27) Club. An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business.

(28) Colony house. A building for the breeding and raising of experimental and laboratory animals, such as white mice and rats, guinea pigs and the like, and for the storage of feed and accessory materials.

(29) Committee. The zoning and natural resources committee of the Dane County Board of Supervisors or any other committee of the Dane County Board of Supervisors designated to act as the county zoning agency and delegated the responsibility for zoning matters under s. 59.69, 59.692, 87.30 and 144.26, Wis. Stats.

(30) Communication tower. Any structure, whether free-standing or attached to an existing building or structure, other than a building or structure which is both owned by the village in which located and dedicated to a governmental use or a structure that is both owned by the County of Dane and used as a warning siren site, 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, alternative tower structures, and the like.

(31) Community living arrangements. Community living arrangement means any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under s. 48.60, Wis. Stats., group foster homes for children under s. 48.02(7)~~(m)~~, Wis. Stats., and community based residential facilities under s. 50.01, Wis. Stats., but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

(32) Condominium. Individual ownership of a structure or a unit in a multi-unit structure located on a commonly held parcel of land organized under ch. 703, Wis. Stats. Buildings in a condominium shall meet the density and locational requirements of the zoning district in which they are located.

(33) Construction equipment. Shall include, but not be limited to, tractors, both wheeled and crawler types, graders, end loaders, scrapers, bulldozers, cranes, back hoes, drag lines, trucks, including dump, stake body or semi-trailer lo- boys of more than two and one-half (2-½) ton capacity, "cherry picker" vehicles and air compressors. Any of the aforementioned equipment that is used in connection with a farm operation and is not leased or contracted for use on any other property shall not be considered construction equipment.

(34) Contiguous. Lots or parcels shall be considered as contiguous for the purpose of this ordinance if they share a common boundary for a distance of at least 66 feet.

(35) Day care centers. A place or home which provides care for four (4) or more children under the age of seven (7) years for less than 24 hours a day and is licensed as provided for in s. 48.65, Wis. Stats.

(36) Dependency living arrangement. Means a physical arrangement of a dwelling unit in such a fashion that separate living spaces are created within a dwelling unit for the sole purpose of allowing a dependent person to live in the secondary living area while the owner and his or her family reside in the principle living area. The secondary living area may contain a bath and limited kitchen facilities which permit a degree of independence.

(37) Dependent. As it pertains to dependency living arrangements, is an individual who requires some assistance in the activities of daily living such as eating, dressing, bathing or ambulation.

(38) Development. Means any activity requiring a zoning permit or certificate of compliance, including earth-disturbing activities that will lead to the installation of footings, piers, posts, pilings or foundations, as described in Sec. 52-101(11).

(39) Development plan. Means a scale drawing of the premises which accurately depicts the shape and dimensions of the lot or parcel, the location and dimensions of all existing and proposed buildings and other structures; the location and dimensions of all parking areas, loading areas, circulation areas, and access drives; the distance in feet between all structures, and between all structures and parking areas, abutting streets and highway rights-of-way or easements and side and rear lot lines; together with such other information as the zoning administrator deems necessary.

(40) Development right. Means a potential new residential building site available under the policies of an adopted village and county comprehensive plan, subject to the standards of this ordinance and ch. 11, 17 and 75. For purposes of participating in a transfer of development rights program, a development right exists on a particular property if adopted village and county comprehensive plans would support a rezone petition to allow residential development on the property under Sec. 52-100 (2) of this ordinance and s. 59.69 and 91.48, Wis. Stats.

(41) Domestic fowl. Domestic fowl includes female chickens, ducks, and quail. Geese, turkeys, and pea fowl are not considered domestic fowl for the purposes of this ordinance.

(42) Drive-in establishment. Means an establishment which accommodates motor vehicles from which the occupants may obtain or receive a service or product which may be used or consumed in the vehicle on the same premises or an establishment which accommodates motor vehicles for the purpose of fueling or providing minor motor vehicle services. All such establishments shall operate pursuant to a conditional use permit secured from the committee.

(43) Dwelling.

(a) Single family dwelling. A building designed for and occupied exclusively as a residence for one (1) family.

(b) Multiple family dwelling. A building designed or intended to be used by more than two (2) families living independently of each other.

(c) Duplex family dwelling. A building designed to be occupied by two families living independently of each other.

(44) Explosive materials. Mean explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. Exempted from this definition are those explosive materials set forth in Comm 7.02(2), Wis. Admin. Code.

(45) Extended care facilities. A nursing home which is certified by the State of Wisconsin under the Federal Social Security Act to care for patients under the Medicare Program.

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

(47) Farm. Means all land under common ownership that is primarily devoted to agricultural use.

(48) Farm operator. A person who, or a family at least one member of which, earns substantial farm income, as defined in Sec. 52-11, from farm operations on the farm.

(49) Farm residence. Any of the following structures that is located on a farm:

(a) A single-family residence that is occupied by any of the following:

1. A person who is both the owner and farm operator of the farm.

2. A parent or child of the owner and farm operator of the farm.

3. An individual who earns more than 50 percent of his or her gross income from the farm.

(b) A migrant labor camp that is certified under s. 103.92, Wis. Stats.

(50) Governmental uses. Shall include, but not be limited to, parks, playgrounds, hospitals, police and fire stations, solid waste disposal sites and recreational areas. For purposes of this chapter, a school is not a governmental use. Installation of communications equipment on a building or structure which is both owned by the village in which located and dedicated to a governmental use or on a structure that is both owned by the County of Dane and used as a warning siren site, is included within this definition.

(51) Gross floor area. The aggregate area of all horizontal levels of a building, expressed in square feet, not including any horizontal level where the average floor to ceiling height is less than 6 feet. When used as a basis of measurement for off-street parking and loading spaces for any use, gross floor area shall be the sum of the areas of the several floors of the buildings devoted to such use, including all areas devoted to restrooms, storage, utilities and circulation.

(52) Gross income. Means Wisconsin adjusted gross income as defined in s. 71.01(13), Wis. Stats., 1989-90.

(53) Gross vehicle weight. Means the weight of any truck or road tractor and its semi- trailer plus the load that the vehicle is rated to haul.

(54) Historic site. Means any burial site designated as an historic site by the county board of supervisors. A burial site has the definition set forth in s. 157.70(1)(b), Wis. Stats, 1987. Any action of the county board designating an historic site shall constitute a zoning map change and shall be subject to village approval and the protest rights of landowners under s. 59.69, Wis. Stats. No person shall enter any property to survey the land for historic sites without the written permission of the property owner.

(55) Home occupation. A home occupation is any occupation carried on by a member of the immediate family residing on the premises, which meets all of the following conditions:

(a) That the occupation is conducted within a dwelling and not in an accessory building;

(b) That only members of the immediate family residing on the premises may be employed on the premises, plus a maximum of one other unrelated person;

(c) That no stock-in-trade is kept or commodities sold, other than those made on the premises;

(d) That samples may be kept but not sold on the premises;

(e) That no mechanical equipment is used except such as may be used for purely domestic or household purposes;

(f) That such occupation shall not require internal or external alterations, or involve construction features not customary in a dwelling;

(g) That not more that 25 percent (25%) of the floor area of one (1) story of the dwelling is devoted to such home occupation;

(h) That the entrance to the space devoted to such occupation is from within the building;

(i) That there is no evidence, other than the sign referred to in subsection (j) below, that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and

(j) That one (1) sign shall be permitted, which sign shall be attached to the building, shall not exceed two (2) square feet in area and shall not be lighted at night.

(56) Hospital. An institution providing health services, primarily for in-patients, and medical and surgical care of the sick and injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

(57) Hotel. A building in which board and lodging are provided to the transient public for compensation.

(58) Incidental indoor maintenance. Maintenance and repair of equipment and vehicles owned and operated by a principal business on the premises, and not as a service to others. All maintenance activities must take place within an enclosed building.

(59) Indoor storage. Uses that are primarily oriented to the receiving, holding and shipping of materials for a single business. Such uses are not for retail sales, storage of personal belongings of others, or warehousing of materials for others. With the exception of loading facilities, such uses are contained entirely within an enclosed building.

(60) Junk. Garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, any inoperable motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, paper, rags, cans or bottles.

(61) Kennel. A kennel is any premise, or portion thereof, where dogs, cats or other household pets are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

(62) Land disturbing activity. Means any alteration or disturbance that may result in soil erosion, sedimentation or change in runoff including, but not limited to, removal of ground cover, grading, excavating or filling of land.

(63) Light industrial. The processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from previously processed or previously manufactured materials. All operations (with the exception of loading operations):

(a) Are conducted entirely within an enclosed building;

(b) Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;

(c) Do not pose a significant safety hazard (such as danger of explosion); and

(d) Include no retail sales.

(64) Limited family business. A small family-run commercial operation, accessory to a permitted principle use that takes place entirely within an accessory building. All employees, except one or one full-time equivalent, must be a member of the family residing on the premises. Limited Family Businesses must comply with all requirements of Sec. 52-28.

(65) Limited rural business. A Limited Rural Business may include any use permitted in the A-B, B-1, C-1 or C-2 zoning districts if it is located exclusively in building(s) in existence prior to April 30, 2005, maintains, restores or enhances the existing exterior character of the building(s), employs no more than 4 non-family employees, and does not conflict with the overall purposes of the district within which the Limited Rural Business is proposed. "Family" has the meaning set forth in Sec. 52-11.

(66) Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

(a) For purposes of this ordinance, 100 or more rabbits shall be considered livestock and subject to the regulations pertaining to the keeping of livestock.

(b) For purposes of this ordinance, domestic fowl in single family residential yards under Sec. 52-29 shall not be considered livestock and shall not be subject to regulations pertaining to the keeping of livestock.

(67) Location survey. Refers to survey information prepared by a licensed surveyor indicating the location of property lines and building location distances from those property lines for the specific portions of the building indicated in this ordinance. Such surveys are not required to provide all the parcel information set forth by ch. A-E 7.02, Wis. Admin. Code, Minimum Standards for Property Surveys item A-E 7.01(2) but may exclude unnecessary information as permitted in A-E 7.01(2) and provide only the information required by the zoning ordinance but such information must comply with the accuracy standard required by A-E 7.06 Measurements.

(68) Lodging house. A building in which lodging accommodations are provided by previous arrangements for definite periods of time to four (4) or more but not to exceed twelve (12) individuals not members of the owner's family.

(69) Lot. A parcel of land occupied or intended to be occupied by one (1) building and its accessory building and uses, except as otherwise provided herein. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the register of deeds. No land included in any street, highway or railroad right-of-way shall be included when computing area.

(70) Lot depth. The lot depth is the mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

(71) Lot width. The distance between the side lot lines measured along a line that is parallel to the front lot line at the required building setback line. On triangular or gored lots the lot width shall be measured along a line that is parallel to the chord of the arc of the front lot line at the required building setback line, the lot width at this point shall ~~not be less than~~be a minimum of that required by the zoning district in which the lot is located. (See also building setback line.)

(72) Lot zoning. A parcel of land under single ownership occupied or intended to be occupied by one main building, and buildings and uses customarily accessory or incidental thereto, including such open spaces as are provided or are intended to be used in connection therewith or are required by the ordinance. A zoning lot may or may not coincide with a lot of record.

(73) Majority. Means more than one half of the pertinent total.

(74) Marina. Means a shoreside facility that provides accommodation and service for boating and may include, but is not limited to, docks; boat slips; inside or outside storage of boats, boat trailers, storage cradles and other related marina items; sale of boats, boating equipment, fuel and supplies. Docks or boat slips by themselves do not constitute a marina use.

(75) Mineral extraction. Quarrying or excavation of sand, gravel, limestone, earth, soil or other mineral resources. This definition includes (when done in connection with mineral extraction) accessory uses such as washing, crushing and other processing of the materials, stockpiling and processing concrete and asphalt pavements for the purpose of recycling for reuse in asphalt or concrete mixtures or base course products, the erection of structures and the installation or storage, or both, of the necessary machinery and equipment used in the mineral extraction operation. Production of asphalt or concrete is not to be considered part of a mineral extraction operation.

(a) The following uses are not part of a mineral extraction operation: site preparation for residential or commercial plats, construction or landscaping projects, soil conservation practices, stream, lake or shoreline protection, agricultural land leveling projects if materials are not removed from the property and similar uses.

(76) Mini-warehouse. A storage building comprised of separate compartments each of which is intended for separate rental and each of which has its own separate access.

(77) Mobile home park. Any plot or plots of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for an accommodation. Is subject to the requirements of s. 66.058, Wis. Stats.

(78) Motel. A building containing sleeping rooms for the temporary accommodation of tourists and not for permanent occupancy except by the owner or resident operator.

(79) Motor vehicle. Cars, trucks, buses, semi- tractors and semi-trailers which may be used to transport goods, materials, freight or passengers.

(80) Native wildlife rehabilitator. A person who has permits from the United States Department of Interior, Fish and Wildlife Service and/or the Wisconsin Department of Natural Resources to rehabilitate injured or sick native wildlife as defined in the Wisconsin Administrative Code.

(81) Occupiable floor area. When used as a basis of measurement for off-street parking spaces for any use, shall be the sum of the areas of the several floors of the buildings designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the sale of merchandise, or in the case of office use those areas occupied or used by employees. Occupiable floor area shall not include areas used principally for non-

public purposes such as restrooms, locker rooms, storage, utilities and areas behind counters.

(82) Office. An exclusive indoor land use whose primary function is the handling of information or administrative services. Such uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

(83) Outdoor storage. Outdoor storage is primarily oriented to the receiving, holding and shipping of materials for a single business. Such a use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage use. Such uses do not include junk or other materials typically associated with a junkyard, salvage recycling center or solid waste recycling center, as defined in this ordinance.

(84) Nonconforming use. A lawful use that existed prior to adoption of an ordinance which restricts or prohibits said use.

(85) Notice document. A recorded instrument to notify future landowners and others of unusual features, policies, regulations or other characteristics that may affect future development potential or other speculative use of a specific property. All notice document instruments must meet the minimum recording standards of the Dane County Register of Deeds.

(86) Nursing home. A home for the aged, chronically ill or incurable person in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

(87) Park, amusement. An area, publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.

(88) Park, public. An area owned by the county or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

(89) Person. Except where otherwise indicated by the context, the word person shall include the plural, or a company, firm, corporation or partnership.

(90) Planned unit development. A form of land development permitted after following the procedures for creating a planned unit development district as provided in Sec. 52-77. The planned unit development district is designed to allow variation in the types and arrangements of land uses and structures in developments conceived and implemented as cohesive, unified projects. Each planned unit development district shall be either a rural planned unit development district or an urban planned unit development district.

(91) Pleasure horses. All horses and ponies which are kept or raised for personal use by the owner(s) of or persons residing on the property or their guests. The term does not include horses or ponies kept or raised for commercial breeding purposes, held for sale as beasts of burden or draft animals, boarded for a fee, or offered to the public for riding purposes upon payment of a fee.

(92) Professional office. A building in which is provided space for professional offices such as those of doctors, practitioners, dentists, real estate brokers, engineers, lawyers, authors, architects, musicians and other recognized professional occupations.

(93) Race event or rally. Means a gathering of more than three people for the purpose of repetitive vehicular activity over a fixed course or area, which persists for periods in excess of 30 minutes in any one 24 hour period.

(94) Racing vehicle. A motor vehicle of a type used for racing or participation in a race event or rally. Such vehicles may not normally be legally operated on the public highways.

(95) Recorded. Means recorded with the Dane County Register of Deeds.

(96) Recreational equipment. Shall include boats, canoes, snowmobiles or camping and luggage carrying trailers intended to be towed by an automobile or truck or a camper unit to be mounted on a truck. Any motor driven camper or motor home shall be considered as recreational equipment.

(97) Refuse. Refuse means combustible and noncombustible rubbish including, but not limited to, paper, wood, metal, glass, cloth and products thereof, litter and street rubbish, ashes and lumber, concrete and other debris resulting from the construction or demolition of structures.

(98) Religious uses. Shall include, but not be limited to, churches, convents and monasteries. For purposes of this chapter, a school is not a religious use.

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

(100) Roadside stand. A structure having a ground area of not over 200 square feet, not permanent by being attached to the ground, readily removable in its entirety and to be used solely for the sale of farm and garden products produced on the premises. Such structures may be located within the setback lines of roads but shall not interfere with visibility along the highway.

(101) Rooming house. Same as lodging house.

(102) Salvage recycling center. A salvage recycling center is an area where waste or scrap materials are bought, sold, exchanged, stored, recycled, baled, packed, disassembled or handled, including, but not limited to, motor vehicles, farm equipment, scrap iron and other metals, paper, rags, rubber tires and bottles. A salvage recycling center includes a motor vehicle wrecking or dismantling yard, but does not include a solid waste recycling center as defined in Sec. 52-11.

(103) Sanitary fixture. Any plumbing fixture that requires discharge to a private onsite wastewater treatment system or public sanitary sewer system pursuant to state or county plumbing code.

(104) Sanitary landfill. Sanitary landfill is a type of land disposal operation involving the disposal of solid waste on land.

(105) Schools. Means any private, public or religious school but does not include either truck driving schools or construction equipment operator schools unless expressly stated otherwise in this chapter.

(106) Setback. The minimum horizontal distance from the front line or from the center of the highway, measured parallel to the highway or front lot line, to the front of the building.

(107) Slaughterhouse. Any building or premises used commercially for the killing or dressing of cattle, sheep, swine, goats or horses, for human consumption and the storage, freezing and curing of meat and the preparation of meat products.

(108) Small scale electric generating station. Electric generating equipment and associated facilities designed for nominal operation at a capacity of 100 megawatts or less, not requiring approval of the state Public Service Commission under s. 196.491, Wis. Stats. Equipment and structures, not including towers, for the purposes of creating electricity to be used primarily on the property are not considered small scale electric generating stations.

(109) Solid waste. Solid waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, operations and other domestic use and public service activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

(110) Solid waste disposal operation. A solid waste disposal operation is the operation or maintenance of a solid waste disposal site or facility for the collection, storage, utilization, processing or final disposal of solid waste, including, but not limited to, land disposal, incinerator, transfer, air curtain destruction, composting reduction, shredding, compression, processing and salvage. In-house re-use of the imperfect finished products to make a merchantable finished product is not a solid waste disposal operation.

(111) Solid waste recycling center. A solid waste recycling center is a solid waste disposal operation at which temporary storage and processes such as baling of paper, grinding of glass and flattening of cans, are conducted on segregated solid waste to facilitate reuse of the segregated solid waste as raw material. Also see salvage yard, Sec. 52-30.

(112) Stormwater runoff. Means the waters derived from rains falling or snowmelt or ice melt occurring within the drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

(113) Story. The vertical distance of a building included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling, provided that a basement shall not be considered a story.

(114) Story, half. A story under a gable, hip or mansard roof, the wall plates of which on at least two (2) sides are not more than two (2) feet above the floor of that story.

(115) Street. A public or private thoroughfare which affords primary means of access to abutting property is a street to that property for the purposes of this ordinance, except driveways to buildings.

(116) Street line. The dividing line between the street and the lot.

(117) Structure. Means any manmade object with forms, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

(118) Structural alteration. Any change in the dimensions of a structure or in the interior layout or floor plan of a structure.

(119) Substandard lot. Means a lot the dimensions of which, although fully conforming when created, are now, in whole or in part, less than existing requirements for the zoning district in which located.

(120) Substantial farm income. Means that a minimum of $10,400 gross farm income/year for the past three (3) years is currently derived from the farming operation on the farm where the residential use is proposed. Rental income may not be used to meet the income requirement.

(121) Tavern. A building or part of a building open to the public, where fermented malt beverages and/or intoxicating liquors are sold at retail for consumption on the premises. The following shall not be considered a tavern: a restaurant where such beverages are sold only at tables and only in conjunction with meals; a club not open to the public where such beverages are sold in conjunction with the operation of the club; premises where malt beverages are sold by established organizations in conjunction with the operation of a picnic, fair or other amusement enterprise.

(122) Terminal, bus. A building or facility where passengers may board or leave intercity buses, also facilities for baggage handling, bus package services and ticket sales.

(123) Terminal, truck. Buildings or land which is used for the storage or distribution of freight or goods by a common carrier.

(124) Temporary or portable building. A building or structure that is not attached to the ground by anchors, bolts, footings, foundation piers, pilings, posts or other means of attaching permanently to the ground. Lawn and yard buildings not attached, anchored or affixed to the ground shall not exceed 32 square feet of floor area on a lot in a residential district.

(125) Topography. Means the configuration of the ground surface and relations among human- made and natural features that may determine ground slope and direction of runoff flow.

(126) Transfer of development rights (TDR). Means the conveyance of development rights, as defined herein, by TDR agricultural conservation easement from one parcel of land to another and the recording of that conveyance with the Dane County Register of Deeds and other land records of Dane County. Any individual transfer of development rights transaction may, at the discretion of the parties involved, also include the conveyance of additional rights not enumerated in this ordinance.

(127) TDR agricultural conservation easement. Means a holder's non-possessory interest in real property imposing any limitation or affirmative obligation, the purpose of which may include any or all of the following: retaining or protecting natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; maintaining or enhancing air or water quality; preserving a burial site, as defined in

s.157.70(1)(b), Wis. Stats.; or, preserving the historical, architectural, archaeological or cultural aspects of real property. TDR agricultural conservation easements need not include any requirements for public access or restrictions on agricultural or forestry practices.

(128) Use, conditional. A conditional use is a use which may be essential or desirable, but which is not allowed as a matter of right within a zoning district such as a permitted use. A conditional use requires a public hearing process.

(129) Use, permitted. A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms to all requirements and regulations of such district in which such use is located.

(130) Use, principal. A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.

(131) Utility services. Transmission and distribution lines both above and below ground which carry electricity, petroleum products, natural or manufactured gas, water, sewer or telephone messages. Included are buildings and structures necessary to operate transmission and distribution lines such as substations, transformer installations, repeater stations, pumping stations and water towers, but not including offices, garages, manually operated exchanges, terminal distribution facilities, electric generating plants and sewage disposal plants. Installation of privately owned and operated communications equipment on a water tower which is owned by the village in which located is included within this definition, provided that the installation of this equipment does not compromise the structural integrity of the water tower. A zoning permit will not be issued for the installation of this equipment by the Dane County Planning and Development Department without provision of a structural analysis stamped by a professional engineer (P.E.) and a P.E.'s written statement that the affected tower is structurally capable of accommodating the equipment.

(132) Urban service area. Areas identified and mapped by the Capitol Area Regional Planning Commission, or successor agency, designated by the State of Wisconsin in accordance with the federal Clean Water Act, that are planned for urban development and capable of being provided with a full range of services.

(133) Vision clearance triangle. Means the area in each quadrant of an intersection which is bounded by the right-of-way lines of the highways or streets and a vision clearance setback line connecting points on each right-of- way line which are located a distance back from the intersection equal to the setback required on the road or highway.

(134) Wind energy system. Wind Energy System has the meaning given in s. 66.0403(1)(m), Wis. Stats.

(135) Yard. A yard is an open space on a zoning lot which is unoccupied or unobstructed from its lowest level to the sky, except as otherwise provided herein. For the purpose of this ordinance, a yard extends along a lot line to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located.

(136) Yard, front. A front yard is a yard paralleling along the full length of the front lot line between the side lot lines.

(137) Yard, rear. A rear yard is a yard paralleling along the full length of the rear lot line between the side lot lines.

(138) Yard, side. A side yard is a yard paralleling along a side lot line from the front yard to the rear yard.

Sec. 52-12 - 52-19. – Reserved.

ARTICLE III. – GENERAL PROVISIONS, REGULATIONS, AND STANDARDS.

Sec. 52-20. – General Provisions and Exceptions.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, ss. 10.04 and 10.16 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-21. – Setback Regulations.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.17 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-22. – Off-Street Parking & Loading.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.18 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-23. – Signs.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, ss. 10.70-10.87 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-24. – Nonconforming Uses.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.21 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-25. – Completion, Restoration or Enlargement of Existing Structures.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.23 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-26. – Standards for Solar and Wind Energy Systems.

Refer to the provisions of ss. 66.0401 and 66.0403, Wis. Stats.

Sec. 52-27. – Mobile Tower Siting Regulations.

Refer to the provisions of s. 66.0404, Wis. Stats.

Sec. 52-28. – Standards for Limited Family Business.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.192 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-29. – Standards for Keeping Domestic Fowl in Single Family Residential Yards.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.195 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-30. – Standards for Salvage Recycling Centers.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.20 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-31. – Standards for Adult Businesses and Entertainment.

Refer to the provisions of ch. 4 of the Village of Windsor Code of Ordinances.

Sec. 52-32 - 52-49. – Reserved.

ARTICLE IV. – DISTRICTS

Sec. 52-50. – Purpose.

The area located within the jurisdiction of this chapter is hereby divided into zoning districts of such number and community character as are necessary to achieve compatibility of land uses within each district and to implement the officially adopted Village of Windsor Comprehensive Plans.

Sec. 52-51. – Zoning Districts.

For the purpose of this chapter, all areas within the jurisdiction of this Article are hereby divided into the following zoning districts:

CO-1	Conservancy District
RE-1	Recreational District
A-1 (EX)	Exclusive Agriculture District
A-2	Agriculture District

A-3	Agriculture District
A-4	Small Lot Agriculture District
A-B	Agriculture Business District
AC	Agricultural Commercial (Sun Prairie)
AG-35AC	Agricultural District (Sun Prairie)
R-1	Single Family Residentialee District
~~R-1A~~	~~Residence District~~
R-2	Single Family Residentialee District
R-3	Single Family Residentialee District
~~R-3A~~	~~Residence District~~
R-4	Single Family Residentialee District
MF-2	Two-Family Residential District
MF-3	Multiple Family Residential District
~~RH-1~~	~~Rural Homes District~~
~~RH-2~~	~~Rural Homes District~~
~~RH-3~~	~~Rural Homes District~~
~~RH-4~~	~~Rural Homes District~~
~~CR-5AC~~	~~Countryside Residential (Sun Prairie)~~
ER-~~1~~	Estate Residential District ~~(Sun Prairie)~~
CR	Countryside Residential District
~~SR-4~~	~~Suburban Residential (Sun Prairie)~~
~~MR-8~~	~~Mixed Residential (Sun Prairie)~~
PUD	Planned Unit Development
C-1	Limited Commercial District
C-2	General Commercial District
NMEO	Nonmetallic Mineral Extraction Operation

Sec. 52-52. – Map of Zoning Districts.

Zoning districts established by this chapter are shown on the Official Zoning Map of the Village of Windsor, with all explanatory materials thereon, is hereby made part of this chapter.

Sec. 52-53. – Interpretation of Zoning District Boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Village of Windsor:

(1) Zoning district boundaries shown as following or approximately following the limits of any City, Village, Town or County boundary shall be construed as following such limits.

(2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village of Windsor or County of Dane Tax Maps shall be construed as following such lines.

(4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(6) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (a) through (e), above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.

(7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

Sec. 52-54. – CO-1 Conservancy District

(1) Statement of purpose. The purpose of the CO-1 Conservancy District is to protect, maintain, and enhance natural resource and open space areas. Limited permitted and conditional uses are offered, and regulation of these areas will serve to control erosion and promote the rural character and natural beauty of the Village while seeking to assure protection of areas with significant topography, natural watersheds, ground and surface water, wildlife habitat, recreational sites, archeological sites, and other natural resource characteristics that contribute to the environmental quality of the Village.

(2) Permitted uses in the CO-1 Conservancy District.

(a) Propagation and raising of game animals, fowl and fish.

(b) The practice of silviculture, including the planting, thinning and harvesting of timber.

(c) The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(d) Pasturing/grazing of livestock, limited to ~~one (1)~~ animal unit per each full acre.

(e) Undeveloped natural resource and open space area.

(f) Uses permitted within a shoreland – or inland – wetland district under ss. 11.07 and 11.08, Dane County Code. Pasturing of livestock is subject to the animal unit limitation in sub. (e), above.

(g) Soil conservation, shoreland, wetland and ecological restoration practices with either an approved shoreland zoning permit under s. 11.04(3)(c), or an approved shoreland mitigation permit under s. 11.04(5)(a).

(h) Nonresidential buildings or structures accessory to any permitted use provided any such building or structure is not located in a shoreland-wetland, or inland-wetland district.

(i) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(3) Conditional uses in the CO-1 Conservancy District.

(a) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas.

(b) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

~~(b)~~(c) Soil conservation, shoreland, wetland and ecological restoration practices, other than those listed as permitted uses above.

~~(c)~~(d) The construction and maintenance of roads, railroads or utilities, provided that:

1. The facilities cannot as a practical matter be located outside the CO-1 district; and

2. Any filling, excavating, ditching, draining, land disturbance or removal of vegetation that is to be

done must be necessary for such construction or maintenance and must be done in a manner designed to minimize adverse impacts upon the natural and ecological resources of the site.

Sec. 52-55. – RE-1 Recreational District

(1) Statement of purpose.

(2) Permitted uses in the RE-1 Recreational District.

(a) Recreational facilities including, but not limited to, golf courses, golf driving ranges, tennis courts, archery ranges and baseball diamonds, provided that if located outside of a building they shall not be lighted to operate during the hours of darkness.

(b) Boat, canoe and snowmobile rental services.

(c) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

~~(c)~~(d) Sale of bait for fishing.

~~(d)~~(e) Ski slopes and jumps, toboggan slides.

~~(e)~~(f) Residences for an owner or caretaker of a permitted use in the RE-1 Recreational District.

~~(f)~~(g) Uses incidental to the operation of any permitted use.

~~(g)~~(h) Utility services.

(3) Conditional uses in the RE-1 Recreational District.

(a) Recreational camps, campgrounds and camping resorts along with the services and facilities necessary to serve the premises. All such camps shall comply with the standards established in Wis. Admin. Code, chapters H 75 and H 78, or as amended.

(b) Recreational facilities including, but not limited to, golf courses, golf driving ranges, tennis courts, archery ranges and baseball diamonds, that are located outside of a building and are lighted to operate during the hours of darkness.

(c) Rental of residential buildings to someone other than an employee or caretaker on the premises.

(d) Sale of alcoholic beverages by the drink.

(e) Skeet, trap, rifle and pistol ranges.

(f) Private hunting and shooting preserves.

(g) Governmental uses.

(h) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(4) Building height limits.

(a) Residential dwellings shall not exceed ~~two and one-half (~~2½~~)~~ stories or 35 feet.

(b) Other buildings and structures shall not exceed ~~four (~~4~~)~~ stories or 50 feet.

(5) Area, frontage and population density regulations. A lot shall be ~~not less than~~a minimum of 100 feet in width at the building setback line and have a minimum~~n~~ area of ~~not less than~~ 20,000 square feet.

(6) Setback requirements. Setbacks from front lot line or highway right-of-way shall comply with the provisions of Sec. 52-21.

(7) Side yard requirements.

(a) For single family residences for an owner or caretaker of a permitted or conditional use on the premises, the minimum side yard shall be ~~not less than~~a minimum of 10 feet.

(b) For buildings used for other permitted or conditional uses, the minimum side yard shall ~~not be less than~~be a minimum of 10 feet except if the adjacent or abutting land is in a residence district, then the

minimum side yard shall be ~~not less than~~a minimum of 50 feet.

(8) Rear yard requirements.

(a) For single family residences for an owner or caretaker of a permitted or conditional use on the premises, the minimum rear yard shall be ~~not less than~~a minimum of 25 feet.

(b) For buildings used for other permitted or conditional uses, the minimum rear yard shall be ~~not less than~~a minimum of 25 feet except if the adjacent or abutting land is in a residence district, the minimum rear yard shall be ~~not less than~~a minimum of 50 feet.

(9) Off-street parking. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-56. – A-1 (EX) Exclusive Agriculture District.

(1) Statement of Purpose. The A-1 (EX) Exclusive Agriculture District is designed to:

(a) Provide for a wide range of agriculture and agricultural accessory uses, at various scales. The A-1 (EX) district accommodates as permitted uses all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials. Such uses may involve noise, dust, odors, heavy equipment, and use of chemicals and long hours of operation.

(b) Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market. Such uses are conditional as they may have the potential to pose conflicts with agricultural use due to: volumes or speed of vehicular traffic; residential density; proximity to incompatible uses; environmental impacts; or consumption of agriculturally productive lands.

(c) Allow for other incidental activities, compatible with agricultural use, to supplement farm family income and support the agricultural community.

(d) Preserve productive agricultural land for food and fiber production.

(e) Preserve productive farms by preventing land use conflicts between incompatible uses.

(f) Maintain a viable agricultural base to support agricultural processing and service industries.

(g) Reduce costs for providing services to scattered non-farm uses.

(h) Pace and shape urban growth.

(i) Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

(2) Lands to be included within the A-1 (EX) Exclusive Agriculture District. This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation, and undeveloped natural resource and open space areas.

(3) Permitted uses in the A-1 (EX) Exclusive Agriculture District.

(a) Agricultural Uses, except those uses listed as conditional uses below. Keeping of livestock is prohibited on parcels smaller than 5 acres.

(b) Agricultural Accessory Uses, except those uses listed as conditional uses in Sec. 52-56(5), and subject to the limitations and standards below.

1. Any residence lawfully existing as of February, 20, 2010 shall be considered a permitted use. Notwithstanding the provisions of Sec. 52-24 and 52-25 regarding nonconforming uses, such structure may be added to, altered, restored, repaired, replaced or reconstructed, without limitation, provided all of the following criteria are met:

a. the use remains residential,

b. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and

c. for replacement residences, the structure must be located within 100 feet of the original residence. Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the relevant village board.

2. Rental of existing farm or secondary farm residences existing as of December 12, 2012, but no longer utilized in the operation of the farm.

3. Agricultural entertainment activities, not to exceed 45 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, village clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on five days in a calendar year or less.

5. Small scale energy systems or electric generating stations, provided energy produced is used primarily on the farm.

(c) Undeveloped natural resource and open space areas.

(d) A transportation, utility, communication, or other use that is:

1. required under state or federal law to be located in a specific place, or;

2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit including communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.~~.~~

(4) Conditional uses in the A-1 (EX) Exclusive Agriculture District.

(a) Agricultural Accessory Uses: In addition to other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under Sec. 52-11.

1. Farm Residence, subject to sub. (4).

2. Limited Family Businesses, that are entirely within an existing building, subject to Sec. 52-28.

3. Limited Rural Businesses that are operated by an owner or operator of the farm.

4. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Sec. 52-11 that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

5. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

6. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.

7. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm

machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.

8. Agricultural entertainment activities exceeding 45 days per year, in aggregate.

9. Horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Such uses must meet the definition and criteria for an Agricultural Accessory Use under Sec. 52-11, or a Limited Family Business under Sec. 52-11, or a Limited Rural Business under Sec. 52-11.

(b) Governmental, institutional, religious, or nonprofit community uses.

(c) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above including communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

~~(c)~~(d) Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.

~~(d)~~(e) Small scale electric generating stations, meeting the requirements of s. 91.46(4), Wis. Stats., and listed as a permitted use in Sec. 52-56(4).

(5) Conditional use permits for residences in the A-1 (EX) Exclusive Agriculture District.

(a) Application. The following information must be submitted with a Conditional Use Permit application for a Farm Residence in the A-1 (EX) Exclusive Agriculture District:

1. Written description of the farm operation. The description should include the following details:

   a. Location of the farm.

   b. Size of the farm operation in acres.

   c. Crops grown and/or livestock raised.

   d. Number of employees, if any, in addition to farm family members.

   e. Summary of farm income derived from the farm operation.

2. Completed IRS form "Schedule F – Profit or Loss from Farming," or subsequent IRS form for reporting farm profit or loss, for the past 3 tax years.

3. Farm conservation plan obtained from the Land Conservation Division of the Dane County Land & Water Resources Department. All active farms in Dane County have a farm conservation plan detailing the types/location of crops grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer strips, etc.)

4. Map/site plan with aerial photograph showing the farm ownership boundaries. The map should clearly identify the location of the proposed new Farm Residence and driveway access.

(b) Permit conditions.

1. The Zoning Administrator shall include a "sunset" provision on any CUP for a residential use issued after December 17, 2009 in the A- 1EX district stating that the CUP shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.

2. Any Conditional Use Permit found to be in violation of this section may be revoked by the Zoning Administrator, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.

3. The Zoning Administrator shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph

1. and 2. of this section.

(6) Conditional use standards in the A-1 (EX) Exclusive Agriculture District. In addition to the requirements of Sec. 52-101(5), the Zoning Administrator must find that the following standards are met before issuing any conditional use permit in the A-1 (EX) Exclusive Agriculture District.

(a) The use and its location in the A-1 (EX) Exclusive Agriculture District are consistent with the purposes of the district.

(b) The use and its location in the A-1 (EX) Exclusive Agriculture District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(7) Building height limits.

(a) Residential dwellings shall not exceed 2½ stories or 35 feet in height.

(b) Accessory buildings shall not exceed 35 feet in height.

(c) For agricultural accessory buildings there is no limitation on height.

(8) Area, frontage, and population density regulations. The minimum lot size is 35 acres.

(9) Setback requirements. No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.

(10) Side yard requirements.

(a) Side yards for residential dwellings and residential accessory buildings shall be the same as ~~for~~ the R-1 Single Family Residen~~ce~~tial District.

(b) Accessory buildings, cages or hives for housing of animals or insects shall be located at least 100 feet from an R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential ~~R-1, R-1A, R-2, R-3, R-3A, or R-4 Residence~~ District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(11) Rear yard requirements.

(a) Rear yards for residential dwellings and residential accessory buildings shall be the same as ~~for~~ the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential ~~R-1, R-1A, R-2, R-3, R-3A, or R-4 Residence~~ District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(12) General provisions applicable to the A-1 (AE) Exclusive Agriculture District. In addition to the conditions provided for in Article III the following additional conditions shall apply:

(a) Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which was received for review by the agency prior to the effective date of A-1 Exclusive Agriculture zoning, was approved and recorded, shall have the same status as pre-existing lots as defined in Sec. 52-20.

(b) Residential and residential accessory buildings on parcels of less than 2 acres in the A-1 (EX) Exclusive

Agriculture District shall comply with the standards of Sec. 52-63.

(c) Any residential building or its accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt provided the locational requirements of the R-1 Single Family Residen~~ce~~tial District are complied with.

(d) The provisions of Sec. 52-20 pertaining to real estate offices do not apply to lands in this district.

(13) Rezoning of land in the A-1 (EX) Exclusive Agriculture District. No land in the A-1 (EX) Exclusive Agriculture District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

Sec. 52-57. – A-2 Agriculture District.

(1) Statement of purpose. The A-2 Agriculture District is designed to provide for low density land uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres.

(2) Permitted uses in the A-2 Agriculture District.

(a) Agricultural uses. The keeping of livestock shall be limited per Sec. 52-57(5)(b).

(b) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(c) Single family detached residences.

(d) Utility services.

(e) Home occupations as defined in Sec. 52-11.

(f) Accessory buildings.

1. Accessory buildings include private garages and buildings clearly incidental to a permitted use of the premises. Such buildings shall not be used for residential purposes. The building shall not be used for the storage of goods or merchandise considered to be a dealer's inventory or for storage of machinery or equipment used off of the premises for other than agricultural purposes.

2. Accessory buildings may be built on parcels of land in the A-2 Agriculture District without the necessity of there being a residence on the property.

(3) Conditional uses in the A-2 Agriculture District.

(a) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(a) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites shall also comply with s. 60.72, Wis. Stats. and shall meet the minimum standards as adopted by the State Department of Natural Resources.

(b) Cemeteries.

(c) Airports, landing strips or landing fields together with accessory structures.

(d) Religious uses.

(e) Salvage recycling centers.

(f) Solid waste recycling centers.

(g) Dependency living arrangements.

(h) Governmental uses.

(i) Native wildlife rehabilitation facilities.

(j) Parking or storage of not more than two trucks, semi-tractors or semi-trailers which have a gross vehicle weight of over 12,000 lbs.

(k) Limited family businesses subject to Sec. 52-28.

(l) Schools.

(m) Kennels, horse boarding stables, riding stables, hay and sleigh rides, horse shows and similar events.

(n) Livestock exceeding 1 animal unit per each full acre on parcels between 2 and 16 acres.

(o) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.

(p) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residents on the premises, this storage to be in existing agricultural accessory buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this chapter.

(q) Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space.

(r) Retail sales of pet food, pet supplies and related items at a kennel facility. Said use shall be limited to a maximum of 100 square feet of floor space.

(s) Training of dogs at a dog kennel or training of horses at a horse boarding facility.

(t) Storage of explosive materials in strict conformance with Wisconsin Administrative Code provisions regarding explosive materials.

(u) Sanitary plumbing fixtures in accessory buildings involved in an agricultural or agricultural accessory use on parcels over 5 acres in size.

(4) Building height limits.

(a) Residential dwellings shall not exceed 2½ stories or 35 feet in height.

(b) Accessory buildings shall not exceed 35 feet in height.

(c) For agricultural accessory buildings there is no limitation on height.

(5) Area, frontage and population density regulations.

(a) A-2 (1) = Minimum 1 acre.

A-2 (2) = Minimum 2 acres.

A-2 (4) = Minimum 4 acres.

A-2 (8) = Minimum 8 acres.

A-2 = Minimum 16 acres.

(b) Keeping of livestock:

1. On parcels of less than 2 acres the keeping of livestock is not permitted.

2. On parcels sized between 2 acres through 16 acres the keeping of livestock shall be limited to 1 animal unit per each full acre, except through conditional use permit.

3. On parcels of more than 16 acres, there is no limit to the number of livestock that may be kept.

(c) Salvage recycling centers: Minimum area is three acres.

(d) For residential uses the lot width and area shall be the same as for the R-1 Single Family Residen~~c~~etial District.

(e) For other permitted uses, there shall be no minimum width or area except for those uses for which special setback and side yard requirements have been established.

(6) Setback requirements. No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by Sec. 52-21.

(7) Side yard requirements.

(a) Side yards for residential dwellings and residential accessory buildings shall be the same as ~~for~~ the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential ~~R-1, R-1A, R-2, R-3, R-3A or R-4 Residence~~ District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(8) Rear yard requirements.

(a) Rear yards for residential dwellings and residential accessory buildings shall be the same as ~~for~~ the R-1 Single Family Residen~~ce~~tial District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(9) Off-street parking. Off-street parking space shall be provided in accordance with the provision of Sec. 52-22.

Sec. 52-58. – A-3 Agriculture District.

(1) Statement of purpose. The A-3 Agriculture District is designed to preserve, for an unspecified time period in agricultural and related open-space land uses, those lands generally located in proximity to developed areas within Dane County where urban expansion is inevitable and broadly in keeping with long time plans for development. It is intended that urban development be deferred in such areas until the appropriate authorities concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is also intended that the status of all areas in this district be reviewed by the appropriate authorities periodically in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of those areas to some other appropriate use district. Any such review will consider developments in keeping with the local and regional land use plans pursuant to Sec. 52-101(5).

(2) Permitted uses in the A-3 Agriculture District. All uses permitted in the A-1 (EX) Exclusive Agriculture District.

(3) Conditional uses in the A-3 Agriculture District. All conditional uses listed in the A-1 (EX) Exclusive Agriculture District.

(4) Building height limits. Building height shall be the same as ~~for~~ the A-1 (EX) Exclusive Agriculture District.

(5) Area, frontage and population density regulations. As per the A-1 (EX) Exclusive Agriculture District.

(6) Setback requirements. Setback requirements shall be the same as ~~for~~ the A-1 (EX) Exclusive Agriculture District.

(7) Side yard requirements. Side yard requirements shall be the same as ~~for~~ the A-1 (EX) Exclusive Agriculture District.

(8) Rear yard requirements. The minimum rear yard shall be the same as ~~for~~ the A-1 (EX) Exclusive Agriculture District.

(9) General provisions applicable to the A-3 Agriculture District shall be the same as ~~for~~ the A-1 (EX) Exclusive Agriculture District.

(10) Off-street parking. Off-street parking shall be provided as required in Sec. 52-22.

Sec. 52-59. – A-4 Small Lot Agriculture District.

(1) Statement of purpose. The A-4 Small Lot Agriculture District is designed to:

(a) Provide for a modest range of agriculture and agricultural accessory uses, at scales consistent with the size of the parcel and compatible with neighboring land uses. The A-4 district accommodates uses which are associated with production and harvesting of crops, livestock, animal products or plant materials. These uses may involve noise, dust, odors, heavy equipment, and use of chemicals and long hours of operation.

(b) Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market.

(c) Preserve agricultural and open space uses on zoning lots between ~~five (~~5~~)~~ and ~~thirty-five (~~35~~)~~ acres in size.

(d) Provide for additional economic opportunities for property owners that are generally compatible with agricultural use, such as the establishment of new small-scale farming operations, including market gardens, road-side farmstands, pick-your-own operations, or Community Support Agriculture farms.

(e) Preserve remnant parcels of productive agricultural land following development of adjoining property.

(f) Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

(2) Permitted uses in the A-4 Small Lot Agriculture District.

(a) Agricultural uses. The keeping of livestock shall be limited to ~~one (~~1~~)~~ animal unit per each full acre.

(b) Agricultural Accessory Uses, subject to the exceptions and limitations below:

1. Exceptions.

a. Farm residences.

b. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Sec. 52-11 that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

c. Uses listed as conditional uses below.

2. Limitations.

a. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibition of farm machinery and technology, agricultural association meetings and similar activities, must occur on five or fewer days in a calendar year.

(c) Undeveloped natural resource and open space areas.

(d) A transportation, utility, communication, or other use that is:

1. required under state or federal law to be located in a specific place, or;

2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit including communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(3) Conditional uses in the A-4 Small Lot Agriculture District.

(a) Agricultural uses. Livestock in excess of one animal unit per acre on parcels over ~~five (~~5~~)~~ acres in size.

(b) Agricultural accessory uses. In addition to the other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use Sec. 52-11.

1. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

2. The seasonal storage of recreational equipment and motor vehicles owned by private individuals

other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.

3. Agricultural entertainment activities not to exceed 45 days per year, in aggregate, or any event planned or anticipated to attract 200 or more persons per day. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, village clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.

5. Farm family businesses for horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility.

(c) Governmental, institutional, religious, or nonprofit community uses.

(d) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above including communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(4) Conditional use standards in the A-4 Ssmall Llot Aagriculture zoning dDistrict. In addition to the requirements of Sec. 52-101(5), the Zoning Administrator must find that the following standards are met before issuing any conditional use permit in the A-4 Ssmall Llot Aagriculture zoning dDistrict.

(a) The use and its location in the A-4 Ssmall Llot Aagriculture zoning dDistrict are consistent with the purposes of the district.

(b) The use and its location in the A-4 Ssmall Llot Aagriculture zoning dDistrict are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(5) Building height limits. Building height limits shall be the same as those within the A-1 Exclusive Agriculture District.

(6) Area, frontage and population density regulations.

(a) The minimum lot area shall be not less thana minimum of 5 acres.

(b) The maximum lot area shall be not greater than 35 acres.

(7) Setback requirements. Setback requirements shall be the same as those within the A-1 Exclusive Agriculture District.

(8) Side yard requirements. Side yard requirements shall be the same as those within the A-1 Exclusive Agriculture District. [Side yards for accessory buildings, cages, or hives housing animals or insects shall be at least 100 feet from any R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential District residence (R) Ddistrict.]

(9) Rear yard requirements. Rear yard requirements shall be the same as those within the A-1 Exclusive

Agriculture District. [Rear yards for accessory buildings, cages, or hives housing animals or insects shall be at least 100 feet from any R-1, R-2, R-3, R-4, MF-2, MF-3, or ER Residential District~~residence (R)~~ D~~d~~istrict.]

(10) General provisions applicable to the A-4 district. In addition to the conditions provided for in Article III, the following additional conditions shall apply:

(a) Any agricultural accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt in the same location, even though such location may not comply with the setback requirements of this section.

(b) The provisions of Sec. 52-20 pertaining to real estate offices do not apply to lands in this district.

(c) Any permitted or conditional use in the A-4 Agriculture District must be consistent with agricultural use as defined in s. 91.01, Wis. Stats.

(11) Rezoning of land in the A-4 Small Lot Agriculture District. No land in the Small Lot Agriculture District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

Sec. 52-60. – A-B Agriculture Business District.

(1) Statement of Purpose. The A-B Agriculture-Business District is designed to:

(a) Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The A- B district accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services. In appearance and operation permitted uses in the A-B district are often indistinguishable from an active farm. Conditional uses are more clearly commercial or industrial in nature, and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure. Examples of activities in the A-B district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:

1. Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;
2. Parking areas, outdoor lighting, and signage appropriate to the scale of use;
3. Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;
4. Low to moderate traffic volumes;
5. Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing.

(b) Meet the requirements for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

(2) Permitted uses in the A-B Agriculture Business District.

(a) Agricultural uses.

(b) Agricultural accessory uses, except uses listed as conditional uses below.

(c) Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the A-B district.

(d) Undeveloped natural resources and open space areas.

(e) A transportation, utility, communication, or other use that is:

1. required under state or federal law to be located in a specific place, or;

2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit including communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(3) Conditional uses in the A-B Agriculture Business District.

(a) Agricultural accessory uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under Sec. 52-11.

1. Farm residences.

2. Limited family businesses or limited rural businesses, including bed and breakfast operations in an existing farm residence located on a farm.

3. A business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Sec. 52-11 that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(b) Agriculture-related uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agriculture-related use under Sec. 52-11.

1. Plant or livestock genetic laboratories, agriculture-related experimental laboratories;

2. Landscape supply or contracting businesses associated with a plant or tree nursery;

3. Dead stock hauling services;

4. Sales or storage of agricultural byproducts;

5. Stock yards, livestock auction facilities;

6. Bio-diesel and ethanol manufacturing;

7. Manure processing facilities;

8. Biopower facilities for distribution, retail, or wholesale sales.

(c) Governmental, institutional, religious, or nonprofit community uses.

(d) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above including communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(4) Conditional use standards in the A-B (agricultural business) zoning district. In addition to the requirements of Sec. 52-101(5), the Zoning Administrator must find that the following standards are met before issuing any conditional use permit in the A-B (agricultural business) zoning district.

(a) The use and its location in the A-B agricultural business zoning district are consistent with the purposes of the district.

(b) The use and its location in the A-B agricultural business zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(5) Building height limits.

(a) For buildings containing offices, sales rooms and service areas and residential buildings, the maximum height shall be ~~two and one-half (2-1/2~~2½~~)~~ stories or 35 feet.

(b) For all other buildings such as silos, bins and feed and seed storage facilities, no maximum height.

(6) Area and lot width. A lot shall be ~~not less than~~a minimum of 100 feet in width at the building setback line and have a~~n~~ minimum area of ~~at least~~ 20,000 square feet.

(7) Density. Buildings shall not occupy more than ~~sixty percent (~~60%~~)~~ of the area of an interior or corner lot.

(8) Setback requirements. Buildings that are erected, altered or moved shall be set back not less than is prescribed in Sec. 52-21.

(9) Side yard requirements. ~~Ten (10) feet.~~The minimum side yard shall be a minimum of 10 feet.

(10) Rear yard requirements. ~~Ten (10) feet.~~The minimum rear yard shall be a minimum of 10 feet.

(11) Off-street parking. Off-street parking shall be provided as required by Sec. 52-22.

(12) Rezoning of land in the A-B Agriculture Business District. No land in the Agriculture Business District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

Sec. 52-61. – AC Agricultural Commercial (Sun Prairie).

Per s. 66.02162(8), Wis. Stats., refer to the provisions of Sun Prairie-Windsor Extraterritorial Zoning (ETZ) Ordinance, until such time as this section is repealed and recreated by the village.

Sec. 52-62. – AG-35AC Agricultural District (Sun Prairie).

Per s. 66.02162(8), Wis. Stats., refer to the provisions of Sun Prairie-Windsor Extraterritorial Zoning (ETZ) Ordinance, until such time as this section is repealed and recreated by the village.

Sec. 52-63. – R-1 Single Family Residen~~ce~~tial District.

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.05 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.*~~

(1) Statement of purpose. The purpose of the R-1 Single Family Residential District is to provide for traditional single family neighborhoods with moderately sized lots within the urban service area. Most new single family development within the urban service area will utilize this district. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the R-1 Single Family Residential District.

(a) Single family detached dwellings.

(b) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(c) Community living arrangements for less than 9 persons.

(d) Foster homes for less than 5 children licensed under Wis. Stats. 48.62.

(e) Home occupations, as defined Sec. 52-11(55).

(f) Uses and buildings, clearly incidental and necessary to permit use on the premises.

(g) Utility services.

(3) Conditional uses in the R-1 Single Family Residential District.

(a) Cemeteries.

(b) Community living arrangements for 9 or more persons.

(c) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(d) Daycare centers.

(e) Dependency living arrangements.

(f) Governmental uses.

(g) Private club houses and fraternity houses except when service is provided to the general public.

(h) Religious uses.

(i) Schools.

(4) Building height limits.

(a) Residential dwellings or other principal buildings shall not exceed 2½ stories or 35 feet.

(b) Accessory buildings shall not exceed 12 feet in height.

(5) Lot width and area. Lots shall be a minimum of 100 feet in width at the building setback line and have a minimum area of 12,000 square feet.

(6) Lot coverage. No building together with its accessory buildings shall occupy in excess of 30% of the area of an interior lot or 35% of the area of a corner lot.

(7) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(8) Side yard requirements. There shall be total side yards of a minimum of 25 feet and no single side yard shall be less than 10 feet.

(9) Rear yard requirements. The minimum depth of any rear yard shall be 35 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

~~Sec. 52-64. – R-1A Residence District.~~

~~Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.051 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.~~

Sec. 52-~~65~~64. – R-2 Single Family Residen~~ce~~tial District.

~~Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.06 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.~~

(1) Statement of purpose. The purpose of the R-2 Single Family Residential District is to provide for existing traditional single family neighborhoods with smaller lots within the urban service area. New development may be approved for R-2 zoning upon review by the Village Plan Commission and Board for neighborhood compatibility. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the R-2 Single Family Residential District. All uses permitted in the R-1 Single Family Residential District.

(3) Conditional uses in the R-2 Single Family Residential District. All conditional uses permitted in the R-1 Single Family Residential District.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area. Lots shall be a minimum of 75 feet in width at the building setback line and have a minimum area of 10,000 square feet.

(6) Lot coverage. No building together with its accessory buildings shall occupy in excess of 35% of the area of an interior lot or 40% of the area of a corner lot.

(7) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the

requirements of Sec. 52-21.

(8) Side yard requirements. The minimum side yard shall be 10 feet.

(9) Rear yard requirements. The minimum rear yard shall be 35 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-~~66~~65. – R-3 Single Family Residen~~ce~~tial District.

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.07 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.*~~

(1) Statement of purpose. The purpose of the R-3 Single Family Residential District is to provide for existing traditional single family neighborhoods with smaller lots within the urban service area. New development may be approved for R-3 zoning upon review by the Village Plan Commission and Board for neighborhood compatibility. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the R-3 Single Family Residential District. All uses permitted in the R-1 Single Family Residential District.

(3) Conditional uses in the R-3 Single Family Residential District. All conditional uses permitted in the R-1 Single Family Residential District.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area. Lots shall be a minimum of 60 feet in width at the building setback line and have a minimum area of 8,000 square feet.

(6) Lot coverage. Lot coverage requirements shall be the same as the R-2 Single Family Residential District.

(7) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(8) Side yard requirements. The minimum side yard shall be 10 feet.

(9) Rear yard requirements. The minimum rear yard shall be 25 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

~~**Sec. 52-67. – R-3A Residence District.**~~

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.071 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.*~~

Sec. 52-~~68~~66. – R-4 Single Family Residen~~ce~~tial District.

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.08 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.*~~

(1) Statement of purpose. The purpose of the R-4 Single Family Residential District is to provide for traditional single family neighborhoods with smaller lots within the urban service area. New development may be approved for R-4 zoning upon review by the Village Plan Commission and Board for neighborhood compatibility. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the R-4 Single Family Residential District. All uses permitted in the R-1 Single Family Residential District.

(3) Conditional uses in the R-4 Single Family Residential District. All conditional uses permitted in the R-1 Single Family Residential District.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area. Lots shall be a minimum of 60 feet in width at the building setback line and have a minimum area of 8,000 square feet.

(6) Lot coverage. Lot coverage requirements shall be the same as the R-2 Single Family Residential District.

(7) Setback requirements.

(a) Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21 for Class A and Class B highways.

(b) The minimum setback from all other roadways shall be 25 ft.

(8) Side yard requirements. The minimum side yard shall be 8 feet.

(9) Rear yard requirements. The minimum rear yard shall be 25 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-67. – MF-2 Two-Family Residential District.

(1) Statement of purpose. The purpose of the MF-2 Two-Family Residential District is to provide for traditional single and two-family neighborhoods within the Village. Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the MF-2 Two-Family Residential District.

(a) All uses permitted in the R-1 Residential District.

(b) Duplexes.

(3) Conditional uses in the MF-2 Two Family Residential District. All conditional uses permitted in the R-1 Single Family Residential District.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area.

(a) Sewered lots shall be a minimum of 100 feet in width at the building setback line and have a minimum area of 14,000 square feet.

(b) Unsewered lots shall be a minimum of 100 feet in width at the building setback line and have a minimum area of 22,000 square feet.

(6) Lot coverage. Lot coverage requirements shall be the same as the R-1 Single Family Residential District.

(7) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(8) Side yard requirements. The minimum side yard shall be 25 feet.

(9) Rear yard requirements.

(a) The minimum rear yard for single family dwellings shall be 25 feet.

(b) The minimum rear yard for duplex dwellings shall be 35 feet.

(10) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-68. – MF-3 Multiple Family Residential District.

(1) Statement of purpose. The purpose of the MF-3 Multiple Family Residential District is to provide for multiple family, and limited single and two-family neighborhoods within the urban service area.

Development density is based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the MF-3 Multiple Family District.

(a) All uses permitted in the MF-2 Two-Family Residential District.

(b) Community living arrangements for 9 to 15 persons.

(c) Multiple family dwellings including condominium units.

(3) Conditional uses in the MF-3 Multiple Family District.

(a) All conditional uses permitted in the R-1 Single Family Residential District, except community living arrangements for 9 to 15 persons.

(b) Community living arrangements for 16 or more persons.

(c) Hospitals.

(d) Medical clinics.

(e) Mobile and manufactured home parks.

(f) Nursing homes and extended care facilities.

(g) Professional offices.

(4) Building height limits.

(a) Multiple family dwellings shall not exceed 4 stories.

(b) Single family and duplex residential dwellings shall not exceed 2½ stories or 35 feet in height.

(c) Accessory buildings shall not exceed 12 feet in height.

(5) Lot width, area, and lot coverage.

(a) Lots shall be a minimum of 100 feet in width at the building setback line.

(b) Lots shall have a minimum area of 16,000 square feet and increased by 2,000 square feet for each dwelling unit beyond 3, except as follows:

1. A parcel that is subdivided at the time of development for purposes of project phasing and/or financial lending, shall only be required to provide the initial 16,000 square feet of lot area for the original parcel and then 2,000 square feet for each dwelling unit beyond 3; and

2. To ensure the quality of the development and representation made to the Village, the Petitioner shall be required to execute a Developer's Agreement and a Declaration of Covenant and Restrictions to the satisfaction of the Village of Windsor.

(6) Setback requirements.

(a) Setbacks from front lot line or highway right-of-way shall comply with the provisions of Sec. 52-21.

(b) Private roads or driveways within a multiple family dwelling complex shall not be considered a road for determining setback.

(c) Multiple family dwelling buildings located in the interior of a complex shall provide a front yard of a minimum of 15 feet, each building shall be provided with its own front yard area irrespective of the yards required for other buildings.

(7) Side yard requirements.

(a) The minimum side yard for buildings 2 stories or less in height and all single family and duplex residences shall be 10 feet.

(b) The minimum side yard for buildings greater than 2 stories in height shall be as follows:

1. If the side of a building does not include windows for apartment dwellings or offices the minimum

side yard shall be 10 feet.

2. If the side of a building does include windows for apartment dwellings or offices the minimum side yard shall be 10 feet and increased by 5 feet for each story over 2 stories.

3. Buildings within a complex shall be provided with their own side yard irrespective of other buildings.

(8) Rear yard requirements.

(a) The minimum rear yard for buildings 2 stories or less in height and all single family and duplex dwellings shall be 25 feet.

(b) The minimum rear yard for multiple family buildings greater than 2 stories shall be a minimum of 25 feet and increased by 5 feet for each story over 2 stories.

(9) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

(10) Manufactured home and mobile home communities.

(a) Manufactured and mobile home communities are subject to Chapter 30 of the Village of Windsor Code of Ordinances.

(b) Manufactured home and mobile home parks are required to follow the requirements of Chapter 10 Article IX of the Village of Windsor Code of Ordinances for Site Plan Review as part of the conditional use review process.

(c) All interior roads and streets of a manufactured home or mobile home park shall conform to the standards of Chapter 42 of the Village of Windsor Code of Ordinances.

(d) Manufactured and mobile home parks are also subject to the provisions of Chapter SPS 326 of the Wisconsin Administrative Code and the more restrictive regulations shall apply.

(e) Each space or lot for the accommodation of a single home shall contain not less than 3,000 square feet of area.

(f) Spacing between homes shall be a minimum of 20 feet, exclusive of decks, cabanas and accessory buildings including sheds. All accessory buildings shall be spaced a minimum of 5 feet from all homes and other accessory buildings.

(g) Homes shall not be located closer to a public road than provided for in Sec. 52-21.

(h) Each space or lot shall provide off-street parking as required in Sec. 52-22.

(i) Each lot shall be landscaped with at least one fast growing tree of at least two (2) inches in diameter at ground level and two bushes or shrubs of at least three (3) feet in height. This requirement may be waived by the Village if, at the time of the application for a conditional use permit, a landscaping plan is submitted that utilizes topography, plantings of trees or shrubs and/or decorative fencing to provide a degree of privacy between lots.

(j) Each manufactured home or mobile home park shall provide a park and recreation area of at least ½ acre for each 50 or fraction of 50 lots in the park. The park and recreation area shall be located to provide easy access for all residents in the park. Additionally, the area shall be well drained to provide a clean and safe area for children to play and shall be equipped with a sufficient amount of playground equipment to accommodate the children living in the park.

~~**Sec. 52-69. – RH-1 Rural Homes District.**~~

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.09 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.*~~

~~**Sec. 52-70. – RH-2 Rural Homes District.**~~

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.091 of the Code of Ordinances for Dane*~~

~~*County, until such time as this section is repealed and recreated by the village.*~~

~~**Sec. 52-71. – RH-3 Rural Homes District.**~~

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.092 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.*~~

~~**Sec. 52-72. – RH-4 Rural Homes District.**~~

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.093 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.*~~

Sec. 52-69. – ER Estate Residential District.

(1) Statement of purpose. The purpose of the Estate Residential District is to provide for single family development in a range of lot sizes that complements the rural character of the Village outside of the urban service area. Development density and open space requirements are based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the ER Estate Residential District. All uses permitted in the R-1 Single Family Residential District.

(3) Conditional uses in the ER Estate Residential District.

(a) All conditional uses permitted in the R-1 Single Family Residential District.

(b) Bed & Breakfasts.

(c) Private common or shared sewage systems.

(d) Private residential kennels.

(4) Building height limits. Building height requirements shall be the same as the R-1 Single Family Residential District.

(5) Lot width and area. Lots shall be a minimum of 100 feet in width at the building setback line and have a minimum area of 20,000 square feet.

(6) Lot coverage. No building together with its accessory buildings shall occupy in excess of:

(a) 25% of a lot less than 1 acre in size.

(b) 20% of a lot between 1 acre and 5 acres.

(c) 10% of a lot greater than 5 acres.

(7) Open Space. Open space shall be provided at time of land division as required by the Village of Windsor Comprehensive Plan based on the Future Land Use Category of the parcel. Open space may contain agricultural land, environmentally sensitive areas, woodlands, general open space, passive or active recreational uses, or any combination thereof. Required open space shall be:

(a) Protected permanently through recording of a deed restriction and indicated on the Certified Survey Map or Plat as an outlot(s) for the purpose of open space.

(b) Owned and used privately (individually or in common) or owned and used publicly by the Village of Windsor or other entity.

(c) Managed and maintained according to an agreement approved by the Village of Windsor.

(d) Organized to enhance the rural character and value of the development and community and shall be:

1. Inclusive of environmentally sensitive areas to the greatest extent possible.

2. Grouped and connected within the development to provide a meaningful neighborhood amenity.

3. Distinguishable from lots within the development as a common space.

4. Linked to adjacent existing and planned permanent open space.

(8) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(9) Side yard requirements. Setback requirements shall be the same as the R-1 Single Family Residential District.

(10) Rear yard requirements. Rear yard requirements shall be the same as the R-1 Single Family Residential District.

(11) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-~~73~~70. – CR-~~5AC~~ Countryside Residential District~~(Sun Prairie)~~.

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of Sun Prairie-Windsor Extraterritorial Zoning (ETZ) Ordinance, until such time as this section is repealed and recreated by the village.*~~

(1) Statement of purpose. The purpose of the Countryside Residential District is to provide for single family development, hobby farms, and limited livestock in a range of lot sizes that complements the rural character of the Village outside of the urban service area. Development density and open space requirements are based on the Village of Windsor Comprehensive Plan Future Land Use Categories.

(2) Permitted uses in the CR Estate Residential District.

(a) All uses permitted in the ER Estate Residential District.

(b) Agricultural uses. The keeping of livestock shall be limited to 1 animal unit per each full acre.

(3) Conditional uses in the CR Estate Residential District. All uses permitted in the ER Estate Residential District.

(4) Building height limits.

(a) Residential dwellings or other principal buildings shall not exceed 2½ stories or 35 feet.

(b) Accessory buildings shall not exceed 35 feet in height.

(5) Lot width and area. Lots shall be a minimum of 150 feet in width at the building setback line and have a minimum area of 1 acre.

(6) Lot coverage. Lot coverage requirements shall be the same as the ER Estate Residential District.

(7) Open Space. Open space requirements shall be the same as the ER Estate Residential District.

(8) Setback requirements. Setback from front lot line or highway right-of-way lines shall conform to the requirements of Sec. 52-21.

(9) Side yard requirements.

(a) Residential buildings shall be the same as the R-1 Single Family Residential District.

(b) Livestock buildings shall have a minimum side yard of 50 feet.

(c) All other accessory structures shall have a minimum side yard of 10 feet.

(10) Rear yard requirements.

(a) Residential and livestock buildings shall be the same as the R-1 Single Family Residential District.

(b) All other accessory structures shall have a minimum rear yard of 10 feet.

(11) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

~~**Sec. 52-74. – ER-1 Estate Residential (Sun Prairie).**~~

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of Sun Prairie-Windsor Extraterritorial Zoning (ETZ) Ordinance, until such time as this section is repealed and recreated by the village.*~~

~~**Sec. 52-75. – SR-4 Suburban Residential (Sun Prairie).**~~

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of Sun Prairie-Windsor Extraterritorial Zoning (ETZ) Ordinance, until such time as this section is repealed and recreated by the village.*~~

~~**Sec. 52-76. – MR-8 Mixed Residential (Sun Prairie).**~~

~~*Per s. 66.02162(8), Wis. Stats., refer to the provisions of Sun Prairie-Windsor Extraterritorial Zoning (ETZ) Ordinance, until such time as this section is repealed and recreated by the village.*~~

Sec. 52-~~77~~71. – PUD Planned Unit Development.

Per s. 66.02162(8), Wis. Stats., refer to the provisions of ch. 10, s. 10.153 of the Code of Ordinances for Dane County, until such time as this section is repealed and recreated by the village.

Sec. 52-~~80~~72. – C-1 Limited Commercial District.

(1) Statement of purpose. The C-1 Limited Commercial District is intended to permit small scale commercial (convenience oriented goods and services) and office development compatible with surrounding agricultural and residential development. Development within the C-1 Limited Commercial District shall be subject to Chapter 10, Article IX of the Village of Windsor Code of Ordinances.

(2) Permitted uses in the C-1 Limited Commercial District.

(a) Bank, office and office building (devoting not more than 2 floors to office space).

(b) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(c) Medical, dental and veterinary clinic.

(d) Outdoor recreation (not lighted).

(e) Retail, service and wholesale use (less than 10,000 square feet).

(f) Rooming and boarding house.

(g) Utility service.

(3) Conditional uses in the C-1 Limited Commercial District.

(a) Agricultural use.

(b) Bank, office and office building (devoting more than 2 floors to office space).

(c) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(d) Dog and cat boarding kennel, grooming and training facility.

(e) Extended care facility and nursing home.

(f) Funeral home and crematorium.

(g) Governmental use.

(h) Hospitals and veterinary hospitals.

(i) Motel and hotel.

(j) Movie theater and auditorium.

(k) Outdoor recreation (lighted).

(l) Private club or organization.

(m) School and educational facility.

(n) Single family, duplex and multiple family dwellings.

(o) Religious use.

(4) Building height limits.

(a) Commercial, mixed use, or multiple family buildings shall not exceed 4 stories.

(b) Single family and duplex residential dwellings shall not exceed 2½ stories or 35 feet in height.

(5) Lot width, area, and lot coverage.

(a) Parcels or sites used for commercial purposes only shall have no minimum parcel width and no minimum area requirements.

(b) Parcels or sites including single family, duplex, or multiple family residential shall have the same lot area, width, and coverage requirements as the ~~R-4~~MF-3 Multiple Family Residen~~ce~~tial District. In addition:

1. Multiple family residential is limited to parcels served by public sewer and water.

2. No parcel or site shall contain more than one single family or duplex residence, or a combination of single family, duplex, and multiple family residential. Any single family residence or one unit of a duplex residence shall be limited to use by a caretaker for an associated commercial use on the same parcel.

(c) Any principal building(s) together with its accessory building(s) shall not cover more than sixty percent (60%) of the lot area.

(6) Setback requirements.

(a) Setbacks from front lot line or highway right-of-way shall comply with the provisions of Sec. 52-21.

(b) Internal setbacks for residential and mixed use buildings shall be the same as the ~~R-4~~MF-3 Multiple Family Residen~~ce~~tial District.

(7) Side yard requirements. Side yard requirements shall be the same as the MF-3 Multiple Family Residential District.

~~(a) Side yard setbacks for buildings 2 stories or less in height shall be a minimum 10 feet.~~

~~(b) Side yard setbacks for buildings 2 stories or greater in height shall be as follows:~~

~~1. If the side of a building does not include windows for apartment dwellings or offices a minimum of 10 feet is required.~~

~~2. If the side of a building does include windows for apartment dwellings or offices an additional 5 feet for each story over 2 stories is required.~~

(8) Rear yard requirements.

(a) The minimum ~~R~~rear yard ~~setbacks~~ for buildings used for business purposes shall be a ~~minimum of~~ 10 feet.

(b) The minimum ~~R~~rear yard ~~setbacks~~ for buildings used for residential or mixed use purposes shall be ~~a minimum of 25 feet. For buildings exceeding 2 stories, the rear yard shall be increased by 5 feet for each story over 2 stories.~~the same as the MF-3 Multiple Family Residential District.

(9) Off-street parking and loading. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-~~81~~73. – C-2 General Commercial District.

(1) Statement of purpose. The C-2 General Commercial District is intended to permit large scale commercial (regional oriented goods and services) at an intensity compatible with the overall character of the development location. Development within the C-2 General Commercial District shall be subject to Chapter 10, Article IX of the Village of Windsor Code of Ordinances.

(2) Permitted uses in the C-2 General Commercial District.

(a) All uses permitted in the C-1 Limited Commercial District.

(b) Assembly plant, distribution, manufacturing and wholesale center (less than 20,000 square feet).

(c) Building trade, contractor, landscaping and transportation business and school.

(d) Communication towers limited to class 2 collocation per s. 66.0404, Wis. Stats.

(e) Parking, storage and warehousing incidental to a permitted use.

(f) Retail, service and wholesale uses (greater than 10,000 square feet).

(g) Sales and service of new and used motor vehicles, recreational vehicles and contractor equipment.

(3) Conditional uses in the C-2 General Commercial District.

(a) All conditional uses listed in the C-1 Limited Commercial District, except single family, duplex and multiple family residences are prohibited.

(b) Assembly and processing plant, distribution, manufacturing and wholesale center (greater than 20,000 square feet).

(c) Bulk fuel storage.

(d) Communication towers including the siting and construction of a new mobile service support structure and facilities or a class 1 collocation per s. 66.0404, Wis. Stats.

(e) Mini-warehouse.

(f) Outdoor amusement park, race track or course and other entertainment activity (permanent or temporary).

(g) Residence for a caretaker or business owner.

(h) Storage of explosive materials.

(4) Building height limits. The maximum height for all buildings shall be ~~fifty (~~50~~)~~ feet. Tanks, storage bins, silos and towers shall not be subject to this limitation.

(5) Lot width, area, and building coverage. For parcels or sites used for business purposes, there is no minimum parcel width and no area limitations. Any principal building together with its accessory building shall not cover more than ~~sixty percent (~~60%~~)~~ of the lot area.

(6) Setback requirements.

(a) Setbacks from front lot line or highway right-of-way shall comply with the provisions of Sec. 52-21.

(b) Private roads or driveways within a development shall not be considered a road for determining setback.

(7) Side yard requirements.

(a) The minimum side yard shall be ~~T~~ten ~~(~~10~~)~~ feet.

(b) Buildings within a complex shall be provided with their own side yard irrespective of other buildings.

(8) Rear yard requirements. The minimum rear yard shall be ~~T~~ten ~~(~~10~~)~~ feet.

(9) Off-street parking. Off-street parking and loading shall comply with the provisions of Sec. 52-22.

Sec. 52-~~83~~74. – NMEO Nonmetallic Mineral Extraction Operation District.

Reserved for future use following the adoption of the Village of Windsor Comprehensive Plan.

Sec. 52-~~84~~75 - 52-99. – Reserved.

ARTICLE V. – ADMINISTRATION AND ENFORCEMENT AND PROCEDURES

Sec. 52-100. – Administration, Enforcement, and Penalties.

(1) Purpose. The purpose of this chapter is to establish the administrative and enforcement framework for the application of this Zoning Ordinance, which shall be referred to as "the Ordinance" in this subchapter.

(2) Zoning Administrator and Zoning Code Enforcement Officer.

(a) Designation. The Zoning Administrator shall be the Director of Planning & Development, or a designee of the Director of Planning & Development approved by the Board. The Zoning Code Enforcement Officer shall be the Building Inspector, the Zoning Inspector or the Building and Zoning Inspector, as determined by the Board, or a designee approved by the Board. The Board designates the Village Engineer as the alternate Zoning Code Enforcement Officer.

(b) Duties.

1. Zoning Administrator. The provisions of this Ordinance shall be administered by the Zoning Administrator. In addition to overall administration, and in furtherance of such authority, the Zoning Administrator shall:

a. Determine that all detailed site analyses, site plans, and related materials comply with all provisions of this Ordinance, Chapter 38-Planning & Development Ordinance and Chapter 10-Buildings and Building Regulations Ordinance.

b. Maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, variances, appeals, interpretations, and applications therefor.

c. Maintain permanent and current records of Chapter 38-Planning & Development Ordinance and Chapter 10-Buildings and Building Regulations Ordinance as pertinent to zoning administration and related planning and development matters.

d. Receive, file and forward all applications for any and all procedures governed by this Zoning Ordinance to the designated official bodies.

e. Make interpretations regarding the provisions of this Zoning Ordinance as necessary and prudent for operation of the Village, and following consultation with the Village Engineer, Village Attorney and/or Village Planner, as needed.

2. Zoning Code Enforcement Officer. The provisions of this Ordinance shall be enforced by the Zoning Code Enforcement Officer, who shall:

f. Determine that all building permits, Certificates of Occupancy, sign permits, (and their constituent plans) comply with all provisions of this Ordinance.

g. Maintain permanent and current records of this Ordinance, including, but not limited to, all building permits, sign permits, occupancy permits and applications therefor.

h. Conduct inspections of buildings, structures and land to determine compliance with all provisions of this Ordinance.

i. Institute, in the name of the Village, any appropriate actions or proceedings against a violator of this Ordinance, as provided by law and following consultation with the Zoning Administrator, Village Engineer, Village Attorney and/or Village Planner, as needed.

(3) Plan Commission. The Plan Commission shall have the duty to review and make recommendations to the Village Board on all requests related to Zoning Ordinance amendments, Zoning Map amendments, Conditional Use Permits, and Site Plan Review. Public hearings on zoning matters, where required by law, shall be conducted by the Plan Commission.

(4) Village Board. The Village Board shall make the final determination of all requests related to Zoning Ordinance amendments, Zoning Map amendments, Conditional Use Permits, and Site Plan Review after consideration of the Plan Commission recommendation.

(5) Board of Zoning Appeals. The Board of Zoning Appeals shall have the duty to review and determine all matters relating to requested variances from the provisions of this Ordinance or appeals regarding an interpretation of the Zoning Administrator of the provisions of this Ordinance.

(6) Fees.

(a) Fees for Procedures Requested by a Private Party. Required fees shall be as set by resolution of the Village Board.

(b) Fees for Procedures Requested by the Village of Windsor. There shall be no fee in the case of applications filed in the public interest by the Village Board or the Plan Commission, other governmental agency as approved by the Zoning Administrator or Village official acting in his or her official capacity.

(c) Payment of Fees. Fees shall be due and paid at the time applications are filed with the appropriate officer of the Village (per the requirements of this Ordinance) and are not refundable.

(d) Applications Deemed "Not Accepted" Due To Unpaid Obligations to Village. Any application for a Zoning Map amendment, Zoning Ordinance amendment, Planned Unit Development, Variance, Site Plan Review, or a Conditional Use Permit from a person, firm or corporation having unpaid and overdue property taxes, special assessments, sanitary sewer hookup fees, park fees, impact fees, building permit fees, any fees and/or charges owed pursuant to a predevelopment agreement, development agreement or an outstanding judgment owed to the Village of Windsor shall be deemed "not accepted" and shall not be reviewed by staff. The Zoning Administrator shall advise the applicant of the "not accepted" status. Because the application is deemed "not accepted," no timelines set by statute shall commence and no further obligations for review by the Village shall accrue. This section does not apply to amounts intended to be paid in installments pursuant to a development agreement or special assessment, provided that all such fees have been paid when due and are current as of the date of the application.

(e) Hearing Request. Upon receipt of such an application from a person, firm or corporation having unpaid fees or accounts due to the Village of Windsor, the person, firm or corporation shall be notified the application will not be accepted and that they may request a hearing before the Village Board regarding the unpaid fees. The request for a hearing must be made in writing to the Zoning Administrator within thirty (30) days of the issuance of the notice or the applicant's right to a hearing shall be deemed fully and forever waived.

(7) Violations and penalties.

(a) Violation of this Ordinance. It is unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation, soils or surface water patterns), or construct or use any structure, land or water in violation of any of the provisions of this Ordinance or otherwise neglect, refuse or fail to comply with the requirements of this Ordinance. Any person who violates or fails to comply with any of the provisions of this Ordinance shall, upon conviction therefor, be subject to the penalties set forth in subsection (b) of this section and in addition, shall pay all costs and expenses, including actual reasonable attorney, consultant and other fees incurred by the Village in the case (collectively herein, "Village Costs"). Each day a violation exists or continues shall constitute a separate offense.

(b) Penalties.

1. General Penalty. Any person who violates or fails to comply with any of the provisions of this Ordinance shall, upon conviction thereof, forfeit ~~not less than~~a minimum of five dollars ($5.00) nor more than five hundred dollars ($500.00) or such other amount as may be hereafter established and set forth in the Village's forfeiture schedule, plus Village Costs and such other fees, costs and charges imposed by law. Any person found guilty of violating any ordinance or part of an ordinance of this code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit ~~not less than~~a minimum of twenty dollars ($20.00) nor more than one thousand dollars ($1,000.00) for each such offense, or such other amount as may be hereafter established and set forth in the Village's forfeiture schedule, plus Village Costs and such other fees, costs and charges imposed by law. Default of payment of such forfeiture and costs of prosecution may result in imprisonment in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days, or such other consequences as permitted by law.

2. Continuing Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance.

3. Other Remedies. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs set out in this section. Whenever any person fails to pay any forfeiture and costs upon the order of any court for violation of any ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs or take such other actions as permitted by law.

(c) Village's Right to Abate Violation or Take Corrective Action. In addition to any other penalty imposed for a violation of the provisions of this Ordinance, the Village reserves and maintains the continued right to abate violations of this Ordinance.

1. Hazardous Condition Caused by Violation of this Ordinance. If the Zoning Administrator determines that a violation of this Ordinance exists, and further determines that the nature of such violation poses an immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which such violation has occurred per subsection (c)3. of this section. The Zoning Administrator is authorized to abate a violation of this Ordinance.

2. Nonhazardous Condition Caused by Violation of this Ordinance. If the Zoning Administrator determines that a violation of this Ordinance exists, and further determines that the nature of such violation is not such as to pose immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by registered mail, certified mail or delivery by a commercial delivery service such as Federal Express with signature or other confirmation of delivery on the current owner of the property (as listed on the current Village tax records) on which such violation is occurring to remove such violation within ten (10) working days. If such violation is not removed within such ten (10) working days, the Zoning Administrator shall cause the violation to be abated per subsection (c)1. of this section. Costs associated with said abatement shall be charged to the owner of the property on which such violation has occurred per subsection (c)3. of this section.

3. Cost of Abatement. In addition to any other penalty imposed for a violation of the provisions of this Ordinance, the cost of abating a violation of this Ordinance per subsections (c)1. and/or (c)2. of this section shall be collected as a debt from the owner of the property on which such violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of such property owner by registered mail, certified mail or delivery by a commercial delivery service such as Federal Express with signature or other confirmation of delivery, and shall be payable within thirty (30) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax or charge as provided by Section 66.615(5), Wisconsin Statutes.

Sec. 52-101. – Procedures.

(1) Purpose. The purpose of this chapter is to establish the procedural requirements for Site Plan Review, Zoning Map Amendments, Zoning Ordinance Amendments, Conditional Use Permits, Variances, Sign Permits, Zoning Provision Interpretations, Appeals of Zoning Provision Interpretations, Certificates of Occupancy, Zoning Permits, and Development Agreements.

(2) General Process. The following is a general overview of the process for Zoning Map Amendments, Zoning Ordinance Amendments, and Conditional Use Permits. Specific submittal requirements for these processes are outlined in Sections 52.101(4) and (5).

(a) Review by Village Staff. Submittals shall be reviewed by Village Staff in the following steps:

1. The Zoning Administrator shall review the submittal in order to ensure that all required portions of the submittal are provided;
2. Upon the receipt and acknowledgment of a complete submittal, Village Staff shall undertake a review of the submittal.
3. A staff report shall be forwarded to the Plan Commission for review and use in the development of a recommendation to Village Board for Zoning Map amendments, Zoning Ordinance Amendments, and Conditional Use Permits.

(b) Review by Plan Commission.

1. Within forty-five (45) days after the receipt of the complete petition as determined by the Zoning Administrator, the Plan Commission shall hold a public hearing. Notice of the proposed amendment and the hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Such notice shall contain a description of the proposed request. In addition, at least ten (10) days before such hearing, the Zoning Administrator shall mail an identical notice to the petitioner; to the Clerk of any municipality whose boundaries are within one thousand (1,000) feet of any portion of the jurisdiction of Ordinance; and to all property owners within five hundred (500) feet of the boundaries of the subject property for a Zoning Map amendment or Conditional Use Permit. Failure to mail such notice, provided it is unintentional, shall not invalidate proceedings under this section.
2. Within sixty (60) days after the receipt of the complete petition as determined by the Zoning Administrator (or within an extension of such period requested in writing by the petitioner and granted by the Plan Commission), the Plan Commission shall make a written report to the Village Board stating its findings and recommendations.
3. If the Plan Commission fails to make a report within sixty (60) days after the receipt of such complete petition (and in the absence of a petitioner-approved extension), then the Village Board may hold a public hearing within thirty (30) days after the expiration of such sixty (60) day period. Failure to receive such written report from the Plan Commission shall not invalidate the proceedings or actions of Village Board. If such a public hearing is necessary, Village Board shall provide notice per the requirements of subsection (b)1. of this section.

(c) Review and Action by Village Board. Village Board shall consider the recommendation of the Plan Commission regarding the proposed Zoning Map or Zoning Ordinance amendment. The Village Board may request further information and/or additional reports from the Plan Commission, Village Staff, and/or the petitioner. The Village Board may take final action on the request at time of its initial meeting, or such proceedings may be continued from time-to-time for further consideration. Village Board may approve the request as originally proposed, may approve the proposed request with modifications (per the recommendations of Village Staff, the Plan Commission, or Village Board itself), or may deny the proposed request. Any action to amend the provisions of this Ordinance requires a majority vote of the Village Board. Approval shall be considered as the approval of a unique request, and shall not be construed as precedent for any other proposed request.

(d) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of such order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(3) Site Plan Review. Site Plan Review shall be conducted as set forth in the Village of Windsor Code of Ordinances, Chapter 10, Article IX – Site Plan Review for Commercial, Industrial, Governmental, and Multi-Family Developments.

(4) Zoning Map and Zoning Ordinance Amendments.

(a) Purpose. The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this Ordinance or the Official Zoning Map. (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)2.)

(b) Initiation of Requests. Proceedings for Zoning Map and Zoning Ordinance amendments may be initiated by any one of the following methods:

1. A petition by any member of the general public;
2. A recommendation of the Plan Commission;
3. By action of the Village Board.

(c) Zoning Ordinance Amendment Application Requirements. All applications for proposed amendments to this Ordinance shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. A copy of the portion of the current provisions of this Ordinance which are proposed to be amended, with such provisions clearly indicated in a manner which is clearly reproducible with a photocopier;
2. A copy of the text which is proposed to replace the current text;
3. Written justification for the proposed text amendment. (The petitioner is advised to use the requirements of Section 52.101(4)(e)1., to develop such written justification.)

(d) Zoning Map Amendment Application Requirements. All applications for proposed amendments to the Official Zoning Map, regardless of the party of their initiation per subsection B of this section, shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within five hundred (500) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the same appear on the current records of the register of deeds of Dane County (as provided by the Village). Such map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Such map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is ~~not less than~~a minimum of one inch equals eight hundred (800) feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
2. A map of the generalized location of the subject property in relation to the Village as a whole;
3. Written justification for the proposed map amendment. (The petitioner is advised to use the requirements of Section 52.101(4)(e)2., to develop such written justification.)

(e) Review by Village Staff.

1. Zoning Ordinance Amendments shall be evaluated based on the following questions:
   j. How does the proposed text amendment further the purposes of this Ordinance?
   k. How does the proposed text amendment further the purposes of the general chapter in which the amendment is proposed to be located?
   l. How does the proposed text amendment further the purposes of the specific section in which the amendment is proposed to be located?
   m. How does the proposed text amendment relate to the Village's Comprehensive Plan and applicable Neighborhood Plan?
   n. Which of the following factors has arisen that are not properly addressed in the current zoning text?:
      i. The provisions of this Ordinance should be brought into conformity with the Comprehensive Plan and applicable Neighborhood Plan. (If a factor related to the proposed amendment, note pertinent portions of the Plan(s);

ii. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet such change(s);

iii. New methods of development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;

iv. Changing governmental finances require amending this Ordinance in order to meet the needs of the government in terms of providing and affording public services.

v. How does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?

2. Zoning Map Amendments shall be evaluated based on the following questions:

a. How does the proposed Official Zoning Map amendment further the purposes of this Ordinance?

b. Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map?:

i. The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan and applicable Neighborhood Plan;

ii. A mistake was made in mapping on the Official Zoning Map. (That is, an area is, and has been, developing in a manner and purpose different from that for which it is mapped.) Note: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from spreading;

iii. Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district;

iv. Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.

c. How does the proposed amendment to the Official Zoning Map relate to the Village's Comprehensive Plan and applicable Neighborhood Plan?

d. Finally, how does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

(f) Review by Plan Commission per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(b).

(g) Review and Action by Village Board per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(c).

(5) Conditional Use Permit.

(a) Purpose. The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of a proposed conditional uses. Conditional uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Ordinance. Conditional uses also have the potential to create undesirable impacts on nearby properties which possibly cannot be determined except with a binding site plan and on a case by case basis. Therefore, all conditional uses are required to meet certain procedural requirements applicable only to conditional uses. These procedural requirements are in addition to the general requirements of this Ordinance and the requirements of the zoning district in which the subject property is located.

(b) Initiation of Requests. Proceedings for Conditional Use Permits may be initiated by any one of the

following methods:

1. A petition by the owner(s) of the subject property;
2. A petition by the operator(s) of the subject property;
3. A recommendation of the Plan Commission;
4. By action of the Village Board.

(c) Application Requirements. All applications for proposed conditional uses, regardless of how initiated under subsection (b) of this section, shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within five hundred (500) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the same appear on the current records of the register of deeds of Dane County (as provided by the Village). Such map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Such map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is ~~not less than~~a minimum of one inch equals eight hundred (800) feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
2. A map of the generalized location of the subject property in relation to the Village as a whole;
3. A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
4. A site plan of the subject property as proposed for development. Such site plan shall conform to any and all the requirements of the Village of Windsor Code of Ordinances, Chapter 10, Article IX – Site Plan Review for Commercial, Industrial, Governmental, and Multi-Family Developments.
5. Written justification for the proposed conditional use. The petitioner is advised to use the requirements of Section 52.101(5)(d) to develop such written justification.

(d) Review by Village Staff. The proposed conditional use shall be evaluated based on the following questions:

1. How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?
2. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?
3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of this Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development?
4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

6. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in subsections (d)(1) through (5) of this section), after taking into consideration any proposal by the petitioner and any requirements recommended by the petitioner to ameliorate such impacts?

(e) Review by Plan Commission per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(b).

(f) Review and Action by Village Board per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(c).

(g) Revocation of an Approved Conditional Use. Upon approval by Village Board, the petitioner must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property. Once a conditional use is granted, no site plan approval, Certificate of Occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Ordinance. Any conditional use found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Village Board, following the procedures outlined in subsections (b) through (f) of this section. If the violation of an approved conditional use is determined by the Zoning Administrator to pose an immediate danger or threaten the public health, safety, morals, comfort, convenience or general welfare such that a more expeditious resolution of or action on the violation is necessary, the Zoning Administrator may, upon written notice to the property owner, refer the matter for a public hearing before the Plan Commission for consideration of amending, temporarily suspending, or revoking the conditional use without following the provisions outlined in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(b). Such notice shall be served upon the property owner and permit holder via certified mail a minimum of seventy-two (72) hours prior to conducting the public hearing. Should the property owner or permit holder be located outside the Village, such notice shall also be served upon their local agent or operator via certified mail and posted on the property a minimum of seventy-two (72) hours prior to continuing the public hearing. The notice shall contain the date, time and place of the hearing, a description of the subject's property, a description of the conditional use, and a statement of the violation(s). After such hearing, the Village Board shall act as provided in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(2)(c).

(h) Time Limits on Development of Conditional Use. All approved conditional uses shall be operational within three hundred sixty-five (365) days of the date of the approving resolution. Failure to complete development and begin operation within this period shall automatically constitute a revocation of the conditional use. For the purposes of this section, "operational" shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the petitioner may request an extension of this period. Such request shall require formal approval by the Village Board and shall be based upon a showing of acceptable justification (as determined by Village Board).

(i) Discontinuance of an Approved Conditional Use. Any and all conditional uses which have been discontinued for a period exceeding three hundred sixty-five (365) days shall be deemed invalid. Notice by the Village is not required. Rather the conditional use is invalidated automatically by operation of law. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(j) Change of Ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. The requirements of the conditional use shall run with the property, rather than the owner; however, the Village may require notice of any change of ownership as a requirement provided that such requirement is specified in the conditional use permit. Modification of any conditional use, without approval by Village Board, shall be grounds for revocation

of such conditional use approval per subsection (g) of this section.

(k) Recordation of Conditional Use Requirements. Except for conditional use approvals for temporary uses, all documents associated with the written description, the approved site plan, and the specific requirements of approval (along with a legal description of the subject property), may be recorded by the Village with the County Register of Deeds office.

(6) Sign Permit.

(a) Purpose. The purpose of this section is to provide for regulation of signs and shall specify required procedures prior to the erection of certain signs.

(b) General Requirement. Unless specifically exempted by Subchapter II (signage), no sign shall be erected, altered, or relocated after the effective date of this Ordinance until a sign permit has been secured from the Zoning Administrator.

(c) Application Requirements. All applications for sign permits shall be made in writing on a form supplied by the Village's Zoning Administrator. Such application shall be submitted with all required information provided and shall contain or have attached thereto the following information:

1. The approved site plan for the subject property (or if not previously required, a site plan for the subject property with requirements as determined by the Zoning Administrator), showing the location and dimensions of all buildings, structures, and signs on the subject property; such subject property boundaries; and the location of the proposed sign;

2. The configuration of the proposed sign listing the height, width, total square footage, method of attachment, method of illumination, and sign materials;

3. The subject property's zoning designation;

4. The total area of all signs on the subject property both before and after the installation of the proposed sign.

(d) Procedure. The Zoning Administrator shall review the submitted application for compliance with the requirements of subsection (c) of this section. Upon the receipt of a complete application, the Zoning Administrator shall review such application for compliance with the requirements of this Ordinance and shall issue an approved or denied based on the submitted application within five working days of the acceptance of the complete application.

(e) Revocation of a Sign Permit. Any sign found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties.

(7) Variances.

(a) Purpose. The purpose of this section is to provide regulations which enable the Village to hear and decide requests for variation from the terms of this Ordinance provided that the request is not contrary to the public interest and where, owing to special factors, a literal enforcement of the provisions of this Ordinance would result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done; all as provided for by Section 62.23(7)(e)7., Wisconsin Statutes.

(b) Initiation of Requests. Proceedings for Variances may be initiated by any one of the following methods:

1. A petition by the owner(s) of the subject property;

2. A recommendation of the Plan Commission;

3. By action of the Village Board.

(c) Application Requirements. All applications for requested variances, regardless of how initiated per subsection (b) of this section, shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. A map of the subject property showing all lands for which the variance is proposed, and all other lands within five hundred (500) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the same appear on the current records of the register of deeds of Dane County (as determined by the Village). Such map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Such map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is ~~not less than~~a minimum of one inch equals eight hundred (800) feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
2. A map of the generalized location of the subject property in relation to the Village as a whole;
3. A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;
4. A site plan of the subject property as proposed for development meeting the requirements of the Village of Windsor Code of Ordinances, Chapter 10, Article IX regardless of land use type.
5. Written justification for the requested variance. (The petitioner is advised to use the requirements set forth in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(7)(d)2. to develop such written justification.)

(d) Review by Village Staff. The requested variance shall be reviewed by Village Staff in the following steps:

1. First, the Zoning Administrator shall review the submittal in order to ensure that all required portions of the submittal are provided and that the application is not barred from review by the "not accepted" provisions set forth in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.100(6)(d);
2. Second, upon the receipt and acknowledgment of a complete submittal, Village Staff shall undertake a review of the submittal which shall evaluate and comment on the written justification for the proposed variance provided in the submittal. Furthermore, such review shall evaluate the submittal based on the following questions:
   a. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
      i. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;
      ii. Loss of profit or pecuniary hardship shall not, in and of itself be grounds for a variance;
      iii. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of such property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
      iv. Violations by, or variances granted to, neighboring properties shall not justify a variance;
      v. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance.
   b. In what manner do the factors identified in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(d)(2)a. prohibit the development of the subject property in a manner

similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

c. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

d. Would the granting of the proposed variance as depicted on the required site plan result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

e. Have the factors which present the reason for the proposed variance been created by the act of the petitioner or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of this Ordinance? The response to this question shall clearly indicate that such factors existed prior to the effective date of Ordinance and were not created by action of the petitioner, a previous property owner, or their agent.

3. Third, a staff report shall be forwarded to the Board of Zoning Appeals for review and action.

(e) Review and Determination by Board of Zoning Appeals.

1. Within forty-five (45) days after the receipt of the complete petition as determined by the Zoning Administrator, the Board of Zoning Appeals shall hold a public hearing. Notice of the requested variance and the hearing shall conform to the requirements of Section 62.23(7)(d), Wisconsin Statutes. Such notice shall contain a description of the subject property and the proposed variance per the Village of Windsor Code of Ordinances, Chapter 52, Sections 52.101(7)(c)1. and (c)3. In addition, at least ten (10) days before such hearing, the Village Clerk shall mail an identical notice to the petitioner of the proposed variance; to the Clerk of any municipality whose boundaries are within one thousand (1,000) feet of any portion of the subject property; and to all property owners within five hundred (500) feet of the boundaries of the subject property as identified in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(7)(c)1. Failure to mail such notice, provided it is unintentional, shall not invalidate proceedings under this section.

2. Within thirty (30) days after the holding of the public hearing (per subsection 1. of this section or, within an extension of such period approved by the petitioner and granted by the Board of Zoning Appeals), the Board of Zoning Appeals make its findings per the Village of Windsor Code of Ordinances, Chapter 52, Section 52.101(7)(d) and its determination regarding the petition as a whole. The Board of Zoning Appeals may request further information and/or additional reports from Village Staff and/or the petitioner. The Board of Zoning Appeals may take final action on the request for approval of the requested variance at time of its initial meeting, or such proceedings may be continued from time-to-time for further consideration. The Board of Zoning Appeals shall make a written report of its findings and determinations, particularly with respect to the requirements of Sections 52.101(7)(d)2.a. through (d)2.e.

3. The petitioner may request to waive or extend any of the deadlines noted in subsections 1. and 2. of this section by submitting such request in writing to the Zoning Administrator. Submission and/or confirmation via email shall e sufficient to meet this requirement.

4. If the Board of Zoning Appeals fails to make a determination within thirty (30) days after such public hearing, then the request for the variance shall be considered denied.

(f) Effect of Denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of such order of denial, except on grounds of new evidence or proof of change of factors found valid by the Board of Zoning Appeals.

(g) Limited Effect of a Variance. Where the Board of Zoning Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use. Approval confers only such variance as is specified in the Board of Zoning Appeals determination. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance or allow for expansion of the variance granted.

(h) Stay of Proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of Ordinance from which the petitioner is requesting a variance, unless the Zoning Administrator certifies to the Board of Zoning Appeals after the request for the variance has been filed, that by reason of the facts stated therein, a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed unless a restraining order issues. Any such restraining order issued may be temporary or permanent and may be granted by the Board of Zoning Appeals, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

(8) Zoning Provision Interpretations.

(a) Purpose. The purpose of this section is to assign responsibility for the official interpretation of the provisions of this Ordinance and to describe the required procedure for securing such interpretation.

(b) Initiation of Requests. Proceedings for Interpretations may be initiated by any one of the following methods:

1. A petition by the owner(s) of the subject property;
2. A recommendation of the Plan Commission;
3. By action of the Village Board;
4. By a request by Village Staff.

(c) Application Requirements. All applications for interpretations, regardless of how initiated per subsection (b) of this section, shall be filed in the office of the Village Clerk, and shall be accompanied by all of the following:

1. All requests for interpretations shall clearly indicate the part of the text of Ordinance for which the interpretation is requested and the specific questions the petitioner has regarding such text.
2. If the requested interpretation relates to the application of this Ordinance to a specific property, the additional following information shall be required:

a. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within five hundred (500) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the same appear on the current records of the register of deeds of Dane County as provided by the Village. Such map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Such map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is ~~not less than~~a minimum of one inch equals eight hundred (800) feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

b. A map of the generalized location of the subject property in relation to the Village as a whole;

c. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property;

d. A site plan of the subject property as proposed for development. Such site plan shall conform to any and all the requirements of the Village of Windsor Code of Ordinances, Chapter 10, Article IX regardless of land use.

3. If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Ordinance, a series of written responses to the following questions:

a. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

b. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?

c. Do the potential public benefits of the proposed land use outweigh any and all potential adverse impacts of the proposed land use?

(d) Review by Zoning Administrator.

1. First, the Zoning Administrator shall review the submittal in order to ensure that all required portions of the submittal are provided and that the application is not barred from review by the "not accepted" provisions set forth in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.100(6)(d);

2. Second, upon the receipt and acknowledgment of a complete submittal, and within thirty (30) days of such receipt, the Zoning Administrator shall undertake a review of the submittal which shall evaluate and comment on the written justification for the proposed interpretation provided in the submittal per subsection (c) of this section. This review shall also take into consideration the standards for review presented in subsection (e) of this section.

3. Third, a staff report shall be forwarded to the petitioner indicating the interpretation of the Zoning Administrator.

(e) Standards for Review of Requested Interpretations. This Ordinance shall be interpreted in a manner which is consistent with the purposes intended by the Village Board as noted in this Ordinance and the Comprehensive Plan. The intent of the standards and supporting definitions of this Ordinance is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Ordinance shall proceed as follows:

1. Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.

2. Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. Rationale: There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the

degree specified in the title. Design freedom is to be encouraged while a lowering of the standards of this Ordinance is to be prohibited.

3. Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of Ordinance. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Ordinance. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Ordinance has the power to impose additional restrictions or requirements and power to the public exercise this in order protect the public.

4. This Ordinance has been carefully designed by the Village Board to combine maximum achievement of public goals, and the protection of adjoining property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan for the Village. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Ordinance should not substitute their own judgments for the legislative acts of the Village Board.

5. In addition to the petitioner's response to the questions required under the application requirements of this section, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:

    a. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Village Board on an application for an amendment to the zoning ordinance, the Official Zoning Map or a previously applied for appeal from a requested interpretation.

    b. No interpretation shall permit a land use listed as a use permitted by right a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property.

    c. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district.

    d. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in such district, or permitted in a more intensive district in the same zoning district category.

    e. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a Conditional Use Permit.

(f) Effect of a Favorable Land Use Interpretation. No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by Ordinance. These permits and approvals include, but are not limited to required Site Plans, Conditional Uses, and Certificates of Occupancy.

(g) Limitations on Favorable Land Use Interpretation.

1. No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than three hundred sixty-five (365) days from the date of issuance of the interpretation, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

2. An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of three hundred sixty-five (365) consecutive days or more.

(9) Appeal of Zoning Provision Interpretations.

(a) Purpose. The purpose of this section is to provide regulations which enable the Village to hear and decide requests for appeals from the interpretations of the Zoning Administrator as provided for by Wisconsin Statutes 62.23(7)(e)(7).

(b) Initiation of Requests. Proceedings for an Appeal of Zoning Interpretation may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Village affected by any decision of the Zoning Administrator.

(c) Time Limit for Filing an Appeal. Any appeal of an interpretation under the provisions of this section shall be made per the requirements of subsection (d) of this section within a period not exceeding thirty (30) days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this thirty (30) day period shall constitute a final and binding waiver of any right to appeal such interpretation. Exhaustion of this administrative remedy is required prior to any appeal to other entities, administrative tribunals or courts, unless the Village expressly waives this requirement in writing.

(d) Application Requirements. All applications for review of an interpretation, regardless of the party of their initiation per subsection (b) of this section shall be filed in the office of the Zoning Administrator. The Zoning Administrator shall forward copies of such application to the office of the Village Clerk, and to the Board of Zoning Appeals. Such application shall be accompanied by all of the following:

1. A copy of pertinent items in the file on the matter at hand maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the petitioner;

2. A written statement from the petitioner indicating the reasons why an appeal is justified, based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the petitioner.

(e) Review by Village Staff. The submitted appeal shall be reviewed by Village Staff in the following steps:

1. First, the Zoning Administrator shall review the submittal in order to ensure that all required portions of the submittal are provided and that the submittal is not barred from review by the "not accepted" provisions set forth in the Village of Windsor Code of Ordinances, Chapter 52, Section 52.100(6)(d) or the bar is not waived by the Zoning Administrator;

2. Second, upon the receipt and acknowledgment of a complete submittal, Village Staff shall undertake a review of the submittal which shall evaluate and comment on the justifications for the appeal as submitted by the petitioner;

3. Third, a staff report shall be forwarded to the Board of Zoning Appeals for review and action.

(f) Review and Determination by Board of Zoning Appeals.

1. Within forty-five (45) days after the receipt of the complete application as determined by the Zoning Administrator, the Board of Zoning Appeals shall hold a public hearing. Notice of the appeal and such hearing shall conform to Section 63.23(7)(d) of the Wisconsin Statutes. Such notice shall contain a description of the issue per subsection (d)2. of this section. At least ten (10) days before such hearing, the Village Clerk shall mail an identical notice to the petitioner; to the Clerk of any municipality whose boundaries are within one thousand (1,000) feet of any portion of the jurisdiction of Ordinance; and to any property owner within five hundred (500) feet of the subject property. Failure to mail such notice provided it is unintentional, shall not invalidate proceedings under this section.

2. Within sixty (60) days after the receipt of the complete petition as determined by the Zoning Administrator (or, within an extension of such period requested in writing by the petitioner and granted by the Board of Zoning Appeals), the Board of Zoning Appeals make its findings per subsection (c) of this section. The Board of Zoning Appeals may request further information and/or additional reports from Village Staff and/or the petitioner. The Board of Zoning Appeals may take final action on the request for appeal at time of its initial meeting, or such proceedings may be continued from time-to-time for further consideration. Such final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the zoning board of appeals concerning the request.

3. If the Board of Zoning Appeals fails to make a determination within sixty (60) days after the receipt of such complete submittal, then the request for the appeal shall be considered denied.

(g) Effect of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of such order of denial, except on grounds of new evidence or proof of change of factors found valid by the Board of Zoning Appeals.

(h) Limited Effect of a Favorable Ruling on an Appeal.

1. No ruling by the Board of Zoning Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than three hundred sixty-five (365) days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

2. A ruling by the Board of Zoning Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of three hundred sixty-five (365) consecutive days or more.

(10) Certificates of Occupancy.

(a) Purpose. The purpose of this section is to provide regulations governing the review and approval of Certificates of Occupancy. This procedure is required to ensure completed development complies with the approved site plan and the requirements of Ordinance as a whole.

(b) Land Uses and Development Requiring a Certificate of Occupancy. Certificates of Occupancy shall be required for any of the following:

1. Occupancy and use of a building or structure hereafter erected or structurally altered;

2. New occupancy and use of an existing building when the new use is of a different land use classification;

3. Occupancy and use of vacant land;

4. New use of vacant land when the new use is of a different land use classification;

5. Any change in the use of a nonconforming use. No such occupancy, use of change of use shall take place until a Certificate of Occupancy therefor shall have been issued by the Building and Zoning Inspector.

(c) Issuance of Certificate of Occupancy.

1. Every application for a building permit shall also be deemed to be an application for a Certificate of Occupancy for a new building or for an existing building which is to be substantially altered or enlarged as determined by the Zoning Administrator. Such certificate shall be issued within ten (10) working days after a written request for the same has been made to the building inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance, as determined by the building inspector and/or the Village Engineer.

2. Written application for a Certificate of Occupancy for the use of vacant land or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the building inspector; if the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued within ten (10) working days after the application therefor has been made.

3. Every Certificate of Occupancy shall state that both the building, and the proposed use of a building or land, substantially complies with all provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

(d) Certificate of Occupancy for Legal Nonconforming Uses. Upon application, a Certificate of Occupancy shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance, or in existence at the effective date of this Ordinance. Application for such Certificate of Occupancy for nonconforming use shall be filed with the building inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Ordinance. It shall be the duty of the building inspector to issue a Certificate of Occupancy for a legal nonconforming use, following consultation with the Zoning Administrator and/or Village Engineer, as appropriate. Failure to apply for such Certificate of Occupancy for such nonconforming use shall be prima facie evidence that such nonconforming use was either illegal or did not lawfully exist at the effective date of Ordinance.

(e) Revocation of a Certificate of Occupancy. It shall constitute a violation of this Ordinance for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in subsection (b) of this section, without having first obtained a Certificate of Occupancy. Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the building inspector, he or she shall forthwith revoke the Certificate of Occupancy, by notice in writing to be delivered by him or her to the holder of the void certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the notice of revocation by certified letter to his or her last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Ordinance.

(11) Zoning Permit.

(a) Purpose. The purpose of this section is to provide regulations governing the review and approval of zoning permits. A zoning permit is required in order to ensure that land uses and development activities comply with the standards of this section, and to otherwise protect the public health, safety, and welfare. Zoning permits will help ensure new projects comply with the regulations of Ordinance and serve as a final step in the approval process for other land use and development application types.

(b) Applicability. Unless exempted under subsection (c) of this section, zoning permits shall be required prior to any of the following activities:

1. The construction or placement of a new building, structure or paved surface; or the expansion or exterior modification of a building, structure or paved surface above and beyond minor repairs and maintenance;
2. A change in occupancy and use of, or the addition of a use to, an existing building, structure or property when the new use is of a different land use classification than the existing or prior use;
3. Occupancy and use of vacant land;
4. The re-establishment of an allowed use on a property that has been inactive for a period of more than twelve (12) months.

(c) Exemptions. The following activities shall not require the issuance of a zoning permit:

1. Street construction or repair, utility work within the public right-of-way or a public easement, or other approved activity performed by a governmental entity or recognized utility within the public right-of-way.
2. The expansion of a single-family home not located within a planned development district. However, a building permit and other permits may still be necessary and the property owner is responsible for ensuring that all requirements of Ordinance are adhered to.
3. The repaving of conforming driveways or parking lots, provided that it does not involve the expansion of a parking lot.
4. Miscellaneous activities and improvements incidental to the use, maintenance and upkeep of residential properties, such as landscaping, the erection of accessory buildings that do not require a building permit, the installation of playground equipment, mailboxes, patios, decks, and other similar activities, provided all locational requirements of Ordinance are met.
5. Other activities may be exempted if the Zoning Administrator determines that a zoning permit is not necessary.

(d) Relationship to Other Application Processes.

1. When a proposed use or development activity requires the issuance of a conditional use permit, approval of a site plan, or other application review per this chapter, the issuance of a zoning permit represents the final step in said application process and shall signify that plans associated with the application have been finalized and approved. The applicant may then proceed to obtain any other required permits (i. e. building permit, etc.);
2. For proposed changes in use and development activities that do not require review under another application process per this chapter, the issuance of a zoning permit signifies that the proposed use or activity is in compliance with the regulations contained in Ordinance.

(e) Procedures.

1. Application Requirements. All applications for zoning permits shall be filed with the planning division and shall include at a minimum the following information:
   a. A completed application form.
   b. A letter of intent describing in detail the proposed uses or activities.
   c. If determined necessary by the Zoning Administrator, a site plan or other map drawn to scale showing the existing and proposed uses and/or structures.
   d. Additional information as may be required by the Zoning Administrator.

(f) Zoning Permit Review and Timeline.

1. The zoning permit application shall be reviewed by the Zoning Administrator who shall, within five business days, either issue the zoning permit or a written explanation as to why the permit was not issued. The applicant shall have an opportunity to provide revised application materials.

2. If permit activities are associated with the review of an application for a conditional use permit, special use permit, site plan, or planned development precise implementation plan, the zoning permit shall signify the successful completion of the application process and that a building permit may be issued. If such an application is conditionally approved and corrections are needed prior to final plan approval, then the Zoning Administrator shall review the revisions with five business days from the date the revised information is submitted. The Zoning Administrator shall either issue the zoning permit or a written explanation as to why the permit was not issued. The applicant shall have an opportunity to provide revised application materials.

(g) Expiration. The expiration date of the zoning permit shall be clearly stated on the permit in accordance with the following:

1. In cases where a building permit is required:

   a. A building permit shall be obtained within six months of the date of issuance of the zoning permit, or

   b. If an alternative timeline for obtaining a building permit is established through Village Board approval said timeline shall apply, and

   c. Failure to obtain a building permit within the timelines established in a. and b. above, the zoning permit shall be automatically revoked.

2. When a building permit is not required, the use or activity authorized by said permit shall be commenced within six months. Failure to commence such use or activity within six months shall result in the automatic revocation of the zoning permit.

3. Upon a written request from the applicant, a one-time extension of a period not to exceed six months may be granted if the Zoning Administrator determines that there are sufficient grounds to grant the requested extension.

NOTICE OF NEWLY ENACTED RESOLUTIONS AND ORDINANCES

Village of Windsor

Please take notice that the Village of Windsor enacted the following Resolutions on March 24, 2016:

Resolution 2016-41 Approval of a Preliminary Plat for the Windsor Gardens Happy Valley Addition that includes 10 single family lots north of Windsor Gardens bordered by Happy Valley Road and the Town of Bristol.

Resolution 2016-26 Approval of a Utility Agreement for the installation of Public Water and Sewer and a Letter of Credit for Phase 5 of the Plat of Wolf Hollow at Pleasant Prairie Creek.

Resolution 2016-30 Approval of a Utility Agreement for the installation of Public Water and Sewer and a Letter of Credit for Phase 3 A of the Plat of Prairie Creek.

Please take notice that the Village of Windsor enacted the following Ordinance and Resolutions on March 29, 2016:

Ordinance 2016-07 Adoption of Amendments to the Windsor Code of Ordinances for Chapter 52 - Zoning Districts Residential Zoning Districts.

Resolution 2016-43 Approval of T. Wall Enterprises Site Plan Review for the Covered Bridge Residences at Bear Tree Farms. A proposal for 300 multi-family units in 4 buildings located on lots 1, 2 and 3 of the Bear Tree Farms Plat.

Resolution 2016-44 Approval of JSD and Forward Development Group final re-plat of the Windsor Crossing Residential Plat generally located south of Windsor Road and west of North Towne Road and south of the existing stormwater ponds. The proposal includes 74 single family lots.

Resolution 2016-45 Approved a Development Agreement with Windsor Elementary School for their renovation and addition project previously approved by Village Board Resolution 2016-17.

The full text of all ordinances and resolutions may be obtained at the Village Clerk's office, 4084 Mueller Rd., DeForest, WI 53532, through the Village website at windsorwi.gov or by calling the Village office at 608-846-3854.

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